

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 833 Student Eligibility for K-12 Virtual Instruction  
**SPONSOR(S):** PreK-12 Appropriations Subcommittee; Sullivan and others  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 692

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	14 Y, 0 N	Dehmer	Healy
2) PreK-12 Appropriations Subcommittee	15 Y, 0 N, As CS	Seifert	Potvin
3) Education Committee			

### SUMMARY ANALYSIS

Florida has a variety of virtual instruction options for K-12 students. However, students in 2nd through 5th grades are not eligible for enrollment in part-time virtual instruction unless they were enrolled in public school in the prior year, are dependent children of military personnel or have a sibling currently enrolled in a virtual instruction program and the sibling was enrolled at the end of the prior year. As a result, many 2nd through 5th grade students are not eligible for enrollment in part-time virtual instruction.

The bill removes the prior year in public school requirement and provides that all K-12 students, including home education and private school students, are eligible for both full-time and part-time virtual instruction options.

The bill removes passage of an online content assessment, by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes, as an option to fulfill the online course requirement.

The fiscal impact of the bill will be absorbed within the funding distribution of the Florida Education Finance Program (FEFP).

The bill takes effect July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Student Eligibility for Virtual Instruction

###### Present Situation

Florida law establishes a variety of options to make virtual instruction accessible to K-12 students. These options include:

- full-time or part-time enrollment in a school district virtual instruction program (VIP);<sup>1</sup>
- full-time enrollment in a virtual charter school;<sup>2</sup>
- enrollment in individual virtual courses offered by school districts and approved by the Florida Department of Education (DOE);<sup>3</sup> and
- full-time or part-time enrollment in the Florida Virtual School (FLVS) or school district FLVS franchises<sup>4</sup>

Student enrollment in a full-time or part-time school district VIP, a full-time virtual charter school or a school district virtual course offering is open to any student residing in the district who:<sup>5</sup>

- attended a Florida public school during the prior year and was enrolled and reported for funding during the October and February Florida Education Finance Program (FEFP) surveys;
- is the dependent child of a member of the U.S. military who, within 12 months of the parent's permanent change of station order, transferred to Florida from another state or from a foreign country;
- was enrolled in a school district VIP or a full-time FLVS program during the prior school year;
- has a sibling who is currently enrolled in a school district VIP and the sibling was enrolled in such program at the end of the prior school year;
- is eligible to enter kindergarten or first grade; or
- is eligible to enter grades 2 through 5 and is enrolled full-time in a school district VIP, virtual charter school or FLVS.<sup>6</sup>

FLVS or a district FLVS franchise may provide full-time and part-time instruction for K-12 students. However, students in kindergarten through grade 5 must meet at least one of the eligibility criteria listed above to access part-time instruction in such programs.<sup>7</sup>

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<sup>1</sup> Section 1002.45, F.S.

<sup>2</sup> Sections 1002.33(1) and 1002.45(1)(d), F.S.

<sup>3</sup> Section 1003.498, F.S.

<sup>4</sup> Sections 1002.37 and 1002.45(1)(a)1. and (c)1., F.S.

<sup>5</sup> Sections 1002.45(5) and 1002.455(2), F.S.

<sup>6</sup> Section 1002.455(2), F.S.

<sup>7</sup> Section 1002.37(8)(a), F.S.

Eligibility for Virtual Instruction							
Students Not Enrolled in Public School During the Previous School Year							
Grade Level	Full-Time			Part-Time			
	FLVS	District VIP	District FLVS Franchise	FLVS	District VIP	District FLVS Franchise	District Virtual Course
K							
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
<b>KEY</b>							
	Student is Eligible						
	Student must meet prior public school requirement						
	No part-time virtual options for students who were not enrolled in public school during the prior year						

Consequently, students in 2nd through 5th grades are not eligible for enrollment in part-time virtual instruction unless they were enrolled in public school in the prior year or are dependent children of military personnel, or have a sibling currently enrolled in a VIP and the sibling was enrolled at the end of the prior year.<sup>8</sup>

### Effect of Proposed Changes

The bill provides that all K-12 students, including home education and private school students, are eligible for full-time and part-time virtual instruction programs including:

- full-time or part-time enrollment in a school district VIP;
- full-time enrollment in a virtual charter school;
- enrollment in individual virtual courses offered by school districts and approved by the DOE; and,
- full-time or part-time enrollment in the FLVS or school district FLVS franchises.

This change will open various virtual education options that are not currently available to students who did not attend public school in the prior year, as follows:

- Students in 6th through 12th grades may enroll in full-time school district VIP programs.
- Students in 2nd through 5th grades may enroll in part-time FLVS or district FLVS franchises.
- Students in 2nd through 12th grades may enroll in part-time school district VIP.

<sup>8</sup> Section 1002.455(2), F.S.  
**STORAGE NAME:** h0833c.PKA  
**DATE:** 3/29/2017

- Students in 2nd through 12th grades may enroll in school district virtual course offerings.

Most notably, this change gives students in 2nd through 5th grades who did not attend public school in the prior year the ability to enroll in part-time virtual instruction, whereas under current law, these students have no such options.

The bill also deletes obsolete language regarding a one-time Florida Virtual School operational audit.

## **Requirements for High School Diploma**

### **Present Situation**

Receipt of a standard high school diploma requires successful completion of 24 credits, an International Baccalaureate curriculum or an Advanced International Certificate of Education curriculum.<sup>9</sup> At least one course must be completed through online learning.<sup>10</sup> An online course provided by the FLVS, a virtual education provider approved by the State Board of Education, a high school or an online dual enrollment course taken in 6th, 7th or 8th grade fulfill the online course requirement.<sup>11</sup> A school board or charter school governing board may offer the following options to satisfy the online course requirement:

- Completion of a course where the student earns a nationally recognized industry certification in information technology or passage of the information technology certification exam without enrolling in the corresponding course.
- Passage of an online content assessment, without enrollment in or completion of the corresponding course, by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes.

### **Effect of Proposed Changes**

The bill removes passage of an online content assessment, by which the student demonstrates skills and competency in locating information and applying technology for instructional purposes, as an option to fulfill the online course requirement.

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1002.37, F.S., relating to the Florida Virtual School.

**Section 2.** Amends s. 1002.455, F.S., relating to student eligibility for K12 virtual instruction.

**Section 3.** Amends s. 1003.4282, F.S., relating to requirements for high school diplomas.

**Section 4.** Amends s. 1002.33, F.S., relating to charter schools.

**Section 5.** Amends s. 1002.45, F.S., relating to virtual instruction programs.

**Section 6.** Amends s. 1003.498, F.S., relating to school district virtual course offerings.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

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<sup>9</sup> Section 1003.4282(1)(a), F.S.

<sup>10</sup> Section 1003.4282(4), F.S.

<sup>11</sup> Section 1003.4282(4)(a), F.S.

None.

2. Expenditures:

The bill revises s. 1002.455, F.S., relating to student eligibility for K-12 virtual instruction. These changes will open various virtual education options that are not currently available to students who did not attend public school in the prior year. The estimated fiscal impact to the Florida Education Finance Program (FEFP) to fund the expansion of student eligibility for public virtual education is expected to be incorporated within the FEFP calculation, and is estimated at \$4,363,075.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 28, 2017, the PreK-12 Appropriations Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment allows the online course requirement to be completed through online or blended learning.