

1 A bill to be entitled
2 An act relating to digital learning; amending s.
3 1002.321, F.S.; requiring the Department of Education
4 to develop an online catalog of digital learning
5 courses; amending s. 1002.37, F.S.; providing
6 requirements for funding a home education student
7 enrolled in the Florida Virtual School; providing
8 reporting requirements relating to Florida Virtual
9 School Global; amending s. 1002.45, F.S.; authorizing
10 a school district to provide part-time virtual
11 instruction for K-12 students in all courses; revising
12 requirements for approval as a provider of virtual
13 instruction programs; providing requirements for
14 conditional approval; creating s. 1002.451, F.S.;
15 authorizing a district school board to operate a
16 district innovation school as a pilot program;
17 providing delivery models for implementation of a
18 schoolwide blended learning program; providing
19 exemption from statutes and rules; amending s.
20 1003.01, F.S.; removing blended learning courses
21 provided by a traditional public school, a charter
22 school, or a district innovation school from the
23 definition of core curricular courses for purposes of
24 class size requirements; amending s. 1003.498, F.S.;
25 requiring the Department of Education to provide
26 identifiers for courses to designate their use for
27 blended learning courses; removing restrictions on
28 students taking online courses across district lines;

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29 | prohibiting a school district from requiring a public
30 | school student to take an online course at certain
31 | times or places; providing an effective date.

32

33 | Be It Enacted by the Legislature of the State of Florida:

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35 | Section 1. Subsection (6) is added to section 1002.321,
36 | Florida Statutes, to read:

37 | 1002.321 Digital learning.—

38 | (6) ONLINE CATALOG.—The department shall develop an online
39 | catalog of available digital learning courses provided pursuant
40 | to ss. 1002.37, 1002.45, and 1003.498, which provides, for each
41 | course, access to the course description, completion and passage
42 | rates, and a method for student and teacher users to provide
43 | evaluative feedback.

44 | Section 2. Paragraph (a) of subsection (3) and subsection
45 | (6) of section 1002.37, Florida Statutes, are amended to read:

46 | 1002.37 The Florida Virtual School. —

47 | (3) Funding for the Florida Virtual School shall be
48 | provided as follows:

49 | (a)1. For a student in grades 9 through 12, a "full-time
50 | equivalent student" is one student who has successfully
51 | completed six full-credit courses that count toward the minimum
52 | number of credits required for high school graduation. A student
53 | who completes fewer than six full-credit courses is a fraction
54 | of a full-time equivalent student. Half-credit course
55 | completions shall be included in determining a full-time
56 | equivalent student. Credit completed by a student in excess of

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57 | the minimum required for that student for high school graduation
58 | is not eligible for funding.

59 | 2. For a student in kindergarten through grade 8, a "full-
60 | time equivalent student" is one student who has successfully
61 | completed six courses or the prescribed level of content that
62 | counts toward promotion to the next grade. A student who
63 | completes fewer than six courses or the prescribed level of
64 | content shall be a fraction of a full-time equivalent student.

65 | 3. For a student in a home education program, funding
66 | shall be provided in accordance with this subsection upon course
67 | completion if the parent verifies, upon enrollment for each
68 | course, that the student is registered with the school district
69 | as a home education student pursuant to s. 1002.41(1)(a).

70 | ~~4.3.~~ Beginning in the 2014-2015 fiscal year, when s.
71 | 1008.22(3)(g) is implemented, the reported full-time equivalent
72 | students and associated funding of students enrolled in courses
73 | requiring passage of an end-of-course assessment shall be
74 | adjusted after the student completes the end-of-course
75 | assessment. However, no adjustment shall be made for home
76 | education program students who choose not to take an end-of-
77 | course assessment.

78 |
79 | For purposes of this paragraph, the calculation of "full-time
80 | equivalent student" shall be as prescribed in s.
81 | 1011.61(1)(c)1.b.(V).

82 | (6) The board of trustees shall annually submit to the
83 | Governor, the Legislature, the Commissioner of Education, and
84 | the State Board of Education a complete and detailed report

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85 setting forth:

86 (a) The operations and accomplishments of the Florida
87 Virtual School within the state and those occurring outside the
88 state as Florida Virtual School Global.

89 (b) The marketing and operational plan for the Florida
90 Virtual School and Florida Virtual School Global, including
91 recommendations regarding methods for improving the delivery of
92 education through the Internet and other distance learning
93 technology.

94 (c) The assets and liabilities of the Florida Virtual
95 School and Florida Virtual School Global at the end of the
96 fiscal year.

97 (d) A copy of an annual financial audit of the accounts
98 and records of the Florida Virtual School and Florida Virtual
99 School Global, conducted by an independent certified public
100 accountant and performed in accordance with rules adopted by the
101 Auditor General.

102 (e) Recommendations regarding the unit cost of providing
103 services to students through the Florida Virtual School and
104 Florida Virtual School Global. In order to most effectively
105 develop public policy regarding any future funding of the
106 Florida Virtual School, it is imperative that the cost of the
107 program is accurately identified. The identified cost of the
108 program must be based on reliable data.

109 (f) Recommendations regarding an accountability mechanism
110 to assess the effectiveness of the services provided by the
111 Florida Virtual School and Florida Virtual School Global.

112 Section 3. Paragraphs (b) and (c) of subsection (1) and

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113 paragraph (a) of subsection (2) of section 1002.45, Florida
114 Statutes, are amended to read:

115 1002.45 Virtual instruction programs.—

116 (1) PROGRAM.—

117 (b) Each school district that is eligible for the sparsity
118 supplement pursuant to s. 1011.62(7)(a) and (b) shall provide
119 all enrolled public school students within its boundaries the
120 option of participating in part-time and full-time virtual
121 instruction programs. Each school district that is not eligible
122 for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b)
123 shall provide at least three options for part-time and full-time
124 virtual instruction. All school districts must provide parents
125 with timely written notification of at least one open enrollment
126 period for full-time students of 90 days or more which ends 30
127 days before the first day of the school year. The purpose of the
128 program is to make quality virtual instruction available to
129 students using online and distance learning technology in the
130 nontraditional classroom. A school district virtual instruction
131 program shall consist of the following:

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

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

137 ~~2.3.~~ Full-time or part-time virtual instruction for
138 students enrolled in dropout prevention and academic
139 intervention programs under s. 1003.53, Department of Juvenile
140 Justice education programs under s. 1003.52, core-curricula

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141 courses to meet class size requirements under s. 1003.03, or
142 Florida College System institutions under this section.

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

146 1. Contract with the Florida Virtual School or establish a
147 franchise of the Florida Virtual School for the provision of a
148 program under paragraph (b). Using this option is subject to the
149 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
150 (IV).

151 2. Contract with an approved provider under subsection (2)
152 for the provision of a full-time or part-time program under
153 paragraph (b) ~~subparagraph (b)1. or subparagraph (b)3. or a~~
154 ~~part-time program under subparagraph (b)2. or subparagraph (b)3.~~

155 3. Enter into an agreement with other school districts to
156 allow the participation of its students in an approved virtual
157 instruction program provided by the other school district. The
158 agreement must indicate a process for the transfer of funds
159 required by paragraph (7)(f).

160 4. Establish school district operated part-time or full-
161 time kindergarten through grade 12 virtual instruction programs
162 under paragraph (b) for students enrolled in the school
163 district. A full-time program shall operate under its own Master
164 School Identification Number.

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

167
168 Contracts under subparagraph 1. or subparagraph 2. may include

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169 multidistrict contractual arrangements that may be executed by a
170 regional consortium for its member districts. A multidistrict
171 contractual arrangement or an agreement under subparagraph 3. is
172 not subject to s. 1001.42(4)(d) and does not require the
173 participating school districts to be contiguous. These
174 arrangements may be used to fulfill the requirements of
175 paragraph (b).

176 (2) PROVIDER QUALIFICATIONS.—

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

180 1. Is nonsectarian in its programs, admission policies,
181 employment practices, and operations;

182 2. Complies with the antidiscrimination provisions of s.
183 1000.05;

184 3. ~~Locates an administrative office or offices in this~~
185 ~~state, requires its administrative staff to be state residents,~~
186 Requires all instructional staff to be Florida-certified
187 teachers under chapter 1012, and conducts background screenings
188 for all employees or contracted personnel, as required by s.
189 1012.32, using state and national criminal history records;

190 4. Provides to parents and students specific information
191 posted and accessible online that includes, but is not limited
192 to, the following teacher-parent and teacher-student contact
193 information for each course:

194 a. How to contact the instructor via phone, email, or
195 online messaging tools.

196 b. How to contact technical support via phone, email, or

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197 online messaging tools.

198 c. How to contact the administration office via phone,
199 email, or online messaging tools.

200 d. Any requirement for regular contact with the instructor
201 for the course and clear expectations for meeting the
202 requirement.

203 e. The requirement that the instructor in each course
204 must, at a minimum, conduct one contact via phone with the
205 parent and the student each month.

206 ~~5.4.~~ Possesses prior, successful experience offering
207 online courses to elementary, middle, or high school students as
208 demonstrated by quantified student learning gains in each
209 subject area and grade level provided for consideration as an
210 instructional program option. However, for a provider without
211 sufficient prior, successful experience offering online courses,
212 the department may conditionally approve the provider to offer
213 courses measured pursuant to subparagraph (8)(a)2. Conditional
214 approval shall be valid for 1 school year only and, based on the
215 provider's experience in offering the courses, the department
216 shall determine whether to grant approval to offer a virtual
217 instruction program;

218 ~~6.5.~~ Is accredited by a regional accrediting association as
219 defined by State Board of Education rule;

220 ~~7.6.~~ Ensures instructional and curricular quality through a
221 detailed curriculum and student performance accountability plan
222 that addresses every subject and grade level it intends to
223 provide through contract with the school district, including:

224 a. Courses and programs that meet the standards of the

225 International Association for K-12 Online Learning and the
226 Southern Regional Education Board.

227 b. Instructional content and services that align with, and
228 measure student attainment of, student proficiency in the Next
229 Generation Sunshine State Standards.

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

233 8.7. Publishes for the general public, in accordance with
234 disclosure requirements adopted in rule by the State Board of
235 Education, as part of its application as a provider and in all
236 contracts negotiated pursuant to this section:

237 a. Information and data about the curriculum of each full-
238 time and part-time program.

239 b. School policies and procedures.

240 c. Certification status and physical location of all
241 administrative and instructional personnel.

242 d. Hours and times of availability of instructional
243 personnel.

244 e. Student-teacher ratios.

245 f. Student completion and promotion rates.

246 g. Student, educator, and school performance
247 accountability outcomes;

248 9.8. If the provider is a Florida College System
249 institution, employs instructors who meet the certification
250 requirements for instructional staff under chapter 1012; and

251 10.9. Performs an annual financial audit of its accounts
252 and records conducted by an independent certified public

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253 accountant which is in accordance with rules adopted by the
254 Auditor General, is conducted in compliance with generally
255 accepted auditing standards, and includes a report on financial
256 statements presented in accordance with generally accepted
257 accounting principles.

258 Section 4. Section 1002.451, Florida Statutes, is created
259 to read:

260 1002.451 District innovation school pilot program.-

261 (1) DISTRICT INNOVATION SCHOOL.-

262 (a) A district school board may operate a district
263 innovation school for the purpose of encouraging innovation
264 while requiring high student academic achievement and
265 accountability in exchange for flexibility and exemption from
266 specific statutes and rules. The innovation school shall operate
267 as a pilot program within existing resources.

268 (b) A district innovation school is a school that has, on
269 a schoolwide basis, adopted and implemented a blended learning
270 program. A blended learning program is a formal education
271 program in which a student learns in part through online
272 delivery of content and instruction with some element of student
273 control over time, place, path, or pace and in part at a
274 supervised brick-and-mortar location away from home. Blended
275 learning models shall include major components such as
276 differentiated instruction, data-driven placement, flexible
277 scheduling, differentiated teaching, and self-paced learning.
278 The school shall use one of the following blended learning
279 models:

280 1. Flipped classroom model in which students use online

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281 instructional videos at home for homework and practice concepts
282 in the classroom with the support of the teacher;

283 2. Flex model in which students learn primarily online in
284 a brick-and-mortar school and teachers act as facilitators; or

285 3. Rotation model in which students move between different
286 learning modalities, such as online instruction, teacher-
287 directed instruction, seminar or group projects, and one-on-one
288 teacher coaching. Rotation models include individual, station,
289 and laboratory models.

290 (2) GUIDING PRINCIPLES.—A district innovation school shall
291 be guided by the following principles:

292 (a) Meet high standards of student achievement in exchange
293 for flexibility with respect to statutes and rules.

294 (b) Implement innovative learning methods, including
295 blended learning, and measurement tools to implement a
296 schoolwide, rather than specific course, transformation to
297 improve student learning and academic achievement.

298 (c) Promote enhanced academic success and financial
299 efficiency by aligning responsibility with accountability.

300 (d) Require the measurement of learning outcomes.

301 (e) Provide a parent with sufficient information as to
302 whether his or her child is reading at grade level and making
303 learning gains each year spent in the innovation school.

304 (3) TERM OF THE PILOT PROGRAM.—A district innovation
305 school may operate pursuant to a performance contract with the
306 district school board for a period of 5 years, at the end of
307 which the school's performance shall be evaluated for purposes
308 of renewal. After the initial 3-year period, if a district

309 innovation school receives a school grade of "F" for 2
 310 consecutive years, the district school board shall terminate the
 311 contract with the school, and the school is no longer eligible
 312 for the statutory and regulatory flexibilities provided in
 313 subsection (4).

314 (4) EXEMPTION FROM STATUTES AND RULES.—

315 (a) A district innovation school is exempt from chapters
 316 1000-1013. However, a district innovation school shall be in
 317 compliance with the following statutes in chapters 1000-1013:

318 1. Those statutes specifically applying to district
 319 innovation schools, including this section.

320 2. Those statutes pertaining to the student assessment
 321 program and school grading system.

322 3. Those statutes pertaining to the provision of services
 323 to students with disabilities.

324 4. Those statutes pertaining to civil rights, including s.
 325 1000.05, relating to discrimination.

326 5. Those statutes pertaining to student health, safety,
 327 and welfare.

328 (b) Additionally, a district innovation school shall be in
 329 compliance with the following statutes:

330 1. Section 286.011, relating to public meetings and
 331 records, public inspection, and criminal and civil penalties.

332 2. Chapter 119, relating to public records.

333 3. Section 1012.22(1)(c), relating to compensation and
 334 salary schedules.

335 4. Section 1012.33(5), relating to workforce reductions.

336 5. Section 1012.335, relating to contracts with

337 | instructional personnel hired on or after July 1, 2011.
 338 | 6. Section 1012.34, relating to personnel evaluation.
 339 | Section 5. Subsection (14) of section 1003.01, Florida
 340 | Statutes, is amended to read:
 341 | 1003.01 Definitions.—As used in this chapter, the term:
 342 | (14) "Core-curricula courses" means:
 343 | (a) Courses in language arts/reading, mathematics, social
 344 | studies, and science in prekindergarten through grade 3,
 345 | excluding any extracurricular courses pursuant to subsection
 346 | (15);
 347 | (b) Courses in grades 4 through 8 in subjects that are
 348 | measured by state assessment at any grade level and courses
 349 | required for middle school promotion, excluding any
 350 | extracurricular courses pursuant to subsection (15);
 351 | (c) Courses in grades 9 through 12 in subjects that are
 352 | measured by state assessment at any grade level and courses that
 353 | are specifically identified by name in statute as required for
 354 | high school graduation and that are not measured by state
 355 | assessment, excluding any extracurricular courses pursuant to
 356 | subsection (15);
 357 | (d) Exceptional student education courses; and
 358 | (e) English for Speakers of Other Languages courses.
 359 |
 360 | The term is limited in meaning and used for the sole purpose of
 361 | designating classes that are subject to the maximum class size
 362 | requirements established in s. 1, Art. IX of the State
 363 | Constitution. This term does not include courses offered under
 364 | ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.415, and

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365 | 1002.45, and 1002.451.

366 | Section 6. Section 1003.498, Florida Statutes, is amended
367 | to read:

368 | 1003.498 School district virtual course offerings.—

369 | (1) School districts may deliver courses in the
370 | traditional school setting by personnel certified pursuant to s.
371 | 1012.55 who provide direct instruction through virtual
372 | instruction or through blended learning courses consisting of
373 | both traditional classroom and online instructional techniques.
374 | Students in a blended learning course must be full-time students
375 | of the school and receive the online instruction in a classroom
376 | setting at the school. The funding, performance, and
377 | accountability requirements for blended learning courses are the
378 | same as those for traditional courses. To facilitate the
379 | delivery and coding of blended learning courses, the department
380 | shall provide identifiers for existing courses to designate that
381 | they are being used for blended learning courses for the purpose
382 | of ensuring the efficient reporting of such courses.

383 | (2) School districts may offer virtual courses for
384 | students enrolled in the school district. These courses must be
385 | identified in the course code directory. Students who meet the
386 | eligibility requirements of s. 1002.455 may participate in these
387 | virtual course offerings.

388 | (a) Any eligible student who is enrolled in a school
389 | district may register and enroll in an online course offered by
390 | his or her school district.

391 | (b)1. Any eligible student who is enrolled in a school
392 | district may register and enroll in an online course offered by

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393 any other school district in the state, ~~except as limited by the~~
394 ~~following:~~

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

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

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

401 ~~b. The course is offered in the school in which the~~
402 ~~student is enrolled. However, a student may enroll in an online~~
403 ~~course offered by another school district if the school in which~~
404 ~~the student is enrolled offers the course but the student is~~
405 ~~unable to schedule the course in his or her school.~~

406 ~~3.~~ The school district in which the student completes the
407 course shall report the student's completion of that course for
408 funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home
409 school district shall not report the student for funding for
410 that course.

411 2. For purposes of this paragraph, the combined total of
412 all school district reported FTE may not be reported as more
413 than 1.0 full-time equivalent student in any given school year.
414 The Department of Education shall establish procedures to enable
415 interdistrict coordination for the delivery and funding of this
416 online option.

417 (3) A school district may not require a public school
418 student to take a course outside the school day that is in
419 addition to the student's courses for a given term or on school
420 grounds.

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421 | Section 7. This act shall take effect July 1, 2013. |