

By Senator Gruters

23-01586A-21

20211654__

1 A bill to be entitled
2 An act relating to education; amending s. 1001.43,
3 F.S.; authorizing district school boards to conduct
4 daily business in person or through the use of
5 telecommunication networks; amending s. 1002.45, F.S.;
6 deleting a requirement that certain contact with
7 parents and students be made by telephone; revising
8 the manner and circumstances under which an approved
9 provider's contract is terminated; amending s.
10 1003.621, F.S.; exempting academically high-performing
11 school districts from complying with a specified
12 provision relating to the operation of all schools for
13 a term of 180 actual teaching days; authorizing
14 academically high-performing school districts to
15 provide up to 2 days of virtual instruction;
16 specifying requirements for the virtual instruction;
17 amending s. 1011.61, F.S.; revising the definition of
18 the term "full-time equivalent student" for purposes
19 of the Florida Education Finance Program; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (10) of section 1001.43, Florida
25 Statutes, is amended to read:

26 1001.43 Supplemental powers and duties of district school
27 board.—The district school board may exercise the following
28 supplemental powers and duties as authorized by this code or
29 State Board of Education rule.

23-01586A-21

20211654__

30 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND OPERATIONS.—The
31 district school board may adopt policies and procedures
32 necessary for the daily business operation of the district
33 school board, including, but not limited to, the provision of
34 legal services for the district school board; conducting a
35 district legislative program; district school board member
36 participation at conferences, conventions, and workshops,
37 including member compensation and reimbursement for expenses;
38 district school board policy development, adoption, and repeal;
39 district school board meeting procedures, including
40 participation via telecommunications networks, use of technology
41 at meetings, and presentations by nondistrict personnel; citizen
42 communications with the district school board and with
43 individual district school board members; collaboration with
44 local government and other entities as required by law; and
45 organization of the district school board, including special
46 committees and advisory committees. Daily business conducted
47 pursuant to this subsection may be done in person; through the
48 use of telecommunications networks, such as telephonic and video
49 conferencing; or a combination thereof.

50 Section 2. Paragraph (a) of subsection (2) and paragraph
51 (d) of subsection (8) of section 1002.45, Florida Statutes, are
52 amended to read:

53 1002.45 Virtual instruction programs.—

54 (2) PROVIDER QUALIFICATIONS.—

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

58 1. Is nonsectarian in its programs, admission policies,

23-01586A-21

20211654__

59 employment practices, and operations;

60 2. Complies with the antidiscrimination provisions of s.
61 1000.05;

62 3. Locates an administrative office or offices in this
63 state, requires its administrative staff to be state residents,
64 requires all instructional staff to be Florida-certified
65 teachers under chapter 1012 and conducts background screenings
66 for all employees or contracted personnel, as required by s.
67 1012.32, using state and national criminal history records;

68 4. Provides to parents and students specific information
69 posted and accessible online that includes, but is not limited
70 to, the following teacher-parent and teacher-student contact
71 information for each course:

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

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

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

78 d. Any requirement for regular contact with the instructor
79 for the course and clear expectations for meeting the
80 requirement.

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

84 5. Possesses prior, successful experience offering online
85 courses to elementary, middle, or high school students as
86 demonstrated by quantified student learning gains in each
87 subject area and grade level provided for consideration as an

23-01586A-21

20211654__

88 instructional program option. However, for a provider without
89 sufficient prior, successful experience offering online courses,
90 the department may conditionally approve the provider to offer
91 courses measured pursuant to subparagraph (8) (a)2. Conditional
92 approval shall be valid for 1 school year only and, based on the
93 provider's experience in offering the courses, the department
94 shall determine whether to grant approval to offer a virtual
95 instruction program;

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

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

102 a. Courses and programs that meet the standards of the
103 International Association for K-12 Online Learning and the
104 Southern Regional Education Board.

105 b. Instructional content and services that align with, and
106 measure student attainment of, student proficiency in the Next
107 Generation Sunshine State Standards.

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

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

115 a. Information and data about the curriculum of each full-
116 time and part-time program.

23-01586A-21

20211654__

- 117 b. School policies and procedures.
- 118 c. Certification status and physical location of all
119 administrative and instructional personnel.
- 120 d. Hours and times of availability of instructional
121 personnel.
- 122 e. Student-teacher ratios.
- 123 f. Student completion and promotion rates.
- 124 g. Student, educator, and school performance accountability
125 outcomes;
- 126 9. If the provider is a Florida College System institution,
127 employs instructors who meet the certification requirements for
128 instructional staff under chapter 1012; and
- 129 10. Performs an annual financial audit of its accounts and
130 records conducted by an independent certified public accountant
131 which is in accordance with rules adopted by the Auditor
132 General, is conducted in compliance with generally accepted
133 auditing standards, and includes a report on financial
134 statements presented in accordance with generally accepted
135 accounting principles.
- 136 (8) ASSESSMENT AND ACCOUNTABILITY.—
- 137 (d) An approved provider's contract is ~~must be~~ terminated
138 after the exhaustion of all appeals if the provider receives two
139 consecutive grades of a school grade of "D" or "F" under s.
140 1008.34 or two consecutive school improvement ratings ~~a school~~
141 ~~improvement rating~~ of "Unsatisfactory" under s. 1008.341 ~~for 2~~
142 ~~years during any consecutive 4-year period~~ or has violated any
143 qualification requirement pursuant to subsection (2). A provider
144 whose ~~that has a~~ contract is terminated under this paragraph may
145 not be an approved provider for a period of at least 1 year

23-01586A-21

20211654__

146 after the date upon which the contract was terminated and until
147 the department determines that the provider is in compliance
148 with subsection (2) and has corrected each cause of the
149 provider's low performance.

150 Section 3. Paragraph (g) of subsection (2) of section
151 1003.621, Florida Statutes, is amended to read:

152 1003.621 Academically high-performing school districts.—It
153 is the intent of the Legislature to recognize and reward school
154 districts that demonstrate the ability to consistently maintain
155 or improve their high-performing status. The purpose of this
156 section is to provide high-performing school districts with
157 flexibility in meeting the specific requirements in statute and
158 rules of the State Board of Education.

159 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
160 high-performing school district shall comply with all of the
161 provisions in chapters 1000-1013, and rules of the State Board
162 of Education which implement these provisions, pertaining to the
163 following:

164 (g) Those statutes pertaining to planning and budgeting,
165 including chapter 1011, except s. 1011.62(9)(d), relating to the
166 requirement for a comprehensive reading plan, and s. 1011.60(2),
167 relating to the operation of all schools for a term of 180
168 actual teaching days. A district that is exempt from submitting
169 a comprehensive reading ~~this~~ plan shall be deemed approved to
170 receive the research-based reading instruction allocation. Each
171 academically high-performing school district may provide up to 2
172 days of virtual instruction as part of the required 180 actual
173 teaching days or the equivalent on an hourly basis each school
174 year, as specified by rules of the State Board of Education, and

23-01586A-21

20211654__

175 shall be deemed in compliance with s. 1011.60(2). This virtual
176 instruction shall be teacher-developed and aligned with enrolled
177 courses.

178 Section 4. Paragraph (c) of subsection (1) of section
179 1011.61, Florida Statutes, is amended to read:

180 1011.61 Definitions.—Notwithstanding the provisions of s.
181 1000.21, the following terms are defined as follows for the
182 purposes of the Florida Education Finance Program:

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

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

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

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

193 (I) A full-time student in a combination of programs listed
194 in s. 1011.62(1)(c) shall be a fraction of a full-time
195 equivalent membership in each special program equal to the
196 number of net hours per school year for which he or she is a
197 member, divided by the appropriate number of hours set forth in
198 subparagraph (a)1. The difference between that fraction or sum
199 of fractions and the maximum value as set forth in subsection
200 (4) for each full-time student is presumed to be the balance of
201 the student’s time not spent in a special program and shall be
202 recorded as time in the appropriate basic program.

203 (II) A prekindergarten student with a disability shall meet

23-01586A-21

20211654__

204 the requirements specified for kindergarten students.

205 (III) A full-time equivalent student for students in
206 kindergarten through grade 12 in a full-time virtual instruction
207 program under s. 1002.45 or a virtual charter school under s.
208 1002.33 shall consist of six full-credit completions or the
209 prescribed level of content that counts toward promotion to the
210 next grade in programs listed in s. 1011.62(1)(c). Credit
211 completions may be a combination of full-credit courses or half-
212 credit courses. Such student who is reported during the second
213 and third membership surveys and does not complete the credits
214 or content prescribed in this sub-sub-subparagraph must be
215 calculated as 80 percent of a full-time equivalent student.

216 (IV) A full-time equivalent student for students in
217 kindergarten through grade 12 in a part-time virtual instruction
218 program under s. 1002.45 shall consist of six full-credit
219 completions in programs listed in s. 1011.62(1)(c)1. and 3.
220 Credit completions may be a combination of full-credit courses
221 or half-credit courses. Such student who is reported during the
222 second and third membership surveys and does not complete the
223 credits prescribed in this sub-sub-subparagraph must be
224 calculated as 80 percent of a full-time equivalent student.

225 (V) A Florida Virtual School full-time equivalent student
226 shall consist of six full-credit completions or the prescribed
227 level of content that counts toward promotion to the next grade
228 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
229 participating in kindergarten through grade 12 part-time virtual
230 instruction and the programs listed in s. 1011.62(1)(c) for
231 students participating in kindergarten through grade 12 full-
232 time virtual instruction. Credit completions may be a

23-01586A-21

20211654__

233 combination of full-credit courses or half-credit courses. Such
234 student who is reported during the second and third membership
235 surveys and does not complete the credits or content prescribed
236 in this sub-sub-subparagraph must be calculated as 80 percent of
237 a full-time equivalent student.

238 (VI) Each successfully completed full-credit course earned
239 through an online course delivered by a district other than the
240 one in which the student resides shall be calculated as 1/6 FTE.
241 A full-credit course delivered by a district other than the
242 district in which the student resides which is not completed by
243 a student who is reported during the second and third membership
244 surveys must be calculated as 80 percent of 1/6 FTE.

245 (VII) A full-time equivalent student for courses requiring
246 passage of a statewide, standardized end-of-course assessment
247 under s. 1003.4282 to earn a standard high school diploma shall
248 be defined and reported based on the number of instructional
249 hours as provided in this subsection. Such student who is
250 reported during the second and third membership surveys and does
251 not pass the statewide, standardized end-of-course assessment
252 under s. 1003.4282 must be calculated as 80 percent of a full-
253 time equivalent student as though the student did pass.

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

258 2. A student in membership in a program scheduled for more
259 or less than 180 school days or the equivalent on an hourly
260 basis as specified by rules of the State Board of Education is a
261 fraction of a full-time equivalent membership equal to the

23-01586A-21

20211654__

262 number of instructional hours in membership divided by the
263 appropriate number of hours set forth in subparagraph (a)1.;
264 however, for the purposes of this subparagraph, membership in
265 programs scheduled for more than 180 days is limited to students
266 enrolled in:

- 267 a. Juvenile justice education programs.
- 268 b. The Florida Virtual School.
- 269 c. Virtual instruction programs and virtual charter schools
270 for the purpose of course completion and credit recovery
271 pursuant to ss. 1002.45 and 1003.498. Course completion applies
272 only to a student who is reported during the second or third
273 membership surveys and who does not complete a virtual education
274 course by the end of the regular school year. The course must be
275 completed no later than the deadline for amending the final
276 student enrollment survey for that year. Credit recovery applies
277 only to a student who has unsuccessfully completed a traditional
278 or virtual education course during the regular school year and
279 must retake the course in order to be eligible to graduate with
280 the student's class.

281

282 The full-time equivalent student enrollment calculated under
283 this subsection is subject to the requirements in subsection
284 (4).

285

286 The department shall determine and implement an equitable method
287 of equivalent funding for schools operating under emergency
288 conditions, which schools have been approved by the department
289 to operate for less than the minimum term as provided in s.
290 1011.60(2).

23-01586A-21

20211654__

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Section 5. This act shall take effect July 1, 2021.