

1 A bill to be entitled
2 An act relating to virtual instruction programs; amending
3 s. 1000.04, F.S.; revising provisions relating to public
4 K-12 schools to include school district virtual
5 instruction programs; amending ss. 1002.20 and 1002.31,
6 F.S.; conforming provisions to changes made by the act;
7 creating s. 1002.45, F.S.; requiring a school district to
8 provide students the option of participating in a virtual
9 instruction program beginning with the 2009-2010 school
10 year; providing a purpose; authorizing a school district
11 to implement virtual instruction programs through
12 district-operated programs or programs provided by
13 contracted providers approved by the Department of
14 Education; authorizing a school district to participate in
15 multi-district contractual arrangements; authorizing a
16 charter school to enter into a joint agreement for charter
17 school students to participate in an approved district
18 virtual instruction program; requiring contract providers
19 to meet certain qualifications; providing an exemption
20 from such qualifications for the Florida Virtual School
21 and K-8 Virtual School Program providers; requiring each
22 virtual instruction program operated or contracted by a
23 school district to meet certain requirements; prohibiting
24 a school district from increasing its enrollment in a
25 virtual education program in excess of the prior year's
26 enrollment unless the program achieves a certain
27 performance grade under the school grading system;
28 providing an exemption for such prohibition for the

29 Florida Virtual School; specifying eligibility
30 requirements for students to participate in a district
31 virtual instruction program; specifying participation
32 requirements for enrolled students; defining the term
33 "full-time equivalent student"; providing that specified
34 virtual instruction programs be funded through the Florida
35 Education Finance Program; limiting virtual program
36 instruction courses for students in grades 9 through 12;
37 requiring participation in the statewide assessment
38 program and education performance accountability system;
39 requiring a school improvement plan or program termination
40 under specified circumstances; exempting certain providers
41 from the act; requiring school districts to include
42 certain information about the Florida Virtual School in
43 information provided to parents and students about the
44 district's virtual instruction program; authorizing school
45 districts to offer specified virtual instruction programs
46 in the 2008-2009 school year; requiring the State Board of
47 Education to adopt rules; amending s. 1003.01, F.S.;
48 revising the definition of "core-curricula courses";
49 amending s. 1011.61, F.S.; revising the definition of
50 "full-time equivalent" student to conform to changes made
51 by the act; providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

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55 Section 1. Subsection (1) of section 1000.04, Florida
56 Statutes, is amended to read:

57 1000.04 Components for the delivery of public education
 58 within the Florida K-20 education system.--Florida's K-20
 59 education system provides for the delivery of public education
 60 through publicly supported and controlled K-12 schools,
 61 community colleges, state universities and other postsecondary
 62 educational institutions, other educational institutions, and
 63 other educational services as provided or authorized by the
 64 Constitution and laws of the state.

65 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools include
 66 charter schools and consist of kindergarten classes; elementary,
 67 middle, and high school grades and special classes; school
 68 district virtual instruction programs; workforce education;
 69 career centers; adult, part-time, and evening schools, courses,
 70 or classes, as authorized by law to be operated under the
 71 control of district school boards; and lab schools operated
 72 under the control of state universities.

73 Section 2. Paragraph (a) of subsection (6) of section
 74 1002.20, Florida Statutes, is amended to read:

75 1002.20 K-12 student and parent rights.--Parents of public
 76 school students must receive accurate and timely information
 77 regarding their child's academic progress and must be informed
 78 of ways they can help their child to succeed in school. K-12
 79 students and their parents are afforded numerous statutory
 80 rights including, but not limited to, the following:

81 (6) EDUCATIONAL CHOICE.--

82 (a) Public school choices.--Parents of public school
 83 students may seek whatever public school choice options that are
 84 applicable to their students and are available to students in

85 their school districts. These options may include controlled
86 open enrollment, lab schools, school district virtual
87 instruction programs, charter schools, charter technical career
88 centers, magnet schools, alternative schools, special programs,
89 advanced placement, dual enrollment, International
90 Baccalaureate, International General Certificate of Secondary
91 Education (pre-AICE), Advanced International Certificate of
92 Education, early admissions, credit by examination or
93 demonstration of competency, the New World School of the Arts,
94 the Florida School for the Deaf and the Blind, and the Florida
95 Virtual School. These options may also include the public school
96 choice options of the Opportunity Scholarship Program and the
97 McKay Scholarships for Students with Disabilities Program.

98 Section 3. Subsections (2) and (8) of section 1002.31,
99 Florida Statutes, are amended to read:

100 1002.31 Public school parental choice.--

101 (2) Each district school board may offer controlled open
102 enrollment within the public schools. The controlled open
103 enrollment program shall be offered in addition to the existing
104 choice programs such as virtual instruction programs, magnet
105 schools, alternative schools, special programs, advanced
106 placement, and dual enrollment.

107 (8) Each district school board shall annually report the
108 number of students applying for and attending the various types
109 of public schools of choice in the district, including schools
110 such as virtual instruction programs, magnet schools, and public
111 charter schools, according to rules adopted by the State Board
112 of Education.

113 Section 4. Section 1002.45, Florida Statutes, is created
114 to read:

115 1002.45 School district virtual instruction programs.--

116 (1) PROGRAM.--

117 (a) Beginning with the 2009-2010 school year, each school
118 district shall provide eligible students within its boundaries
119 the option of participating in a virtual instruction program.
120 The purpose of the program is to make instruction available to
121 students using online and distance learning technology in the
122 nontraditional classroom. The program shall provide virtual
123 instruction to full-time students enrolled in full-time virtual
124 courses in kindergarten through grade 8 or in full-time or part-
125 time virtual courses in grades 9 through 12 as authorized in
126 paragraph (7) (c).

127 (b) Each school district's virtual instruction program may
128 consist of one or more schools that are operated by the district
129 or by contracted providers approved by the Department of
130 Education under subsection (2). School districts may participate
131 in multi-district contractual arrangements, which may include
132 contracts executed by a regional consortium for its member
133 districts, to provide such programs.

134 (c) A charter school may enter into a joint agreement with
135 the school district in which it is located for the charter
136 school's students to participate in an approved district virtual
137 instruction program.

138 (2) PROVIDER QUALIFICATIONS.--On or before March 1, 2009,
139 and annually thereafter, the department shall provide school
140 districts with a list of providers approved to offer virtual

141 instruction. To be approved by the department, a contract
142 provider must annually document that it:

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

145 (b) Complies with the antidiscrimination provisions of s.
146 1000.05;

147 (c) Locates an administrative office or offices in this
148 state, requires its administrative staff to be state residents,
149 and requires all instructional staff members to be Florida-
150 certified teachers;

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

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

156 (f) Is accredited by the Commission on Colleges of the
157 Southern Association of Colleges and Schools, the Middle States
158 Association of Colleges and Schools, the North Central
159 Association of Colleges and Schools, or the New England
160 Association of Colleges and Schools; and

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

162
163 Notwithstanding this subsection, approved providers of virtual
164 instruction shall include the Florida Virtual School established
165 under s. 1002.37 and providers that operate under s. 1002.415.

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

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

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

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

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

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

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

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

185 2. Access to or reimbursement for all Internet services
 186 necessary for online delivery of instruction.

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

188 (4) PROGRAM CAPACITY; ENROLLMENT.--Beginning with the
 189 2010-2011 school year, except for courses offered by the Florida
 190 Virtual School under s. 1002.37, a school district may not
 191 increase the enrollment for its full-time virtual instruction
 192 program in excess of its prior school year enrollment unless the
 193 program for the previous school year is designated with a grade
 194 of "C," making satisfactory progress, or better under the school
 195 grading system provided in s. 1008.34.

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

200 (a) The student has spent the prior school year in
 201 attendance at a public school in this state and was enrolled and
 202 reported by a public school district for funding during the
 203 preceding October and February for purposes of the Florida
 204 Education Finance Program surveys.

205 (b) The student is a dependent child of a member of the
 206 United States Armed Forces who was transferred within the last
 207 12 months to this state from another state or from a foreign
 208 country pursuant to the parent's permanent change of station
 209 orders.

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

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

215 (a) Comply with the compulsory attendance requirements of
 216 s. 1003.21. Student attendance must be verified by the school
 217 district.

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

221 (7) FUNDING.--

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

225 (b) The school district shall report full-time equivalent
 226 students for the school district virtual instruction program and
 227 for a charter school's students who participate under paragraph
 228 (1)(c) to the department only in a manner prescribed by the
 229 department, and funding shall be provided through the Florida
 230 Education Finance Program.

231 (c) Full-time or part-time school district virtual
 232 instruction program courses provided under this section for
 233 students in grades 9 through 12 are limited to Department of
 234 Juvenile Justice programs, dropout prevention programs, and
 235 career and vocational programs.

236 (8) ASSESSMENT AND ACCOUNTABILITY.--

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

240 1. Participate in the statewide assessment program under
 241 s. 1008.22 and in the state's education performance
 242 accountability system under s. 1008.31.

243 2. Receive a school grade as provided in s. 1008.34. A
 244 school district virtual instruction program shall be considered
 245 a school under s. 1008.34 for purposes of this section,
 246 regardless of the number of individual providers participating
 247 in the district's program.

248 (b) The performance of part-time students under paragraph
 249 (7)(c) shall not be included for purposes of school grading

250 under subparagraph (a)2.; however, their performance shall be
251 included for school grading purposes by the nonvirtual school
252 providing the student's primary instruction.

253 (c) A program that is designated with a grade of "D,"
254 making less than satisfactory progress, or "F," failing to make
255 adequate progress, must file a school improvement plan with the
256 department for consultation to determine the causes for low
257 performance and to develop a plan for correction and
258 improvement.

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

266 (e) A school district that terminates its program under
267 paragraph (d) shall contract with a provider selected and
268 approved by the department for the provision of virtual
269 instruction until the school district receives approval from the
270 department to operate a new school district virtual instruction
271 program.

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

277 (10) MARKETING.--Any information provided by a school
 278 district to parents and students regarding the school district's
 279 virtual instruction program must include information about
 280 opportunities available at, and the parent's and student's right
 281 to access courses offered by, the Florida Virtual School under
 282 s. 1002.37.

283 (11) 2008-2009 SCHOOL DISTRICT VIRTUAL INSTRUCTION
 284 PROGRAM.--For the 2008-2009 school year, each school district in
 285 the state may offer a school district virtual instruction
 286 program to provide full-time virtual courses in kindergarten
 287 through grade 8 or to provide full-time or part-time virtual
 288 courses in grades 9 through 12 as authorized in paragraph
 289 (7) (c). Such program may be operated or contracted as provided
 290 under paragraph (1) (b) and must comply with all requirements of
 291 this section, except that contracts under this subsection may
 292 only be issued for virtual courses in kindergarten through grade
 293 8 to providers operating under s. 1002.415 or for virtual
 294 courses in grades 9 through 12 as authorized under paragraph
 295 (7) (c) to providers who contracted with a regional consortium in
 296 the 2007-2008 school year to provide such services.

297 (12) RULES.--The State Board of Education shall adopt rules
 298 necessary to administer this section, including rules that
 299 prescribe school district and charter school reporting
 300 requirements.

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

303 1003.01 Definitions.--As used in this chapter, the term:

304 (14) "Core-curricula courses" means courses defined by the
 305 Department of Education as mathematics, language arts/reading,
 306 science, social studies, foreign language, English for Speakers
 307 of Other Languages, exceptional student education, and courses
 308 taught in traditional self-contained elementary school
 309 classrooms. The term is limited in meaning and used for the sole
 310 purpose of designating classes that are subject to the maximum
 311 class size requirements established in s. 1, Art. IX of the
 312 State Constitution. This term does not include courses offered
 313 under ss. 1002.37, 1002.415, and 1002.45.

314 Section 6. Paragraph (c) of subsection (1) of section
 315 1011.61, Florida Statutes, is amended to read:

316 1011.61 Definitions.--Notwithstanding the provisions of s.
 317 1000.21, the following terms are defined as follows for the
 318 purposes of the Florida Education Finance Program:

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

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

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

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

329 (I) A full-time student, except a postsecondary or adult
 330 student or a senior high school student enrolled in adult
 331 education when such courses are required for high school

332 graduation, in a combination of programs listed in s.
333 1011.62(1)(c) shall be a fraction of a full-time equivalent
334 membership in each special program equal to the number of net
335 hours per school year for which he or she is a member, divided
336 by the appropriate number of hours set forth in subparagraph
337 (a)1. or subparagraph (a)2. The difference between that fraction
338 or sum of fractions and the maximum value as set forth in
339 subsection (4) for each full-time student is presumed to be the
340 balance of the student's time not spent in such special
341 education programs and shall be recorded as time in the
342 appropriate basic program.

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

345 (III) A full-time equivalent student for students in
346 grades K-8 in a school district virtual instruction program as
347 provided in s. 1002.45 shall consist of a student who has
348 successfully completed a basic program listed in s.
349 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade
350 level.

351 (IV) A full-time equivalent student for students in grades
352 9-12 in a school district virtual instruction program as
353 provided in s. 1002.45 shall consist of six full credit
354 completions in programs listed in s. 1011.62(1)(c)1. and 4.
355 Credit completions can be a combination of either full credits
356 or half credits.

357 (V) ~~(III)~~ A Florida Virtual School full-time equivalent
358 student shall consist of six full credit completions in the

359 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions
360 can be a combination of either full credits or half credits.

361 2. A student in membership in a program scheduled for more
362 or less than 180 school days is a fraction of a full-time
363 equivalent membership equal to the number of instructional hours
364 in membership divided by the appropriate number of hours set
365 forth in subparagraph (a)1.; however, for the purposes of this
366 subparagraph, membership in programs scheduled for more than 180
367 days is limited to students enrolled in juvenile justice
368 education programs and the Florida Virtual School.

369

370 The department shall determine and implement an equitable method
371 of equivalent funding for experimental schools and for schools
372 operating under emergency conditions, which schools have been
373 approved by the department to operate for less than the minimum
374 school day.

375 Section 7. This act shall take effect July 1, 2008.