

Virtual School Policies

Ben Erwin

What Is the Issue, and Why Does It Matter?

Virtual learning is a rapidly growing space in education policy, driven by state leaders seeking to maximize potential for instructional innovation, prepare students for life in the digital age and meet students' unique needs. Virtual learning takes a variety of forms, including full-time virtual schools, supplemental course offerings and blended learning programs.

Virtual schools, including charters, single-district schools and statewide programs, have emerged as particularly popular educational options for students and parents seeking [flexibility and individualized learning](#). Full-time virtual schools [enrolled nearly 300,000 students across 35 states](#) in 2017-18, with a majority enrolled in virtual charter schools. States are looking at ways to update their accountability measures, improve student outcomes and address the virtual school context to keep pace with the growing virtual school sector.

In the 2017-2019 legislative sessions, virtual school legislation addressed the following areas:

- **ATTENDANCE AND ENGAGEMENT:** increasing student participation and completion and facilitating student and parent engagement.
- **AUTHORIZING AND GOVERNANCE:** improving authorizer and governing body oversight and accountability.
- **FUNDING:** amending virtual school funding provisions to improve school quality.

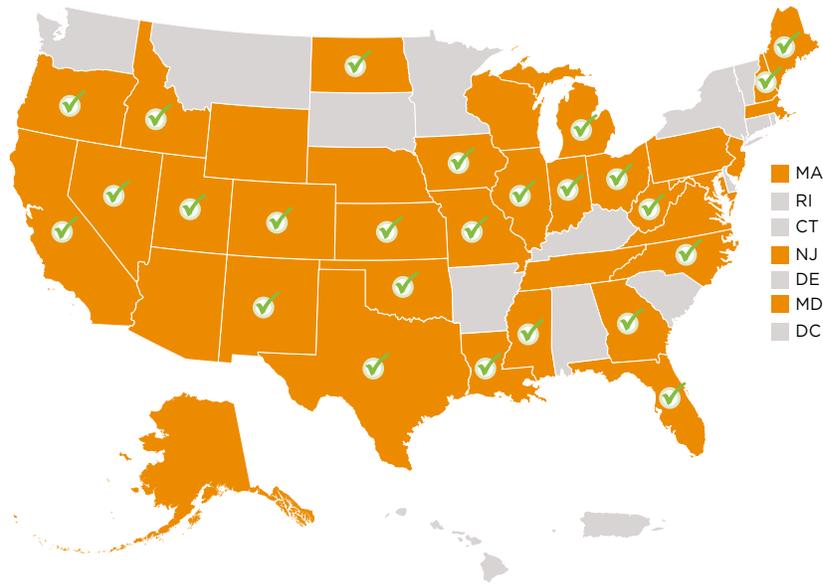


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How Many States Enacted Legislation in 2017-19?

Based on a review of legislative activity concerning virtual schools from 2017-19:

At least **106 BILLS** were **INTRODUCED** in 36 states.



At least **45 BILLS** were **ENACTED** ✓ in 25 states.

STATE	YEAR	LEGISLATION
California	2019	A.B. 1505
Colorado	2019	S.B. 19-129
Florida	2019	S.B. 2502
	2019	S.B. 7014
	2018	H.B. 29
Georgia	2018	H.B. 787
	2017	H.B. 7069
Idaho	2017	H.B. 287
Illinois	2018	H.B. 5588
Indiana	2019	S.B. 567
	2017	H.B. 1382
	2017	H.B. 1001
	2019	H.B. 1400
Iowa	2018	S.F. 2415
	2018	S.F. 475
Kansas	2017	S.B. 19

STATE	YEAR	LEGISLATION
Louisiana	2019	H.B. 321
	2018	S.B. 562
	2017	H.R. 94
Maine	2019	L.D. 513
	2019	L.D. 576
Michigan	2018	H.B. 5579
Mississippi	2018	S.B. 2763
Missouri	2018	H.B. 1606
	2018	S.B. 603
Nevada	2019	S.B. 441
New Hampshire	2017	H.B. 517
North Carolina	2019	H.B. 57
	2018	S.B. 99
North Dakota	2019	S.B. 2216
	2017	H.B. 1051
Ohio	2018	S.B. 216
	2018	H.B. 87
	2017	H.B. 49

STATE	YEAR	LEGISLATION
Oklahoma	2019	H.B. 1395
	2019	S.B. 268
	2017	S.B. 244
Oregon	2019	H.B. 2022
	2018	S.B. 1520
Texas	2019	H.B. 1
	2017	S.B. 587
Utah	2019	S.B. 15
West Virginia	2017	S.B. 630
Wyoming	2017	S.F. 35

For a full list of enacted or vetoed virtual school bills, please visit Education Commission of the States' [State Education Policy Tracking resource](#) (use terms "cyber charter" and "virtual schools and courses").

Attendance and Engagement

States have explored a variety of ways to engage both students and families before and during the school year, such as student orientation, attendance metrics that aim to prevent excessive absences (i.e., completion of instructional activities and time spent logged into a virtual school platform), and teacher-student communication requirements.

Examples of Enacted Legislation

 [S.B. 567](#) (2019) requires students to complete the virtual school's annual onboarding process and orientation with their parent before enrolling. The bill directs virtual school authorizers to develop minimum requirements for the annual onboarding process, methods for tracking and monitoring student progress, engagement and counseling policies, and professional development plans. It also mandates that virtual schools withdraw students identified as habitually truant. Lastly, the legislation requires virtual schools to submit an annual report including the methodology for determining attendance and policies for student engagement, in addition to attendance records.

 [H.B. 321](#) (2019) amends virtual school definitions, allowing local school boards or charter school authorizers to adopt a policy or include provisions in charter agreements for addressing excessive absences.

 [H.B. 1606](#) (2018) requires the Missouri Course Access and Virtual School Program to ensure that students enrolled in more than two virtual school courses (part-time and full-time students) have an individual learning plan developed by a certified teacher. The department of elementary and secondary education is charged with monitoring student progress and reporting full-time virtual school student performance to the local school district. Based on recommendations from the department or virtual school, a school district may decide to alter the course load or terminate a student's enrollment in a virtual school.

 [S.B. 216](#) (2018) requires virtual schools to automatically disenroll students who miss 72 consecutive hours of learning opportunities, a reduction from the previous 105 hour limit. The bill also directs the Ohio superintendent of public instruction to define terms — including participation and documentation of online learning — that will be used by the Ohio Department of Education for determining full-time equivalency for virtual school students.



[S.B. 244](#) (2017) directs each virtual school to develop an attendance policy that measures attendance using the completion of instructional activities and progress toward course completion as metrics. Instructional activities are defined as online logins to curricula or programs, offline activities, completed assignments and testing. Instructional activities also include face-to-face communications or virtual meetings with virtual charter school staff or service providers. If a student accumulates more than 10 absences, the virtual school must submit a report to the student's parent or legal guardian.

Authorizing and Governance

States have amended authorization requirements and reorganized virtual school governance to improve school quality and implement added accountability measures. Policymakers also have sought to limit authorizing authority, add authorization and application requirements, and implement accountability provisions for low-performing schools.

Examples of Enacted Legislation



[A.B. 1505](#) (2019) establishes a two-year moratorium on non-classroom-based charter schools, including virtual schools.



[S.B. 19-129](#) (2019) amends accountability requirements for online charter schools. Specifically, if an online school is on performance watch, it will remain on performance watch if it changes authorizers, or if it is closed and reopens with a different name under the same authorizer. The bill also requires schools closed for accountability reasons to apply for new certification before operating again, even if the school changes authorizers. Finally, when a multi-district online charter school seeks to change authorizers, the school must obtain a new certification from the department of education.



[S.B. 567](#) (2019) establishes actions the Indiana State Board of Education may implement if a virtual school is in the lowest-performance category in the state accountability system, including the implementation of a school improvement plan, a reduction in the administrative fee collected by the authorizer, a prohibition or limitation on enrollment growth, or the cancellation of the charter.



[S.B. 441](#) (2019) establishes the State Public Charter School Authority as the sole statewide authorizer for all virtual schools. When applying to the State Public Charter School Authority to operate as a virtual charter school, applicants must address support available to each student, the availability and frequency of interactions between students and teachers, criteria to be eligible for enrollment and the process for accepting students.

 [S.B. 2216](#) (2019) transfers the authority of the center for distance education to the state board of career and technical education, which is supervised by the director of the department of career and technical education and in compliance with requirements established by the superintendent of public instruction and the education standards and practices board. The legislation also requires a distance education curriculum to be approved by state-mandated accreditation entities as prescribed by the superintendent of public instruction.

Funding

In an effort to drive school improvement, states have sought to increase funding and financial transparency, in addition to exploring and implementing innovative approaches to virtual school funding.

Examples of Enacted Legislation

 [H.B. 787](#) (2018) provides 25% of capital funding for virtual schools to cover computer hardware, software, associated technical equipment and ongoing maintenance necessary for students. When making charter renewal decisions, the Georgia Department of Audits and Accounts must submit a report including any long-term trends in academic performance, financial data and governance data to the state board of education.

 [H.B. 1606](#) (2018) requires school districts with students enrolled in virtual schools to pay the virtual school provider directly on a pro rata monthly basis based on a student's completion of assignments and assessments. Payment for a full-time student may not exceed the statewide student adequacy target used for the state school funding formula. School districts are permitted to negotiate lower costs with virtual school providers.

 [H.B. 517](#) (2017) defines full-time enrolled pupils as students accepted by the Virtual Learning Academy Charter School on a full-time basis, and defines full-time equivalent students as students that have completed 12 half-credit courses. The bill also amends the funding formula for the VLACS, providing a grant of \$2,036 for each full-time enrolled pupil and an additional grant of \$2,036 for each full-time equivalent pupil, according to VLAC's average daily membership in attendance.

 [S.B. 216](#) (2018) creates a joint legislative committee to study the feasibility and efficacy of a [performance-based funding](#) system.

 [H.B. 1395](#) (2019) requires virtual charter schools to be subject to the same reporting requirements, financial audits and audit requirements as a school district. The bill also directs virtual charter schools to use the Oklahoma Cost Accounting System to report financial transactions to the department of education.



About the Author

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As a policy researcher, Ben works on tracking legislation, answering information requests and contributing to other policy team projects. Prior to joining Education Commission of the States, he taught high school social studies in Kentucky and worked in education policy at the National Conference of State Legislatures. He earned a master's degree in education policy from the University of Colorado Boulder and a bachelor's degree in history and education from Transylvania University. Contact Ben at berwin@ecs.org or **303.299.3613**.

Related Resources

[State Information Request: Performance-Based Funding for Online Schools](#)

[State Information Request: Virtual Schools Governance](#)

[50-State Comparison: Charter School Policies](#)

[Snapshot 2019: A review of K-12 online, blended, and digital learning](#)

[The Policy Framework for Online Charter Schools](#)

[Performance-Based Funding & Online Learning: Maximizing Resources for Student Success](#)