

By the Committee on Education Pre-K - 12 Appropriations; and
Senator Wise

602-06510-08

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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
28 accountability system and meet a certain performance
29 grade; requiring the State Board of Education to adopt

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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.

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

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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
58 must annually document that it:

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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 an administrative office or offices in this
64 state, requires its administrative staff to be state residents,
65 and requires all instructional staff members to be Florida-
66 certified teachers;

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

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

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

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

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

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

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

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

87 (e) Provide each student enrolled in the program with all

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88 the necessary instructional materials.

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

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

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

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

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

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

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

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

116 (6) STUDENT PARTICIPATION REQUIREMENTS.--Each student

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117 enrolled in a school district virtual instruction program must:

118 (a) Comply with the compulsory attendance requirements of
119 s. 1003.21. Student attendance must be verified by the school
120 district.

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

124 (7) FUNDING.--

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

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

133 (8) ASSESSMENT AND ACCOUNTABILITY.--

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

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

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

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

145 (c) The school district shall terminate its program or its

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146 provider's contract for any program that is designated with the
147 grade of "D," making less than satisfactory progress, or "F,"
148 failing to make adequate progress, for 2 years during any
149 consecutive 4-year period.

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

152 Section 2. Paragraph (c) of subsection (1) of section
153 1011.61, Florida Statutes, is amended to read:

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

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

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

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

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

167 (I) A full-time student, except a postsecondary or adult
168 student or a senior high school student enrolled in adult
169 education when such courses are required for high school
170 graduation, in a combination of programs listed in s.
171 1011.62(1)(c) shall be a fraction of a full-time equivalent
172 membership in each special program equal to the number of net
173 hours per school year for which he or she is a member, divided by
174 the appropriate number of hours set forth in subparagraph (a)1.

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175 or subparagraph (a)2. The difference between that fraction or sum
176 of fractions and the maximum value as set forth in subsection (4)
177 for each full-time student is presumed to be the balance of the
178 student's time not spent in such special education programs and
179 shall be recorded as time in the appropriate basic program.

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

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

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

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

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

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

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