

By Senator Wise

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1 A bill to be entitled
2 An act relating to virtual instruction programs;
3 amending ss. 1000.04 and 1002.20, F.S.; conforming
4 provisions to changes made by the act; repealing s.
5 1002.415, F.S., relating to the K-8 Virtual School
6 Program within the Department of Education; amending
7 s. 1002.45, F.S.; providing that virtual instruction
8 programs may be provided by the same or different
9 contracted providers; requiring that a virtual
10 instruction program provide virtual instruction to
11 part-time or full-time students enrolled in virtual
12 courses in kindergarten through grade 12; authorizing
13 a school district to contract with various virtual
14 instruction providers; authorizing a regional
15 consortium to assist its member districts individually
16 or collectively in obtaining the best price from such
17 providers; revising the qualifications for
18 instructional staff; deleting a provision that
19 authorizes a charter school to enter into a joint
20 agreement with a school district in order to
21 participate in the district's virtual instruction
22 program; revising the qualifications for providers
23 offering virtual instruction; deleting a provision
24 that prohibits a school district from increasing the
25 enrollment of its full-time virtual instruction
26 program; revising the participation requirements that
27 a student must meet to enroll in the virtual
28 instruction program; deleting provisions relating to
29 funding provided through the Florida Education Finance

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30 Program; revising the requirements for a virtual
31 instruction program; authorizing a school district to
32 terminate a contract with a virtual instruction
33 provider without cause if the school district provides
34 at least 90 days' notice of such termination;
35 requiring that a school district provide certain
36 information to parents and students relating to
37 opportunities for accessing courses offered by virtual
38 instruction providers that are contracted with the
39 school district; deleting provisions relating to the
40 2008-2009 school district virtual instruction program;
41 requiring that the State Board of Education adopt
42 rules establishing criteria for the approval of
43 virtual instruction providers; amending s. 1003.01,
44 F.S.; revising the definition of the term "core-
45 curricula courses" to conform to changes made by the
46 act; amending s. 1011.61, F.S.; revising the
47 definition of the term "full-time equivalent student"
48 to conform to changes made by the act; providing an
49 effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Subsection (1) of section 1000.04, Florida
54 Statutes, is amended to read:

55 1000.04 Components for the delivery of public education
56 within the Florida K-20 education system.—Florida's K-20
57 education system provides for the delivery of public education
58 through publicly supported and controlled K-12 schools,

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59 community colleges, state universities and other postsecondary
60 educational institutions, other educational institutions, and
61 other educational services as provided or authorized by the
62 Constitution and laws of the state.

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

71 Section 2. Paragraph (a) of subsection (6) of section
72 1002.20, Florida Statutes, is amended to read:

73 1002.20 K-12 student and parent rights.—Parents of public
74 school students must receive accurate and timely information
75 regarding their child's academic progress and must be informed
76 of ways they can help their child to succeed in school. K-12
77 students and their parents are afforded numerous statutory
78 rights including, but not limited to, the following:

79 (6) EDUCATIONAL CHOICE.—

80 (a) *Public school choices*.—Parents of public school
81 students may seek whatever public school choice options that are
82 applicable to their students and are available to students in
83 their school districts. These options may include controlled
84 open enrollment, single-gender programs, lab schools, ~~school~~
85 ~~district~~ virtual instruction programs, charter schools, charter
86 technical career centers, magnet schools, alternative schools,
87 special programs, advanced placement, dual enrollment,

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88 International Baccalaureate, International General Certificate
89 of Secondary Education (pre-AICE), Advanced International
90 Certificate of Education, early admissions, credit by
91 examination or demonstration of competency, the New World School
92 of the Arts, the Florida School for the Deaf and the Blind, and
93 virtual school programs ~~the Florida Virtual School~~. These
94 options may also include the public school choice options of the
95 Opportunity Scholarship Program and the McKay Scholarships for
96 Students with Disabilities Program.

97 Section 3. Section 1002.415, Florida Statutes, is repealed.

98 Section 4. Section 1002.45, Florida Statutes, is amended to
99 read:

100 1002.45 ~~School district~~ Virtual instruction programs.—

101 (1) PROGRAM.—

102 (a) Beginning with the 2009-2010 school year, each school
103 district shall provide eligible students within its boundaries
104 the option of participating in a virtual instruction program or
105 programs that may be provided by the same or different
106 providers. The purpose of the program is to make instruction
107 available to students using online and distance learning
108 technology in the nontraditional classroom. The program shall
109 provide virtual instruction to part-time or full-time students
110 enrolled in ~~full-time~~ virtual courses in kindergarten through
111 grade 12 ~~8 or in full-time or part-time virtual courses in~~
112 ~~grades 9 through 12 as authorized in paragraph (7) (c).~~

113 (b) Each school district's virtual instruction program may
114 consist of one or more schools that are operated by the district
115 or by various contracted providers approved by the Department of
116 Education under subsection (2). School districts may participate

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117 in multidistrict contractual arrangements, which may include
118 contracts with more than one provider executed by a regional
119 consortium for its member districts, ~~to provide such programs.~~

120 (c) A school district may contract with any number of
121 approved virtual school instruction providers at prices that may
122 vary from provider to provider. A regional consortium may assist
123 its member districts on an individual basis or collectively in
124 obtaining the best price from such providers. A charter school
125 ~~may enter into a joint agreement with the school district in~~
126 ~~which it is located for the charter school's students to~~
127 ~~participate in an approved district virtual instruction program.~~

128 (2) CONTRACT PROVIDER QUALIFICATIONS. ~~On or before March 1,~~
129 ~~2009, and annually thereafter,~~ The department shall develop and
130 provide school districts with a list of providers approved to
131 offer virtual instruction. To be approved, a provider must
132 document to the Department of Education that it meets the
133 following requirements for qualification ~~To be approved by the~~
134 ~~department, a contract provider must annually document that it:~~

135 (a) Be ~~is~~ nonsectarian in its programs, admission policies,
136 employment practices, and operations;

137 (b) Comply ~~Complies~~ with the antidiscrimination provisions
138 of s. 1000.05;

139 (c) Locate ~~Locates~~ an administrative office or offices in
140 this state, require ~~requires~~ its administrative staff to be
141 state residents, and require ~~requires~~ all instructional staff
142 members to be certified ~~Florida-certified~~ teachers in the
143 content areas that they teach, nationally recognized
144 professionals who have special skills, knowledge, or expertise
145 for the courses that they teach, or highly skilled professionals

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146 who have nationally recognized industry certification
147 credentials for the courses that they teach;

148 (d) Possess ~~Possesses~~ prior, successful experience offering
149 online courses ~~to elementary, middle, or high school students;~~

150 (e) Use ~~Utilizes~~ an instructional model that relies on
151 certified teachers and professionals described in paragraph (c),
152 not parents, to provide ~~at least 85 percent of the instruction~~
153 to the student;

154 (f) Be ~~Is~~ accredited by a federally recognized regional
155 accrediting agency for K-12 educational institutions, including
156 the Southern Association of Colleges and Schools Council on
157 Accreditation and School Improvement, the North Central
158 Association of Colleges and Schools Commission on Accreditation
159 and School Improvement, the Commission on Secondary Schools of
160 the Middle States Association of Colleges and Schools, the New
161 England Association of Colleges and Schools, the Northwest
162 Association of Accredited Schools, and the Western Association
163 of Schools and Colleges ~~the Commission on Colleges of the~~
164 ~~Southern Association of Colleges and Schools, the Middle States~~
165 ~~Association of Colleges and Schools, the North Central~~
166 ~~Association of Colleges and Schools, or the New England~~
167 ~~Association of Colleges and Schools; and~~

168 (g) Annually provide a written attestation to the
169 Department of Education that the provider meets all of the
170 requirements in this section;

171 (h) ~~(g)~~ Comply ~~Complies~~ with all requirements in ~~under~~ this
172 section; ~~and-~~

173 (i) Meet all of the qualifications in this subsection in
174 order to maintain its status as an approved provider. In order

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175 for a charter school to be approved as a virtual school
176 instruction provider, the charter school must terminate its
177 charter status, and if approved, be subject to all of the
178 requirements in this section.

179
180 ~~Notwithstanding this subsection, approved providers of virtual~~
181 ~~instruction shall include the Florida Virtual School established~~
182 ~~under s. 1002.37 and providers that operate under s. 1002.415.~~

183 (3) ~~SCHOOL DISTRICT~~ VIRTUAL INSTRUCTION PROGRAM
184 REQUIREMENTS.—Each virtual instruction program operated or
185 contracted by a school district must:

186 (a) 1. Require, if the provider is contracting with a school
187 district, all instructional staff to be certified professional
188 educators in the content areas that they teach, nationally
189 recognized professionals who have special skills, knowledge, or
190 expertise in the courses they teach, or highly skilled
191 professionals who have nationally recognized industry
192 certification credentials for the courses they teach.

193 2. Require, if the school district is the provider, all
194 professional educators to be certified under chapter 1012.

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

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

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

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

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

206 1. All equipment necessary for participants in a ~~the school~~
207 ~~district~~ virtual instruction program, including, but not limited
208 to, a computer, computer monitor, and printer; and

209 2. Access to or reimbursement for all Internet services
210 necessary for online delivery of instruction.

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

212 ~~(4) PROGRAM CAPACITY; ENROLLMENT. Beginning with the 2010-~~
213 ~~2011 school year, except for courses offered by the Florida~~
214 ~~Virtual School under s. 1002.37, a school district may not~~
215 ~~increase the enrollment for its full-time virtual instruction~~
216 ~~program in excess of its prior school year enrollment unless the~~
217 ~~program for the previous school year is designated with a grade~~
218 ~~of "C," making satisfactory progress, or better under the school~~
219 ~~grading system provided in s. 1008.34.~~

220 ~~(4)~~(5) STUDENT ELIGIBILITY.—Enrollment in a ~~school district~~
221 virtual instruction program is open to any student residing
222 within a school ~~the~~ district's attendance area if the student
223 meets at least one of the following conditions:

224 (a) The student has spent the prior school year in
225 attendance at a public school in this state and was enrolled and
226 reported by a public school district for funding during the
227 preceding October and February for purposes of the Florida
228 Education Finance Program surveys.

229 (b) The student is a dependent child of a member of the
230 United States Armed Forces who was transferred within the last
231 12 months to this state from another state or from a foreign
232 country pursuant to the parent's permanent change of station

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233 orders.

234 (c) The student was enrolled during the prior school year
235 in a ~~school district~~ virtual instruction program under this
236 section. ~~or~~

237 (d) The student was enrolled during the prior school year
238 in a K-8 Virtual School Program under s. 1002.415.

239 (5)~~(6)~~ STUDENT PARTICIPATION REQUIREMENTS.—Each student
240 enrolled in a ~~school district~~ virtual instruction program must:

241 ~~(a) Comply with the compulsory attendance requirements of~~
242 ~~s. 1003.21. Student attendance must be verified by the school~~
243 ~~district.~~

244 ~~(b) take~~ the state assessment tests within the school
245 district in which such student resides, which must provide the
246 student with access to the district's testing facilities.

247 (6)~~(7)~~ FUNDING.—

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

251 (b) The school district shall report full-time equivalent
252 students for a ~~the school district~~ virtual instruction program
253 ~~and for a charter school's students who participate under~~
254 ~~paragraph (1)(e)~~ to the department only in a manner prescribed
255 by the department, and funding shall be provided through the
256 Florida Education Finance Program.

257 (c) The maximum value for funding a student in a virtual
258 instruction program is subject to s. 1011.61(4) and funds in
259 excess of one full-time equivalent student membership for a
260 school year may not be paid to anyone or any group of persons
261 for any student served. ~~Full-time or part-time school district~~

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262 ~~virtual instruction program courses provided under this section~~
263 ~~for students in grades 9 through 12 are limited to Department of~~
264 ~~Juvenile Justice programs, dropout prevention programs, and~~
265 ~~career and vocational programs.~~

266 (7)~~(8)~~ ASSESSMENT AND ACCOUNTABILITY.-

267 (a) ~~With the exception of the programs offered by the~~
268 ~~Florida Virtual School under s. 1002.37, Each school district~~
269 ~~virtual instruction program must:~~

270 ~~1.~~ participate in the statewide assessment program under s.
271 1008.22 and in the state's education performance accountability
272 system under s. 1008.31.

273 ~~2. Receive a school grade as provided in s. 1008.34. A~~
274 ~~school district virtual instruction program shall be considered~~
275 ~~a school under s. 1008.34 for purposes of this section,~~
276 ~~regardless of the number of individual providers participating~~
277 ~~in the district's program.~~

278 (b) The performance of full-time students shall be included
279 for school grading purposes by the nonvirtual school for which
280 the student would be assigned under the school's attendance
281 zone.

282 (c) The performance of part-time students ~~under paragraph~~
283 ~~(7)(e) shall not be included for purposes of school grading~~
284 ~~under subparagraph (a)2.; however, their performance shall be~~
285 ~~included for school grading purposes by the nonvirtual school~~
286 ~~providing the student's primary instruction.~~

287 (d)~~(e)~~ A school district may terminate a contract with a
288 virtual instruction provider without cause if the school
289 district provides at least 90 days' notice of such termination
290 to the provider. A program that is designated with a grade of

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291 ~~"D," making less than satisfactory progress, or "F," failing to~~
292 ~~make adequate progress, must file a school improvement plan with~~
293 ~~the department for consultation to determine the causes for low~~
294 ~~performance and to develop a plan for correction and~~
295 ~~improvement.~~

296 ~~(d) The school district shall terminate its program,~~
297 ~~including all contracts with providers for such program, if the~~
298 ~~program receives a grade of "D," making less than satisfactory~~
299 ~~progress, or "F," failing to make adequate progress, for 2 years~~
300 ~~during any consecutive 4 year period. If a contract is not~~
301 ~~renewed or is terminated, the contracted provider is responsible~~
302 ~~for all debts of the program or school operated by the provider.~~

303 ~~(e) A school district that terminates its program under~~
304 ~~paragraph (d) shall contract with a provider selected and~~
305 ~~approved by the department for the provision of virtual~~
306 ~~instruction until the school district receives approval from the~~
307 ~~department to operate a new school district virtual instruction~~
308 ~~program.~~

309 ~~(8)(9) EXCEPTIONS.~~—A provider of digital or online content
310 or curriculum that is used to supplement the instruction of
311 students who are not enrolled in a virtual instruction program
312 under this section is not required to meet the requirements of
313 this section.

314 ~~(9)(10) MARKETING.~~—Any information provided by a school
315 district to parents and students regarding the school district's
316 virtual instruction program must include information about
317 opportunities for accessing available at, and ~~the parent's and~~
318 ~~student's right to access~~ courses offered by all virtual
319 instruction providers that are under contract with the school

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320 ~~district, the Florida Virtual School under s. 1002.37.~~
321 ~~(11) 2008-2009 SCHOOL DISTRICT VIRTUAL INSTRUCTION~~
322 ~~PROGRAM. For the 2008-2009 school year, each school district in~~
323 ~~the state may offer a school district virtual instruction~~
324 ~~program to provide full-time virtual courses in kindergarten~~
325 ~~through grade 8 or to provide full-time or part-time virtual~~
326 ~~courses in grades 9 through 12 as authorized in paragraph~~
327 ~~(7) (c). Such program may be operated or contracted as provided~~
328 ~~under paragraph (1) (b) and must comply with all requirements of~~
329 ~~this section, except that contracts under this subsection may~~
330 ~~only be issued for virtual courses in kindergarten through grade~~
331 ~~8 to providers operating under s. 1002.415 or for virtual~~
332 ~~courses in grades 9 through 12 as authorized under paragraph~~
333 ~~(7) (c) to providers who contracted with a regional consortium in~~
334 ~~the 2007-2008 school year to provide such services.~~

335 ~~(10)(12) RULES.~~—The State Board of Education shall adopt
336 rules establishing criteria for the approval of virtual
337 instruction providers under subsection (2) necessary to
338 ~~administer this section, including rules that prescribe school~~
339 ~~district and charter school reporting requirements.~~

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

342 1003.01 Definitions.—As used in this chapter, the term:

343 (14) "Core-curricula courses" means courses defined by the
344 Department of Education as mathematics, language arts/reading,
345 science, social studies, foreign language, English for Speakers
346 of Other Languages, exceptional student education, and courses
347 taught in traditional self-contained elementary school
348 classrooms. The term is limited in meaning and used for the sole

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349 purpose of designating classes that are subject to the maximum
350 class size requirements established in s. 1, Art. IX of the
351 State Constitution. This term does not include courses offered
352 under ss. 1002.37, ~~1002.415~~, and 1002.45.

353 Section 6. Paragraph (c) of subsection (1) of section
354 1011.61, Florida Statutes, is amended to read:

355 1011.61 Definitions.—Notwithstanding the provisions of s.
356 1000.21, the following terms are defined as follows for the
357 purposes of the Florida Education Finance Program:

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

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

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

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

368 (I) A full-time student, except a postsecondary or adult
369 student or a senior high school student enrolled in adult
370 education when such courses are required for high school
371 graduation, in a combination of programs listed in s.
372 1011.62(1)(c) shall be a fraction of a full-time equivalent
373 membership in each special program equal to the number of net
374 hours per school year for which he or she is a member, divided
375 by the appropriate number of hours set forth in subparagraph
376 (a)1. or subparagraph (a)2. The difference between that fraction
377 or sum of fractions and the maximum value as set forth in

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378 subsection (4) for each full-time student is presumed to be the
379 balance of the student's time not spent in such special
380 education programs and shall be recorded as time in the
381 appropriate basic program.

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

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

389 (IV) A full-time equivalent student for students in grades
390 9-12 in a ~~school district~~ virtual instruction program as
391 provided in s. 1002.45 shall consist of six full credit
392 completions in programs listed in s. 1011.62(1)(c)1. and 3 4.
393 Credit completions can be a combination of either full credits
394 or half credits.

395 (V) A virtual school program ~~Florida Virtual School~~ full-
396 time equivalent student shall consist of six full credit
397 completions in the programs listed in s. 1011.62(1)(c)1. and 3
398 4. Credit completions can be a combination of either full
399 credits or half credits.

400 (VI) Each successfully completed credit earned under the
401 alternative high school course credit requirements authorized in
402 s. 1002.375, which is not reported as a portion of the 900 net
403 hours of instruction pursuant to subparagraph (1)(a)1., shall be
404 calculated as 1/6 FTE.

405 2. A student in membership in a program scheduled for more
406 or less than 180 school days is a fraction of a full-time

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407 equivalent membership equal to the number of instructional hours
408 in membership divided by the appropriate number of hours set
409 forth in subparagraph (a)1.; however, for the purposes of this
410 subparagraph, membership in programs scheduled for more than 180
411 days is limited to students enrolled in juvenile justice
412 education programs and the Florida Virtual School.

413

414 The department shall determine and implement an equitable method
415 of equivalent funding for experimental schools and for schools
416 operating under emergency conditions, which schools have been
417 approved by the department to operate for less than the minimum
418 school day.

419 Section 7. This act shall take effect July 1, 2009.