

WEST VIRGINIA LEGISLATURE
2022 SECOND EXTRAORDINARY SESSION

Introduced

Senate Bill 2009

**FISCAL
NOTE**

BY SENATORS BLAIR (MR. PRESIDENT) AND BALDWIN

(BY REQUEST OF THE EXECUTIVE)

[Introduced April 25, 2022]

1 A BILL 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) The State Board of Education shall promulgate a rule requiring county boards of
15 education to develop an alternative educational opportunities policy that provides students
16 involved in educational opportunities outside of the traditional classroom to receive elective
17 course credit.~~

18 ~~(c) The county boards of education shall adopt an alternative educational opportunities
19 policy that recognizes learning opportunities outside of the traditional classroom and grants
20 elective course credit. The policy shall:~~

21 ~~(1) Provide for an application process for entities to submit proposals for alternative
22 educational programs that will qualify for elective course credit;~~

23 ~~(2) Define which entities are eligible to submit applications for alternative educational
24 programs: Provided, That entities which are deemed eligible shall be broadly defined and shall
25 include, but not be limited to:~~

26 (A) Nonprofit organizations;

- 27 ~~(B) Businesses with established locations in the state;~~
28 ~~(C) Trade associations;~~
29 ~~(D) Parents of students involved in programs that may otherwise qualify as an alternative~~
30 ~~educational program;~~
31 ~~(E) Teachers involved in programs outside of the traditional classroom; and~~
32 ~~(F) School personnel involved in programs outside of the traditional classroom;~~
33 ~~(3) Provide for the criteria to be used to evaluate the alternative educational program;~~
34 ~~(4) Describe any communication and collaboration needed between the local school,~~
35 ~~county board, or State Board of Education to implement alternative educational opportunities;~~
36 ~~(5) Place requirements on the entity, such as background checks for key personnel, and~~
37 ~~minimum accountability standards; and~~
38 ~~(6) Provide a process for student credit transfer.~~
39 ~~(d) The county boards of education shall have the authority to approve or deny an~~
40 ~~application for an alternative educational program: Provided, That if the application is denied, the~~
41 ~~county board shall provide a detailed explanation of the reasons for its denial and suggest ways~~
42 ~~to improve the application that will assist its more favorable view by the county board.~~
43 ~~(e) The county boards of education shall have the authority to audit approved alternative~~
44 ~~educational programs at any time. If the audit results in findings that an approved program is not~~
45 ~~meeting the provisions of this section or the policy outlined in subsection (c) of this section, then~~
46 ~~the county board may disqualify the program immediately~~
47 (b) Program established. — The State Board of Education shall establish, develop, and
48 maintain a program whereby students can earn elective course credit for extended learning
49 opportunities that take place outside of the traditional classroom setting. In accordance with the
50 requirements of this section, the State Board of Education shall permit any high school student to
51 receive up to six elective course credits towards graduation for participating and completing any
52 approved extended learning opportunity program.

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

56 (1) Nonprofit organizations;

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

58 (3) Trade associations;

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

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

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

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

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

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

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

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

74 (4) Written content standards and objectives;

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

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

78 The State Board of Education shall consider a completed extended learning opportunity

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

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

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

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

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

105 implementation and participation in accordance with this section. The policy shall:

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to establish alternative educational opportunities for elective course credit; require the state board to 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; specify minimum entities eligible to provide extended learning opportunity programs; require individuals or entities seeking certification as an eligible extended learning opportunity program to successfully complete an application process; impose requirements on extended learning opportunity providers pertaining to compliance with applicable federal and state health and safety laws and regulations, compliance with standards and safeguards provided by the West Virginia Board of Education, background checks for key personnel or instructional staff, and proof of insurance; address the denial of a program application; provide for monitoring, evaluation, and inspection of approved programs; allow extension of approval or disqualification for violation of state law or state board policies; allow appeal of disqualification; require the county boards of education to adopt an alternative educational opportunities policy that facilitates implementation and participation; require parental or legal guardian approval for participation of student under 18; allow students transferring schools to request acceptance of elective course credits awarded for program completion; address transportation to and from an approved program; allow auditing of approved programs at any time and disqualification for not meeting certain provisions; and require report to the Legislative Oversight Commission on Education Accountability with respect to the implementation of extended learning opportunity programs.

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