

## ENROLLED

HB 7067, Engrossed 2

2008 Legislature

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

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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:

54  
55 Section 1. Subsection (1) of section 1000.04, Florida  
56 Statutes, is amended to read:

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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

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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.

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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

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- 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:

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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.

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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.--



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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

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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.

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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:

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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

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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

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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.