

WEST VIRGINIA LEGISLATURE
2022 SECOND EXTRAORDINARY SESSION

Enrolled

Senate Bill 2009

BY SENATORS BLAIR (MR. PRESIDENT) AND BALDWIN

(BY REQUEST OF THE EXECUTIVE)

[Passed April 25, 2022; if effect 90 days from passage (July 24, 2022)]

1 AN ACT to amend and reenact §18-2-7f of the Code of West Virginia, 1931, as amended, relating
2 to establishing alternative educational opportunities for elective course credit; requiring
3 the state board to establish, develop, and maintain a program whereby students can earn
4 elective course credit for extended learning opportunities that take place outside of the
5 traditional classroom setting; specifying minimum entities eligible to provide extended
6 learning opportunity programs; requiring individuals or entities seeking certification as an
7 eligible extended learning opportunity program to successfully complete an application
8 process; imposing requirements on extended learning opportunity providers pertaining to
9 compliance with applicable federal and state health and safety laws and regulations,
10 compliance with standards and safeguards provided by the West Virginia Board of
11 Education, background checks for key personnel or instructional staff, and proof of
12 insurance; addressing the denial of a program application; providing for monitoring,
13 evaluation, and inspection of approved programs; allowing extension of approval or
14 disqualification for violation of state law or state board policies; allowing appeal of
15 disqualification; requiring the county boards of education to adopt an alternative
16 educational opportunities policy that facilitates implementation and participation; requiring
17 parental or legal guardian approval for participation of student under 18 years of age;
18 allowing students transferring schools to request acceptance of elective course credits
19 awarded for program completion; addressing transportation to and from an approved
20 program; allowing auditing of approved programs at any time and disqualification for not
21 meeting certain provisions; and requiring report to the Legislative Oversight Commission
22 on Education Accountability with respect to the implementation of extended learning
23 opportunity programs.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE BOARD OF EDUCATION.

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

1 (a) The Legislature finds and declares that:

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

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

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

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

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

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

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

23 (1) Nonprofit organizations;

24 (2) Businesses with established locations in the state;

25 (3) Trade associations;

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

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

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

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

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

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

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

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

41 (4) Written content standards and objectives;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the.....
Day of, 2022.

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Governor