

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 3187**

BY DELEGATE PRITT

[Introduced March 16, 2021; Referred to the  
Committee on Education then the Judiciary]

1 A BILL to amend and reenact §18-5F-4 of the Code of West Virginia, 1931, as amended, relating  
 2 to prohibiting county boards of education from restricting parents from monitoring virtual  
 3 instruction programs; and providing for injunctive relief.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5F. ACCESSIBILITY AND EQUITY IN PUBLIC EDUCATION  
 ENHANCEMENT ACT.**

**§18-5F-4. County board policy adoption.**

1 (a) A county board or a multicounty consortium may create a virtual instruction program  
 2 for one or more schools serving any composition of grades kindergarten through twelve by  
 3 adopting a policy creating the program and after adopting the policy may contract with virtual  
 4 school providers. When there is a multicounty consortium, each county board in the consortium  
 5 shall adopt a policy creating the virtual instruction program. The virtual instruction program may  
 6 begin July 1, 2017, or at any point thereafter: *Provided, That,* notwithstanding any other provision  
 7 of this article to the contrary, no eligible students in grades kindergarten through five may  
 8 participate in a virtual instruction program until after the program has been in operation for one  
 9 full school year.

10 (b) The policy adopted by the county board pursuant to this section shall govern the virtual  
 11 instruction program offered by the county board or multicounty consortium.

12 (c) The policy shall be consistent with this article and may offer eligible students in grades  
 13 kindergarten through twelve an online pathway for earning a high school diploma and, at a  
 14 minimum, shall include the following:

15 (1) The scope, instructional model and capacity for the virtual education program;

16 (2) Assessment protocol and specific requirements for monitoring performance that are  
 17 consistent with section five, article two-e of this chapter;

18 (3) A plan for monitoring students receiving virtual instruction in accordance with pacing

19 and completion of the required virtual coursework: *Provided, That*, if virtual instruction occurs in  
20 a public school classroom then a teacher, professional personnel, professional educator or  
21 paraprofessional employed by that county must be present to monitor;

22 (4) Qualifications of faculty, which at a minimum shall include a teaching certificate issued  
23 pursuant to article three, chapter eighteen-a of this code and state board rules; and

24 (5) A requirement that any virtual school provider contracted with comply with state and  
25 federal privacy laws.

26 (d) No county board or multicounty consortium shall restrict a parent from monitoring their  
27 child's virtual instruction. Any parent who is restricted or limited by a county board, multicounty  
28 consortium or a professional or paraprofessional employed by a county for virtual instruction may  
29 proceed to circuit court to seek injunctive relief and, if successful, shall receive all reasonable  
30 attorney's fees.

NOTE: The purpose of this bill is to prohibit county boards of education from restricting parents from monitoring virtual instruction programs, and to provide for injunctive relief.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.