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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
02/28/2018	.	
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The Committee on Appropriations (Baxley) recommended the following:

1       **Senate Amendment to Amendment (240726) (with title**  
2 **amendment)**

3  
4       Between lines 608 and 609  
5 insert:

6       Section 12. Present paragraph (c) of subsection (9) of  
7 section 1002.37, Florida Statutes, is amended, and a new  
8 paragraph (c) is added to that subsection, to read:

9       1002.37 The Florida Virtual School.—  
10       (9)



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11           (c) Industry certification examinations, national  
12 assessments, and statewide assessments offered by the school  
13 district must be available to all Florida Virtual School  
14 students.

15           ~~(d)(e)~~ Unless an alternative testing site is mutually  
16 agreed to by the Florida Virtual School and the school district  
17 or as contracted under s. 1008.24, all industry certification  
18 examinations, national assessments, and statewide assessments  
19 must be taken at the school to which the student would be  
20 assigned according to district school board attendance areas. A  
21 school district must provide the student with access to the  
22 school's testing facilities and the date and time of the  
23 administration of each examination or assessment.

24           Section 13. Paragraph (a) of subsection (2) and paragraph  
25 (d) of subsection (8) of section 1002.45, Florida Statutes, are  
26 amended to read:

27           1002.45 Virtual instruction programs.—

28           (2) PROVIDER QUALIFICATIONS.—

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

32           1. Is nonsectarian in its programs, admission policies,  
33 employment practices, and operations;

34           2. Complies with the antidiscrimination provisions of s.  
35 1000.05;

36           3. Locates an administrative office or offices in this  
37 state, requires its administrative staff to be state residents,  
38 requires all instructional staff to be Florida-certified  
39 teachers under chapter 1012 and conducts background screenings



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40 for all employees or contracted personnel, as required by s.  
41 1012.32, using state and national criminal history records;

42 4. Provides to parents and students specific information  
43 posted and accessible online that includes, but is not limited  
44 to, the following teacher-parent and teacher-student contact  
45 information for each course:

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

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

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

52 d. Any requirement for regular contact with the instructor  
53 for the course and clear expectations for meeting the  
54 requirement.

55 e. The requirement that the instructor in each course must,  
56 at a minimum, conduct one contact ~~via phone~~ with the parent and  
57 the student each month;

58 5. Possesses prior, successful experience offering online  
59 courses to elementary, middle, or high school students as  
60 demonstrated by quantified student learning gains in each  
61 subject area and grade level provided for consideration as an  
62 instructional program option. However, for a provider without  
63 sufficient prior, successful experience offering online courses,  
64 the department may conditionally approve the provider to offer  
65 courses measured pursuant to subparagraph (8)(a)2. Conditional  
66 approval shall be valid for 1 school year only and, based on the  
67 provider's experience in offering the courses, the department  
68 shall determine whether to grant approval to offer a virtual



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69 instruction program;

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

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

76 a. Courses and programs that meet the standards of the  
77 International Association for K-12 Online Learning and the  
78 Southern Regional Education Board.

79 b. Instructional content and services that align with, and  
80 measure student attainment of, student proficiency in the Next  
81 Generation Sunshine State Standards.

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

85 8. Publishes for the general public, in accordance with  
86 disclosure requirements adopted in rule by the State Board of  
87 Education, as part of its application as a provider and in all  
88 contracts negotiated pursuant to this section:

89 a. Information and data about the curriculum of each full-  
90 time and part-time program.

91 b. School policies and procedures.

92 c. Certification status and physical location of all  
93 administrative and instructional personnel.

94 d. Hours and times of availability of instructional  
95 personnel.

96 e. Student-teacher ratios.

97 f. Student completion and promotion rates.



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98 g. Student, educator, and school performance accountability  
99 outcomes;

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

103 10. Performs an annual financial audit of its accounts and  
104 records conducted by an independent certified public accountant  
105 which is in accordance with rules adopted by the Auditor  
106 General, is conducted in compliance with generally accepted  
107 auditing standards, and includes a report on financial  
108 statements presented in accordance with generally accepted  
109 accounting principles.

110 (8) ASSESSMENT AND ACCOUNTABILITY.—

111 (d) An approved provider's contract is automatically must  
112 ~~be~~ terminated if the provider earns two consecutive receives a  
113 school grades grade of "~~D~~" or "F" under s. 1008.34 after all  
114 school grade appeals are final or receives two consecutive a  
115 school improvement ratings rating of "Unsatisfactory" under s.  
116 1008.341 ~~for 2 years during any consecutive 4-year period~~ or has  
117 violated any qualification requirement pursuant to subsection  
118 (2); however, the State Board of Education may grant the  
119 provider a waiver of termination. A provider that has a contract  
120 terminated under this paragraph may not be an approved provider  
121 for a period of at least 1 year after the date upon which the  
122 contract was terminated and until the department determines that  
123 the provider is in compliance with subsection (2) and has  
124 corrected each cause of the provider's low performance.

125 Section 14. Subsection (13) and paragraph (b) of subsection  
126 (24) of section 1007.271, Florida Statutes, are amended to read:



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127 1007.271 Dual enrollment programs.—

128 (13) (a) The dual enrollment program for a home education  
129 student, including, but not limited to, students with  
130 disabilities, consists of the enrollment of an eligible home  
131 education secondary student in a postsecondary course creditable  
132 toward an associate degree, a career certificate, or a  
133 baccalaureate degree. To participate in the dual enrollment  
134 program, an eligible home education secondary student must:

135 1. Provide proof of enrollment in a home education program  
136 pursuant to s. 1002.41.

137 2. Be responsible for his or her own ~~instructional~~  
138 ~~materials and~~ transportation unless provided for in the  
139 articulation agreement.

140 3. Sign a home education articulation agreement pursuant to  
141 paragraph (b).

142 (b) Each postsecondary institution eligible to participate  
143 in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
144 enter into a home education articulation agreement with each  
145 home education student seeking enrollment in a dual enrollment  
146 course and the student's parent. By August 1 of each year, the  
147 eligible postsecondary institution shall complete and submit the  
148 home education articulation agreement to the Department of  
149 Education. The home education articulation agreement must  
150 include, at a minimum:

151 1. A delineation of courses and programs available to  
152 dually enrolled home education students. Courses and programs  
153 may be added, revised, or deleted at any time by the  
154 postsecondary institution.

155 2. The initial and continued eligibility requirements for



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156 home education student participation, not to exceed those  
157 required of other dually enrolled students.

158 3. The student's responsibilities for providing his or her  
159 own ~~instructional materials and~~ transportation.

160 4. A copy of the statement on transfer guarantees developed  
161 by the Department of Education under subsection (15).

162 (24)

163 (b) Each public postsecondary institution eligible to  
164 participate in the dual enrollment program pursuant to s.  
165 1011.62(1)(i) must enter into a private school articulation  
166 agreement with each eligible private school in its geographic  
167 service area seeking to offer dual enrollment courses to its  
168 students, including, but not limited to, students with  
169 disabilities. By August 1 of each year, the eligible  
170 postsecondary institution shall complete and submit the private  
171 school articulation agreement to the Department of Education.  
172 The private school articulation agreement must include, at a  
173 minimum:

174 1. A delineation of courses and programs available to the  
175 private school student. The postsecondary institution may add,  
176 revise, or delete courses and programs at any time.

177 2. The initial and continued eligibility requirements for  
178 private school student participation, not to exceed those  
179 required of other dual enrollment students.

180 3. The student's responsibilities for providing his or her  
181 own instructional materials and transportation.

182 4. A provision clarifying that the private school will  
183 award appropriate credit toward high school completion for the  
184 postsecondary course under the dual enrollment program.



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185           5. A provision expressing that costs associated with  
186 tuition and fees, including registration, and laboratory fees,  
187 will not be passed along to the student or the private school  
188 that the student attends.

189           ~~6. A provision stating whether the private school will~~  
190 ~~compensate the postsecondary institution for the standard~~  
191 ~~tuition rate per credit hour for each dual enrollment course~~  
192 ~~taken by its students.~~

193  
194 ===== T I T L E   A M E N D M E N T =====

195 And the title is amended as follows:

196           Between lines 3383 and 3384  
197 insert:

198           1002.37, F.S.; requiring school districts to provide  
199 Florida Virtual School students access to certain  
200 examinations and assessments and certain information;  
201 amending s. 1002.45, F.S.; revising documentation  
202 requirements for virtual education providers;  
203 providing for the automatic termination of a virtual  
204 instruction provider's contract under certain  
205 circumstances; authorizing the State Board of  
206 Education to grant a waiver of such termination;  
207 amending s. 1007.271, F.S.; deleting a requirement for  
208 a home education student to provide his or her own  
209 instructional materials; revising the requirements for  
210 home education and private school articulation  
211 agreements; amending s.