



2021-2022 General Assembly

HOUSE BILL 103: 2022 Appropriations Act, Sec. 7.13: Virtual Education, Remote Academies, and Virtual Charter School Education

Committee:		Date:	August 4, 2022
Introduced by:		Prepared by:	Brian Gwyn Staff Attorney
Analysis of:	Sec. 7.13 of S.L. 2022-74		

OVERVIEW: *Section 7.13 of S.L. 2022-74 does the following:*

- *Repeals the sunset clause for the statute permitting limited virtual instruction during emergency conditions.*
- *Allows all local school administrative unit schools that provided full-time virtual instruction in the 2021-2022 school year to continue providing full-time virtual instruction in the 2022-2023 school year.*
- *Beginning in the 2023-2024 school year, authorizes local school administrative units to establish remote academies that meet certain requirements to provide full-time virtual instruction.*
- *Allows all charter schools that provided full-time virtual instruction in the 2021-2022 school year to continue providing full-time virtual instruction in the 2023-2024 school year.*
- *Transitions the schools in the virtual charter school pilot program from pilot status to complete a 10-year charter, with eligibility for renewal upon expiration.*

Except as otherwise provided, this act became effective July 11, 2022, and applies beginning with the 2022-2023 school year.

CURRENT LAW: S.L. 2021-130 set parameters by which public school units (PSUs), can use remote instruction or planned virtual instruction. Remote instruction was defined as instruction delivered to students in a remote location outside of the school facility either synchronously or asynchronously. Planned virtual instruction referred to instruction provided primarily online with the consent of the student's parent or guardian. For the 2021-2022 school year, PSUs were permitted to do the following:

- Use 5 days or 30 hours of remote instruction in the school calendar to address weather closures and other emergencies if the PSU submitted a remote instruction plan to the State Board of Education (SBE). Certain PSUs with a history of emergency closures were permitted to use up to 15 remote instruction days or 90 remote instruction hours.
- Provide remote instruction during periods necessitated by COVID quarantines and staffing shortages.
- Provide planned virtual instruction to students in virtual schools with the consent of the students' parents or guardians in accordance with a virtual instruction plan submitted to the Department of Public Instruction (DPI).

Following the 2021-2022 school year, PSUs were not permitted to engage in remote or virtual instruction without express authorization from the General Assembly, except for schools that were assigned a school code to operate primarily through virtual instruction as of May 1, 2021.

BILL ANALYSIS: This act sets the parameters by which PSUs can continue to use remote instruction and operate virtual schools or remote academies. Beginning with the 2023-2024 school year, virtual schools must

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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meet additional requirements and reapply as remote academies. PSUs are prohibited from using remote instruction to satisfy the minimum required number of instructional days or hours outside of requirements established by this act.

Remote Instruction – This act extends the authorization beyond the 2021-2022 school year for PSUs to use remote instruction during a limited number of school closures due to weather or other emergencies by repealing the sunset clause of prior authorizing legislation (S.L. 2021-130). PSUs can use five days or 30 hours of remote instruction in the school calendar to address weather closures and other emergencies if the PSU submits a remote instruction plan to the State Board of Education (SBE) by July 1 of each year. PSUs that have received a good cause waiver can use up to 15 remote instruction days or 90 remote instruction hours.

Remote instruction plans must contain required information, including methods of tracking and reporting attendance. The SBE must report annually to the Joint Legislative Education Oversight Committee (JLEOC) with copies of each governing board's remote instruction plan and a summary document with specific information, including the number of remote instruction days used by each PSU.

Virtual Schools – The following virtual schools are authorized to operate for the 2022-2023 school year:

- Virtual schools assigned a school code prior to May 1, 2021.
- Virtual schools that submitted a virtual instruction plan for the 2021-2022 school year.

Remote Academies – Beginning with the 2023-2024 school year, local school administrative units (LEAs) can establish a new type of school of choice called a remote academy. Remote academies will provide instruction primarily online, and will be the only way, other than the limited remote instruction in emergencies, that LEAs will be permitted to provide remote instruction outside of the school facility. LEAs will be able to apply to the SBE for approval of remote academies that meet certain requirements.

Remote academies can only admit students with parental consent. Characteristics for successful remote learning and criteria for admission must be established, but a student cannot be denied admission solely on the basis of being a child with a disability. A remote academy can require students to attend in-person to complete State-mandated assessments or graduation requirements. LEAs will have discretion to reassign students to in-person schools if the local board determines it would better ensure student success. Remote academies must comply with class size requirements and enrollment requirements for assignment of a 12-month principal.

Remote academies will be required to meet all other requirements for LEAs in addition to meeting the following requirements:

- Provide to students:
 - Hardware and software needed to participate, including access to a learning management platform.
 - Access to the internet.
 - Technical support during instructional hours.
 - For children with a disability or 504 plan, any required adaptive or assistive devices, transportation, and in-person services.
- Employ individuals that meet the same licensure requirements as required for other LEA employees and sufficient digital teaching and learning support staff, including an instructional technology facilitator, a school library media coordinator, a data manager, and remote technicians to provide technical support.
- Submit a plan to the SBE that includes information about the remote academy, including:
 - Methods for monitoring compliance with the requirements for the school calendar, enrollment, attendance, course credit accrual, course completion, and progress towards graduation.
 - Measures to ensure that synchronous and asynchronous remote instruction components support learning growth and mastery of the standard course of study.
 - Professional development related to pedagogy of remote instruction.

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- Characteristics of successful remote learning and criteria for admission, and how this information will be shared with parents.
- Hardware, software, and learning management platforms.
- School grades covered, and any school nutrition and transportation services offered.

The SBE will be required to review and approve remote academy plans and approve any further modifications. The SBE will also evaluate the success of remote academies and report on that evaluation annually to the JLEOC, beginning November 15, 2024.

Virtual Instruction for Charter Schools – Charter schools that submitted a virtual instruction plan for the 2021-2022 school year can continue to provide virtual instruction for the 2023-2024 school year (in addition to the authority granted to all PSUs for the 2022-2023 school year, described above). Further, the pilot term for the two virtual charter schools created by the virtual charter school pilot program is extended to a 10-year total term ending with the 2024-2025 school year. Upon the conclusion of the pilot at the end of the 2024-2025 school year, the virtual charters can apply for a 10-year renewal under the charter school statutes.

BACKGROUND: S.L. 2021-130 established a Working Group on Virtual Academies to make recommendations related to virtual academies to the General Assembly. The Working Group report can be found [here](#).

EFFECTIVE DATE: Except as otherwise provided, this act became effective July 11, 2022, and applies beginning with the 2022-2023 school year.

**Kara McCraw, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.*