

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Pickens offered the following:

2
3 **Amendment to Senate Amendment (034724) (with title**
4 **amendment)**

5 Remove lines 67-228 and insert:

6 (1) PROGRAM.--

7 (a) Beginning with the 2009-2010 school year, each school
8 district shall provide students the option of participating in a
9 virtual instruction program. The purpose of the program is to
10 make virtual instruction available to full-time students in the
11 school district based on the student's enrollment in full-time
12 virtual courses in kindergarten through grade 8 or in full-time
13 or part-time virtual courses in grades 9 through 12 as
14 authorized in paragraph (7) (c).

15 (b) Each school district's virtual instruction program may
16 consist of one or more schools that are operated by the district

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17 or by contracted providers approved by the Department of
18 Education under subsection (2). School districts may participate
19 in multi-district contractual arrangements, which may include
20 contracts executed by a regional consortium for its member
21 districts, to provide such programs.

22 (c)1. A charter school may enter into a joint agreement
23 with the school district in which it is located for the charter
24 school's students to participate in an approved district virtual
25 instruction program.

26 2. If a charter school does not want to participate in the
27 school district virtual instruction program under subparagraph
28 1., the charter school may submit a request to the Commissioner
29 of Education for participation by its students in the K-8
30 Virtual School Program under s. 1002.415.

31 (2) PROVIDER QUALIFICATIONS.--On or before March 1, 2009,
32 and annually thereafter, the department shall provide school
33 districts with a list of providers approved to offer virtual
34 instruction. To be approved by the department, a contract
35 provider must annually document that it:

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

38 (b) Complies with the antidiscrimination provisions of s.
39 1000.05;

40 (c) Locates an administrative office or offices in this
41 state, requires its administrative staff to be state residents,
42 and requires all instructional staff members to be Florida-
43 certified teachers;

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

46 (e) Utilizes an instructional model that relies on
47 certified teachers, not parents, to provide at least 85 percent
48 of the instruction to the student;

49 (f) Is accredited by the Commission on Colleges of the
50 Southern Association of Colleges and Schools, the Middle States
51 Association of Colleges and Schools, the North Central
52 Association of Colleges and Schools, or the New England
53 Association of Colleges and Schools; and

54 (g) Complies with all requirements under this section.

55
56 Notwithstanding this subsection, approved providers of virtual
57 instruction shall include the Florida Virtual School established
58 under s. 1002.37 and providers that operate under s. 1002.415.

59 (3) SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM
60 REQUIREMENTS.--Each virtual instruction program operated or
61 contracted by a school district must:

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

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

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

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

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

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

75 1. All equipment necessary for participants in the school
76 district virtual instruction program, including, but not limited
77 to, a computer, computer monitor, and printer; and

78 2. Access to or reimbursement for all Internet services
79 necessary for online delivery of instruction.

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

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

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

93 (a) The student has spent the prior school year in
94 attendance at a public school in this state and was enrolled and
95 reported by a public school district for funding during the
96 preceding October and February for purposes of the Florida
97 Education Finance Program surveys.

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98 (b) The student is a dependent child of a member of the
99 United States Armed Forces who was transferred within the last
100 12 months to this state from another state or from a foreign
101 country pursuant to the parent's permanent change of station
102 orders.

103 (c) The student was enrolled during the prior school year
104 in a school district virtual instruction program under this
105 section or a K-8 Virtual School Program under s. 1002.415.

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

108 (a) Comply with the compulsory attendance requirements of
109 s. 1003.21. Student attendance must be verified by the school
110 district.

111 (b) Take state assessment tests within the school district
112 in which such student resides, which must provide the student
113 with access to the district's testing facilities.

114 (7) FUNDING.--

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

118 (b) The school district shall report full-time equivalent
119 students for the school district virtual instruction program and
120 for a charter school's students who participate under paragraph
121 (1)(c) to the department only in a manner prescribed by the
122 department, and funding shall be provided through the Florida
123 Education Finance Program.

124 (c) Full-time or part-time school district virtual
125 instruction program courses provided under this section for

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126 students in grades 9 through 12 are limited to Department of
127 Juvenile Justice programs and dropout prevention programs.

128 (d) If a charter school's students participate in the K-8
129 Virtual School Program under subparagraph (1)(c)2., the school
130 district shall remit payment to the provider instructing the
131 students in the amount per full-time equivalent student
132 established in the General Appropriations Act pursuant to s.
133 1002.415(6)(a). Any funds received in excess of such amount
134 shall be retained by the school district reporting the charter
135 school's full-time equivalent students under paragraph (b).

136 (8) ASSESSMENT AND ACCOUNTABILITY.--

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

140 1. Participate in the statewide assessment program under
141 s. 1008.22 and in the state's education performance
142 accountability system under s. 1008.31.

143 2. Receive a school grade as provided in s. 1008.34. A
144 school district virtual instruction program shall be considered
145 a school under s. 1008.34 for purposes of this section,
146 regardless of the number of individual providers participating
147 in the district's program.

148 (b) The performance of part-time students under paragraph
149 (7)(c) shall not be included for purposes of school grading
150 under subparagraph (a)2.; however, their performance shall be
151 included for school grading purposes by the nonvirtual school
152 providing the student's primary instruction.

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153 (c) A program that is designated with a grade of "D,"
154 making less than satisfactory progress, or "F," failing to make
155 adequate progress, must file a school improvement plan with the
156 department for consultation to determine the causes for low
157 performance and to develop a plan for correction and
158 improvement.

159 (d) The school district shall terminate its program,
160 including all contracts with providers for such program, if the
161 program receives a grade of "D," making less than satisfactory
162 progress, or "F," failing to make adequate progress, for 2 years
163 during any consecutive 4-year period. If a contract is not
164 renewed or is terminated, the contracted provider is responsible
165 for all debts of the program or school operated by the provider.

166 (e) A school district that terminates its program under
167 paragraph (d) shall contract with a provider selected and
168 approved by the department for the provision of virtual
169 instruction until the school district receives approval from the
170 department to operate a new school district virtual instruction
171 program.

172 (f) A school district virtual instruction program must
173 have a sufficient number of students enrolled in each grade for
174 a grade to be assigned to the program pursuant to s. 1008.34 and
175 State Board of Education rule.

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

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181 (10) MARKETING.--Any information provided by a school
182 district to parents and students regarding the school district's
183 virtual instruction program must include information about
184 opportunities available at, and the parent's and student's right
185 to access courses offered by, the Florida Virtual School under
186 s. 1002.37.

187 (11) 2008-2009 SCHOOL DISTRICT VIRTUAL INSTRUCTION
188 PROGRAM.--For the 2008-2009 school year, each school district in
189 the state may offer a school district virtual instruction
190 program to provide full-time virtual courses in kindergarten
191 through grade 8 or to provide full-time or part-time virtual
192 courses in grades 9 through 12 as authorized in paragraph
193 (7) (c). Such program may be operated or contracted as provided
194 under paragraph (1) (b) and must comply with all requirements of
195 this section, except that contracts under this subsection may
196 only be issued for virtual courses in kindergarten through grade
197 8 to providers operating under s. 1002.415 or for virtual
198 courses in grades 9 through 12 as authorized under paragraph
199 (7) (c) to providers who contracted with a regional consortium in
200 the 2007-2008 school year to provide such services.

201 (12) RULES.--The State Board of Education shall adopt rules
202 necessary to administer this section, including rules that
203 prescribe school district and charter school reporting
204 requirements.

205 Section 5. Subsection (14) of section 1003.01, Florida
206 Statutes, is amended to read:

207 1003.01 Definitions.--As used in this chapter, the term:

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208 (14) "Core-curricula courses" means courses defined by the
 209 Department of Education as mathematics, language arts/reading,
 210 science, social studies, foreign language, English for Speakers
 211 of Other Languages, exceptional student education, and courses
 212 taught in traditional self-contained elementary school
 213 classrooms. The term is limited in meaning and used for the sole
 214 purpose of designating classes that are subject to the maximum
 215 class size requirements established in s. 1, Art. IX of the
 216 State Constitution. This term does not include courses offered
 217 under ss. 1002.37, 1002.415, and 1002.45.

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 220 **T I T L E A M E N D M E N T**

221 Remove lines 300-336 and insert:

222 provide students the option of participating in a virtual
 223 instruction program beginning with the 2009-2010 school year;
 224 providing a purpose; authorizing a school district to implement
 225 virtual instruction programs through district-operated programs
 226 or programs provided by contracted providers approved by the
 227 Department of Education; authorizing a school district to
 228 participate in multi-district contractual arrangements;
 229 authorizing a charter school to enter into a joint agreement for
 230 charter school students to participate in an approved district
 231 virtual instruction program or to request participation in the
 232 K-8 Virtual School Program; requiring contract providers to meet
 233 certain qualifications; providing an exemption from such
 234 qualifications for the Florida Virtual School and K-8 Virtual
 235 School Program providers; requiring each virtual instruction

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236 program operated or contracted by a school district to meet
237 certain requirements; prohibiting a school district from
238 increasing its enrollment in a virtual education program in
239 excess of the prior year's enrollment unless the program
240 achieves a certain performance grade under the school grading
241 system; providing an exemption for such prohibition for the
242 Florida Virtual School; specifying eligibility requirements for
243 students to participate in a district virtual instruction
244 program; specifying participation requirements for enrolled
245 students; defining the term "full-time equivalent student";
246 providing that specified virtual instruction programs be funded
247 through the Florida Education Finance Program; limiting virtual
248 program instruction courses for students in grades 9 through 12;
249 providing for payment by school district for charter school
250 students participating in K-8 Virtual School Program; providing
251 for school district retention of specified excess funds;
252 requiring participation in the statewide assessment program and
253 education performance accountability system; requiring a school
254 improvement plan or program termination under specified
255 circumstances; exempting certain providers from the act;
256 requiring school districts to include certain information about
257 the Florida Virtual School in information provided to parents
258 and students about the district's virtual instruction program;
259 authorizing school districts to offer specified virtual
260 instruction programs in the 2008-2009 school year; requiring the
261 State

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