

1 A bill to be entitled
 2 An act relating to virtual instruction for students
 3 with disabilities; amending s. 1002.321, F.S.;
 4 providing that digital learning should provide access
 5 to online courses with reasonable and allowable
 6 accommodations for using assistive technology;
 7 amending s. 1002.33, F.S.; requiring charter school
 8 applications to include a description of online
 9 courses with reasonable and allowable accommodations
 10 that will be used in reading instruction; including
 11 the use of assistive technology devices as a basis for
 12 the approval of a charter; amending s. 1002.45, F.S.;
 13 providing additional requirements for the approval of
 14 virtual instruction program providers by the
 15 Department of Education with respect to the offering
 16 of reasonable and allowable accommodations for
 17 students with disabilities; amending s. 1002.455,
 18 F.S.; providing that certain students with
 19 disabilities are eligible to participate in virtual
 20 instruction; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Paragraph (b) of subsection (2) of section
 25 1002.321, Florida Statutes, is amended to read:

26 1002.321 Digital learning.—

27 (2) ELEMENTS OF HIGH-QUALITY DIGITAL LEARNING.—The
 28 Legislature finds that each student should have access to a

29 high-quality digital learning environment that provides:

30 (b) Access to high-quality digital content and online
 31 courses, including online courses with reasonable and allowable
 32 accommodations for using assistive technology.

33 Section 2. Paragraph (a) of subsection (6) and paragraph
 34 (a) of subsection (7) of section 1002.33, Florida Statutes, are
 35 amended to read:

36 1002.33 Charter schools.—

37 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 38 applications are subject to the following requirements:

39 (a) A person or entity wishing to open a charter school
 40 shall prepare and submit an application on a model application
 41 form prepared by the Department of Education which:

42 1. Demonstrates how the school will use the guiding
 43 principles and meet the statutorily defined purpose of a charter
 44 school.

45 2. Provides a detailed curriculum plan that illustrates
 46 how students will be provided services to attain the Sunshine
 47 State Standards.

48 3. Contains goals and objectives for improving student
 49 learning and measuring that improvement. These goals and
 50 objectives must indicate how much academic improvement students
 51 are expected to show each year, how success will be evaluated,
 52 and the specific results to be attained through instruction.

53 4. Describes the reading curriculum, ~~and~~ differentiated
 54 strategies, and online courses with reasonable and allowable
 55 accommodations that will be used for students reading at grade
 56 level or higher and a separate curriculum and strategies and

HB 831

2012

57 online courses with reasonable and allowable accommodations for
58 students who are reading below grade level. A sponsor shall deny
59 a charter if the school does not propose a reading curriculum
60 that is consistent with effective teaching strategies that are
61 grounded in scientifically based reading research.

62 5. Contains an annual financial plan for each year
63 requested by the charter for operation of the school for up to 5
64 years. This plan must contain anticipated fund balances based on
65 revenue projections, a spending plan based on projected revenues
66 and expenses, and a description of controls that will safeguard
67 finances and projected enrollment trends.

68 6. Documents that the applicant has participated in the
69 training required in subparagraph (f)2. A sponsor may require an
70 applicant to provide additional information as an addendum to
71 the charter school application described in this paragraph.

72 7. For the establishment of a virtual charter school,
73 documents that the applicant has contracted with a provider of
74 virtual instruction services pursuant to s. 1002.45(1)(d).

75 (7) CHARTER.—The major issues involving the operation of a
76 charter school shall be considered in advance and written into
77 the charter. The charter shall be signed by the governing board
78 of the charter school and the sponsor, following a public
79 hearing to ensure community input.

80 (a) The charter shall address and criteria for approval of
81 the charter shall be based on:

82 1. The school's mission, the students to be served, and
83 the ages and grades to be included.

84 2. The focus of the curriculum, the instructional methods

HB 831

2012

85 | to be used, any distinctive instructional techniques to be
86 | employed, and identification and acquisition of appropriate
87 | technologies, including assistive technology devices such as
88 | screen readers, keyboard-enabled interfaces and graphic
89 | elements, and open captions, needed to improve educational and
90 | administrative performance which include a means for promoting
91 | safe, ethical, and appropriate uses of technology which comply
92 | with legal and professional standards.

93 | a. The charter shall ensure that reading is a primary
94 | focus of the curriculum and that reasonable and allowable
95 | accommodations and resources are provided to identify and
96 | provide specialized instruction for students who are reading
97 | below grade level, including students with disabilities who have
98 | an individual education plan or a 504 accommodation plan issued
99 | under s. 504 of the Rehabilitation Act of 1973. The curriculum
100 | and instructional strategies for reading must be consistent with
101 | the Sunshine State Standards and grounded in scientifically
102 | based reading research.

103 | b. In order to provide students with access to diverse
104 | instructional delivery models, to facilitate the integration of
105 | technology within traditional classroom instruction, and to
106 | provide students with the skills they need to compete in the
107 | 21st century economy, the Legislature encourages instructional
108 | methods for blended learning courses consisting of both
109 | traditional classroom and online instructional techniques.
110 | Charter schools may implement blended learning courses which
111 | combine traditional classroom instruction and virtual
112 | instruction. Students in a blended learning course must be full-

HB 831

2012

113 time students of the charter school and receive the online
114 instruction in a classroom setting at the charter school.
115 Instructional personnel certified pursuant to s. 1012.55 who
116 provide virtual instruction for blended learning courses may be
117 employees of the charter school or may be under contract to
118 provide instructional services to charter school students. At a
119 minimum, such instructional personnel must hold an active state
120 or school district adjunct certification under s. 1012.57 for
121 the subject area of the blended learning course. The funding and
122 performance accountability requirements for blended learning
123 courses are the same as those for traditional courses.

124 3. The current incoming baseline standard of student
125 academic achievement, the outcomes to be achieved, and the
126 method of measurement that will be used. The criteria listed in
127 this subparagraph shall include a detailed description of:

128 a. How the baseline student academic achievement levels
129 and prior rates of academic progress will be established.

130 b. How these baseline rates will be compared to rates of
131 academic progress achieved by these same students while
132 attending the charter school.

133 c. To the extent possible, how these rates of progress
134 will be evaluated and compared with rates of progress of other
135 closely comparable student populations.

136

137 The district school board is required to provide academic
138 student performance data to charter schools for each of their
139 students coming from the district school system, as well as
140 rates of academic progress of comparable student populations in

141 the district school system.

142 4. The methods used to identify the educational strengths
143 and needs of students and how well educational goals and
144 performance standards are met by students attending the charter
145 school. The methods shall provide a means for the charter school
146 to ensure accountability to its constituents by analyzing
147 student performance data and by evaluating the effectiveness and
148 efficiency of its major educational programs. Students in
149 charter schools shall, at a minimum, participate in the
150 statewide assessment program created under s. 1008.22.

151 5. In secondary charter schools, a method for determining
152 that a student has satisfied the requirements for graduation in
153 s. 1003.428, s. 1003.429, or s. 1003.43.

154 6. A method for resolving conflicts between the governing
155 board of the charter school and the sponsor.

156 7. The admissions procedures and dismissal procedures,
157 including the school's code of student conduct.

158 8. The ways by which the school will achieve a
159 racial/ethnic balance reflective of the community it serves or
160 within the racial/ethnic range of other public schools in the
161 same school district.

162 9. The financial and administrative management of the
163 school, including a reasonable demonstration of the professional
164 experience or competence of those individuals or organizations
165 applying to operate the charter school or those hired or
166 retained to perform such professional services and the
167 description of clearly delineated responsibilities and the
168 policies and practices needed to effectively manage the charter

HB 831

2012

169 school. A description of internal audit procedures and
170 establishment of controls to ensure that financial resources are
171 properly managed must be included. Both public sector and
172 private sector professional experience shall be equally valid in
173 such a consideration.

174 10. The asset and liability projections required in the
175 application which are incorporated into the charter and shall be
176 compared with information provided in the annual report of the
177 charter school.

178 11. A description of procedures that identify various
179 risks and provide for a comprehensive approach to reduce the
180 impact of losses; plans to ensure the safety and security of
181 students and staff; plans to identify, minimize, and protect
182 others from violent or disruptive student behavior; and the
183 manner in which the school will be insured, including whether or
184 not the school will be required to have liability insurance,
185 and, if so, the terms and conditions thereof and the amounts of
186 coverage.

187 12. The term of the charter which shall provide for
188 cancellation of the charter if insufficient progress has been
189 made in attaining the student achievement objectives of the
190 charter and if it is not likely that such objectives can be
191 achieved before expiration of the charter. The initial term of a
192 charter shall be for 4 or 5 years. In order to facilitate access
193 to long-term financial resources for charter school
194 construction, charter schools that are operated by a
195 municipality or other public entity as provided by law are
196 eligible for up to a 15-year charter, subject to approval by the

HB 831

2012

197 district school board. A charter lab school is eligible for a
198 charter for a term of up to 15 years. In addition, to facilitate
199 access to long-term financial resources for charter school
200 construction, charter schools that are operated by a private,
201 not-for-profit, s. 501(c)(3) status corporation are eligible for
202 up to a 15-year charter, subject to approval by the district
203 school board. Such long-term charters remain subject to annual
204 review and may be terminated during the term of the charter, but
205 only according to the provisions set forth in subsection (8).

206 13. The facilities to be used and their location.

207 14. The qualifications to be required of the teachers and
208 the potential strategies used to recruit, hire, train, and
209 retain qualified staff to achieve best value.

210 15. The governance structure of the school, including the
211 status of the charter school as a public or private employer as
212 required in paragraph (12)(i).

213 16. A timetable for implementing the charter which
214 addresses the implementation of each element thereof and the
215 date by which the charter shall be awarded in order to meet this
216 timetable.

217 17. In the case of an existing public school that is being
218 converted to charter status, alternative arrangements for
219 current students who choose not to attend the charter school and
220 for current teachers who choose not to teach in the charter
221 school after conversion in accordance with the existing
222 collective bargaining agreement or district school board rule in
223 the absence of a collective bargaining agreement. However,
224 alternative arrangements shall not be required for current

HB 831

2012

225 teachers who choose not to teach in a charter lab school, except
 226 as authorized by the employment policies of the state university
 227 which grants the charter to the lab school.

228 18. Full disclosure of the identity of all relatives
 229 employed by the charter school who are related to the charter
 230 school owner, president, chairperson of the governing board of
 231 directors, superintendent, governing board member, principal,
 232 assistant principal, or any other person employed by the charter
 233 school who has equivalent decisionmaking authority. For the
 234 purpose of this subparagraph, the term "relative" means father,
 235 mother, son, daughter, brother, sister, uncle, aunt, first
 236 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 237 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 238 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 239 stepsister, half brother, or half sister.

240 19. Implementation of the activities authorized under s.
 241 1002.331 by the charter school when it satisfies the eligibility
 242 requirements for a high-performing charter school. A high-
 243 performing charter school shall notify its sponsor in writing by
 244 March 1 if it intends to increase enrollment or expand grade
 245 levels the following school year. The written notice shall
 246 specify the amount of the enrollment increase and the grade
 247 levels that will be added, as applicable.

248 Section 3. Paragraph (a) of subsection (2) of section
 249 1002.45, Florida Statutes, is amended to read:

250 1002.45 Virtual instruction programs.—

251 (2) PROVIDER QUALIFICATIONS.—

252 (a) The department shall annually publish online a list of

HB 831

2012

253 providers approved to offer virtual instruction programs. To be
254 approved by the department, a provider must document that it:

255 1. Is nonsectarian in its programs, admission policies,
256 employment practices, and operations;

257 2. Complies with the antidiscrimination provisions of s.
258 1000.05;

259 3. Locates an administrative office or offices in this
260 state, requires its administrative staff to be state residents,
261 requires all instructional staff to be Florida-certified
262 teachers under chapter 1012, and conducts background screenings
263 for all employees or contracted personnel, as required by s.
264 1012.32, using state and national criminal history records;

265 4. Possesses prior, successful experience offering online
266 courses, including online courses with reasonable and allowable
267 accommodations for students with disabilities, to elementary,
268 middle, or high school students as demonstrated by quantified
269 student learning gains in each subject area and grade level
270 provided for consideration as an instructional program option;

271 5. Is accredited by a regional accrediting association as
272 defined by State Board of Education rule;

273 6. Ensures instructional and curricular quality through a
274 detailed curriculum, reasonable and allowable accommodations for
275 students with disabilities, and a student performance
276 accountability plan that addresses every subject and grade level
277 it intends to provide through contract with the school district,
278 including:

279 a. Courses and programs that meet the standards of the
280 International Association for K-12 Online Learning and the

281 Southern Regional Education Board.

282 b. Instructional content and services that align with, and
 283 measure student attainment of, student proficiency in the Next
 284 Generation Sunshine State Standards.

285 c. Mechanisms that determine and ensure that a student has
 286 satisfied requirements for grade level promotion and high school
 287 graduation with a standard diploma, as appropriate;

288 7. Publishes for the general public, in accordance with
 289 disclosure requirements adopted in rule by the State Board of
 290 Education, as part of its application as a provider and in all
 291 contracts negotiated pursuant to this section:

292 a. Information and data about the curriculum of each full-
 293 time and part-time program.

294 b. School policies and procedures.

295 c. Certification status and physical location of all
 296 administrative and instructional personnel.

297 d. Hours and times of availability of instructional
 298 personnel.

299 e. Student-teacher ratios.

300 f. Student completion and promotion rates.

301 g. Student, educator, and school performance
 302 accountability outcomes; and

303 8. If the provider is a Florida College System
 304 institution, employs instructors who meet the certification
 305 requirements for instructional staff under chapter 1012.

306 Section 4. Subsection (2) of section 1002.455, Florida
 307 Statutes, is amended to read:

308 1002.455 Student eligibility for K-12 virtual

HB 831

2012

309 instruction.-

310 (2) A student is eligible to participate in virtual
311 instruction if:

312 (a) The student spent the prior school year in attendance
313 at a public school in the state and was enrolled and reported by
314 the school district for funding during October and February for
315 purposes of the Florida Education Finance Program surveys;

316 (b) The student is a dependent child of a member of the
317 United States Armed Forces who was transferred within the last
318 12 months to this state from another state or from a foreign
319 country pursuant to a permanent change of station order;

320 (c) The student was enrolled during the prior school year
321 in a virtual instruction program under s. 1002.45, the K-8
322 Virtual School Program under s. 1002.415, or a full-time Florida
323 Virtual School program under s. 1002.37(8)(a);

324 (d) The student has a sibling who is currently enrolled in
325 a virtual instruction program and the sibling was enrolled in
326 that program at the end of the prior school year; ~~or~~

327 (e) The student is eligible to enter kindergarten or first
328 grade; or

329 (f) The student is a student with a disability who has an
330 individual education plan or a 504 accommodation plan issued
331 under s. 504 of the Rehabilitation Act of 1973 and who can
332 access virtual instruction with reasonable and allowable
333 accommodations.

334 Section 5. This act shall take effect July 1, 2012.