



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. 1002.45, F.S.;
9 revising student eligibility and participation
10 requirements for virtual instruction programs;
11 amending s. 1002.455, F.S.; authorizing all students,
12 including home education and private school students,
13 to participate in specified virtual instruction
14 options; deleting the eligibility criteria for a
15 student to participate in virtual instruction;
16 amending s. 1003.4282, F.S.; revising the options that
17 a district school board or charter school governing
18 board may offer for a student to satisfy certain
19 online course requirements; amending ss. 1002.33,
20 1003.498, and 1011.62, F.S.; conforming provisions and
21 cross-references to changes made by the act; providing
22 an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25



26 Section 1. Paragraph (a) of subsection (8) and subsection
27 (11) of section 1002.37, Florida Statutes, are amended to read:

28 1002.37 The Florida Virtual School.—

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

34 ~~(11) The Auditor General shall conduct an operational~~
35 ~~audit of the Florida Virtual School, including Florida Virtual~~
36 ~~School Global. The scope of the audit shall include, but not be~~
37 ~~limited to, the administration of responsibilities relating to~~
38 ~~personnel; procurement and contracting; revenue production;~~
39 ~~school funds, including internal funds; student enrollment~~
40 ~~records; franchise agreements; information technology~~
41 ~~utilization, assets, and security; performance measures and~~
42 ~~standards; and accountability. The final report on the audit~~
43 ~~shall be submitted to the President of the Senate and the~~
44 ~~Speaker of the House of Representatives no later than January~~
45 ~~31, 2014.~~

46 Section 2. Section 1002.455, Florida Statutes, is amended
47 to read:

48 1002.455 Student eligibility for K-12 virtual
49 instruction.—

50 ~~(1)~~ All students, including home education and private



51 school students, are eligible to participate in any of the
52 following ~~A student may participate in virtual instruction in~~
53 ~~the school district in which he or she resides if the student~~
54 ~~meets the eligibility criteria in subsection (2).~~

55 ~~(2) A student is eligible to participate in virtual~~
56 ~~instruction if:~~

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

61 ~~(b) The student is a dependent child of a member of the~~
62 ~~United States Armed Forces who was transferred within the last~~
63 ~~12 months to this state from another state or from a foreign~~
64 ~~country pursuant to a permanent change of station order;~~

65 ~~(c) The student was enrolled during the prior school year~~
66 ~~in a virtual instruction program under s. 1002.45 or a full-time~~
67 ~~Florida Virtual School program under s. 1002.37(8) (a);~~

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

71 ~~(e) The student is eligible to enter kindergarten or first~~
72 ~~grade; or~~

73 ~~(f) The student is eligible to enter grades 2 through 5~~
74 ~~and is enrolled full-time in a school district virtual~~
75 ~~instruction program, virtual charter school, or the Florida~~



76 ~~Virtual School.~~

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

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

82 (2)(b) Full-time virtual charter school instruction
83 authorized under s. 1002.33 to students within the school
84 district or to students in other school districts throughout the
85 state pursuant to s. 1002.31.

86 (3)(e) Virtual courses offered in the course code
87 directory to students within the school district or to students
88 in other school districts throughout the state pursuant to s.
89 1003.498.

90 (4) Florida Virtual School instructional services
91 authorized under s. 1002.37.

92 Section 3. Subsection (4) of section 1003.4282, Florida
93 Statutes, is amended to read:

94 1003.4282 Requirements for a standard high school
95 diploma.—

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

99 (a) An online course taken in grade 6, grade 7, or grade 8
100 fulfills the requirements of this subsection. The requirement is



101 met through an online course offered by the Florida Virtual
102 School, a virtual education provider approved by the State Board
103 of Education, a high school, or an online dual enrollment
104 course. A student who is enrolled in a full-time or part-time
105 virtual instruction program under s. 1002.45 meets the
106 requirement.

107 (b) A district school board or a charter school governing
108 board, as applicable, may allow a student ~~offer students the~~
109 ~~following options~~ to satisfy the online course requirements of
110 this subsection by completing a blended learning course or

111 ~~1. Completion of a course in which the~~ a student earns a
112 nationally recognized industry certification in information
113 technology that is identified on the CAPE Industry Certification
114 Funding List pursuant to s. 1008.44 or passing ~~passage of~~ the
115 information technology certification examination without
116 enrolling ~~enrollment~~ in or completing ~~completion of~~ the
117 corresponding course or courses, as applicable.

118 ~~2. Passage of an online content assessment, without~~
119 ~~enrollment in or completion of the corresponding course or~~
120 ~~courses, as applicable, by which the student demonstrates skills~~
121 ~~and competency in locating information and applying technology~~
122 ~~for instructional purposes.~~

123
124 For purposes of this subsection, a school district may not
125 require a student to take the online or blended learning course



126 outside the school day or in addition to a student's courses for
127 a given semester. This subsection does not apply to a student
128 who has an individual education plan under s. 1003.57 which
129 indicates that an online or blended learning course would be
130 inappropriate or to an out-of-state transfer student who is
131 enrolled in a Florida high school and has 1 academic year or
132 less remaining in high school.

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

135 1002.33 Charter schools.—

136 (1) AUTHORIZATION.—Charter schools shall be part of the
137 state's program of public education. All charter schools in
138 Florida are public schools. A charter school may be formed by
139 creating a new school or converting an existing public school to
140 charter status. A charter school may operate a virtual charter
141 school pursuant to s. 1002.45(1)(d) to provide full-time online
142 instruction to ~~eligible~~ students, pursuant to s. 1002.455, in
143 kindergarten through grade 12. The school district in which the
144 student enrolls in the virtual charter school shall report the
145 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and
146 the home school district shall not report the student for
147 funding. An existing charter school that is seeking to become a
148 virtual charter school must amend its charter or submit a new
149 application pursuant to subsection (6) to become a virtual
150 charter school. A virtual charter school is subject to the



151 requirements of this section; however, a virtual charter school
152 is exempt from subsections (18) and (19), subparagraphs
153 (20)(a)2., 4., 5., and 7., paragraph (20)(c), and s. 1003.03. A
154 public school may not use the term charter in its name unless it
155 has been approved under this section.

156 Section 5. Subsection (5) and paragraph (b) of subsection
157 (6) of section 1002.45, Florida Statutes, are amended to read:

158 1002.45 Virtual instruction programs.—

159 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual
160 instruction program provided by the school district or by a
161 virtual charter school ~~operated in the district in which he or~~
162 ~~she resides if the student meets eligibility requirements for~~
163 ~~virtual instruction~~ pursuant to s. 1002.455.

164 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student
165 enrolled in a virtual instruction program or virtual charter
166 school must:

167 (b) Take statewide assessments pursuant to s. 1008.22.
168 Statewide assessments may be administered ~~state assessment tests~~
169 within the school district in which such student resides, or as
170 specified in the contract in accordance with s. 1008.24(3). If
171 requested by the approved provider or virtual charter school,
172 the district of residence ~~which~~ must provide the student with
173 access to the district's testing facilities.

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



176 1003.498 School district virtual course offerings.—

177 (2) School districts may offer virtual courses for
178 students enrolled in the school district. These courses must be
179 identified in the course code directory. Students ~~who meet the~~
180 ~~eligibility requirements of s. 1002.455~~ may participate in these
181 virtual course offerings pursuant to s. 1002.455.

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

185 (b)1. Any ~~eligible~~ student who is enrolled in a school
186 district may register and enroll in an online course offered by
187 any other school district in the state. The school district in
188 which the student completes the course shall report the
189 student's completion of that course for funding pursuant to s.
190 1011.61(1)(c)1.b.(VI), and the home school district shall not
191 report the student for funding for that course.

192 2. The full-time equivalent student membership calculated
193 under this subsection is subject to the requirements in s.
194 1011.61(4). The Department of Education shall establish
195 procedures to enable interdistrict coordination for the delivery
196 and funding of this online option.

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

199 1011.62 Funds for operation of schools.—If the annual
200 allocation from the Florida Education Finance Program to each



201 district for operation of schools is not determined in the
202 annual appropriations act or the substantive bill implementing
203 the annual appropriations act, it shall be determined as
204 follows:

205 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
206 annually provide in the Florida Education Finance Program a
207 virtual education contribution. The amount of the virtual
208 education contribution shall be the difference between the
209 amount per FTE established in the General Appropriations Act for
210 virtual education and the amount per FTE for each district and
211 the Florida Virtual School, which may be calculated by taking
212 the sum of the base FEFP allocation, the discretionary local
213 effort, the state-funded discretionary contribution, the
214 discretionary millage compression supplement, the research-based
215 reading instruction allocation, and the instructional materials
216 allocation, and then dividing by the total unweighted FTE. This
217 difference shall be multiplied by the virtual education
218 unweighted FTE for programs and options identified in s.
219 1002.455 ~~s. 1002.455(3)~~ and the Florida Virtual School and its
220 franchises to equal the virtual education contribution and shall
221 be included as a separate allocation in the funding formula.

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