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CHAMBER ACTION

Senate

House

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Floor: 3/AD/2R
4/29/2008 4:06 PM

1 Senator Wise moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete line(s) 36-151

5 and insert:

6 Section 1. Section 1002.45, Florida Statutes, is created to
7 read:

8 1002.45 School district virtual instruction programs.--

9 (1) PROGRAM.--Beginning with the 2008-2009 school year,

10 each school district shall provide students the option of
11 participating in virtual instruction if they wish to do so. An
12 eligible student must be a full-time student in the school
13 district based on the student's enrollment in virtual courses or
14 a combination of virtual courses and standard district courses.

15 The purpose of the program is to make academic instruction
16 available to full-time school district students who use online
17 and distance learning technology and who are not taught in the



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18 traditional classroom. Each school district may implement its
19 program through approved district-operated programs or programs
20 by contracted providers approved by the Department of Education
21 under subsection (2). School districts may participate in multi-
22 district contractual arrangements to provide such programs. A
23 school district and a charter school may enter into a joint
24 agreement for charter school students to participate in an
25 approved district virtual instruction program or enter into a
26 district contract with an approved virtual instruction provider.

27 (2) PROVIDER QUALIFICATIONS.--On or before March 1, 2009,
28 and annually thereafter, the department shall review and approve
29 district-operated virtual programs. To be approved by the
30 department, a contract provider must annually document that it:

31 (a) Is nonsectarian in its programs, admission policies,
32 employment practices, and operations;

33 (b) Complies with the antidiscrimination provisions of s.
34 1000.05;

35 (c) Locates an administrative office or offices in this
36 state, requires its administrative staff to be state residents,
37 and requires all instructional staff members to be Florida-
38 certified teachers;

39 (d) Possesses prior, successful experience offering online
40 courses to elementary, middle, or high school students;

41 (e) Is accredited by the Commission on Colleges of the
42 Southern Association of Colleges and Schools, the Middle States
43 Association of Colleges and Schools, the North Central
44 Association of Colleges and Schools, or the New England
45 Association of Colleges and Schools; and

46 (f) Complies with all requirements under this section.
47



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48 The Florida Virtual School established under s. 1002.37 and the
49 K-8 Virtual School Program approved under s. 1002.415, which
50 provided virtual instruction during 2007-2008, are not subject to
51 the provider qualifications of this subsection. The department
52 may approve other providers who meet the requirements of this
53 subsection prior to August 1, 2008.

54 (3) SCHOOL DISTRICT VIRTUAL INSTRUCTION REQUIREMENTS.--Each
55 virtual instruction program operated or contracted by a school
56 district must:

57 (a) Require all instructional staff to be certified
58 professional educators under chapter 1012.

59 (b) Conduct a background screening of all employees or
60 contracted personnel, as required by s. 1012.32, using state and
61 national criminal history records.

62 (c) Align virtual course curriculum and course content to
63 the Sunshine State Standards under s. 1003.41.

64 (d) Offer instruction that is designed to enable a student
65 to gain proficiency in each virtually delivered course of study.

66 (e) Provide each student enrolled in the program with all
67 the necessary instructional materials.

68 (f) Provide, when appropriate, each household having a
69 full-time student enrolled in the program with:

70 1. All the necessary equipment necessary for participants
71 in the school district virtual instruction program, including,
72 but not limited to, a computer, computer monitor, and printer;
73 and

74 2. Access to or reimbursement for all Internet services
75 necessary for online delivery of instruction.

76 (g) Not require tuition or student registration fees.



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77 (4) PROGRAM CAPACITY; ENROLLMENT.--Beginning with the 2010-
78 2011 school year, except for courses offered by the Florida
79 Virtual School under s. 1002.37, a school district may not
80 increase the enrollment for a virtual education program in excess
81 of its prior school year enrollment unless the program is
82 designated with a grade of "C," making satisfactory progress, or
83 better under the school grading system provided in s. 1008.34.

84 (5) STUDENT ELIGIBILITY.--Enrollment in a school district
85 virtual instruction program is open to any student residing
86 within the district's attendance area if the student meets at
87 least one of the following conditions:

88 (a) The student has spent the prior school year in
89 attendance at a public school in this state and was enrolled and
90 reported by a public school district for funding during the
91 preceding October and February for purposes of the Florida
92 Education Finance Program surveys; however, a student who is a
93 dependent child of a member of the United States Armed Forces who
94 was transferred within the last 12 months to this state from
95 another state or from a foreign country pursuant to the parent's
96 permanent change of station orders is not required to have been
97 enrolled and reported for funding during the preceding school
98 year; or

99 (b) The student was enrolled during the prior school year
100 in a school district virtual instruction program under this
101 section or a K-8 Virtual School Program under s. 1002.415.

102 (6) STUDENT PARTICIPATION REQUIREMENTS.--Each student
103 enrolled in a school district virtual instruction program must:

104 (a) Comply with the compulsory attendance requirements of
105 s. 1003.21. Student attendance must be verified by the school
106 district.



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107 (b) Take state assessment tests within the school district
108 where such student resides, which must provide the student with
109 access to the district's testing facilities.

110 (7) FUNDING.--

111 (a) For purposes of a district virtual instruction program,
112 "full-time equivalent student" has the same meaning as provided
113 in s.1011.61(1)(c)1.b.(III) or (IV).

114 (b) The school district shall report full-time equivalent
115 students for the school district virtual instruction program to
116 the department only in a manner prescribed by the department, and
117 funding shall be provided through the Florida Education Finance
118 Program.

119 (c) For 2008-2009, school district virtual instruction
120 program courses provided for students in grades 9 through 12 are
121 limited to the following: Department of Juvenile Justice
122 programs, credit recovery, alternative schools, and drop-out
123 prevention.

124 (8) ASSESSMENT AND ACCOUNTABILITY.--

125 (a) With the exception of the programs offered by the
126 Florida Virtual School under s. 1002.37, each school district
127 virtual instruction program must:

128 1. Participate in the statewide assessment program under s.
129 1008.22 and in the state's education performance accountability
130 system under s. 1008.31.

131 2. Receive a school grade as provided in s. 1008.34. A
132 school district virtual instruction program shall be considered a
133 school under s. 1008.34 for purposes of this section, regardless
134 of the number of individual providers participating in the
135 district's program.



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136 (b) A program that is designated with a grade of "D,"
137 making less than satisfactory progress, or "F," failing to make
138 adequate progress, must file a school improvement plan with the
139 department for consultation to determine the causes for low
140 performance and to develop a plan for correction and improvement.

141 (c) The school district shall terminate its program or its
142 provider's contract for any program that is designated with the
143 grade of "D," making less than satisfactory progress, or "F,"
144 failing to make adequate progress, for 2 years during any
145 consecutive 4-year period.

146 (d) A school district virtual instruction program must have
147 a sufficient number of students enrolled in each grade for a
148 grade to be assigned to the program pursuant to s. 1008.34 and
149 State Board of Education rule.

150 (e) If the district uses multiple providers, the district
151 may choose to terminate the lowest performing providers.

152 (9) EXCEPTIONS.--A provider of digital or online content of
153 curriculum that is used to supplement the instruction of students
154 who are not enrolled in a virtual instruction program under this
155 section is not required to meet the requirements of this section.

156 (10) RULES.--The State Board of Education shall adopt rules
157 under ss. 120.536(1) and 120.54 to administer this section.

158
159 ===== T I T L E A M E N D M E N T =====

160 And the title is amended as follows:

161 Delete line(s) 2-30

162 and insert:

163 An act relating to virtual instruction programs; creating
164 s. 1002.45, F.S.; requiring a school district to provide a
165 student the option of participating in virtual instruction



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166 | if certain requirements are met; providing a purpose;
167 | authorizing a school district to implement virtual
168 | instruction programs by approved district-operated
169 | programs or programs provided by contracted providers if
170 | approved by the Department of Education; authorizing a
171 | school district to participate in multi-district
172 | contractual arrangements; authorizing a school district
173 | and a charter school to enter into a joint agreement for
174 | charter school students to participate in an approved
175 | district virtual instruction program or a contract with an
176 | approved virtual instruction provider; requiring the
177 | department to review and approve district-operated virtual
178 | programs on an annual basis; requiring contract providers
179 | to meet certain qualifications; providing an exemption
180 | from such qualifications for the Florida Virtual School
181 | and the K-8 Virtual School Program; requiring each virtual
182 | instruction program operated or contracted by a school
183 | district to meet certain requirements; prohibiting a
184 | school district from increasing its enrollment in a
185 | virtual education program in excess of the prior year's
186 | enrollment unless the program achieves a certain
187 | performance grade under the school grading system;
188 | providing an exemption for such prohibition for the
189 | Florida Virtual School; requiring students enrolled in a
190 | virtual instruction program to meet certain requirements
191 | to participate in such program, except a dependent child
192 | of a member of the United States Armed Forces under
193 | certain circumstances; defining the term "full-time
194 | equivalent student"; providing that full-time equivalent
195 | students participating in a school district's virtual



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196 | instruction program be funded through the Florida
197 | Education Finance Program; requiring that a program
198 | provider participate in the statewide assessment program
199 | and education performance accountability system and meet a
200 | certain performance grade; providing that certain
201 | providers are exempt from the act; requiring the State
202 | Board of Education to adopt rules; amending s. 1011.61,
203 | F.S.; revising the definition