WEST VIRGINIA CODE: §18-2-7F

§18-2-7f. Alternative educational opportunities for elective course credit.

(a) The Legislature finds and declares that:

(1) Programs outside of the traditional classroom have educational value;

(2) Many entities, including, but not limited to, nonprofit organizations, afterschool programs, businesses, and trade associations may have an interest in offering programs outside of the traditional classroom that are attractive to students and contain educational value;

(3) Learning opportunities that are designed to address the interests and aptitudes of the individual student will enable students to discover, develop, and apply their individual talents to realize their full potential;

(4) Policies that allow for educational opportunities outside of the traditional classroom exist in other states;

(5) Providing credit for alternative educational opportunities will enrich the learning environment of students and develop well-rounded individuals ready for a life of learning, productive work, and community involvement.

(b) *Program established*. — The State Board of Education shall establish, develop, and maintain a program whereby students can earn elective course credit for extended learning opportunities that take place outside of the traditional classroom setting. In accordance with the requirements of this section, the State Board of Education shall permit any high school student to receive up to six elective course credits towards graduation for participating and completing any approved extended learning opportunity program.

(c) *Eligibility of extended learning opportunity programs*. — Entities eligible to provide extended learning opportunity programs within a county shall be broadly defined and shall include, but are not limited to, the following:

(1) Nonprofit organizations;

(2) Businesses with established locations in the state;

(3) Trade associations;

(4) Parents of students involved in programs that may otherwise qualify as an alternative educational program;

(5) Teachers involved in programs outside of the traditional classroom; and

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(6) School personnel involved in programs outside of the traditional classroom.

In order to be certified as an eligible extended learning opportunity program, an individual or entity shall successfully complete an application process as established by the State Board of Education pursuant to the requirements of this section.

(d) *Application process*. — An extended learning opportunity program shall qualify for elective course credit if it has been approved by the State Board of Education. Individuals or entities seeking program accreditation shall complete an application form promulgated by the board, which shall include the following application criteria:

(1) A general explanation of the program's qualifications and benefits;

(2) An outline of the overall program, including its goals, competencies, and expected student outcomes;

(3) An outline of specific instructional activities, materials, and learning environments;

(4) Written content standards and objectives;

(5) A description of the facilities, if any, utilized by the program; and

(6) An explanation of how the program intends to monitor student progress and complete assessment and grading for participating students.

The State Board of Education shall consider a completed extended learning opportunity program application within 45 days of receipt. An approved extended learning opportunity provider shall comply with all applicable federal and state health and safety laws and regulations, as well as any standards and safeguards as provided by the State Board of Education. Background checks are required for all key personnel or instructional staff of an extended learning opportunity provider, and a program shall provide its background check policy to participating families. A participating program shall also have proof of insurance.

(e) *Program denial*. — If an extended learning opportunity program application is denied, the State Board of Education shall provide a detailed explanation of the reasons for the denial as well as an explanation of ways in which the program may improve its application in order to obtain a more favorable review by the board. Denial of an extended learning opportunity program application may not prohibit a provider from submitting another application aimed at addressing the concerns or improvements originally suggested by the board.

(f) *Program evaluation*. — An approved extended learning opportunity program shall be monitored and evaluated at the end of its first year by the State Board of Education, which may consider in its evaluation input from any participating school's principal or guidance counselors. If an extended learning opportunity program continues to meet the requirements of this section, its approval may be extended by the board for a period of five years.

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Thereafter, the extended learning opportunity program shall be inspected and monitored on an annual basis. The State Board of Education may evaluate an approved program at any time and may disqualify an approved program if the provider has violated the requirements of state law or State Board of Education policies. An extended learning opportunity program may appeal any disqualification to the circuit court of Kanawha County or to the circuit court of the county in which the program is administered.

(g) *Program implementation and participation*. — Approved extended learning opportunity programs shall be implemented and coordinated at the local school level. The county boards of education shall adopt an alternative educational opportunities policy that facilitates implementation and participation in accordance with this section. The policy shall:

(1) Provide for a designee within each school that shall have primary responsibility for ensuring implementation and coordination of the extended learning opportunity policy; and

(2) Provide for a student seeking elective course credit in an accredited extended learning opportunity program to work with his or her designated advisor or guidance counselor towards participation in the program.

Students under the age of 18 shall have approval from a parent or legal guardian to participate in an extended learning opportunity program.

(h) *Student credit transfer*. — Students transferring from other schools may request acceptance of elective course credits awarded for completed extended learning opportunity programs. If the transferring student has completed a program previously approved by the State Board of Education, the credits shall be accepted and applied toward the student's transcript. Completion of nonapproved extended learning opportunity programs shall be evaluated in accordance with a county board of education's adopted policy on alternative educational opportunities for purposes of awarding credit.

(i) *Transportation*. — Because extending learning opportunity programs take place outside of the traditional classroom, transportation to and from an approved program is the responsibility of a student and his or her parent or legal guardian: *Provided*, That a local school district may provide transportation at its discretion.

(j) *Auditing of approved programs*. — The State Board of Education may audit approved extended learning opportunity programs at any time. If the audit results in findings that an approved program is not meeting the provisions of this section, then the board may disqualify the program immediately.

(k) The Department of Education shall prepare a report with respect to the implementation of extended learning opportunity programs in accordance with the provisions of this section to the Legislative Oversight Commission on Education Accountability no later than December 31, 2022.

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