

Your Question:

You asked for information on state policy changes that either facilitate or restrict virtual schooling for next school year.

Our Response:

The initial onset of the COVID-19 pandemic and the shift to virtual learning led states to address issues of broadband and technology access, instructional time and attendance, and school and district remote learning requirements. The use of [CARES Act funds](#) in addition to state appropriations led to the massive expansion of state and local remote learning capabilities. As students transition back to in-person coursework, state legislators have taken various approaches to address online learning following the pandemic.

State legislatures have considered over 300 online learning bills in 2021, in addition to nearly 60 bills addressing virtual charter schools specifically. Of these, 35 online learning bills and six virtual charter school bills have been enacted. Following a major investment in online learning infrastructure, legislators are considering various ways to continue leveraging these resources by supporting student access to virtual opportunities and regulating program quality. In some cases, states have sought to clarify how much virtual instruction is permitted for students in brick-and-mortar schools.

It is important to note that states are also addressing virtual learning through executive action and guidance. Local education agencies may also be using virtual learning opportunities in various ways not captured in state policy. Finally, states differed in their virtual learning infrastructure and policy landscape prior to the pandemic and they continue to approach the issue in distinct ways.

The following legislative examples represent a sampling of remote learning legislation. For the most up to date legislative tracking, please consult our [State Education Policy Tracking](#) tool.

Indiana and Arizona have each addressed limits, access and quality through state legislation.

- **Arizona** builds in flexibility for schools and districts while also limiting virtual instruction. Arizona [H.B. 2862](#) permits districts and schools to utilize alternative instructional time models to satisfy state requirements. Districts or schools must host two public hearings in order to adopt new instructional time models. Approved instructional models may be delivered remotely, through a blended program, or in-person. The bill allows districts and schools to provide remote instruction no more than 50% of total instructional time in the 2021-22 school year and no more than 40% in the 2022-23 school year and beyond without it affecting state funding. If a school goes over the permitted amount of virtual instruction, time over the threshold will be funded at 95% of the base support level.
- **Indiana** has addressed virtual schools and access to virtual learning opportunities in multiple ways. First, [H.B. 1549](#) requires schools to reclassify as a separate virtual school if 30% of students are provided virtual instruction over 50% of the time. The bill also requires the rigor and quality of virtual courses to be on par

with in-person instruction. [H.B. 1001](#) defines virtual instruction and requires the SEA to track the amount being provided in schools to ensure it does not surpass the established threshold for reclassification. Finally, [H.B. 1438](#) establishes additional provisions for the approval of course providers and student participation in the state course access program.

Access to Virtual Instruction

- **Arkansas** [S.B. 158](#) (enacted): Appropriates grant funds to support school and district distance learning infrastructure and operations.
- **Idaho** [H.B. 356](#) (enacted): Requires the Idaho Digital Learning Academy (IDLA) to use state-appropriated funds to provide remedial coursework for students failing to achieve proficiency in one or more areas of Idaho's standards-based tests. It also allows IDLA to provide advanced learning opportunities for students and work with higher education institutions to provide dual credit coursework.
- **Nevada** [S.B. 215](#) (pending): Would require schools to develop a distance learning plan and directs schools to address inequitable access to technology as a part of the program.
- **North Carolina** [H.B. 196](#) (enacted): Increases the enrollment cap for the state's two virtual charter schools for future school years.
- **Utah** [S.B. 226](#) (enacted): Expands the pool of course providers by allowing state board of education-approved online course providers to offer courses through the statewide online program. It also permits the state board to set rules for course approval, approve online courses and set course fees.
- **Utah** [S.B. 234](#) (enacted): Expands the statewide online program to middle school students.
- **West Virginia** [H.B. 2012](#) (enacted): Establishes virtual charter schools in statute and allows them to be authorized by the statewide authorizer and local school boards.
- **Wisconsin** [S.B. 109](#) (enacted): Allows students to attend a fully virtual option offered by a nonresident school board or a charter school located in a nonresident school district under the full-time open enrollment program.

Virtual Instruction Quality

- **Oklahoma** [H.B. 1593](#) (enacted): Amends professional development requirements to require local boards of education to require trainings for teachers emphasizing the importance of digital teaching and learning standards.
- **Utah** [S.B. 148](#) (enacted): Local education agencies offering online courses must provide parents access to the online course learning management system, course curriculum and student progress reports. Online course providers must also offer students and parents training on how to access the learning management system, the course and any tools necessary for instructional delivery.