

## Your Question:

A staff member at a state legislative office asked for a 50-state scan of governance policies for state-operated virtual schools.

## Our Response:

If you haven't already done so, I recommend reviewing the report [Keeping Pace with K-12 Online Learning](#) (Evergreen Education Group, 2016). Some of the information in this document was gathered from this publication, and some was gathered from our own independent policy research. Information about states' online schools begins on page 15 of the report, and information about state oversight and support begins on page 50.

The 2016 "Keeping Pace" report identifies 24 states with state virtual schools. For the most part, state virtual schools serve as intermediaries, meaning they supply access to supplemental coursework to students enrolled in public school districts without providing diplomas. However, the structure of states' virtual schools varies quite widely from one state to the next.

Below are a few common elements in most states' virtual schools.

- All states' schools serve at least grades nine through 12, and many also serve middle school students (grades six or seven through grade eight).
- Many states' virtual schools are housed in the department of education and funded through an appropriation from the legislature or through the state funding formula.
- Many states do not charge tuition or fees to students, but states' virtual schools commonly require school districts to pay tuition for participating students.
- Virtual schools may obtain courses through a variety of sources. Sometimes schools develop their own courses, but they may also access courses from school districts or through contracts with vendors.

Also keep in mind that school districts may also operate virtual schools. More information and examples (Gwinnet County Public Schools in Georgia and Clark County School District in Nevada) start on page 47 of the 2016 "Keeping Pace" report.

## Other State Examples

As mentioned previously, the 2016 "Keeping Pace" report indicates there are 24 states with state virtual schools, although their criteria for what constitutes a state virtual school is not entirely clear. Thus, there are a few additional state examples not included in the report that we highlight below. See pages 55-56 of the 2016 "Keeping Pace" report for state examples from Minnesota and Washington.

## **Texas**

Although not technically listed as a state virtual school, the [Texas Virtual School Network](#) (TVSN) offers online courses and includes two components: a [course catalog](#) of online courses available from school districts, and [full-time virtual](#)

[instruction](#) through approved schools. TVSN is housed in the state department of education. The program receives funding for full-time students through the funding formula. School districts and schools may charge a fee for enrolling in a course through TVSN only under certain circumstances. (Governing statutes: [Tex. Educ. Code Ann. § 30A.001](#) et seq.; more information in the 2016 “Keeping Pace” report, pages 53-54.)

- **Course Catalog:** The course catalog is a compilation of courses approved by the state education department and developed and offered by various school districts and education service centers.
- **Full-Time Virtual Schools:** Students who wish to attend an online school full time may enroll in an approved, accredited school through the Texas Virtual School Network. According to the website, there are currently [five](#) full-time online schools for students who wish to participate.

### Wyoming

In 2017, the legislature passed a bill ([SF 35; bill summary](#)), making changes to the [state’s virtual education program](#), including creating a Virtual Education Advisory Committee. The bill also requires the state superintendent to annually publish a catalog of virtual courses available and the bill outlines provisions related to full-time virtual education students. School districts may make part-time tuition agreements for nonresident students participating in virtual education courses.

State	Name	Grades	Who governs?	Funding	Other Information	Statutes
Alabama	<a href="#">ACCESS Alabama</a>	7-12	State department of education	State funding	<p>The program does not provide diplomas; students receive diplomas from their local school district. The program is a “repository of quality content and curriculum for” school districts. ACCESS is available to school districts at no cost. The 2011 report from the ACCESS Task Force report is available <a href="#">here</a>.</p> <p>2015 legislation (<a href="#">SB 72</a>) requires each school district to adopt a policy to provide virtual education options for eligible students in grades 9-12, including an online pathway for earning a high school diploma.</p>	Ala Code § 16-46a-1 et seq.
Arkansas	<a href="#">Virtual Arkansas</a>	K-12	Partnership between the state <a href="#">department of education</a> and the Arkansas Education Service Cooperative.	Unclear	<p>Provides supplementary coursework and does not grant diplomas.</p> <p>The state’s digital learning programs are governed by the Digital Learning Act of 2013 (<a href="#">HB 1785</a>). School districts must provide at least one digital learning course to their students, and the department of education maintains a <a href="#">list</a> of approved providers. <a href="#">According</a> to the department, Virtual Arkansas is an approved provider.</p>	(Distance Learning Statutes) Ark. Code Ann. § 6-47-201 et seq., § 6-47-301 et seq., § 6-47-401 et seq., § 6-47-501 et seq. Code Ark R. 005.23.13-1.00 et seq.
Colorado	<a href="#">Colorado Digital Learning Solutions</a>	6-12	Nonprofit organization granted a statewide contract	Legislative appropriations for the grant.	The school is a statewide <a href="#">supplemental online program</a> . There are about 85 participating districts in the state. (A list of online charter and districts schools available <a href="#">here</a> .)	Colo. Rev. Stat. Ann. § 22-5-119, § 22-2-130 1 Colo. Code Regs. § 301-73 (Online education:

						Colo. Rev. Stat. Ann. § 22-30.7-101 et seq., 1 Colo. Code Regs. § 301-71)
Florida	<a href="#">Florida Virtual School</a>	K-12	Governed by a board of trustees appointed by the governor. The board is a public agency and a body corporate.	State funding formula. The board may receive supplemental funds and is directed to “aggressively seek avenues to generate revenue to support its future endeavors.”	The school offers full-time and part-time instruction and diplomas. Homeschool students may participate at no cost. The school may create franchise agreements with state districts and school boards.  In <a href="#">Florida</a> , there are also district virtual programs and a virtual charter school.  (See pages 54-55 of the 2016 “ <a href="#">Keeping Pace</a> ” report.)	Fla. Stat. Ann. § 1002.37
Georgia	<a href="#">Georgia Virtual School</a>	6-12	State department of education	Appropriated funds. School districts pay for tuition, materials, and fees up to \$250 per semester per student. Students pay (up to \$250) for courses beyond the maximum allowed number.	Homeschool students may participate at no cost if funds are appropriated. Legislation from 2012 ( <a href="#">SB 289</a> ) requires each school district to provide at least three program options for students in grades 3-12 to participate in part-time and full-time virtual instruction. School districts may facilitate enrollment in the state’s virtual school, among other options.	Ga. Code Ann. § 20-2-319.1, § 20-2-319.4  Ga. Comp. R. & Regs. 160-8-1-.01
Hawaii	<a href="#">Hawaii Virtual Learning Network</a>	7-12	State department of education	Unclear	According to the department’s website, this program is the infrastructure for online learning in public schools. Students enrolled at any state public school can access online courses through the state’s <a href="#">E-School</a> . The Hawaii Virtual Learning Network also offers online professional development courses and technology services and support for schools.	Nothing in state statute or state administrative code

Idaho	<a href="#">Idaho Digital Learning</a>	5-12	Separate governmental entity (“single purpose district”) under the direction of the academy board of directors	Legislative appropriations based on a calculation specified in statute (distributed by the department of education), and school districts course fees.	The school provides supplementary courses. It appears students may enroll in the online school full time, although the school does not grant diplomas. There is no cost to in-state students. Home school students may participate, although it isn’t clear if they pay for classes or not.	Idaho Code Ann. § 33-5501 et seq., § 33-1020 Idaho Admin. Code r. 08.04.01
Illinois	<a href="#">Illinois Virtual School</a>	5-12	Administered by a regional education office (a regional office of education was awarded the contract to manage and operate the school)	Unclear	According to the website, the school provides supplemental online courses.	Nothing in state statute or state administrative code
Iowa	<a href="#">Iowa Learning Online</a>	9-12	Department of education partnership with school districts and accredited private schools	Legislative appropriations. Districts and private schools pay fees established by the department of education.	The school provides supplementary courses. The program utilizes content from a variety of sources, including area districts and the public broadcasting division. Participating districts and private schools submit online curricula for review and the department annually evaluates the course quality. Coursework is provided by teachers who have received specific training in online teaching from various sources. Students in participating private schools may enroll.	Iowa Code Ann. § 256.42  Iowa Admin. Code r. 281-15.10 et seq.
Michigan	<a href="#">Michigan Virtual School</a>	6-12	The Michigan Virtual School is operated by the Michigan Virtual University (MVU).  MVU includes a president and Board of Directors. The MI Virtual University is required to submit a budget to the legislature and Dept of Education.		Students may enroll in up to two online courses during the academic term or more if parents and school leadership consent.	Mich. Comp. Laws Ann. § 388.1698(1), (10); § 388.1621f

			General Fund money is appropriated each year.			
Mississippi	<a href="#">Mississippi Virtual Public School</a>	9-12	State department of education	“Costs associated with the school must be shared by the department of education – subject to appropriation – and/or the local school districts.”	Provides tuition-free supplementary online courses. Administered through a <a href="#">department of education</a> contract with <a href="#">Connections Academy</a> and available to students statewide. Students are limited to two Carnegie units per school year. Home school and private school students may participate through private foundation support.	Miss. Code Ann. § 37-161-3  Code Miss. R. 7-1-38, R. 7-3:56.1
Missouri	<a href="#">Missouri Virtual Instructional Program</a>	K-12	State department of education	Legislative appropriation based on the funding formula. The department provides virtual schools with 85 percent of the state’s per-pupil amount for the student; districts receive 15 percent.	The program provides supplementary online courses from multiple content providers. The state will pay for up to six credits per term, and students may enroll in more courses if they pay tuition. Students in a low-performing district may enroll in the virtual school full time at the resident district’s expense.	Mo. Ann. Stat. § 161.670, § 167.121  5 Mo. Code Regs. Ann. 20-100.230
Montana	<a href="#">Montana Digital Academy</a>	6-12	Part of the state university system and governed by a board	Legislative appropriations and school districts fees for enrolled students.	Students do not pay fees for classes required for graduation. Unclear if the program provides supplementary courses or can grant a diploma.	Mont. Code Ann. § 20-7-1201 et seq.
New Hampshire	<a href="#">Virtual Learning Academy Charter School</a>	6-12	The Virtual Charter School is created through the state charter school statute. The State Board of Education reviews applications and approves chartered public schools.	NH students attend for free and out of state residents pay tuition.  The state will pay tuition based on ADMA (average daily membership attendance) per pupil funding (currently,	The Virtual Learning Academy is a diploma-granting public school.	N.H. Rev. Stat. § 194-B:3-a, § 194-B:11(B)

				3,561.27) plus an additional grant of \$2,036 directly to the Academy for each eligible full time enrolled student.  Statute provides a formula for adjusting the per pupil additional grant amount for subsequent years.		
New Mexico	<a href="#">IDEAL – New Mexico</a>	6-12	The “statewide cyber academy” program is housed within the Department of Education.	The cyber academy shall provide for reasonable and equitable means to allocate the costs of distance learning courses among the statewide cyber academy, course providers, and school districts with students enrolled.	The academy uses a single statewide service center and several regional hosts to provide distance learning courses.  Priority for distance learning courses is given to students who have the greatest need because of geographic location or circumstances in which a school district has difficulty delivering essential course instruction due to financial constraints or lack of qualified teachers.  Student must be enrolled in the public school or state supported school to enroll in a distance learning course. A home school student may participate by enrolling in one-half or more of the minimum course requirements for public school students or by paying an additional fee.	N.M. Stat. Ann. § 22-30-3, § 22-30-6
North Carolina	<a href="#">North Carolina Virtual Public School</a>	6-12	Session Laws states the school reports to the State Board of Education with an administrative office at the	Session Laws include a detailed formula for NCVPS based on per course teacher pay and		Session Law 2011-145 (Section 7.22 (a-d))

			Department of Public Instruction.	projected enrollment by course type.		
North Dakota	<a href="#">North Dakota Center for Distance Education</a>	6-12	All activities related to the center for distance education (NDCDE) are under the supervision of the educational technology council. The council hires a state director to carry out the administration of the center.	In addition to general fund appropriations, a special operating fund in the state treasury maintains all income and fees collected by the center.	Students may earn a diploma from NDCDE.  The council may also establish a scholarship fund for students enrolled in courses from the center.	N.D. Cent. Code Ann. §15-19-02, § 15-19-06
Oregon	<a href="#">Oregon Virtual School District</a>	6-12	The Oregon Virtual School District (OVSD) is created within the Department of Education. The Superintendent of Public Instruction may contract with education service districts, school districts, public charter schools, community colleges and public universities to provide online courses through the virtual school.  The State Board of Education can adopt rules for the administration of the School District.	The State Treasury maintains the Oregon Virtual School District Fund separate from the General Fund. All money in the fund is appropriated to the Dept of Ed for the administration of the virtual school.	<a href="#">OVSD</a> is a collection of distance learning (virtual) programs but is not an entity that grants credits or diplomas.	Or. Rev. Stat. Ann. § 336.851
South Carolina	<a href="#">VirtualSC</a>	6-12	School is housed in and managed by the State Department of Education.	The VirtualSC implementation is contingent upon the appropriation of funds by the General Assembly.	Virtual education program cannot award a South Carolina high school diploma.	S.C. Code Ann. § 59-16-20 (A), § 59-16-80

Utah	<a href="#">Utah Statewide Online Education Program (SOEP)</a>	6-12	SOEP is controlled by the Utah Board of Education pursuant to the Utah Constitution which vests control of public education in the Board.  The state Superintendent can investigate complaints and impose sanctions.	The State Board of Education will deduct money from funds allocated to the student's primary LEA of enrollment to pay for online course fees.	<a href="#">SOEP</a> allows students to take up to 6.0 credits online per academic year. A student could take all 24 credits required for graduation online.  A counselor designated by the student's primary school of enrollment will review the students CCA (course credit acknowledgement) to ensure consistency with graduation requirements.	Utah Code Ann. § 53A-15-1203, § 1204, § 1207  Utah Admin. Code. r. R277-726.3
Vermont	<a href="#">Vermont Virtual Learning Cooperative</a>	7-12	Unclear	Unclear		Nothing in state statute or state administrative code
Virginia	<a href="#">Virtual Virginia</a>	6-12	The state online school is housed in the Department of Education. The Superintendent of Public Instruction is charged with developing model policies and procedures regarding student's access to online learning programs.	Students within a school division are not charged tuition for online courses, students outside the school division may be charged.  The legislature must appropriate funds to the Dept of Ed for the Virtual Virginia Program.	Virtual Virginia only offers supplemental online courses.  School districts <a href="#">may offer online instruction</a> to students in multiple districts using an approved provider.  The legislature created the <a href="#">Virtual Learning Advisory Committee</a> in 2014 to oversee virtual learning activities in the state ( <a href="#">HB 1115</a> ). The legislature passed a bill in 2016 that would have created an oversight board for the virtual school ( <a href="#">HB 8</a> ), but that measure was vetoed.	Va. Code Ann. § 22.1-212.25 (A.), § 22.1-212.27, § 22.1-212.2
West Virginia	<a href="#">West Virginia Virtual School</a>	6-12	The West Virginia virtual school is located within the office of technology and information systems within the West Virginia Department of Education.	Tuition for virtual courses is paid by the WV Virtual School with some stipulations. The county incurs no expense for the first ten students in the same	The WVVS is intended to be a supplemental option for students to take courses not offered in their local schools.  Students may not be enrolled in more than two virtual courses at a time unless the	W.Va.Code Ann. § 18-2E-9 (7)(b)

				course in the same school (e.g., the first ten students in Algebra II) per year. The county is responsible for providing any textbooks and/or lab materials required by virtual courses.	county or parent is willing to assume the expense of additional courses.	
Wisconsin	<a href="#">Wisconsin Virtual School</a>	6-12	<p>The State Superintendent of Public Instruction within the Department of Public Instruction is charged with making online courses available through a statewide web academy.</p> <p>Currently, the Wisconsin Virtual School is operated out of CESA 9 (Cooperative Education Service Agency 9). CESAs are designed to serve as a link between school districts and the state.</p>	<a href="#">WVS</a> bills the district for the student's course approximately one month after enrollment activation.	<p>The <a href="#">WVS</a> is a blended learning supplemental program that partners with school districts throughout Wisconsin.</p> <p>Wisconsin also includes statutory language on 'virtual charter school' requirements (Wis. Stat. Ann. § 118.40 (8)).</p>	Wis. Stat. Ann. § 115.28 (53), § 116.01