

**HOUSE . . . . . No. 1960**

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The Commonwealth of Massachusetts

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PRESENTED BY:  
***Martha M. Walz***  
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*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 passage of the accompanying:

An Act relative to virtual public schools.

\_\_\_\_\_  
PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Kevin Aguiar</i>	<i>7th Bristol</i>
<i>William N. Brownsberger</i>	<input type="checkbox"/> <i>[District]</i>
<i>Paul J. Donato</i>	<input type="checkbox"/> <i>35th Middlesex</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

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.