

By Senator Baxley

12-01605-18

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1 A bill to be entitled
2 An act relating to virtual education; amending s.
3 1002.37, F.S.; requiring the Florida Virtual School to
4 give enrollment priority to dependent children of
5 certain active duty military personnel; requiring that
6 certain examinations and assessments be available to
7 all Florida Virtual School students; requiring a
8 school district to provide certain information to
9 Florida Virtual School students; authorizing the
10 Florida Virtual School to use a specified form to
11 determine residency and to serve specified students
12 directly; providing for funding for certain students;
13 amending s. 1002.45, F.S.; revising documentation
14 requirements for virtual education providers;
15 providing for the automatic termination of a virtual
16 instruction provider's contract under certain
17 circumstances; authorizing the State Board of
18 Education to grant a waiver of such termination;
19 amending s. 1003.05, F.S.; requiring that dependent
20 children of active duty military personnel be given
21 first preference for admission to the Florida Virtual
22 School; amending s. 1011.61, F.S.; revising the
23 definition of the term "full-time equivalent student";
24 amending s. 1012.32, F.S.; requiring certain personnel
25 seeking employment from a virtual instruction program
26 to undergo certain screenings; requiring the
27 Department of Law Enforcement to provide the results
28 of a background screening to specified entities;
29 providing an effective date.

12-01605-18

20181198__

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

Section 1. Present subsection (10) of section 1002.37, Florida Statutes, is renumbered as subsection (11), paragraph (b) of subsection (1) and present paragraph (c) of subsection (9) are amended, a new paragraph (c) is added to subsection (9), and a new subsection (10) is added to that section, to read:

1002.37 The Florida Virtual School.—

(1)

(b) The mission of the Florida Virtual School is to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed. The school shall serve any student in the state who meets the profile for success in this educational delivery context and shall give priority to:

1. Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses.

2. Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

3. Dependent children of active duty military personnel not stationed in the state whose home of record is Florida or whose State of Legal Residence Certificate, DD Form 2058, lists Florida.

The board of trustees of the Florida Virtual School shall identify appropriate performance measures and standards based on student achievement that reflect the school's statutory mission

12-01605-18

20181198__

59 and priorities, and shall implement an accountability system for
60 the school that includes assessment of its effectiveness and
61 efficiency in providing quality services that encourage high
62 student achievement, seamless articulation, and maximum access.

63 (9)

64 (c) Industry certification examinations, national
65 assessments, and statewide assessments offered by the school
66 district shall be available to all Florida Virtual School
67 students.

68 (d)~~(e)~~ Unless an alternative testing site is mutually
69 agreed to by the Florida Virtual School and the school district
70 or as contracted under s. 1008.24, all industry certification
71 examinations, national assessments, and statewide assessments
72 must be taken at the school to which the student would be
73 assigned according to district school board attendance areas. A
74 school district must provide the student with access to the
75 school's testing facilities and the date and time of the
76 administration of each examination or assessment.

77 (10) For purposes of the enrollment of a dependent child of
78 active duty military personnel as a part-time or full-time
79 student in the Florida Virtual School, the Florida Virtual
80 School may use the State of Legal Residence Certificate, DD Form
81 2058, to verify residency for the child and may serve the child
82 directly. Funding for such students shall be provided in
83 accordance with subsection (3).

84 Section 2. Paragraph (a) of subsection (2) and paragraph
85 (d) of subsection (8) of section 1002.45, Florida Statutes, are
86 amended to read:

87 1002.45 Virtual instruction programs.-

12-01605-18

20181198__

88 (2) PROVIDER QUALIFICATIONS.—

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

92 1. Is nonsectarian in its programs, admission policies,
93 employment practices, and operations;

94 2. Complies with the antidiscrimination provisions of s.
95 1000.05;

96 3. Locates an administrative office or offices in this
97 state, requires its administrative staff to be state residents,
98 requires all instructional staff to be Florida-certified
99 teachers under chapter 1012 and conducts background screenings
100 for all employees or contracted personnel, as required by s.
101 1012.32, using state and national criminal history records;

102 4. Provides to parents and students specific information
103 posted and accessible online that includes, but is not limited
104 to, the following teacher-parent and teacher-student contact
105 information for each course:

106 a. How to contact the instructor via phone, e-mail, or
107 online messaging tools.

108 b. How to contact technical support via phone, e-mail, or
109 online messaging tools.

110 c. How to contact the administration office via phone, e-
111 mail, or online messaging tools.

112 d. Any requirement for regular contact with the instructor
113 for the course and clear expectations for meeting the
114 requirement.

115 e. The requirement that the instructor in each course must,
116 at a minimum, conduct one contact ~~via phone~~ with the parent and

12-01605-18

20181198__

117 the student each month;

118 5. Possesses prior, successful experience offering online
119 courses to elementary, middle, or high school students as
120 demonstrated by quantified student learning gains in each
121 subject area and grade level provided for consideration as an
122 instructional program option. However, for a provider without
123 sufficient prior, successful experience offering online courses,
124 the department may conditionally approve the provider to offer
125 courses measured pursuant to subparagraph (8)(a)2. Conditional
126 approval shall be valid for 1 school year only and, based on the
127 provider's experience in offering the courses, the department
128 shall determine whether to grant approval to offer a virtual
129 instruction program;

130 6. Is accredited by a regional accrediting association as
131 defined by State Board of Education rule;

132 7. Ensures instructional and curricular quality through a
133 detailed curriculum and student performance accountability plan
134 that addresses every subject and grade level it intends to
135 provide through contract with the school district, including:

136 a. Courses and programs that meet the standards of the
137 International Association for K-12 Online Learning and the
138 Southern Regional Education Board.

139 b. Instructional content and services that align with, and
140 measure student attainment of, student proficiency in the Next
141 Generation Sunshine State Standards.

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

145 8. Publishes for the general public, in accordance with

12-01605-18

20181198__

146 disclosure requirements adopted in rule by the State Board of
 147 Education, as part of its application as a provider and in all
 148 contracts negotiated pursuant to this section:

149 a. Information and data about the curriculum of each full-
 150 time and part-time program.

151 b. School policies and procedures.

152 c. Certification status and physical location of all
 153 administrative and instructional personnel.

154 d. Hours and times of availability of instructional
 155 personnel.

156 e. Student-teacher ratios.

157 f. Student completion and promotion rates.

158 g. Student, educator, and school performance accountability
 159 outcomes;

160 9. If the provider is a Florida College System institution,
 161 employs instructors who meet the certification requirements for
 162 instructional staff under chapter 1012; and

163 10. Performs an annual financial audit of its accounts and
 164 records conducted by an independent certified public accountant
 165 which is in accordance with rules adopted by the Auditor
 166 General, is conducted in compliance with generally accepted
 167 auditing standards, and includes a report on financial
 168 statements presented in accordance with generally accepted
 169 accounting principles.

170 (8) ASSESSMENT AND ACCOUNTABILITY.—

171 (d) An approved provider's contract is automatically ~~must~~
 172 ~~be~~ terminated if the provider earns two consecutive ~~receives a~~
 173 school grades ~~grade~~ of "D" ~~or~~ "F" under s. 1008.34 after all
 174 school grade appeals are final or receives two consecutive a

12-01605-18

20181198__

175 school improvement ratings ~~rating~~ of "Unsatisfactory" under s.
176 1008.341 ~~for 2 years during any consecutive 4-year period~~ or has
177 violated any qualification requirement pursuant to subsection
178 (2); however, the State Board of Education may grant the
179 provider a waiver of termination. A provider that has a contract
180 terminated under this paragraph may not be an approved provider
181 for a period of at least 1 year after the date upon which the
182 contract was terminated and until the department determines that
183 the provider is in compliance with subsection (2) and has
184 corrected each cause of the provider's low performance.

185 Section 3. Subsection (3) of section 1003.05, Florida
186 Statutes, is amended to read:

187 1003.05 Assistance to transitioning students from military
188 families.—

189 (3) Dependent children of active duty military personnel
190 who otherwise meet the eligibility criteria for special academic
191 programs offered through public schools shall be given first
192 preference for admission to such programs even if the program is
193 being offered through a public school other than the school to
194 which the student would generally be assigned. If such a program
195 is offered through a public school other than the school to
196 which the student would generally be assigned, the parent or
197 guardian of the student must assume responsibility for
198 transporting the student to that school. For purposes of this
199 subsection, special academic programs include the Florida
200 Virtual School, magnet schools, advanced studies programs,
201 advanced placement, dual enrollment, Advanced International
202 Certificate of Education, and International Baccalaureate.

203 Section 4. Paragraph (c) of subsection (1) of section

12-01605-18

20181198__

204 1011.61, Florida Statutes, is amended to read:

205 1011.61 Definitions.—Notwithstanding the provisions of s.
206 1000.21, the following terms are defined as follows for the
207 purposes of the Florida Education Finance Program:

208 (1) A “full-time equivalent student” in each program of the
209 district is defined in terms of full-time students and part-time
210 students as follows:

211 (c)1. A “full-time equivalent student” is:

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

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

218 (I) A full-time student in a combination of programs listed
219 in s. 1011.62(1)(c) shall be a fraction of a full-time
220 equivalent membership in each special program equal to the
221 number of net hours per school year for which he or she is a
222 member, divided by the appropriate number of hours set forth in
223 subparagraph (a)1. The difference between that fraction or sum
224 of fractions and the maximum value as set forth in subsection
225 (4) for each full-time student is presumed to be the balance of
226 the student’s time not spent in a special program and shall be
227 recorded as time in the appropriate basic program.

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

230 (III) A full-time equivalent student for students in
231 kindergarten through grade 12 in a full-time virtual instruction
232 program under s. 1002.45 or a virtual charter school under s.

12-01605-18

20181198__

233 1002.33 shall consist of six full-credit completions or the
234 prescribed level of content that counts toward promotion to the
235 next grade in programs listed in s. 1011.62(1)(c). Credit
236 completions may be a combination of full-credit courses or half-
237 credit courses. If the required number of credit completions or
238 the prescribed level of content is not met but the student is
239 enrolled in the program or school for the October and February
240 student membership surveys, the student shall be calculated at
241 80 percent of a full-time equivalent student.

242 (IV) A full-time equivalent student for students in
243 kindergarten through grade 12 in a part-time virtual instruction
244 program under s. 1002.45 shall consist of six full-credit
245 completions in programs listed in s. 1011.62(1)(c)1. and 3.
246 Credit completions may be a combination of full-credit courses
247 or half-credit courses. If the required number of credit
248 completions is not met but the student is enrolled in the
249 program for the October and February student membership surveys,
250 the student shall be calculated at 80 percent of a full-time
251 equivalent student.

252 (V) A Florida Virtual School full-time equivalent student
253 shall consist of six full-credit completions or the prescribed
254 level of content that counts toward promotion to the next grade
255 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
256 participating in kindergarten through grade 12 part-time virtual
257 instruction and the programs listed in s. 1011.62(1)(c) for
258 students participating in kindergarten through grade 12 full-
259 time virtual instruction. Credit completions may be a
260 combination of full-credit courses or half-credit courses. If
261 the required number of credit completions or the prescribed

12-01605-18

20181198

262 level of content is not met but the student is enrolled in the
263 school for the October and February student membership surveys,
264 the student shall be calculated at 80 percent of a full-time
265 equivalent student.

266 (VI) Each successfully completed full-credit course earned
267 through an online course delivered by a district other than the
268 one in which the student resides shall be calculated as 1/6 FTE.
269 If the required number of credit completions is not met but the
270 student is enrolled in the course for the October and February
271 student membership surveys, payment shall be calculated at 80
272 percent of 1/6 FTE.

273 (VII) A full-time equivalent student for courses requiring
274 passage of a statewide, standardized end-of-course assessment
275 under s. 1003.4282 to earn a standard high school diploma shall
276 be defined and reported based on the number of instructional
277 hours as provided in this subsection. If the student does not
278 pass the end-of-course assessment but is enrolled in the course
279 for the October and February student membership surveys, the
280 student shall be calculated at 80 percent of a full-time
281 equivalent student who passed the end-of-course assessment.

282 (VIII) For students enrolled in a school district as a
283 full-time student, the district may report 1/6 FTE for each
284 student who passes a statewide, standardized end-of-course
285 assessment without being enrolled in the corresponding course.

286 2. A student in membership in a program scheduled for more
287 or less than 180 school days or the equivalent on an hourly
288 basis as specified by rules of the State Board of Education is a
289 fraction of a full-time equivalent membership equal to the
290 number of instructional hours in membership divided by the

12-01605-18

20181198__

291 appropriate number of hours set forth in subparagraph (a)1.;

292 however, for the purposes of this subparagraph, membership in

293 programs scheduled for more than 180 days is limited to students

294 enrolled in:

295 a. Juvenile justice education programs.

296 b. The Florida Virtual School.

297 c. Virtual instruction programs and virtual charter schools

298 for the purpose of course completion and credit recovery

299 pursuant to ss. 1002.45 and 1003.498. Course completion applies

300 only to a student who is reported during the second or third

301 membership surveys and who does not complete a virtual education

302 course by the end of the regular school year. The course must be

303 completed no later than the deadline for amending the final

304 student enrollment survey for that year. Credit recovery applies

305 only to a student who has unsuccessfully completed a traditional

306 or virtual education course during the regular school year and

307 must retake the course in order to be eligible to graduate with

308 the student's class.

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310 The full-time equivalent student enrollment calculated under

311 this subsection is subject to the requirements in subsection

312 (4).

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314 The department shall determine and implement an equitable method

315 of equivalent funding for schools operating under emergency

316 conditions, which schools have been approved by the department

317 to operate for less than the minimum term as provided in s.

318 1011.60(2).

319 Section 5. Subsection (2) of section 1012.32, Florida

12-01605-18

20181198__

320 Statutes, is amended to read:

321 1012.32 Qualifications of personnel.—

322 (2) (a) Instructional and noninstructional personnel who are
323 hired or contracted to fill positions that require direct
324 contact with students in any district school system, virtual
325 instruction program, or university lab school must, upon
326 employment or engagement to provide services, undergo background
327 screening as required under s. 1012.465 or s. 1012.56, whichever
328 is applicable.

329 (b) Instructional and noninstructional personnel who are
330 hired or contracted to fill positions in any charter school and
331 members of the governing board of any charter school, in
332 compliance with s. 1002.33(12)(g), must, upon employment,
333 engagement of services, or appointment, undergo background
334 screening as required under s. 1012.465 or s. 1012.56, whichever
335 is applicable, by filing with the district school board for the
336 school district in which the charter school is located a
337 complete set of fingerprints taken by, at the screened
338 individual's discretion, an authorized law enforcement agency or
339 any ~~an~~ employee of the school or school district who is trained
340 to take fingerprints.

341 (c) Instructional and noninstructional personnel who are
342 hired or contracted to fill positions that require direct
343 contact with students in an alternative school that operates
344 under contract with a district school system must, upon
345 employment or engagement to provide services, undergo background
346 screening as required under s. 1012.465 or s. 1012.56, whichever
347 is applicable, by filing with the district school board for the
348 school district to which the alternative school is under

12-01605-18

20181198__

349 contract a complete set of fingerprints taken by, at the
350 screened individual's discretion, an authorized law enforcement
351 agency or any ~~an~~ employee of the school or school district who
352 is trained to take fingerprints.

353 (d) Student teachers and persons participating in a field
354 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
355 district school system, lab school, or charter school must, upon
356 engagement to provide services, undergo background screening as
357 required under s. 1012.56.

358
359 Fingerprints shall be submitted to the Department of Law
360 Enforcement for statewide criminal and juvenile records checks
361 and to the Federal Bureau of Investigation for federal criminal
362 records checks. A person subject to this subsection who is found
363 ineligible for employment under s. 1012.315, or otherwise found
364 through background screening to have been convicted of any crime
365 involving moral turpitude as defined by rule of the State Board
366 of Education, shall not be employed, engaged to provide
367 services, or serve in any position that requires direct contact
368 with students. Probationary persons subject to this subsection
369 terminated because of their criminal record have the right to
370 appeal such decisions. The cost of the background screening may
371 be borne by the district school board, the charter school, the
372 employee, the contractor, or a person subject to this
373 subsection. The Department of Law Enforcement shall provide the
374 results of the background screening to the entity submitting the
375 fingerprints and the district school, charter school, virtual
376 instruction program, or lab school where the employee will have
377 direct contact with students, as applicable. Notwithstanding any

12-01605-18

20181198__

378 other provision of law, an individual who has direct contact
379 with students in multiple school districts shall only be
380 fingerprinted once, and the Department of Law Enforcement shall
381 provide the results of the background screening to each school
382 district employing or affiliated with the individual.

383 Section 6. This act shall take effect July 1, 2018.