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602-06047B-08

Proposed Committee Substitute by the Committee on Education Pre-K
- 12 Appropriations

1 A bill to be entitled

2 An act relating to virtual instruction programs; creating
3 s. 1002.45, F.S.; authorizing a school district to offer
4 courses by virtual instruction to students meeting certain
5 conditions; providing a purpose; authorizing a school
6 district to implement virtual instruction programs by
7 approved district-operated programs or programs provided
8 by contracted providers if approved by the Department of
9 Education; authorizing a school district to participate in
10 multi-district contractual arrangements; requiring the
11 department to review and approve district-operated virtual
12 programs on an annual basis; requiring contract providers
13 to meet certain qualifications; requiring each virtual
14 instruction program operated or contracted by a school
15 district to meet certain requirements; prohibiting a
16 school district from increasing its enrollment in a
17 virtual education program in excess of the prior year's
18 enrollment unless the program achieves a certain
19 performance grade under the school grading system;
20 requiring students enrolled in a virtual instruction
21 program to meet certain requirements to participate in
22 such program; defining the term "full-time equivalent
23 student"; providing that full-time equivalent students
24 participating in a school district's virtual instruction
25 program be funded through the Florida Education Finance
26 Program; requiring that a program provider participate in
27 the statewide assessment program and education performance



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28 | accountability system and meet a certain performance
29 | grade; requiring the State Board of Education to adopt
30 | rules; amending s. 1011.61, F.S.; revising the definition
31 | of "full-time equivalent" student to conform to changes
32 | made by the act; providing an effective date.

33 |
34 | Be It Enacted by the Legislature of the State of Florida:

35 |
36 | Section 1. Section 1002.45, Florida Statutes, is created to
37 | read:

38 | 1002.45 School district virtual instruction programs.--

39 | (1) PROGRAM.--Beginning with the 2009-2010 school year,
40 | each school district in the state may offer courses by virtual
41 | instruction. An eligible student must be a full-time student in
42 | the school district based on the student's enrollment in virtual
43 | courses or a combination of virtual courses and standard district
44 | courses. The purpose of the program is to make academic
45 | instruction available to full-time school district students who
46 | use online and distance learning technology. Each school district
47 | may implement its program through approved district-operated
48 | programs or programs by contracted providers approved by the
49 | Department of Education under subsection (2). School districts
50 | may participate in multi-district contractual arrangements to
51 | provide such programs.

52 | (2) PROVIDER QUALIFICATIONS.--On or before March 1, 2009,
53 | and annually thereafter, the department shall review and approve
54 | district-operated virtual programs. Approved contract providers
55 | include schools approved to provide virtual instruction pursuant
56 | to s. 1002.37 or s. 1002.415, and other providers approved by the
57 | department. To be approved by the department, a contract provider



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58 must annually document that it:

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

61 (b) Complies with the antidiscrimination provisions of s.
62 1000.05;

63 (c) Locates its administrative office in this state and
64 requires its administrative and instructional staff members to be
65 state residents;

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

68 (e) Is accredited by the Commission on Colleges of the
69 Southern Association of Colleges and Schools, the Middle States
70 Association of Colleges and Schools, the North Central
71 Association of Colleges and Schools, or the New England
72 Association of Colleges and Schools; and

73 (f) Complies with all requirements under this section.

74 (3) SCHOOL DISTRICT VIRTUAL INSTRUCTION REQUIREMENTS.--Each
75 virtual instruction program operated or contracted by a school
76 district must:

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

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

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

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

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



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

90 1. All the necessary equipment necessary for participants
91 in the school district virtual instruction program, including,
92 but not limited to, a computer, computer monitor, and printer;
93 and

94 2. Access to or reimbursement for all Internet services
95 necessary for online delivery of instruction.

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

97 (4) PROGRAM CAPACITY; ENROLLMENT.--Beginning with the 2010-
98 2011 school year, a school district may not increase the
99 enrollment for a virtual education program in excess of its prior
100 school year enrollment unless the program is designated with a
101 grade of "C," making satisfactory progress, or better under the
102 school grading system provided in s. 1008.34.

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

107 (a) The student has spent the prior school year in
108 attendance at a public school in this state and was enrolled and
109 reported by a public school district for funding during the
110 preceding October and February for purposes of the Florida
111 Education Finance Program surveys; or

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

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

117 (a) Comply with the compulsory attendance requirements of



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118 s. 1003.21. Student attendance must be verified by the school
119 district.

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

123 (7) FUNDING.--

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

127 (b) The school district shall report full-time equivalent
128 students for the school district virtual instruction program to
129 the department only in a manner prescribed by the department, and
130 funding shall be provided through the Florida Education Finance
131 Program.

132 (8) ASSESSMENT AND ACCOUNTABILITY.--

133 (a) Each school district virtual instruction program
134 provider must:

135 1. Participate in the statewide assessment program under s.
136 1008.22 and in the state's education performance accountability
137 system under s. 1008.31.

138 2. Receive a school grade as provided in s. 1008.34.

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

144 (c) The school district shall terminate its program or its
145 provider's contract for any program that is designated with the
146 grade of "D," making less than satisfactory progress, or "F,"
147 failing to make adequate progress, for 2 years during any



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148 consecutive 4-year period.

149 (9) RULES.--The State Board of Education shall adopt rules
150 under ss. 120.536(1) and 120.54 to administer this section.

151 Section 2. Paragraph (c) of subsection (1) of section
152 1011.61, Florida Statutes, is amended to read:

153 1011.61 Definitions.--Notwithstanding the provisions of s.
154 1000.21, the following terms are defined as follows for the
155 purposes of the Florida Education Finance Program:

156 (1) A "full-time equivalent student" in each program of the
157 district is defined in terms of full-time students and part-time
158 students as follows:

159 (c)1. A "full-time equivalent student" is:

160 a. A full-time student in any one of the programs listed in
161 s. 1011.62(1)(c); or

162 b. A combination of full-time or part-time students in any
163 one of the programs listed in s. 1011.62(1)(c) which is the
164 equivalent of one full-time student based on the following
165 calculations:

166 (I) A full-time student, except a postsecondary or adult
167 student or a senior high school student enrolled in adult
168 education when such courses are required for high school
169 graduation, in a combination of programs listed in s.
170 1011.62(1)(c) shall be a fraction of a full-time equivalent
171 membership in each special program equal to the number of net
172 hours per school year for which he or she is a member, divided by
173 the appropriate number of hours set forth in subparagraph (a)1.
174 or subparagraph (a)2. The difference between that fraction or sum
175 of fractions and the maximum value as set forth in subsection (4)
176 for each full-time student is presumed to be the balance of the
177 student's time not spent in such special education programs and



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178 shall be recorded as time in the appropriate basic program.

179 (II) A prekindergarten handicapped student shall meet the
180 requirements specified for kindergarten students.

181 (III) A full-time equivalent student for students in grades
182 K-8 in a school district virtual instruction program as provided
183 in s. 1002.45 shall consist of a student who has successfully
184 completed a basic program listed in s. 1011.62(1)(c)1.a. or b.,
185 and who is promoted to a higher grade level.

186 (IV) A full-time equivalent student for students in grades
187 9-12 in a school district virtual instruction program as provided
188 in s. 1002.45 shall consist of six full credit completions in
189 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions
190 can be a combination of either full credits or half credits.

191 (V)~~(III)~~ A Florida Virtual School full-time equivalent
192 student shall consist of six full credit completions in the
193 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions
194 can be a combination of either full credits or half credits.

195 2. A student in membership in a program scheduled for more
196 or less than 180 school days is a fraction of a full-time
197 equivalent membership equal to the number of instructional hours
198 in membership divided by the appropriate number of hours set
199 forth in subparagraph (a)1.; however, for the purposes of this
200 subparagraph, membership in programs scheduled for more than 180
201 days is limited to students enrolled in juvenile justice
202 education programs and the Florida Virtual School.

203
204 The department shall determine and implement an equitable method
205 of equivalent funding for experimental schools and for schools
206 operating under emergency conditions, which schools have been
207 approved by the department to operate for less than the minimum



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208 | school day.

209 | Section 3. This act shall take effect July 1, 2008.