

Board of Education Agenda Item

Item: F

Date: November 17, 2011

Topic: First Review of a Request from Carroll County Public Schools for Approval of Waivers from the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131) to Establish a Virtual School

Presenter: Ms. Anne Wescott, Assistant Superintendent for Policy and Communications
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Origin:

Topic presented for information only (no board action required)

Board review required by
 State or federal law or regulation
 Board of Education regulation
 Other: _____

Action requested at this meeting

Action requested at future meeting: January 12, 2012

Previous Review/Action:

No previous board review/action

Previous review/action
date _____
action _____

Background Information: Carroll County Public Schools serves approximately 400 students in grades K-8 through its Virginia Virtual Academy (VAVA). The students are currently enrolled in brick and mortar schools in the division, and the instruction is delivered to the students in their homes, through a contract that Carroll County has with a multidivision online provider that has been approved by the Superintendent of Public Instruction, pursuant to §§ 22.1-212.23 through 22.1-212.27 of the *Code of Virginia*.

The Carroll County school board proposes to create a separate school for students enrolled in VAVA. The school, like all other public schools in Virginia, must comply with the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (Standards of Accreditation) unless it is granted a waiver from the Board of Education or it is exempt from the regulations by the *Code of Virginia*.

The Standards of Accreditation say, in 8 VAC 20-131-350:

8 VAC 20-131-350. Waivers.

Waivers of some of the requirements of these regulations may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The request shall include documentation of the need for the waiver. In no event shall waivers be granted to the requirements of Part III ([8VAC20-131-30](#) et seq.) of these regulations except that the Board of Education may provide for the waiver of certain graduation requirements in [8VAC20-131-50](#) (i) upon the board's initiative or (ii) at the request of a local school board on a case-by-case basis. The board shall develop guidelines for implementing these requirements.

The Standards of Quality, in § 22.1-253.13:2 of the *Code of Virginia*, says: “When determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.”

Summary of Major Elements: Carroll County Public Schools requests waivers in the following areas:

- 8 VAC 20-131-150 – Standard instructional day of 5 ½ hours for grades 1-12 and three hours for kindergarten
- 8 VAC 20-131-80 and 8 VAC 20-131-90 – Instruction in health and physical education in the elementary and middle grades
- 8 VAC 20-131-90 – Instruction in career and technical exploration in the middle grades
- 8 VAC 20-131-90 – 140 hours of instruction in English, mathematics, science, and history/social science in the middle grades
- 8 VAC 20-131-190 – Library media, materials and equipment
- 8 VAC 20-131-200 – Extracurricular activities and recess
- 8 VAC 20-131-240 – Staffing requirements
- 8 VAC 20-131-260 – School facilities and safety

Since the proposed virtual school would be the first “stand-alone” virtual school in Virginia, it may be helpful to compare the waiver requests with the requirements for virtual schools and virtual programs in other states that already have virtual schools.

In the appendix, there is information about the current requirements in Virginia in areas for which waivers are requested, as well as information about the requirements in several states that currently have virtual schools or virtual programs. These states are: Arkansas, Colorado, Florida, Georgia, Maryland, Massachusetts, Minnesota, Missouri, Pennsylvania, Utah, and Wyoming

Standard Instructional Day of 5 ½ Hours for Grades 1-12 and Three Hours for Kindergarten

8 VAC 20-131-150. Standard school year and school day.

A. The standard school year shall be 180 instructional days. The standard school day for students in grades 1 through 12 shall average at least 5-1/2 instructional hours, excluding breaks for meals and recess, and a minimum of three hours for kindergarten.

B. All students in grades 1 through 12 shall maintain a full day schedule of classes (5-1/2 hours), unless a waiver is granted in accordance with policies defined by the local school board.

This provision of the Standards of Accreditation is based on § 22.1-98 of the *Code of Virginia* that requires: “The length of every school's term in every school division shall be at least 180 teaching days or 990 teaching hours in any school year... unless there are severe weather conditions or other emergencies. The Carroll County waiver request states that the students enrolled in VAVA would meet the requirement for the 180 instructional days, as the instructional program would not be affected by school closures caused by severe weather conditions.

Carroll County Public Schools requests a waiver of the requirement for a 5 ½ hour day for students in grades 1-12, and three hours a day for students in kindergarten. Instead of the 5 ½ hour or three hour seat time requirement, the seat time for students enrolled in VAVA would be based on their mastery of the curriculum.

Instruction in Health and Physical Education in the Elementary and Middle Grades

8 VAC 20-131-80. Instructional program in elementary schools.

A. The elementary school shall provide each student a program of instruction that corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, and physical education and health and shall require students to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the Board of Education....

8 VAC 20-131-90. Instructional program in middle schools.

A. The middle school shall provide each student a program of instruction which corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, foreign language, physical education and health, and career and technical exploration and shall require students to participate in a program of physical fitness during the regular school year in accordance with guidelines established by the Board of Education....

Carroll County Public Schools plans to require students enrolled in VAVA to participate in 30 minutes of physical fitness activities every day, as logged and submitted by the student’s learning coach (typically the student’s parent), but requests a waiver of the requirement to provide instruction in health

and physical education in the elementary and middle grades. As the waiver request notes, the *Code of Virginia* addresses health and physical education in several sections:

- Section 22.1-200 says: “In the elementary grades of every public school the following subjects shall be taught: Spelling, reading, writing, arithmetic, grammar, geography, health and physical education, drawing, civil government, history of the United States and history of Virginia”
- Section 22.1-207 says “Physical and health education shall be emphasized throughout the public school curriculum by lessons, drills and physical exercises, and all pupils in the public elementary, middle, and high schools shall receive as part of the educational program such health instruction and physical training....”
- Section 22.1-253.13:1 says in subsection C: “C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize ... health and physical education....”

Furthermore, subsection D.3 of § 22.1-253.13:1 says: “Local school boards shall also implement the following...

13. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level”

Instruction in Career and Technical Exploration in the Middle Grades

8 VAC 20-131-90. Instructional program in middle schools.

...B. The middle school shall provide a minimum of eight courses to students in the eighth grade. English, mathematics, science, and history/social science shall be required. Four elective courses shall be available: level one of a foreign language, one in health and physical education, one in fine arts, and one in career and technical exploration.

Carroll County Public Schools requests a waiver of the requirement of offering an elective course in career and technical exploration to its middle school students enrolled in VAVA. The requirement was established to give students opportunities to prepare for a career. The Standards of Quality say, in § 22.1-253.13:1: “Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize ... practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.”

It should be noted that Carroll County Public Schools is not requesting a waiver of 8VAC20-131-140 of the Standards of Accreditation, which says, in part: “Beginning in the middle school years, students shall be counseled on opportunities for beginning postsecondary education and opportunities for

obtaining industry certifications, occupational competency credentials, or professional licenses in a career and technical education field prior to high school graduation.”

Carroll County Public Schools also plans to implement the development of Academic and Career Plans for students, beginning in grade seven. The requirement for an Academic and Career Plan was included in the 2009 revisions that the Board made to the Standards of Accreditation, but this requirement has been delayed by legislation passed by the General Assembly until the 2012-2013 school year.

140 Hours of Instruction in English, Mathematics, Science, and History/Social Science in the Middle Grades

8 VAC 20-131-90. Instructional program in middle schools.

...D. To provide students a sufficient opportunity to learn, each student shall be provided 140 clock hours per year of instruction in each of the four disciplines of English, mathematics, science, and history/social science. Sixth grade students may receive an alternative schedule of instruction provided each student receives at least 560 total clock hours of instruction in the four academic disciplines

Carroll County requests a waiver of the requirement of 140 hours of instructional time in each of the four core academic disciplines of English, mathematics, science, and history/social science. Instead the seat time for students enrolled in VAVA would be based on their mastery of the curriculum.

Library Media, Materials and Equipment

8 VAC 20-131-190. Library media, materials and equipment.

A. Each school shall maintain an organized library media center as the resource center of the school and provide a unified program of media services and activities for students and teachers before, during, and after school. The library media center shall contain hard copy, electronic technological resources, materials, and equipment that are sufficient to meet research, inquiry, and reading requirements of the instructional program and general student interest

Carroll County Public Schools requests a waiver from the provision that the school have a library media center to serve as a resource to students in the school. Instead, it will provide a variety of online and hard copy materials and resources for the students.

Extracurricular Activities and Recess

8 VAC 20-131-200. Extracurricular and other school activities; recess.

A. School sponsored extracurricular activities shall be under the direct supervision of the staff and shall contribute to the educational objectives of the school. Extracurricular activities must be organized to avoid interrupting the instructional program. Extracurricular activities shall not be permitted to interfere with the student's required instructional activities. Extracurricular activities and

eligibility requirements shall be established and approved by the superintendent and the school board
....

C. Each elementary school shall provide students with a daily recess during the regular school year as determined appropriate by the school.

Carroll County Public Schools requests a waiver from the requirement for daily recess in the elementary grades, and from the provision of traditional extracurricular activities. Instead, all students will be required to participate in 30 minutes of physical fitness activities, and will be able to participate in clubs and outings that are planned and supervised by the VAVA teachers.

Staffing Requirements

8 VAC 20-131-240. Administrative and support staff; staffing requirements.

...D. The counseling program for elementary, middle, and secondary schools shall provide a minimum of 60% of the time for each member of the guidance staff devoted to counseling of students

E. The middle school classroom teacher's standard load shall be based on teaching no more than 5/6 of the instructional day with no more than 150 student periods per day or 25 class periods per week

G. Middle or secondary school teachers shall teach no more than 750 student periods per week; however, physical education and music teachers may teach 1,000 student periods per week.

H. Notwithstanding the provisions of subsections E, F, and G, each full-time middle and secondary classroom teacher shall be provided one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties

J. Student services personnel as defined in the Standards of Quality shall be available as necessary to promote academic achievement and to provide support services to the school.

Carroll County Public Schools requests a waiver of the requirement that 60 percent of the school counselor's time must be spent counseling students. It also requests a waiver of the requirements related to the teacher's standard load, which permits a planning period of one-sixth of the instructional day for teachers. It also requests a waiver of the staffing requirements for student services personnel. Carroll County Public Schools has found that due to the nature of virtual education services, these requirements are not feasible. It should be noted that student services will be available for students enrolled in VAVA; only the staffing requirements for student services would be waived.

School Facilities and Safety

8 VAC 20-131-260. School facilities and safety.

A. Each school shall be maintained in a manner ensuring compliance with the Virginia Statewide Building Code ([13VAC5-63](#)). In addition, the school administration shall:

1. Maintain a physical plant that is accessible, barrier free, safe, and clean;
2. Provide for the proper outdoor display of flags of the United States and of the Commonwealth of Virginia;
3. Provide suitable space for classrooms, administrative staff, pupil personnel services, library and media services, and for the needs and safety of physical education;
4. Provide adequate, safe, and properly-equipped laboratories to meet the needs of instruction in the sciences, technology, fine arts, and career and technical programs; and
5. Provide facilities for the adequate and safe administration and storage of student medications.

B. Each school shall maintain records of regular safety, health, and fire inspections that have been conducted and certified by local health and fire departments. The frequency of such inspections shall be determined by the local school board in consultation with the local health and fire departments. In addition, the school administration shall:

1. Equip all exit doors with panic hardware as required by the Virginia Statewide Building Code ([13VAC5-63](#)); and
2. Conduct fire drills at least once a week during the first month of school and at least once each month for the remainder of the school term. Evacuation routes for students shall be posted in each room. Additionally, at least one simulated lock-down and crisis emergency evacuation activity should be conducted early in the school year.

C. Each school shall have contingency plans for emergencies that include staff certified in cardiopulmonary resuscitation (CPR), the Heimlich maneuver, and emergency first aid. In addition, the school administration shall ensure that the school has:

1. Written procedures to follow in emergencies such as fire, injury, illness, allergic reactions, and violent or threatening behavior. The plan shall be outlined in the student handbook and discussed with staff and students during the first week of each school year;
2. Space for the proper care of students who become ill;
3. A written procedure, in accordance with guidelines established by the local school board, for responding to violent, disruptive or illegal activities by students on school property or during a school sponsored activity; and

4. Written procedures to follow for the safe evacuation of persons with special physical, medical, or language needs who may need assistance to exit a facility.

Carroll County Public Schools requests a waiver of the provisions of the Standards of Accreditation related to school facilities and safety, as these requirements would not apply to a virtual school. Carroll County Public Schools does have a student handbook that addresses topics such as the student code of conduct, immunization requirements, guidelines for appropriate behavior, internet safety, guidelines dealing with cyberbullying, and parent involvement.

Principal

Instead of a principal, Carroll County Public Schools requests that the person in the leadership position be designated as “Head of School” in accordance with the provisions of § 22.1-212.26 of the *Code*, which says, in part: “The administrator of a virtual school program shall hold an advanced degree from a regionally accredited institution of higher education with educational and work experience in administering educational programs.” The Head of School would assume all of the duties and responsibilities of the principal, as outlined in 8 VAC 20-131-210 of the Standards of Accreditation. This request is consistent with § 22.1-212.26 and would not appear to require a waiver of 8 VAC 20-131-210.

Timeline for Granting a Waiver Request

Waiver requests are usually made prior to the beginning of the school year in which the waiver would apply. However, the Standards of Accreditation do not specifically require that the waiver must be granted prior to the beginning of the school year. Therefore, it appears that the Board of Education would have the discretion to grant waivers to Carroll County Public Schools for the 2011-2012 school year.

A copy of the waiver request is attached, along with 2010-2011 test results of students enrolled in VAVA and students enrolled in a traditional instructional program.

Superintendent's Recommendation: The Superintendent of Public Instruction recommends that the Board of Education accept for first review the request from Carroll County Public Schools.

Impact on Resources: The impact on resources is not expected to be significant.

Timetable for Further Review/Action: The request will be presented to the Board of Education for final review and approval at the January 12, 2012, meeting.

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
P.O. Box 2120
RICHMOND, VIRGINIA 23218-2120

ORIGINAL

**REQUEST FOR WAIVER OF CERTAIN ACCREDITING STANDARDS
AND/OR APPROVAL
OF AN INNOVATIVE OR EXPERIMENTAL PROGRAM**

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-05 et seq.) set the minimum standards public schools must meet to be accredited by the Board of Education. Accreditation of public schools is required by the Standards of Quality (§§ 22.1-253.13:1 et seq.). The annual accrediting cycle for public schools is July 1 through June 30.

This cover sheet, with the supporting documentation, must be submitted to the Department of Education for review and recommendation to the Board at least 90 days prior to the beginning of an accrediting cycle or the proposed implementation of the program or activity that precipitates the request for the waiver. The types of waivers available and the corresponding section of the standards are indicated below. Please attach additional sheets or information deemed appropriate. (The Board will consider this request in its monthly meeting and the superintendent or his designee is **required** to **appear** before the Board **in person** or **respond electronically** to explain a waiver request.)

SCHOOL DIVISION: Carroll County Public Schools Division (018)

TITLE OF PROGRAM/ACTIVITY: Establishment of Virginia Virtual Academy of Carroll County Public Schools as a School

TYPE OF APPROVAL REQUESTED:

- Approval of an Alternative to the Standard School Year and School Day (8 VAC 20-131-150)
- Approval of an Alternative Accreditation Plan (8 VAC 20-131-280.D)
- Approval of an Experimental Program (8 VAC 20-131-290.D)
- Approval of an Innovative Program (8 VAC 20-131-290.D)
- Approval of a Waiver of Other Provision(s) of the Standards (8 VAC 20-131-350)

SCHOOL(S) PARTICIPATING IN THE PROPOSED
PROGRAM/ACTIVITY

Virginia Virtual Academy (VAVA): A Program of Carroll County Public
Schools Division

8/9/2011
Date Approved by the Local School Board

Franklin J. Pitt
Signature - Chairman of the School Board

8/29/2011
Submission Date

[Signature]
Signature - Division Superintendent

SCHOOL DIVISION: Carroll County Public Schools Division (018)

TITLE OF PROGRAM/ACTIVITY: Establishment of Virginia Virtual Academy of Carroll County Public Schools as a School

1. DESCRIBE THE WAIVER REQUESTED, INCLUDING A DESCRIPTION OF THE APPLICABLE PROGRAM, THE GRADES SERVED, DEMOGRAPHIC INFORMATION DESCRIBING THE STUDENTS WHO WILL BE PARTICIPATING, AND OTHER RELEVANT INFORMATION.

The School Board of the Carroll County Public Schools Division is interested in the administrative designation of our Virginia Virtual Academy (VAVA) Program as a separate school, under the auspices of the Carroll County Public Schools Division, and is therefore requesting two types of waivers: Approval of an Alternative to the Standard (School Year and School Day (8 VAC 20-131-150) and Approval of a Waiver of Other Provisions of the Standards (8 VAC 20-131-350). Specific provisions of the Standards of Accreditation for which we are seeking waivers and a rationale for each are outlined in Section 2 below. Provisions of the Standards for which we are seeking waivers deal primarily with elements that are not consistent with virtual, online education such as length of the instructional day, staffing patterns, and facility requirements.

Waivers of provisions ensuring student achievement expectations, core program of instruction, and expectations for school accountability are not being requested. Establishing our Virginia Virtual Academy Program as a separate school ensures that this academy and the vendor providing online instructional services will be held to the same high level of expectations and accountability as a traditional brick and mortar school. As an online, virtual school, VAVA will be expected to meet all of the Standards outlined in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* and the *Standards of Quality*, other than the ones for which we are requesting waivers.

The Virginia Virtual Academy (VAVA): A Program of Carroll County Public Schools Division serves approximately 400 students in grades kindergarten through grade eight from both within and outside the geographical boundaries of the school division. The student population represents a diverse range of students, including various ethnicities, economic levels, and special needs. This program offers a full-time program of grade level coursework through an online environment. It was approved as a multidivision online provider by the Virginia Board of Education in June 2011.

Currently, these 400 students are randomly distributed among the Carroll County brick and mortar schools based on a pro rated percentage of school membership. Test results for the VAVA students are embedded within each brick and mortar school and are not reported separately. Therefore, the SOL results and all accountability ratings of each brick and mortar school are skewed based upon VAVA students' results.

The program is designed as a public school alternative for students who were previously home schooled, attended private school, or who seek an alternative to the traditional brick and mortar learning environment but who want to receive a public school education in Virginia. Students are enrolled as full-time students in Carroll County Public Schools Division and pursue a rigorous curriculum aligned to the Virginia Standards of Learning. Instruction is delivered through an online, virtual environment. All of the VAVA students participate in the Virginia Assessment Program appropriate to their grade level.

2. IF YOU ARE SEEKING A WAIVER OF A PROVISION OF THE *STANDARDS OF ACCREDITATION* OR ANOTHER BOARD OF EDUCATION REGULATION, CITE THE SPECIFIC REGULATION TO BE WAIVED, AND EXPLAIN THE RATIONALE FOR SEEKING A WAIVER FROM THE REGULATION.

A. Waiver of Requirement of Timeline in Submitting Waivers for 2011-12 School Year.

We request that the waivers submitted in this application be retroactive to July 1, 2011 and be approved for the 2011-12 school year, along with the reclassification of the Virginia Virtual Academy of Carroll County Public Schools as a separate school entity. Since this is a virtual, online mode of instructional delivery, VAVA as a school entity of its own would not be hindered by structural or facility-based requirements that have to be met. Therefore, we are requesting a waiver of the timeline requiring submission of the application 90 days prior to the July 1, 2011 beginning of the accountability year 2011-12. This would ensure that accountability requirements and Standards of Accreditation are met for the Virginia Virtual Academy Program of Carroll County for 2011-12 and would ensure that the other 10 Carroll County Public Schools receive appropriate 2012-13 accountability and accreditation ratings based on the 2011-12 performance of their brick and mortar students, rather than on performance of virtual students to whom they do not provide direct or indirect services.

B. Waiver of Alternative to the Standard (School Year) and School Day (8 VAC 20-131-150).

We are not requesting a waiver to the standard school year of 180 instructional days. The Virginia Virtual Academy of Carroll County will operate on the traditional 180 instructional day calendar. However, we are requesting a waiver of the required 5.5 instructional hours per day for students in grades 1 through 12 and 3 instructional hours per day for kindergarten students due to the one-on-one instructional delivery and high time-on-task characteristic of virtual learning. Students who are receiving instruction in a virtual, online setting are able to progress through the curriculum more quickly than the brick and mortar setting. They are not affected by time devoted to class change, disruptions to the learning environment due to non-instructional tasks or management of student behavior, and attendance and procedural routines included in the traditional brick and mortar classroom.

In addition, students in a virtual learning setting are not affected by school closures due to inclement weather. Carroll County Public Schools Division may miss, on the average, fifteen to twenty days of school due to bad weather. However, virtual students continue with their instruction during those days. Therefore, student progress of virtual students is based on mastery of content rather than seat time. Rather than an emphasis given to 5.5 instructional hours of seat time, emphasis will be given to monitoring coverage of the curriculum, percent mastery of the curriculum covered, results of ongoing assessments and benchmark testing consistent with brick and mortar requirements, and successful performance on the Virginia SOL Assessments.

The emphasis on mastery learning based on the Virginia Standards of Learning, results of formative assessments and benchmark testing, and on-going monitoring of student progress rather than a focus on the 5.5 hours of seat time is expected to result in increased student achievement of the virtual students.

C. Waiver of Other Provision(s) of the Standards (8 VAC 20-131-350).

We are requesting waivers of certain provisions of the Standards based on the nature of virtual, online education in contrast with the traditional brick and mortar mode of schooling and instruction. These provisions of specific standards for which we are requesting waivers are identified below, along with a rationale for each.

C.1. Waiver of 8 VAC 20-131-80. Instructional Program – Elementary Schools.

Physical Education, Physical Fitness, and Health

We are requesting a waiver of health/physical education and physical fitness based on the nature of virtual, online delivery mode of instruction and the emphasis on the four core areas of English, mathematics, history, and science. However, VAVA parents do log in hours of physical fitness activities completed by their students on a weekly basis. This 30-minute per day activity can be sports, physical fitness, activities around the house, or other physically-based activities. There is not a separate physical education or health course offered at this time. We are aware that the Code of Virginia requires that physical education and health be incorporated into the elementary program of instruction for students (§22.1-200, 22.1-207, 22.1-253.13:1 C & D13.) However, based on the nature of virtual, online education and the 30-minute per day requirement of physical fitness activities, logged and submitted by the Learning Coach, we are requesting that these requirements be considered met and that traditional instruction in PE and in health, as offered in the brick and mortar schools, be waived.

C.2. Waiver of 8 VAC 20-131-90. Instructional Program – Middle Schools.

Physical Education, Physical Fitness, and Career/Technical Exploration

We are requesting a waiver of certain provisions related to physical education, physical fitness, and career and technical exploration based on the nature of virtual, online delivery mode of instruction. For physical fitness, VAVA parents do log in hours of physical fitness activities completed by their students on a weekly basis. This 30-minute per day activity can be sports, physical fitness, activities around the house, or other physically-based activities. There is not a separate physical education or health course offered at this time. We are aware that the Code of Virginia requires that physical education and health be incorporated into the program of instruction for middle school students (22.1-207 and 22.1-253.13:1 C.) However, based on the nature of virtual, online education and the 30-minute per day requirement of physical fitness activities, logged and submitted by the Learning Coach, we are requesting that these requirements be considered met and that traditional instruction in PE and in health, as offered in the brick and mortar schools, be waived.

An Academic & Career Plan will be developed for each VAVA student in grade seven, to be completed by the fall of their eighth grade year. However, a career and technical exploration course is not provided by the virtual program at this time. The possibility of a course designed to meet this need is being discussed with the vendor providing the online program offerings.

Other Elective Areas

We are not requesting a waiver for art, music and foreign language. Art, music, and foreign languages (Spanish, German,

French, and Latin) are available as electives to any student, free of charge.

We are requesting a waiver of the provision requiring 140 clock hours per year in each of the core areas and alternate 6th grade requirement of 560 hours in the total core due to the nature of virtual, online delivery mode of instruction. Students who are receiving instruction in a virtual, online setting are able to progress through the curriculum more quickly than the brick and mortar setting due to the one-on-one instructional delivery, lack of interruptions, and increased focus and time-on-task. Instead, emphasis will be given to monitoring coverage of the curriculum, percent mastery of the curriculum covered, results of ongoing assessments and benchmark testing consistent with brick and mortar requirements, and successful performance on the Virginia SOL Assessments.

C.3. Waiver of 8 VAC 20-131-190. Library Media, Materials, & Equipment.

We are requesting a waiver of the provision related to section A, "Maintaining an organized library media center," based on being non-applicable for online, virtual learning programs. VAVA students are provided online and hard-copy access to a variety of materials and resources that support the instructional program. In addition, they are provided access to online research and reference documents through the internet. All students and their parents also have access to their public libraries.

C.4. Waiver of 8 VAC 20-131-200. Extracurricular and Other School Activities, Recess.

We are requesting a waiver for the traditional provision related to daily recess for elementary schools and traditional provisions for extracurricular activities, based on the nature of online schooling. Due to a flexible schedule, students are able and encouraged to participate in daily physical activities. Parents log in hours of physical fitness completed by their students on a weekly basis. This can be sports, physical fitness, activities around the house, or other physically-based activities. VAVA students have clubs and bi-monthly outings that are available for all to attend and are organized, planned, and supervised by VAVA teachers, staff, and parents.

C.5. Waiver of 8 VAC 20-131-240. Administrative and Support Staff & Staffing Requirements.

Currently, 100% of VAVA teachers are highly qualified, licensed by the Virginia Board of Education, and endorsed in the content area they will teach. All teachers meet the requirements set forth in the Code of Virginia with respect to background, fingerprint, and conviction checks. Therefore, a waiver of this provision is not requested.

However, we are requesting a waiver of the provisions related to other staffing requirements outlined in this Standard, including teacher-to-student ratio, number of student periods per day and per week, the 60% counseling requirement, the planning period requirement, and student services staffing requirements. Due to the nature of online, virtual education services, these requirements designed for traditional brick and mortar buildings, are not feasible and applicable to an online, virtual environment.

C.6. Waiver of 8 VAC 20-131-260. School Facilities and Safety.

We are requesting a waiver of the facility-based provisions in this Standard due to being non-applicable to virtual, online education. The provisions for which we are requesting a waiver in this Standard are: maintenance of a school in compliance with Virginia Statewide Building Code (13-VAC 5-63) and maintenance of inspections.

VAVA does meet Section C of the Standard. The Virginia Virtual Academy of Carroll County does have a student handbook, *Virginia Virtual Academy Parent/Student School Handbook*, outlining VAVA policies and procedures that include, but are not limited to, guidelines for appropriate behavior, student code of conduct, immunization requirements, internet safety, guidelines for dealing with cyber bullying, and parent involvement.

Request for "Head of School" to Assume Responsibilities of Role of Principal as outlined in 8 VAC 20-131-210. Role of the Principal

As allowed by recent Virginia legislation, the Virginia Virtual Academy of Carroll County has a "Head of School" rather than a principal designated as providing instructional leadership and school management. Pursuant to §22.1-212.26B of the *Code of Virginia*, "The administrator of a virtual school program shall hold an advanced degree from a regionally-accredited institution of higher education with educational and work experience in administering educational programs." However, in order to ensure appropriate accountability, it is requested that the "Head of School" assume all responsibilities and duties of a principal as outlined in 8 VAC 20-131-210. In this way, the Standard is met.

3. EXPLAIN HOW AND WHY APPROVAL OF THIS REQUEST WOULD BENEFIT STUDENTS.

Approval of this request for the establishment of VAVA as a school and the request for the waivers outlined above will place

the appropriate level of responsibility for meeting the accountability measures and standards for a public school, as outlined in *Establishing Standards for Accrediting Public Schools in Virginia* and the *Standards of Quality*, on the vendor providing virtual, online instructional services. This will ensure that the focus of the program is on providing a rigorous curriculum aligned to the Virginia Standards of Learning (SOL); a program of instruction designed to ensure a high level of academic performance for all students; full participation in the Virginia Assessment Program; effective supervision and management of the virtual, online program; highly qualified personnel; ongoing monitoring of student progress; and effective parent and community communication. The inclusion of a biennial plan consistent with the division comprehensive plan will ensure strategic planning and continuous improvement.

Virtual, online students would be assured of receiving a well-balanced curriculum that is aligned to the Virginia SOL, instruction based on high expectations and designed to meet their individual needs, and assurance that they are receiving quality education consistent with Virginia Standards of Accreditation and Standards of Quality.

Results of the Spring 2011 SOL Assessments, as shown on the attachment, indicate that traditional brick and mortar students in Carroll County Public Schools Division are out-performing students in the Virginia Virtual Academy in the areas of middle school math and history/social sciences. Results for VAVA students in reading and science are consistent with Carroll County brick and mortar schools. Currently, since VAVA is not a separate school entity, VAVA student results from the Virginia Assessment Program are embedded within each brick and mortar Carroll County school, rather than assigned to the Virginia Virtual Academy Program.

If VAVA were set up as a separate school under the auspices of Carroll County Public Schools, VAVA student performance on the Virginia Assessment Program assessments would become a clear measure of the success of the online, virtual approach to education for the students involved in the program and would be used as one measure of determining areas for improvement. As one parent of two children in the VAVA Program stated, "It is not only a performance level indicator for my children; it is also a validation of the curriculum and the instruction they are receiving."

4. IF THE PROPOSED PROGRAM IS EXPERIMENTAL OR INNOVATIVE, EXPLAIN HOW THIS IS SO AND PROVIDE A PROGRAM DESCRIPTION, INCLUDING:
- 1) THE PURPOSE AND OBJECTIVES OF THE PROGRAM;
 - 2) DESCRIPTION AND DURATION OF THE PROGRAM;
 - 3) ANTICIPATED OUTCOMES;
 - 4) NUMBER OF STUDENTS AFFECTED;
 - 5) EVALUATION PROCEDURES; AND
 - 6) MECHANISMS FOR MEASURING GOALS, OBJECTIVES, AND STUDENT ACADEMIC ACHIEVEMENT THAT WILL BE EXPECTED AS A RESULT OF THE IMPLEMENTATION OF THE PROGRAM/ACTIVITY.

Not Applicable

5. DOES THE EXPERIMENTAL OR INNOVATIVE PROGRAM REQUIRE THE PARTICIPATING SCHOOLS TO OPEN PRIOR TO LABOR DAY?

YES NO

IF YES, EXPLAIN WHY THE SCHOOLS ARE REQUIRED TO OPEN PRIOR TO LABOR DAY.

N/A

6. IF THE PROGRAM IS EXPERIMENTAL, INCLUDE INFORMATION THAT EXPLAINS WHY THERE IS REASON TO EXPECT THAT THE PROGRAM WILL BE SUCCESSFUL.

N/A

7. DESCRIBE THE ANTICIPATED OUTCOMES OF THE WAIVER.

The requested waivers will support the nature of virtual, online learning by adapting the Standards to reflect a better fit between the virtual, online environment and the Standards for Accrediting Public Schools in Virginia. The Standards were developed originally for a traditional brick and mortar model of education. The waivers requested are only the ones necessary to reflect the nature of virtual, online teaching and learning, while still maintaining a rigorous curriculum, high expectations for students, accountability, and a quality educational system.

Establishing our Virginia Virtual Academy Program as a separate school with the requested waivers ensures that this academy and the vendor providing online instructional services will be held to the same high level of expectations and accountability as a traditional brick and mortar school. As an online, virtual school, VAVA will be expected to meet all of the Standards outlined in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* and the *Standards of Quality*, other than the ones for which we are requesting waivers. VAVA student results from the Virginia Assessment Program will no longer be required to be embedded within each brick and mortar Carroll County school, but will be reported as a separate school under the name of Carroll County Virginia Virtual Academy.

8. DESCRIBE THE PROCESS THAT WILL BE USED TO EVALUATE THE EFFECTIVENESS OF THE WAIVER.

The effectiveness of the waivers will be based on the Carroll County Virginia Virtual Academy meeting all accountability standards outlined in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* and the *Standards of Quality*.

Questions should be directed to the Division of Policy and Communications at (804) 225-2092, or by e-mail to policydata@doe.virginia.gov. This application and supporting documentation must be sent to:

Division of Policy and Communications
Department of Education
P. O. Box 2120
Richmond, VA 23218-2120

**Carroll County Public Schools Division
Spring 2011 Non-Writing *Regular SOL Test Results
Comparison of CCPS Traditional ~ Virtual Academy and Impact**

DIVISION LEVEL

Test/Grade	Virtual Academy (VAVA)			CCPS Brick & Mortar (*Does not include VAAP, VGLA, VSEP)			Combined (Virtual & CCPS)			
	# Tested	# Pass	% Pass	# Tested	# Pass	% Pass	# Tested	# Pass	% Pass	Impact on CCPS
Reading 3	33	25	76%	291	244	84%	324	269	83%	-1
Reading 4	39	33	85%	301	250	83%	340	283	83%	0
Reading 5	34	25	74%	292	256	88%	326	281	86%	-2
Reading 6	48	41	85%	306	269	88%	354	310	88%	0
Reading 7	36	29	81%	291	257	88%	327	286	87%	-1
Reading 8	42	37	88%	215	183	85%	257	220	86%	+1
Math 3	33	23	70%	295	264	89%	328	287	88%	-1
Math 4	38	30	79%	301	247	82%	339	277	82%	0
Math 5	35	20	57%	292	234	80%	327	254	78%	-2
Math 6	47	30	64%	293	244	83%	340	274	81%	-2
Math 7	34	12	35%	197	134	68%	231	146	63%	-5
Math 8	25	13	52%	268	215	80%	293	228	78%	-2
Science 3	33	23	70%	291	260	89%	324	283	87%	-2
Science 5	34	20	59%	295	242	82%	329	262	80%	-2
Science 8	42	37	88%	190	170	89%	232	207	89%	0
History 3 History/Social Science	33	14	42%	291	230	79%	324	244	75%	-4
History 4 VA Studies	39	24	62%	301	253	84%	340	277	81%	-3
History 5 US History I	35	11	31%	289	201	70%	324	212	64%	-6
History 6 US History II	47	32	68%	184	169	92%	231	201	87%	-5
History 7 Civics/Economics	40	25	63%	175	154	88%	215	179	83%	-5
Algebra I	30	20	67%	231	216	94%	261	236	90%	-4
Algebra II	<	<	-	95	84	88%	96	85	89%	+1
Geometry	<	<	-	239	200	84%	240	201	84%	0
Earth Science	10	<	-	144	116	81%	154	123	80%	-1
World History I	40	25	63%	123	93	76%	163	118	72%	-4
World History II	10	<	-	227	137	60%	237	141	59%	-1

*Results do not include alternative and alternate testing such as VAAP and VGLA and do not include transfer adjustments.

Appendix
Virtual School Policies and Procedures
Survey of Other States
November 17, 2011

1. Standard School Year and Day/Seat Time

Virginia – State law (§ 22.1-98, *Code of Virginia*) requires that the length of every school’s term in every school division shall be 180 days or 990 hours. Virginia Board of Education regulations state that the standard school year shall be 180 instructional days and the standard school day for grades 1 through 12 shall be at least 5 ½ instructional hours. Board regulations state that students must maintain a full day schedule, unless granted a waiver under local school board policies.

Arkansas – Not applicable. The state program serves as an online vendor for local school districts.

Colorado – For virtual education, a course may be counted as having been completed when academic content work has been completed.

Florida – The Florida Virtual School at the state-level operates both a full-time and a supplemental virtual school new this school year. In the Florida Virtual School, students are recommended to “complete an average of at least 2–3 lessons a week at a rate of about 3–5 hours of study time per week.” A student would be permitted to complete a course prior to the end of the school year. However, that student still would be required to meet the compulsory attendance requirements until the end of the year. The Florida Virtual School Full-Time is described as a “180-day comprehensive program.” The full-time program will offer diplomas beginning in the 2012-2013 school year. Districts also operate full-time and supplemental virtual education options for their students. In addition, virtual charter schools have been authorized, but will not begin operation until the next school year.

Georgia – The Georgia Virtual School provides virtual school courses to local school divisions. The program provides start dates for each semester that are flexible and students are given a range of time during which they can start their course. In Georgia, a “regular school day” is defined as a schedule of courses taken as part of a public school student’s regular school day which consists of six segments or its FTE equivalent.

Maryland – State law requires that each public school “be open for pupil attendance for at least 180 actual school days and a minimum of 1,080 school hours during a 10-month period in each school year.” In Maryland, the state virtual school program serves as an online vendor for local school districts so this requirement is implemented by the local school systems.

Massachusetts – Each school division must schedule at least a 180 day school year and every secondary school student must have a minimum of 990 hours of instruction. State law

provides that waivers may be granted by the state Board for good cause and waivers for innovative programs or schedules intended to improve student learning are encouraged.

The state has one virtual innovation school operated by a school division. This school expects five hours of schoolwork each day, 180 days per year.

Minnesota – Minnesota requires 1,020 hours of school for brick and mortar schools and full-time virtual schools for pupils in grades 7 to 12. The state does not have a seat-time requirement for individual online courses. The minimum number of hours required for pupils in kindergarten is 425 hours per year and 935 hours for pupils in grades one to six. Students in virtual schools earn credits based on completion or competency.

Missouri – State law provides for waivers of seat time. School divisions contracting with online providers must ensure that the curriculum standards meet state requirements.

Pennsylvania – State law permits for the establishment of cyber charter schools as stand-alone schools. State law provides that, for all schools, the minimum school year is 180 days with a minimum of 900 hours of instruction at both the elementary level and the secondary level. There is no reference in state law to seat time requirements.

Utah – Online schools must adhere to the same procedures and processes as other public education schools. There is a requirement for 180 days or 990 hours of instruction.

Wyoming – Wyoming provides distance education programs through both single-district program providers and statewide program providers. State law does not require students to complete a defined amount of instructional time to earn credit. Credits are based on course completion or competency.

2. Course Work

Virginia – Board regulations provide that, for elementary schools, 75 percent of the annual instructional time must be provided for English, mathematics, science, and history/social science. At the middle school level, Board regulations specify that a student must receive at least 560 clock hours in the same four academic disciplines. At the high school level, credit is based on 140 clock hours of instruction, but this requirement may be waived if mastery of content is demonstrated in accordance with policies adopted by local school boards. Students enrolled in public school and taking coursework virtually must take the same curriculum as brick and mortar students and must take state assessments.

State law and Board regulation provide that public school students be provided with instruction in the four core academic areas as well as physical education and health, arts, music, and foreign language.

Arkansas – Not applicable. The state program serves as an online vendor for local school districts.

Colorado – Full-time virtual students must take the same coursework as a brick and mortar student. Students must take state assessments. Colorado’s P-12 Academic Standards are in: 1) Dance; 2) Drama/Theatre Arts; 3) Health/Physical Education; 4) English; 5) Mathematics; 6) Music; 7) Reading/Writing/Communication; 8) Science; 9) Social Studies; 10) Visual Arts; and 11) World Languages.

Florida – The Florida Virtual School offers courses in the four core subjects as well as career and technical education, foreign language, and health/physical education/driver education to its students.

Georgia – The Georgia Virtual School is authorized to provide online learning courses to eligible students in Georgia. Enrollment priority is given to Georgia’s public school students.

Maryland – Maryland offers online courses through collaboration with local school systems during three semesters of each year: fall, spring, and summer. Public school students enrolled in these supplemental courses must meet the same course requirements as any other public school student.

Massachusetts – Full-time virtual students must take the same coursework as a brick and mortar student. This includes: 1) English; 2) mathematics; 3) science; 4) history; 5) foreign language; 6) arts; and 7) physical education.

Minnesota – State law requires digital content to be aligned with state standards or common core standards. Under state law, students may enroll with more than one online provider. An online learning student must receive academic credit for completing the requirements of an online learning course or program. Secondary credits granted to an online learning student must be counted toward graduation and credit requirements of the enrolling districts. The enrolling district must apply the same graduation requirements to all students, including online learning students, and must continue to provide nonacademic services to online learning students. The state department of education must review and approve online learning providers. Students taking full-time coursework online can receive a diploma from the online school.

Missouri – Full-time virtual students must take the same coursework as a brick and mortar student. Grade-level expectations exist for: 1) communication arts; 2) mathematics; 3) science; 4) social studies; 5) fine arts; and 6) health and physical education. The local school division has the flexibility to determine how the coursework requirements are met.

Pennsylvania – The curriculum at a cyber charter school must meet academic standards for public education in the state. Public schools must provide instruction so that students develop knowledge and skills in the following areas: 1) reading and language arts; 2) mathematics; 3) science and technology; 4) environment and ecology; 5) social studies; 6) arts and humanities; 7) career education; 8) health and physical education; and 9) family and consumer science. Students earn diplomas from cyber charter schools and must take state assessments.

Utah – All virtual school students must take the existing statewide assessments. The State Board of Education must make rules that: provide for the administration of a statewide assessment upon a student completing an online course; and require an online course provider to proctor the statewide assessment. If a student wants to earn a diploma, they must meet the same requirements as high school students attending a brick and mortar school. The core curriculum for the state includes the four core content areas, fine arts, and health and physical education.

State regulation for elementary and secondary education address mastery of course criteria and provides that “mastery shall be stressed rather than completion of predetermined time allotments for courses.”

Wyoming – Online content must be aligned to the Wyoming Content and Performance Standards. The Wyoming Switchboard Network is a collection of distance education programs available to K-12 students. It acts as the central collection of K-12 distance education resources including the current statewide distance education courses available and information about the various programs. All Wyoming public school districts are eligible to provide distance education programs through the network. The resident district is solely responsible for ensuring that the student’s distance education program meets or exceeds all the necessary requirements.

3. Library and Media Materials

Virginia – Board regulations also provide that each school shall maintain a library media center. The media center shall maintain “hard copy, electronic technological resources, materials, and equipment that are sufficient to meet research, inquiry, and reading requirements of the instructional program and general student interest....”

Arkansas – The state program serves as an online vendor to school divisions, and school divisions are responsible for library and media services.

Colorado – State law created the Colorado virtual library and information network.

Florida – The Florida Virtual School offers an online library that is “a collection of links and sites that have been reviewed for educational value, currency, and accuracy.” The library provides materials related to academic areas and grade levels, general reference (i.e., encyclopedias), and internet safety.

Georgia – The Georgia Virtual School equips students with an online media center to support students throughout their online course experience.

Maryland – Not applicable. State program serves as an online vendor to school divisions.

Massachusetts – State law provides that students in a virtual innovation school must have access to the use of library and digital media resources.

Minnesota – The Electronic Library for Minnesota (ELM), a virtual library, is available to all Minnesota residents through their school, public, academic, and state government libraries or the ELM portal.

Missouri – The state funds electronic resources (through the State Library and the Department of Elementary and Secondary Education). Electronic encyclopedias and databases are available and these are the resources that are recommended for full-time virtual students.

Pennsylvania – Cyber charter schools offer online library resources and in some cases, options to attend face-to-face learning centers.

Utah – The Utah Office of Education publishes standards for school library media programs.

Wyoming – A resident school district providing distance education must complete a learning plan appropriate to the student and assign the student to a school within the school district offering appropriate grade level instruction if the student is not physically attending a school within the resident district. Nothing is specified in writing concerning library and media materials, but since the student attends a school within a school district, presumably he or she would be able to use the library and media materials available in the school.

4. Extracurricular Activities

Virginia – The Virginia High School League is the responsible entity for establishing rules and coordinating services related to extracurricular activities.

Arkansas – Not applicable. The state program serves as an online vendor to school divisions.

Colorado – State law provides that virtual school students are entitled to participate in the same manner as other public and private school students.

Florida – State law provides “any organization or entity that regulates or governs interscholastic extracurricular activities of public schools: ... (b) shall not discriminate against any eligible student based on an educational choice of public, private, or home education.” Policies of the Florida High School Athletic Association (FHSAA) state that a student attending the Florida Virtual School full-time is eligible “to participate at the public school to which the student would be assigned according to the school district attendance area policies” The Florida Virtual School provides clubs and activities for students at all grade levels.

State law provides that public school students meet certain participation requirements, including the following: a) maintain a minimum grade point average; b) execute and fulfill the requirements of an academic performance contract between the student, the school board, the appropriate governing association, and the student’s parents; and c) maintain satisfactory conduct.

Georgia – Extracurricular activities are left up to the local schools.

Maryland – State program serves as an online vendor to school divisions and has no involvement. The participating students remain enrolled in their “home” school.

Massachusetts – Extracurricular activities are left up to the local schools.

Minnesota – An online learning student may participate in the extracurricular activities of the enrolling district on the same basis as other enrolled students.

Missouri – The Missouri State High School Activities Association (MSHSAA) governs student eligibility for participation. To be eligible to participate, MSHSAA requires students in its member schools to be enrolled for a certain number of hours.

Pennsylvania – Students are eligible to participate in extracurricular activities in their local school division, provided certain conditions are met and the cyber charter school does not provide the same extracurricular activity.

Utah – The state’s online charter school offers extracurricular activities.

Wyoming – The educational support provided by the resident district may include access to resources at the resident district, library services and extracurricular activities.

5. School Leadership

Virginia – Board regulations address brick and mortar schools and the role of the principal at these schools.

Arkansas – Not applicable. The state program serves as an online vendor to school divisions.

Colorado – The state has virtual programs that function as stand-alone schools. The virtual schools must have a school leader (i.e., principal or administrator) but the school has latitude in terms of how the administrative functions are structured.

Florida – The Florida Virtual School has a seven-member Board of Trustees.

Georgia – School leadership is determined by local education agencies.

Maryland – The principal of the students’ brick and mortar school provides leadership for the use of online courses at the local school.

Massachusetts – The state has a public virtual innovation school for grades K-8, which opened in 2010. The operation of the virtual school is under the oversight of a school superintendent, business manager, special education director, and school committee.

Minnesota – School leadership is not referenced in state law.

Missouri – School leadership is determined by local education agencies.

Pennsylvania – State law provides that each charter school (including cyber), have a board of trustees, which has the authority to decide “matters related to the operation of the school.”

Utah – Utah’s online charter school has a director and administration.

Wyoming – Virtual programs operating within the state have several different leadership structures in place. One provider has a principal, and another program has a head of school and a leadership team.

6. Teaching Staff

Virginia – State law provides that teachers delivering instruction to students through online courses or virtual school programs shall be licensed according to state Board licensing requirements and subject to background checks in the same manner as Virginia public school teachers.

Arkansas – Teachers in the Arkansas program are either: 1) licensed teachers subject to the same requirements as Arkansas school division teachers or 2) approved by the Commissioner of the Arkansas Department of Education to teach in certain content areas.

Colorado – Teachers of virtual education are subject to the same licensure requirements as other public school teachers.

Florida – The state’s virtual programs and schools “require teachers to hold Florida teaching certificates or district adjunct certificates.” Florida has reciprocity with the other 49 states. Districts may issue adjunct certificates for part-time teachers in brick and mortar or virtual programs for selected expertise, but usually do not because teachers with adjunct certificates do not meet the “highly qualified” requirements. All instructional personnel are also subject to background checks.

Georgia – Instructional staff must meet teacher certification requirements in accordance with state standards.

Maryland – Students receiving virtual instruction are taught by Maryland-certified teachers.

Massachusetts – State law provides that “all educators leading classes or providing educational administration services in a virtual innovation school shall hold a current Massachusetts educator license Said educators may be employed through the sponsoring district, through an educational collaborative, or through a contract with an educational management organization.”

Minnesota – A teacher with a Minnesota license must assemble and deliver instruction to enrolled students receiving online learning from an enrolling district. The instruction

delivered to a student may include curriculum developed by persons other than a teacher with a Minnesota license. Unless the commissioner grants a waiver, a teacher providing online learning instruction must not instruct more than 40 students in any one online learning course or program.

Missouri – Students receiving virtual instruction are taught by Missouri-certified teachers.

Pennsylvania – State law provides that “at least seventy-five per centum of the professional staff members of a charter school shall hold appropriate State certification.” Charter applications must include additional information regarding staff who do not hold state certification in terms of evidence of ability to teach.

Utah – Teachers for the electronic high school, which is the state virtual school, are subject to laws and administrative rules for Utah educators, including the state and federal Family Educational Rights and Privacy Act, child abuse reporting requirements; and Professional Standards for Utah Educators. Full-time, certified, and licensed teachers teach at the online charter school.

Wyoming – The programs that operate through a Wyoming school district use Wyoming certified and highly qualified instructors. State law provides reciprocity for certification of teachers. Prospective Wyoming distance education providers must submit a letter of intent to the Department of Education applying to add its distance education program to the Wyoming Switchboard Network and to be considered for the succeeding school year. The letter of intent must include an overview of the program that provides general information such as the maximum allowed student to teacher ratios, instructor’s course load, and proposed course offerings and capacity.

7. Administrative Staff

Virginia – Board regulations also provide minimum staffing standards in accordance with state law and also provide for planning time for middle and secondary teachers. Elementary, middle, and secondary schools must provide a minimum of 60 percent of the time for each member of the guidance staff devoted to counseling students.

Arkansas – To participate in the state program, a local school division must provide an “adult facilitator” who is a school division employee and is responsible for supervising and assisting students. The program does not address guidance services as it serves as an online provider to school divisions.

Colorado – Colorado school divisions are responsible for providing counseling services. See section on school leadership for information on staffing structure.

Florida – The Florida Virtual School has a staff of seven counselors who serve regions across the state. The School’s Board of Trustees employs academic administrative and instructional personnel.

Georgia – The Georgia Virtual School provides students with a guidance center to support students throughout their online course experience. In addition, schools also must provide a school facilitator who will act as a liaison between the local school and the Georgia Virtual School.

Maryland – Each school that participates in the Maryland virtual program must have a school site coordinator. There is also a mentor who works directly with the student to provide weekly monitoring. A guidance counselor provides information to students, determines course needs, and monitors and records student grades.

Massachusetts – State law provides that a virtual innovation school must have a plan to provide all students with access to guidance services, which may include, but not be limited to: 1) future school and career planning; 2) monitoring of the student’s overall academic progress; and 3) facilitating student and family support services if needed.

Minnesota – Administrative staff is not referenced in state law. However, an Online Learning Advisory Council is established by statute and it is comprised of 12 members. This group is required to bring to the state department’s attention any matters related to online learning and provide input to the department in matters related to, but not restricted to, quality assurance, teacher qualifications, program approval, special education, attendance, program design and requirements, and fair and equal access to programs.

Missouri – The state program provides for counseling services for its virtual program at a ratio of approximately 250 students to each counselor.

Pennsylvania – There are currently 13 cyber charter schools, with each listing a Chief Executive Officer. Cyber charter schools also offer guidance counseling services.

Utah – Utah’s online charter school has a counseling department.

Wyoming – Virtual programs operating within the state have several different leadership structures in place.

8. School Facilities

Virginia – Board regulations address brick and mortar facilities in terms of physical plant, the display of flags, classroom space and other administrative space, laboratory space, and safety, health, and fire inspections.

Arkansas – Not applicable. The state program serves as an online vendor to school divisions.

Colorado – Full-time virtual students will utilize the physical facilities in a school division for the purposes of state testing, tutoring, and for access to technology.

Florida – The school division of the student’s residence must provide testing facilities for state assessments. Students who attend brick-and-mortar schools may enroll part-time to take supplemental courses.

Georgia – Not applicable. The state program serves as an online vendor to school divisions.

Maryland – All of the public school students in the Maryland program still attend a “home” school and therefore continue to utilize a brick and mortar building for instruction.

Massachusetts – Full-time virtual students will utilize the physical facilities in a school division: 1) to talk with administrators; 2) for training, coaching, and tutoring sessions; and 3) to go to centers to take state assessments.

Minnesota – School facilities are not referenced in state law.

Missouri – Full-time virtual students will utilize the physical facilities in a school division for the purpose of state testing.

Pennsylvania – State law provides that school districts may provide cyber charter schools with “reasonable access to its facilities for the administration of standardized tests required...” State law also provides that a cyber charter school maintain administrative offices within the state where student records will be maintained.

Utah – School facilities are not addressed in state law.

Wyoming – School facilities are not referenced in state law.

9. School Attendance/Student Conduct

Virginia – All school-age children enrolled in public school, regardless of whether instruction is delivered in a brick and mortar facility or virtually, are subject to the same compulsory school attendance law.

Arkansas – Not applicable. The state program serves as an online vendor to school divisions.

Colorado – State law provides that “a student who is participating in an online program shall be subject to compulsory school attendance ... and shall be deemed to comply with the compulsory attendance requirements through participation in the online program.” Students are required to login every day. Course completion and login time is determined by local school divisions. The state has encountered issues with truancy and plagiarism in regards to virtual learning.

Florida – Since virtual school students are public school students, state law provides that these students must meet compulsory attendance requirements. There is flexibility in how attendance is reported. Attendance is recorded and monitored by the brick and mortar school for students in supplemental virtual courses. Part-time virtual students’ online courses are

funded based on completions—attendance is not taken. Generally, parents record attendance for those students who are full-time virtual school students and must do so every day that the student is in attendance. This is verified by virtual teachers and administrators through log-ins, work, and assessments completed. Virtual students may work during alternate times outside of the brick and mortar school day so long as the students stay on-track and keep instructors informed.

Georgia – The state’s virtual school serves as an online vendor and school divisions are responsible for supervising and monitoring attendance.

Maryland – Public school students continue to be enrolled in a public school and are subject to the state’s compulsory attendance law. There is also a policy where students will need at least 50 minutes of Internet time every day during school, plus extra time for homework.

Massachusetts – Full-time virtual students are subject to the same compulsory school attendance requirements as ‘brick and mortar’ students.

Minnesota – Students must sign a statement of assurance indicating that they have reviewed and understand expectations of enrollment.

Missouri – Full-time virtual students are allowed to use a ‘rolling enrollment’ process, where they can move on to the next grade level at any time if the previous grade level has been successfully completed. The state has encountered issues with plagiarism in regards to virtual learning.

Pennsylvania – State law provides that attendance at a cyber charter school will satisfy compulsory school attendance requirements. Cyber charter schools must also have policies regarding truancy, absences, and the withdrawal of students and must monitor attendance.

Utah – Online schools must adhere to the same procedures and processes as other public education schools.

Wyoming –All students enrolled in distance education courses satisfy compulsory attendance by completing the milestones outlined in the student’s Distance Learning Plan and are included in the resident district’s average daily membership.