

1 HB107
2 164572-1
3 By Representatives Tuggle, Williams (P) and Butler
4 RFD: Education Policy
5 First Read: 03-MAR-15

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8 SYNOPSIS: This bill would establish the Virtual Public
9 Schools Act.

10 This bill would provide families with an
11 alternative choice to access educational resources
12 via the Internet in a virtual or remote setting.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to public K-12 education; to establish the
19 Virtual Public Schools Act; to provide for the establishment
20 of virtual public schools by the State Board of Education,
21 Department of Postsecondary Education, or local board of
22 education; to provide for the responsibilities and duties of
23 virtual public schools; to provide for the annual evaluation
24 of each virtual public school; and to require the State
25 Department of Education to promulgate rules to implement the
26 act.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. This act shall be known and may be cited
2 as the Virtual Public Schools Act.

3 Section 2. The purpose of this act is to provide
4 families with an alternative choice to access educational
5 resources in an effort to improve academic achievement.

6 Section 3. For the purposes of this act, a virtual
7 school is a public school in which the school uses technology
8 in order to deliver a significant portion of instruction to
9 its students via the Internet in a virtual or remote setting.

10 Section 4. (a) A virtual school may be established
11 by any one of the following authorizers:

12 (1) The State Board of Education.

13 (2) The Department of Postsecondary Education.

14 (3) A local board of education.

15 (b) An authorizer shall adopt standards of charter
16 school authorizing that provides families with alternative
17 choices for accessing educational resources.

18 Section 5. A virtual school is a public school and
19 shall be provided equitable treatment and resources as any
20 other public school in the state. A virtual school shall
21 receive the same amount of state and federal funds per student
22 as a nonvirtual public school receives including, but not
23 limited to, funds earmarked for transportation, school nurses,
24 technology coordinators, and other line items that may be
25 included in the appropriation from the Foundation Program Fund
26 for the then current fiscal year, that would have otherwise
27 been allocated on behalf of each virtual school student to the

1 local nonvirtual public school the student is zoned to attend.
2 Sharing and distribution of local funds for each virtual
3 school student shall be determined by written agreement of the
4 local board of education and the virtual school authorizer.
5 This amount shall reflect the status of each student according
6 to grade level, economic disadvantage, limited English
7 proficiency, and special education needs. The state and
8 federal funds shall be forwarded on a quarterly basis to the
9 virtual school by the authorizer. The authorizer may retain an
10 amount up to two percent of any disbursement for costs
11 directly related to oversight and administration of the
12 virtual school. The state shall direct the proportionate share
13 of monies generated under federal and state categorical aid
14 programs to virtual schools serving students eligible for such
15 aid. The state shall ensure that virtual schools with rapidly
16 expanding enrollments are treated equitably in the calculation
17 and disbursement of all federal and state categorical aid
18 program dollars. Each virtual school that serves students who
19 may be eligible to receive services provided through such
20 programs shall comply with all reporting requirements to
21 receive the aid. The state shall pay directly to a virtual
22 school any federal or state aid attributable to a student with
23 a disability attending the school. At the request of either
24 party, a virtual school and its authorizer may negotiate and
25 include in the charter contract alternate arrangements for the
26 provision of and payment for special education services.

1 Section 6. A virtual school shall provide each
2 student enrolled in the school with all of the following:

3 (1) Access to a sequential curriculum that meets or
4 exceeds the curriculum standards adopted by the State Board of
5 Education. The sequential curriculum shall have an interactive
6 program with significant online components.

7 (2) The same number of instructional days, or the
8 hourly equivalent thereof, for learning opportunities per
9 academic year that is required under Section 16-13-231, Code
10 of Alabama 1975, for public school students. A student, at his
11 or her own pace, may demonstrate mastery or completion of a
12 course or subject area and be given credit for the course or
13 subject area.

14 (3) Regular assessment in language arts, math,
15 science, and social studies.

16 Section 7. For each family with a student enrolled,
17 the virtual school shall do all of the following:

18 (1) Provide instructional materials.

19 (2) Ensure materials and access to necessary
20 technology such as computer, printer, and Internet connection
21 used for school work or, at minimum, through a physical
22 computer lab that is available to the student through
23 regularly scheduled times.

24 Section 8. A virtual school may not provide
25 assistance to students or families to purchase instructional
26 programs or materials. Nothing in this section shall prohibit
27 a virtual school from reimbursing families for costs

1 associated with their Internet connection for use in the
2 virtual school program.

3 Section 9. Each teacher employed at a virtual school
4 shall be qualified to teach in this state under existing law.

5 Section 10. Nothing in this act shall preclude the
6 use of computer-based and Internet-based instruction for
7 students in a virtual or remote setting.

8 Section 11. A virtual school shall maintain an
9 administrative office within the state. This office shall be
10 considered the principal place of business for the virtual
11 school.

12 Section 12. Any student who is eligible for
13 enrollment in a public school in this state may enroll in a
14 virtual school as either a full-time virtual school student or
15 as a part-time virtual school student taking some of his or
16 her courses through the virtual school.

17 Section 13. A virtual school shall be evaluated
18 annually by the State Board of Education based on all of the
19 following criteria:

20 (1) The extent to which the school demonstrates
21 increases in student achievement according to the goals of its
22 authorizing contract and state academic standards.

23 (2) The accountability and viability of the virtual
24 school, as demonstrated by its academic, fiscal, and
25 operational performance.

1 Section 14. The State Board of Education may
2 contract for services with nonprofit and for-profit entities
3 in the operation and management of the virtual school.

4 Section 15. Except as otherwise provided in this
5 act, a virtual school is not subject to any law relating to
6 public education in the state or any state or local rule,
7 regulation, policy, or procedure relating to non-charter
8 public schools within an applicable local school system
9 regardless of whether such rule, regulation, policy, or
10 procedure is established by the local board of education, the
11 State Board of Education, or the State Department of
12 Education.

13 Section 16. The State Department of Education shall
14 promulgate rules to effectuate the purposes of this act. All
15 such rules shall be promulgated in accordance with the Alabama
16 Administrative Procedure Act, Chapter 22, Title 41, Code of
17 Alabama 1975.

18 Section 17. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.