

HOUSE No. 1960

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to virtual public schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	<i>1/20/2011</i>
<i>Kevin Aguiar</i>	<i>7th Bristol</i>	<i>2/4/2011</i>
<i>William N. Brownsberger</i>		<i>1/24/2011</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>2/3/2011</i>

HOUSE No. 1960

By Ms. Walz of Boston, a petition (accompanied by bill, House, No. 1960) of Martha M. Walz and others for legislation to authorize cities, towns and regional school districts to establish virtual public shools. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to virtual public schools.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide expanded learning opportunities for students, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 92 of chapter 71 of the General Laws, as appearing in section 8 of
2 chapter 12 of the acts of 2010, is hereby amended by inserting, after the word “regulations” in
3 clause (iv) of subsection e, the following:-

4 , consistent with subsection (q),

5 SECTION 2. Said section 92 of chapter 71, as so appearing, is hereby further amended
6 by inserting, after subsection (p), the following subsection:

7 (q) Students enrolling in an Innovation School operated by a district other than their
8 district of residence that provides instruction through distance learning, including online learning
9 programs and courses, shall be funded as provided in section 12B of chapter 76. The
10 department of elementary and secondary education and the board of elementary and secondary

11 education are prohibited from adopting any regulation or policy which would either restrict or
12 mandate the enrollment of any eligible student in an Innovation School that is a virtual public
13 school, including any cap on enrollment or other mandates on the enrollment composition of an
14 Innovation School that is a virtual public school.

15 SECTION 3. Chapter 71 of the General Laws is hereby amended by inserting after
16 section 93 the following section:-

17 Section 94.

18 (a) As used in this section, the following terms shall, unless the context requires
19 otherwise, have the following meanings:

20 “Proctored environment.” An environment directly monitored by a teacher or
21 administrative staff employed by an online learning provider or by an adult authorized by the
22 program or as set forth in Chapter 69, Section 1.

23 “Virtual public school.” A virtual public school is a public school that provides
24 instruction to students all or in-part through the use of technology, the internet, or other
25 synchronous and asynchronous methods where the student and teacher may be separated
26 geographically. A virtual public school shall be consider a public school for purposes of Chapter
27 76, Section 12B(b) and entitled to receive all funds due a public school under that section.

28 (b) A school district may establish a virtual public school, provided it meets the following
29 requirements: (i) Ensures that each course offered for a unit of credit is aligned with applicable
30 state-adopted academic standards; (ii) Requires all instructional staff to hold a valid teaching
31 license in the content area being taught; (iii) Employs an instructional model able to verify

32 ongoing student attendance, progress, and performance in each course; (iv) Requires
33 administrators, teachers and other educational staff providing instructional services to the virtual
34 school to comply with the criminal history record check requirements as set forth in section 38R;
35 and (v) Provides, where appropriate and as determined by district policy, each household having
36 a full-time student enrolled in the school with:

37 (A) All equipment necessary for students, including, but not limited to, a computer,
38 computer monitor, and printer; and

39 (B) Access to or reimbursement for all Internet services necessary for online delivery
40 of instruction.

41 (c) A virtual school shall not be subject to chapter 30B for the purpose of contracting
42 with another person that shall manage or operate the school.

43 (d) Full-time students enrolled in a virtual public school are considered to have met the
44 compulsory attendance requirement set forth in section 1G of chapter 69 and section 1 of chapter
45 71. Student work through distance learning accomplished during the summer may count for
46 meeting attendance and credit requirements. School districts may enroll students on a full-time
47 or part-time basis. Subject to school district policy and statutory requirements, a kindergarten to
48 grade 12 student residing in the commonwealth who is 24 years of age or younger is eligible to
49 enroll. Students enrolling in a virtual public school in a district other than their district of
50 residence shall be funded as provided for in section 12B of chapter 76. The department of
51 elementary and secondary education and the board of elementary and secondary education are
52 prohibited from adopting any regulation or policy which would either restrict or mandate the
53 enrollment of any eligible student in a virtual public school.

54 (e) Students enrolled in a virtual public school shall participate in any applicable state
55 assessments in a proctored environment.

56 (f) School districts may establish agreements to access online learning courses offered by
57 other districts. Nothing within this chapter shall constitute a limitation on a school district to
58 contract for online learning programs and courses.

59 (g) Nothing in this Act shall limit the authority of a school district to establish agreements
60 for the employment of teachers in a virtual public school.

61 (h) A district establishing a virtual public school which opens during 2010 through 2015
62 shall provide the department of elementary and secondary education an annual report that
63 includes, but is not limited to, the following information: (i) Programs and courses: A list of the
64 programs and courses offered through the virtual public school; (ii) Students: The number and
65 type of students participating on a full-time or part-time basis, including grade-levels, English
66 language learners, special education students, students eligible for the free and reduced lunch
67 program, race, and national origin; (iii) Student performance: For full-time students, academic
68 performance data, including data from state assessments; (iv) Expenditures: Expenditures of state
69 funds associated with the virtual public; and (v) Other information the district may choose to
70 provide regarding the operation and performance of the school.

71 (i) Beginning on December 31, 2012 the commissioner of elementary and secondary
72 education shall submit to the joint committee on education an annual report that contains the
73 information required under subsection (h), any recommendations to expand the availability and
74 enhance the quality of distance learning, and any proposed legislation necessary to further the

75 implementation of this Act. Following receipt and review of the report, the joint committee on
76 education may submit a bill.