

By Senator Baxley

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1 A bill to be entitled
2 An act relating to student eligibility for K-12
3 virtual instruction; amending s. 1002.37, F.S.;
4 revising eligibility requirements for specified
5 students to receive part-time instruction at the
6 Florida Virtual School; removing provisions requiring
7 the Auditor General to conduct an operational audit of
8 the Florida Virtual School; amending s. 1002.455,
9 F.S.; authorizing all students, including home
10 education and private school students, to participate
11 in specified virtual instruction options; deleting the
12 eligibility criteria for a student to participate in
13 virtual instruction; amending s. 1003.4282, F.S.;
14 revising the options that a district school board or
15 charter school governing board may offer for a student
16 to satisfy certain online course requirements;
17 amending ss. 1002.33, 1002.45, 1003.498, and 1011.62,
18 F.S.; conforming provisions and cross-references to
19 changes made by the act; providing an effective date.
20

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

23 Section 1. Paragraph (a) of subsection (8) and subsection
24 (11) of section 1002.37, Florida Statutes, are amended to read:
25 1002.37 The Florida Virtual School.—

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

31 ~~(11) The Auditor General shall conduct an operational audit~~
32 ~~of the Florida Virtual School, including Florida Virtual School~~

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33 ~~Global. The scope of the audit shall include, but not be limited~~
34 ~~to, the administration of responsibilities relating to~~
35 ~~personnel; procurement and contracting; revenue production;~~
36 ~~school funds, including internal funds; student enrollment~~
37 ~~records; franchise agreements; information technology~~
38 ~~utilization, assets, and security; performance measures and~~
39 ~~standards; and accountability. The final report on the audit~~
40 ~~shall be submitted to the President of the Senate and the~~
41 ~~Speaker of the House of Representatives no later than January~~
42 ~~31, 2014.~~

43 Section 2. Section 1002.455, Florida Statutes, is amended
44 to read:

45 1002.455 Student eligibility for K-12 virtual instruction.-

46 ~~(1) All students, including home education and private~~
47 ~~school students, are eligible to participate in any of the~~
48 ~~following A student may participate in virtual instruction in~~
49 ~~the school district in which he or she resides if the student~~
50 ~~meets the eligibility criteria in subsection (2).~~

51 ~~(2) A student is eligible to participate in virtual~~
52 ~~instruction if:~~

53 ~~(a) The student spent the prior school year in attendance~~
54 ~~at a public school in the state and was enrolled and reported by~~
55 ~~the school district for funding during October and February for~~
56 ~~purposes of the Florida Education Finance Program surveys;~~

57 ~~(b) The student is a dependent child of a member of the~~
58 ~~United States Armed Forces who was transferred within the last~~
59 ~~12 months to this state from another state or from a foreign~~
60 ~~country pursuant to a permanent change of station order;~~

61 ~~(c) The student was enrolled during the prior school year~~

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62 in a virtual instruction program under ~~s. 1002.45~~ or a full-time
63 Florida Virtual School program under ~~s. 1002.37(8) (a)~~;

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

67 ~~(e) The student is eligible to enter kindergarten or first~~
68 ~~grade; or~~

69 ~~(f) The student is eligible to enter grades 2 through 5 and~~
70 ~~is enrolled full-time in a school district virtual instruction~~
71 ~~program, virtual charter school, or the Florida Virtual School.~~

72 ~~(3) The virtual instruction options for which this~~
73 ~~eligibility section applies include:~~

74 (1) ~~(a)~~ School district operated part-time or full-time
75 kindergarten through grade 12 virtual instruction programs under
76 s. 1002.45(1) (b) for students enrolled in the school district.

77 (2) ~~(b)~~ Full-time virtual charter school instruction
78 authorized under s. 1002.33.

79 (3) ~~(e)~~ Virtual courses offered in the course code directory
80 to students within the school district or to students in other
81 school districts throughout the state pursuant to s. 1003.498.

82 (4) Florida Virtual School instructional services
83 authorized under s. 1002.37.

84 Section 3. Paragraph (b) of subsection (4) of section
85 1003.4282, Florida Statutes, is amended to read:

86 1003.4282 Requirements for a standard high school diploma.—

87 (4) ONLINE COURSE REQUIREMENT.—At least one course within
88 the 24 credits required under this section must be completed
89 through online learning.

90 (b) A district school board or a charter school governing

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91 board, as applicable, may allow a student ~~offer students the~~
92 ~~following options~~ to satisfy the online course requirements of
93 this subsection by completing:

94 ~~1. Completion of a course in which the a student earns a~~
95 nationally recognized industry certification in information
96 technology that is identified on the CAPE Industry Certification
97 Funding List pursuant to s. 1008.44 or passing ~~passage of the~~
98 information technology certification examination without
99 enrolling ~~enrollment in or completing~~ ~~completion of the~~
100 corresponding course or courses, as applicable.

101 ~~2. Passage of an online content assessment, without~~
102 ~~enrollment in or completion of the corresponding course or~~
103 ~~courses, as applicable, by which the student demonstrates skills~~
104 ~~and competency in locating information and applying technology~~
105 ~~for instructional purposes.~~

106
107 For purposes of this subsection, a school district may not
108 require a student to take the online course outside the school
109 day or in addition to a student's courses for a given semester.
110 This subsection does not apply to a student who has an
111 individual education plan under s. 1003.57 which indicates that
112 an online course would be inappropriate or to an out-of-state
113 transfer student who is enrolled in a Florida high school and
114 has 1 academic year or less remaining in high school.

115 Section 4. Subsection (1) of section 1002.33, Florida
116 Statutes, is amended to read:

117 1002.33 Charter schools.—

118 (1) AUTHORIZATION.—Charter schools shall be part of the
119 state's program of public education. All charter schools in

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120 Florida are public schools. A charter school may be formed by
121 creating a new school or converting an existing public school to
122 charter status. A charter school may operate a virtual charter
123 school pursuant to s. 1002.45(1)(d) to provide full-time online
124 instruction to ~~eligible~~ students, pursuant to s. 1002.455, in
125 kindergarten through grade 12. An existing charter school that
126 is seeking to become a virtual charter school must amend its
127 charter or submit a new application pursuant to subsection (6)
128 to become a virtual charter school. A virtual charter school is
129 subject to the requirements of this section; however, a virtual
130 charter school is exempt from subsections (18) and (19),
131 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
132 s. 1003.03. A public school may not use the term charter in its
133 name unless it has been approved under this section.

134 Section 5. Subsection (5) of section 1002.45, Florida
135 Statutes, is amended to read:

136 1002.45 Virtual instruction programs.—

137 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual
138 instruction program provided by the school district or by a
139 virtual charter school operated in the district in which he or
140 she resides ~~if the student meets eligibility requirements for~~
141 ~~virtual instruction~~ pursuant to s. 1002.455.

142 Section 6. Subsection (2) of section 1003.498, Florida
143 Statutes, is amended to read:

144 1003.498 School district virtual course offerings.—

145 (2) School districts may offer virtual courses for students
146 enrolled in the school district. These courses must be
147 identified in the course code directory. Students ~~who meet the~~
148 ~~eligibility requirements of s. 1002.455~~ may participate in these

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149 virtual course offerings pursuant to s. 1002.455.

150 (a) Any ~~eligible~~ student who is enrolled in a school
151 district may register and enroll in an online course offered by
152 his or her school district.

153 (b)1. Any ~~eligible~~ student who is enrolled in a school
154 district may register and enroll in an online course offered by
155 any other school district in the state. The school district in
156 which the student completes the course shall report the
157 student's completion of that course for funding pursuant to s.
158 1011.61(1)(c)1.b.(VI), and the home school district shall not
159 report the student for funding for that course.

160 2. The full-time equivalent student membership calculated
161 under this subsection is subject to the requirements in s.
162 1011.61(4). The Department of Education shall establish
163 procedures to enable interdistrict coordination for the delivery
164 and funding of this online option.

165 Section 7. Subsection (11) of section 1011.62, Florida
166 Statutes, is amended to read:

167 1011.62 Funds for operation of schools.—If the annual
168 allocation from the Florida Education Finance Program to each
169 district for operation of schools is not determined in the
170 annual appropriations act or the substantive bill implementing
171 the annual appropriations act, it shall be determined as
172 follows:

173 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
174 annually provide in the Florida Education Finance Program a
175 virtual education contribution. The amount of the virtual
176 education contribution shall be the difference between the
177 amount per FTE established in the General Appropriations Act for

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178 virtual education and the amount per FTE for each district and
179 the Florida Virtual School, which may be calculated by taking
180 the sum of the base FTEFP allocation, the discretionary local
181 effort, the state-funded discretionary contribution, the
182 discretionary millage compression supplement, the research-based
183 reading instruction allocation, and the instructional materials
184 allocation, and then dividing by the total unweighted FTE. This
185 difference shall be multiplied by the virtual education
186 unweighted FTE for programs and options identified in s.
187 1002.455 ~~s. 1002.455(3)~~ and the Florida Virtual School and its
188 franchises to equal the virtual education contribution and shall
189 be included as a separate allocation in the funding formula.

190 Section 8. This act shall take effect July 1, 2017.