

By Senator Brandes

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1 A bill to be entitled
2 An act relating to digital learning; creating s.
3 1002.326, F.S.; requiring the State Board of Education
4 to adopt minimum technology standards that meet
5 certain criteria; amending s. 1002.37, F.S.;
6 distinguishing an FTE standard for part-time and full-
7 time students at the Florida Virtual School; amending
8 s. 1002.45, F.S.; providing that a state university
9 can affirm an approved provider; conforming cross-
10 references; removing a requirement that providers be
11 located in this state and staffed by state residents;
12 requiring that virtual instruction programs provide
13 individualized courses in accessible formats to
14 students who have disabilities; establishing FTE
15 standards for full-time and part-time virtual
16 instruction; amending s. 1003.01, F.S.; expanding
17 exceptions to "core-curricula courses"; amending s.
18 1003.498, F.S.; deleting restrictions on registering
19 for online courses offered by a school district that
20 is not the district in which a student is enrolled;
21 prohibiting a school district from requiring a public
22 school student to take a course outside the school day
23 in addition to the student's courses for a given term;
24 amending s. 1011.61, F.S.; applying limitations on
25 membership in programs scheduled for more than 180
26 days to additional entities; amending s. 1011.67,
27 F.S.; providing that funds allocated for instructional
28 materials may be used to purchase hardware; providing
29 an effective date.

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31 Be It Enacted by the Legislature of the State of Florida:

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33 Section 1. Section 1002.326, Florida Statutes, is created
34 to read:

35 1002.326 Statewide policy on secure devices.—

36 (1) By October 1, 2013, the State Board of Education shall
37 adopt minimum technology standards for school districts to
38 comply with the requirements of ss. 1002.321 and 1008.22(3)(g).
39 These standards must provide for the use of hardware, including
40 operating systems, networking, and devices; bandwidth; software;
41 and security, including the temporary disabling of features or
42 applications that could present a security risk during test
43 administration.

44 (a) The state board may not adopt technology standards that
45 are below those required to implement s. 1008.22(3)(g).

46 (b) To reduce or eliminate state costs for devices, the
47 state board must use cloud computing or its equivalent in the
48 implementation of this section. The state board may contract
49 with an entity for cloud computing services if a contract would
50 produce a more cost-effective and efficient means of
51 implementing this section.

52 (c) To the extent practicable, minimum technology standards
53 for devices must allow for a student to bring his or her own
54 device if it meets established hardware, operating system,
55 networking, and security standards adopted by the state board.

56 Section 2. Subsection (8) of section 1002.37, Florida
57 Statutes, is amended to read:

58 1002.37 The Florida Virtual School.—

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59 (8) ~~(a)~~ The Florida Virtual School may provide full-time and
60 part-time instruction for students in kindergarten through grade
61 12. To receive part-time instruction in kindergarten through
62 grade 5, a student must meet at least one of the eligibility
63 criteria in s. 1002.455(2).

64 ~~(b) For students receiving part-time instruction in~~
65 ~~kindergarten through grade 5 and students receiving full-time~~
66 ~~instruction in kindergarten through grade 12 from the Florida~~
67 ~~Virtual School,~~ The combined total of all FTE reported by both
68 the school district and the Florida Virtual School:

69 (a) May not exceed 1.0 FTE for students receiving full-time
70 instruction in kindergarten through grade 12 from the Florida
71 Virtual School.

72 (b) May exceed 1.0 FTE for students receiving part-time
73 instruction in kindergarten through grade 12 from the Florida
74 Virtual School.

75 Section 3. Paragraphs (a) through (c) of subsection (1),
76 paragraph (a) of subsection (2), and paragraphs (d) and (f) of
77 subsection (7) of section 1002.45, Florida Statutes, are
78 amended, and paragraph (f) is added to subsection (3) of that
79 section, to read:

80 1002.45 Virtual instruction programs.—

81 (1) PROGRAM.—

82 (a) For purposes of this section, the term:

83 1. "Approved provider" means a provider that is approved by
84 the department ~~of Education~~ under subsection (2), the Florida
85 Virtual School, a franchise of the Florida Virtual School, ~~or~~ a
86 Florida College System institution, or a state university.

87 2. "Virtual instruction program" means a program of

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88 instruction provided in an interactive learning environment
89 created through technology in which students are separated from
90 their teachers by time or space, or both.

91 (b) Each school district that is eligible for the sparsity
92 supplement pursuant to s. 1011.62(7)(a) and (b) shall provide
93 all enrolled public school students within its boundaries the
94 option of participating in part-time and full-time virtual
95 instruction programs. Each school district that is not eligible
96 for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b)
97 shall provide at least three options for part-time and full-time
98 virtual instruction. All school districts must provide parents
99 with timely written notification of at least one open enrollment
100 period for full-time students of 90 days or more which ends 30
101 days before the first day of the school year. The purpose of the
102 program is to make quality virtual instruction available to
103 students using online and distance learning technology in the
104 nontraditional classroom. A school district virtual instruction
105 program must ~~shall~~ consist of the following:

106 1. Full-time and part-time virtual instruction for students
107 enrolled in kindergarten through grade 12.

108 ~~2. Part-time virtual instruction for students enrolled in~~
109 ~~kindergarten through grade 12 courses that are measured pursuant~~
110 ~~to subparagraph (8)(a)2.~~

111 ~~2.3.~~ Full-time or part-time virtual instruction for
112 students enrolled in dropout prevention and academic
113 intervention programs under s. 1003.53, Department of Juvenile
114 Justice education programs under s. 1003.52, core-curricula
115 courses to meet class size requirements under s. 1003.03, ~~or~~
116 Florida College System institutions, or state universities under

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117 this section.

118 (c) To provide students with the option of participating in
119 virtual instruction programs as required by paragraph (b), a
120 school district may:

121 1. Contract with the Florida Virtual School or establish a
122 franchise of the Florida Virtual School for the provision of a
123 program under paragraph (b). Using this option is subject to the
124 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
125 (IV).

126 2. Contract with an approved provider under subsection (2)
127 for the provision of a full-time or part-time program under
128 paragraph (b) ~~subparagraph (b)1. or subparagraph (b)3. or a~~
129 ~~part-time program under subparagraph (b)2. or subparagraph (b)3.~~

130 3. Enter into an agreement with other school districts to
131 allow the participation of its students in an approved virtual
132 instruction program provided by the other school district. The
133 agreement must indicate a process for the transfer of funds
134 required by paragraph (7)(f).

135 4. Establish school district operated part-time or full-
136 time kindergarten through grade 12 virtual instruction programs
137 under paragraph (b) for students enrolled in the school
138 district. A full-time program shall operate under its own Master
139 School Identification Number.

140 5. Enter into an agreement with a virtual charter school
141 authorized by the school district under s. 1002.33.

142

143 Contracts under subparagraph 1. or subparagraph 2. may include
144 multidistrict contractual arrangements that may be executed by a
145 regional consortium for its member districts. A multidistrict

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146 contractual arrangement or an agreement under subparagraph 3. is
147 not subject to s. 1001.42(4)(d) and does not require the
148 participating school districts to be contiguous. These
149 arrangements may be used to fulfill the requirements of
150 paragraph (b).

151 (2) PROVIDER QUALIFICATIONS.—

152 (a) The department shall annually publish online a list of
153 providers approved to offer virtual instruction programs. To be
154 approved by the department, a provider must document that it:

155 1. Is nonsectarian in its programs, admission policies,
156 employment practices, and operations;

157 2. Complies with the antidiscrimination provisions of s.
158 1000.05;

159 3. ~~Locates an administrative office or offices in this~~
160 ~~state, requires its administrative staff to be state residents,~~
161 Requires all instructional staff to be Florida-certified
162 teachers under chapter 1012~~7~~, and conducts background screenings
163 for all employees or contracted personnel, as required by s.
164 1012.32, using state and national criminal history records;

165 4. Possesses prior~~, successful~~ experience offering online
166 courses to elementary, middle, or high school students and
167 achieves as demonstrated by quantified student learning gains in
168 online or traditional courses in each subject area and grade
169 level provided for consideration as an instructional program
170 option;

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

173 6. Ensures instructional and curricular quality through a
174 detailed curriculum and student performance accountability plan

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175 that addresses every subject and grade level it intends to
176 provide through contract with the school district, including:

177 a. Courses and programs that meet the standards of the
178 International Association for K-12 Online Learning and the
179 Southern Regional Education Board.

180 b. Instructional content and services that align with, and
181 measure student attainment of, student proficiency in the Next
182 Generation Sunshine State Standards.

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

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

190 a. Information and data about the curriculum of each full-
191 time and part-time program.

192 b. School policies and procedures.

193 c. Certification status and physical location of all
194 administrative and instructional personnel.

195 d. Hours and times of availability of instructional
196 personnel.

197 e. Student-teacher ratios.

198 f. Student completion and promotion rates.

199 g. Student, educator, and school performance accountability
200 outcomes;

201 8. If the provider is a Florida College System institution
202 or state university, employs instructors who meet the
203 certification requirements for instructional staff under chapter

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204 1012; and

205 9. Performs an annual financial audit of its accounts and
206 records conducted by an independent certified public accountant
207 which is in accordance with rules adopted by the Auditor
208 General, is conducted in compliance with generally accepted
209 auditing standards, and includes a report on financial
210 statements presented in accordance with generally accepted
211 accounting principles.

212 (3) VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each virtual
213 instruction program under this section must:

214 (f) Provide virtual courses in accessible formats for
215 students who have disabilities, including students who are
216 visually impaired or who have a learning disability or physical
217 disability, and ensure that such courses are tailored to the
218 individual education plans of such students.

219 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
220 FUNDING.—

221 (d) The combined total of all FTE reported by both the
222 school district and the provider:

223 1. May not exceed 1.0 FTE for students receiving full-time
224 instruction in kindergarten through grade 12 from the provider.

225 2. May exceed 1.0 FTE for students receiving part-time
226 instruction in kindergarten through grade 12 from the provider ~~A~~
227 ~~student may not be reported as more than 1.0 full-time~~
228 ~~equivalent student in any given school year.~~

229 (f) The school district providing virtual instruction shall
230 report full-time equivalent students for a virtual instruction
231 program or a virtual charter school, including credits completed
232 during the summer, to the department in a manner prescribed by

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233 the department, and funding shall be provided through the
234 Florida Education Finance Program.

235 Section 4. Subsection (14) of section 1003.01, Florida
236 Statutes, is amended to read:

237 1003.01 Definitions.—As used in this chapter, the term:

238 (14) "Core-curricula courses" means:

239 (a) Courses in language arts/reading, mathematics, social
240 studies, and science in prekindergarten through grade 3,
241 excluding any extracurricular courses pursuant to subsection
242 (15);

243 (b) Courses in grades 4 through 8 in subjects that are
244 measured by state assessment at any grade level and courses
245 required for middle school promotion, excluding any
246 extracurricular courses pursuant to subsection (15);

247 (c) Courses in grades 9 through 12 in subjects that are
248 measured by state assessment at any grade level and courses that
249 are specifically identified by name in statute as required for
250 high school graduation and that are not measured by state
251 assessment, excluding any extracurricular courses pursuant to
252 subsection (15);

253 (d) Exceptional student education courses; and

254 (e) English for Speakers of Other Languages courses.

255

256 The term is limited in meaning and used for the sole purpose of
257 designating classes that are subject to the maximum class size
258 requirements established in s. 1, Art. IX of the State
259 Constitution. This term does not include courses offered under
260 s. 1002.321(4)(e), s. 1002.33(7)(a)2.b., s. ~~ss.~~ 1002.37, s.
261 1002.415, or s. ~~and~~ 1002.45.

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262 Section 5. Paragraph (b) of subsection (2) of section
 263 1003.498, Florida Statutes, is amended, and subsection (3) is
 264 added to that section, to read:

265 1003.498 School district virtual course offerings.—

266 (2) School districts may offer virtual courses for students
 267 enrolled in the school district. These courses must be
 268 identified in the course code directory. Students who meet the
 269 eligibility requirements of s. 1002.455 may participate in these
 270 virtual course offerings.

271 (b) An ~~Any~~ eligible student who is enrolled in a school
 272 district may register and enroll in an online course offered by
 273 any other school district in the state, ~~except as limited by the~~
 274 ~~following:~~

275 ~~1. A student may not enroll in a course offered through a~~
 276 ~~virtual instruction program provided pursuant to s. 1002.45.~~

277 ~~2. A student may not enroll in a virtual course offered by~~
 278 ~~another school district if:~~

279 ~~a. The course is offered online by the school district in~~
 280 ~~which the student resides; or~~

281 ~~b. The course is offered in the school in which the student~~
 282 ~~is enrolled. However, a student may enroll in an online course~~
 283 ~~offered by another school district if the school in which the~~
 284 ~~student is enrolled offers the course but the student is unable~~
 285 ~~to schedule the course in his or her school.~~

286 ~~3.~~ The school district in which the student completes the
 287 course shall report the student's completion of that course for
 288 funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home
 289 school district may ~~shall~~ not report the student for funding for
 290 that course. For purposes of this paragraph, the combined total

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291 of all school district reported FTE may not be reported as more
292 than 1.0 full-time equivalent student in any given school year.
293 The department of ~~Education~~ shall establish procedures to enable
294 interdistrict coordination for the delivery and funding of this
295 online option.

296 (3) A school district may not require a public school
297 student to take a course outside the school day in addition to
298 the student's courses for a given term.

299 Section 6. Paragraph (c) of subsection (1) of section
300 1011.61, Florida Statutes, is amended to read:

301 1011.61 Definitions.—Notwithstanding the provisions of s.
302 1000.21, the following terms are defined as follows for the
303 purposes of the Florida Education Finance Program:

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

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

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

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

314 (I) A full-time student in a combination of programs listed
315 in s. 1011.62(1)(c) shall be a fraction of a full-time
316 equivalent membership in each program equal to the number of net
317 hours per school year for which he or she is a member, divided
318 by the appropriate number of hours set forth in subparagraph
319 (a)1. or subparagraph (a)2. The sum of the fractions for each

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320 program may not exceed the maximum value set forth in subsection
321 (4).

322 (II) A prekindergarten student with a disability shall meet
323 the requirements specified for kindergarten students.

324 (III) A full-time equivalent student for students in
325 kindergarten through grade 12 in a full-time virtual instruction
326 program under s. 1002.45 or a virtual charter school under s.
327 1002.33 shall consist of six full-credit completions or the
328 prescribed level of content that counts toward promotion to the
329 next grade in programs listed in s. 1011.62(1)(c). Credit
330 completions may be a combination of full-credit courses or half-
331 credit courses. Beginning in the 2014-2015 fiscal year, when s.
332 1008.22(3)(g) is implemented, the reported full-time equivalent
333 students and associated funding of students enrolled in courses
334 requiring passage of an end-of-course assessment shall be
335 adjusted after the student completes the end-of-course
336 assessment.

337 (IV) A full-time equivalent student for students in
338 kindergarten through grade 12 in a part-time virtual instruction
339 program under s. 1002.45 shall consist of six full-credit
340 completions in programs listed in s. 1011.62(1)(c)1. and 3.
341 Credit completions may be a combination of full-credit courses
342 or half-credit courses. Beginning in the 2014-2015 fiscal year,
343 when s. 1008.22(3)(g) is implemented, the reported full-time
344 equivalent students and associated funding of students enrolled
345 in courses requiring passage of an end-of-course assessment
346 shall be adjusted after the student completes the end-of-course
347 assessment.

348 (V) A Florida Virtual School full-time equivalent student

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349 shall consist of six full-credit completions or the prescribed
350 level of content that counts toward promotion to the next grade
351 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
352 participating in kindergarten through grade 12 part-time virtual
353 instruction and the programs listed in s. 1011.62(1)(c) for
354 students participating in kindergarten through grade 12 full-
355 time virtual instruction. Credit completions may be a
356 combination of full-credit courses or half-credit courses.
357 Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is
358 implemented, the reported full-time equivalent students and
359 associated funding of students enrolled in courses requiring
360 passage of an end-of-course assessment shall be adjusted after
361 the student completes the end-of-course assessment.

362 (VI) Each successfully completed full-credit course earned
363 through an online course delivered by a district other than the
364 one in which the student resides shall be calculated as 1/6 FTE.

365 (VII) Each successfully completed credit earned under the
366 alternative high school course credit requirements authorized in
367 s. 1002.375, which is not reported as a portion of the 900 net
368 hours of instruction pursuant to subparagraph (1)(a)1., shall be
369 calculated as 1/6 FTE.

370 (VIII) (A) A full-time equivalent student for courses
371 requiring a statewide, standardized end-of-course assessment
372 pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported
373 based on the number of instructional hours as provided in this
374 subsection for the first 3 years of administering the end-of-
375 course assessment. Beginning in the fourth year of administering
376 the end-of-course assessment, the FTE shall be credit-based and
377 each course shall be equal to 1/6 FTE. The reported FTE shall be

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378 adjusted after the student successfully completes the end-of-
379 course assessment pursuant to s. 1008.22(3)(c)2.a.

380 (B) For students enrolled in a school district as a full-
381 time student, the district may report 1/6 FTE for each student
382 who passes a statewide, standardized end-of-course assessment
383 without being enrolled in the corresponding course.

384 (C) The FTE earned under this sub-sub-subparagraph and any
385 FTE for courses or programs listed in s. 1011.62(1)(c) that do
386 not require passing a statewide, standardized end-of-course
387 assessment are subject to the requirements in subsection (4).

388 2. A student in membership in a program scheduled for more
389 or less than 180 school days or the equivalent on an hourly
390 basis as specified by rules of the State Board of Education is a
391 fraction of a full-time equivalent membership equal to the
392 number of instructional hours in membership divided by the
393 appropriate number of hours set forth in subparagraph (a)1.;
394 however, for the purposes of this subparagraph, membership in
395 programs scheduled for more than 180 days is limited to students
396 enrolled in juvenile justice education programs, in virtual
397 instruction programs provided under s. 1002.45, and through the
398 Florida Virtual School.

399
400 The department shall determine and implement an equitable method
401 of equivalent funding for experimental schools and for schools
402 operating under emergency conditions, which schools have been
403 approved by the department to operate for less than the minimum
404 school day.

405 Section 7. Subsection (3) is added to section 1011.67,
406 Florida Statutes, to read:

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407 1011.67 Funds for instructional materials.-

408 (3) A school district may use funds that are allocated for
409 instructional materials to purchase hardware, including
410 operating systems, networking, and devices, for student
411 instruction.

412 Section 8. This act shall take effect July 1, 2013.