

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 active duty military personnel; requiring that certain
6 examinations and assessments be available to all
7 Florida Virtual School students; requiring a school
8 district to provide certain information to Florida
9 Virtual School students; authorizing the Florida
10 Virtual School to use a specified form to determine
11 residency and to serve specified students directly;
12 providing for funding for certain students; amending
13 s. 1002.45, F.S.; revising documentation requirements
14 for virtual education providers; providing for the
15 automatic termination of a virtual instruction
16 provider's contract under certain circumstances;
17 authorizing the State Board of Education to grant a
18 waiver of such termination; amending s. 1003.05, F.S.;
19 requiring that dependent children of active duty
20 military personnel be given first preference for
21 admission to the Florida Virtual School; amending s.
22 1011.61, F.S.; revising the definition of the term
23 "full-time equivalent student"; amending s. 1012.32,
24 F.S.; requiring certain personnel seeking employment
25 from a virtual instruction program to undergo certain

26 | screenings; requiring the Department of Law
 27 | Enforcement to provide the results of a background
 28 | screening to specified entities; providing an
 29 | effective date.

30 |

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

32 |

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

38 | 1002.37 The Florida Virtual School.—

39 | (1)

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

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

50 | 2. Students seeking accelerated access in order to obtain

51 a high school diploma at least one semester early.

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

56
57 The board of trustees of the Florida Virtual School shall
58 identify appropriate performance measures and standards based on
59 student achievement that reflect the school's statutory mission
60 and priorities, and shall implement an accountability system for
61 the school that includes assessment of its effectiveness and
62 efficiency in providing quality services that encourage high
63 student achievement, seamless articulation, and maximum access.

64 (9)

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

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

76 | school's testing facilities and the date and time of the
 77 | administration of each examination or assessment.

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

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

88 | 1002.45 Virtual instruction programs.—

89 | (2) PROVIDER QUALIFICATIONS.—

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

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

95 | 2. Complies with the antidiscrimination provisions of s.
 96 | 1000.05;

97 | 3. Locates an administrative office or offices in this
 98 | state, requires its administrative staff to be state residents,
 99 | requires all instructional staff to be Florida-certified
 100 | teachers under chapter 1012 and conducts background screenings

101 for all employees or contracted personnel, as required by s.
102 1012.32, using state and national criminal history records;

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

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

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

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

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

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

119 5. Possesses prior, successful experience offering online
120 courses to elementary, middle, or high school students as
121 demonstrated by quantified student learning gains in each
122 subject area and grade level provided for consideration as an
123 instructional program option. However, for a provider without
124 sufficient prior, successful experience offering online courses,
125 the department may conditionally approve the provider to offer

126 | courses measured pursuant to subparagraph (8) (a)2. Conditional
127 | approval shall be valid for 1 school year only and, based on the
128 | provider's experience in offering the courses, the department
129 | shall determine whether to grant approval to offer a virtual
130 | instruction program;

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

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

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

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

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

146 | 8. Publishes for the general public, in accordance with
147 | disclosure requirements adopted in rule by the State Board of
148 | Education, as part of its application as a provider and in all
149 | contracts negotiated pursuant to this section:

150 | a. Information and data about the curriculum of each full-

151 time and part-time program.

152 b. School policies and procedures.

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

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

157 e. Student-teacher ratios.

158 f. Student completion and promotion rates.

159 g. Student, educator, and school performance

160 accountability outcomes;

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

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

171 (8) ASSESSMENT AND ACCOUNTABILITY.—

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

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

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

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

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

201 Virtual School, magnet schools, advanced studies programs,
202 advanced placement, dual enrollment, Advanced International
203 Certificate of Education, and International Baccalaureate.

204 Section 4. Paragraph (c) of subsection (1) of section
205 1011.61, Florida Statutes, is amended to read:

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

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

212 (c)1. A "full-time equivalent student" is:

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

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

219 (I) A full-time student in a combination of programs
220 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
221 equivalent membership in each special program equal to the
222 number of net hours per school year for which he or she is a
223 member, divided by the appropriate number of hours set forth in
224 subparagraph (a)1. The difference between that fraction or sum
225 of fractions and the maximum value as set forth in subsection

226 (4) for each full-time student is presumed to be the balance of
227 the student's time not spent in a special program and shall be
228 recorded as time in the appropriate basic program.

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

231 (III) A full-time equivalent student for students in
232 kindergarten through grade 12 in a full-time virtual instruction
233 program under s. 1002.45 or a virtual charter school under s.
234 1002.33 shall consist of six full-credit completions or the
235 prescribed level of content that counts toward promotion to the
236 next grade in programs listed in s. 1011.62(1)(c). Credit
237 completions may be a combination of full-credit courses or half-
238 credit courses. If the required number of credit completions or
239 the prescribed level of content is not met but the student is
240 enrolled in the program or school for the October and February
241 student membership surveys, the student shall be calculated at
242 80 percent of a full-time equivalent student.

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

251 the student shall be calculated at 80 percent of a full-time
252 equivalent student.

253 (V) A Florida Virtual School full-time equivalent student
254 shall consist of six full-credit completions or the prescribed
255 level of content that counts toward promotion to the next grade
256 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
257 participating in kindergarten through grade 12 part-time virtual
258 instruction and the programs listed in s. 1011.62(1)(c) for
259 students participating in kindergarten through grade 12 full-
260 time virtual instruction. Credit completions may be a
261 combination of full-credit courses or half-credit courses. If
262 the required number of credit completions or the prescribed
263 level of content is not met but the student is enrolled in the
264 school for the October and February student membership surveys,
265 the student shall be calculated at 80 percent of a full-time
266 equivalent student.

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

274 (VII) A full-time equivalent student for courses requiring
275 passage of a statewide, standardized end-of-course assessment

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

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

287 | 2. A student in membership in a program scheduled for more
288 | or less than 180 school days or the equivalent on an hourly
289 | basis as specified by rules of the State Board of Education is a
290 | fraction of a full-time equivalent membership equal to the
291 | number of instructional hours in membership divided by the
292 | appropriate number of hours set forth in subparagraph (a)1.;
293 | however, for the purposes of this subparagraph, membership in
294 | programs scheduled for more than 180 days is limited to students
295 | enrolled in:

- 296 | a. Juvenile justice education programs.
297 | b. The Florida Virtual School.
298 | c. Virtual instruction programs and virtual charter
299 | schools for the purpose of course completion and credit recovery
300 | pursuant to ss. 1002.45 and 1003.498. Course completion applies

301 only to a student who is reported during the second or third
302 membership surveys and who does not complete a virtual education
303 course by the end of the regular school year. The course must be
304 completed no later than the deadline for amending the final
305 student enrollment survey for that year. Credit recovery applies
306 only to a student who has unsuccessfully completed a traditional
307 or virtual education course during the regular school year and
308 must retake the course in order to be eligible to graduate with
309 the student's class.

310
311 The full-time equivalent student enrollment calculated under
312 this subsection is subject to the requirements in subsection
313 (4).

314
315 The department shall determine and implement an equitable method
316 of equivalent funding for schools operating under emergency
317 conditions, which schools have been approved by the department
318 to operate for less than the minimum term as provided in s.
319 1011.60(2).

320 Section 5. Subsection (2) of section 1012.32, Florida
321 Statutes, is amended to read:

322 1012.32 Qualifications of personnel.—

323 (2) (a) Instructional and noninstructional personnel who
324 are hired or contracted to fill positions that require direct
325 contact with students in any district school system, virtual

326 instruction program, or university lab school must, upon
327 employment or engagement to provide services, undergo background
328 screening as required under s. 1012.465 or s. 1012.56, whichever
329 is applicable.

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

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

351 screened individual's discretion, an authorized law enforcement
352 agency or any ~~an~~ employee of the school or school district who
353 is trained to take fingerprints.

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

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

376 | fingerprints and the district school, charter school, virtual
377 | instruction program, or lab school where the employee will have
378 | direct contact with students, as applicable. Notwithstanding any
379 | other provision of law, an individual who has direct contact
380 | with students in multiple school districts shall only be
381 | fingerprinted once and the Department of Law Enforcement shall
382 | provide the results of the background screening to each school
383 | district employing or affiliated with the individual.

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