

WEST VIRGINIA CODE: §18-5G-14

§18-5G-14. Virtual public charter schools.

(a) Virtual public charter schools may be authorized pursuant to this article. To the extent they do not conflict with the following provisions, virtual public charter schools are subject to the same requirements as non-virtual public charter schools:

(1) The Professional Charter School Board may authorize two statewide virtual public charter school which shall not count against the limit in §18-5G-1 of this code. A statewide virtual public charter school shall enroll no more than five percent of the headcount enrollment per year;

(2) County boards may authorize virtual public charter schools for students in an identified primary recruitment area within the state that is set forth in the charter application. Each county board may authorize no more than one virtual public charter school. Attendance to a virtual public charter school authorized by a county board is limited to students within the primary recruitment area identified in the application. Applications to establish a virtual public charter school shall not include within its primary recruitment area a location that is included in the primary recruitment area of another virtual public schools that has already been authorized. A county virtual public charter school shall enroll no more than 10 percent of a county's headcount enrollment;

(3) The charter for a virtual public charter school is for a term of five years; and virtual public charter school renewals are also for a term of five years;

(4) Virtual public charter school funding shall be consistent with other public charter school funding as set forth in §18-5G-5 of this code;

(5) When enrolling a student who may require special education services, the same obligations apply to a virtual public charter school as applies to all other public charter schools. Enrollment shall not be denied or delayed on the basis of a disability and the charter school shall convene an Individualized Education Program (IEP) meeting after admission to ensure that the school develops an appropriate IEP in accordance with all of the requirements set forth in the Individuals with Disabilities Education Act (IDEA);

(6) The governing body of a virtual public charter school shall undergo at least one training per year related to appropriate oversight of the virtual public charter school;

(7) A virtual public charter school student, to the extent the charter contract allows or requires instruction to occur outside of a school building, is not required to be physically present in a school building or classroom;

(8) Neither the virtual public charter school governing board, virtual public charter school

personnel, the virtual public charter school student nor the parents or guardian of the virtual public charter school student, to the extent the program as delineated in the charter contract allows or requires instruction to occur outside of a school building, may incur any penalty or be held accountable for the absence of the student from the school building;

(9) For a virtual public charter school student, neither the school district nor the student, to the extent the program as delineated in the charter contract is a learn at your own pace program, as defined in the contract, is required to comply with the instructional term requirement set forth in section forty-five, article five of this chapter or any other law or state board rule requiring a student to be receiving instruction for any set time;

(10) A virtual public charter school is exempt from any provision of law or state board rule that applies to the traditional delivery of instruction such as requirements relating to the physical presence of a student, student monitoring and security, the maximum teacher-pupil ratio set forth in section eighteen-a, article five of this chapter, instructional time requirements and physical education requirements to the extent any of the foregoing conflict with the delivery of the virtual instruction program;

(11) Each virtual charter school in the state shall offer a student orientation, notify the parents and guardians and each student who enrolls in that school of the requirement to participate in the student orientation, and require all students enrolled to complete the student orientation prior to completing any other instructional activity;

(12) Virtual charter schools must provide, in a manner agreed to in the charter contract, data demonstrating student progress toward graduation. Measurement of such progress shall account for specific characteristics of each enrolled student, including but not limited to age and course credit accrued prior to enrollment in educational instruction and course content that are delivered primarily over the internet pursuant to enrollment, and shall be consistent with evidence-based best practices. Virtual charter schools shall also maintain clear requirements relating to student engagement and teacher responsiveness for virtual charter school students and teachers;

(13) (A) For the purposes of this section, “instructional activities” means the following classroom-based or nonclassroom-based activities that a student is expected to complete, participate in, or attend during any given school day:

- (i) Online logins to curriculum or programs;
- (ii) Offline activities;
- (iii) Completed assignments within a particular program, curriculum, or class;
- (iv) Testing;
- (v) Face-to-face communications or meetings with school staff or service providers;

(vi) Telephone or video conferences with school staff or service providers; or

(vii) Other documented communication with school staff or service providers related to school curriculum or programs.

(B) Each virtual charter school shall develop and adopt a policy regarding failure to participate in instructional activities. The policy shall state that a student shall become subject to certain consequences, including disenrollment from the school, if both the following conditions are satisfied: (i) After the student's parent, guardian, or custodian receives a written report, the student fails to comply with the policy adopted under the paragraph within a reasonable period of time specified by the school; and (ii) Other intervention strategies contained in the policy adopted under this paragraph fail to cause a student to consistently participate in instructional activities. If a virtual charter school disenrolls a student pursuant to a policy adopted under this paragraph, the student shall be transferred to the district of residence and shall not be eligible to enroll in that virtual charter school or another virtual charter school for one school year from the date of the student's disenrollment.

(C) If a student is transferred under this section, the virtual charter school shall coordinate directly with the school district of residence on the appropriate educational placement for the student in the district. The appropriate educational placement shall be based on assessments of the student's abilities; and

(14) The authorizer may establish additional requirements for virtual charter schools enrolling students in grades six and below to ensure they are developmentally appropriate for students. Virtual charter schools enrolling any student in grades six and below shall meet any requirements established and agreed upon by the authorizer and applicant in the contract, and shall develop a mechanism to ensure that these requirements, if any, are met.

(b) None of the requirements of this section applies to virtual instruction programs created pursuant to §18-5F-1 *et seq.* of this code.