

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1533 Virtual Learning  
**SPONSOR(S):** Garrison  
**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 1226

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Secondary Education & Career Development Subcommittee	15 Y, 0 N	Sleap	Sanchez
2) Criminal Justice & Public Safety Subcommittee			
3) Appropriations Committee			
4) Education & Employment Committee			

### SUMMARY ANALYSIS

The bill creates the Florida Virtual School Justice Education Program (FLVS JEP) to serve specified Department of Correction (DOC) inmates, and makes a number of modifications to the Florida Virtual School (FLVS) responsibilities and funding provisions. Specifically, the bill:

- Authorizes the FLVS to offer blended learning courses.
- Requires the FLVS, beginning in the 2022-2023 school year, to establish the FLVS JEP to offer inmates younger than 22 years of age the opportunity to earn a standard high school diploma.
- Adds students enrolled in the FLVS JEP as a priority population to be served by the school.
- Authorizes funding for full-time FLVS JEP students enrolled in online or blended learning courses, including during a specified summer school period.
- Requires students enrolled in the FLVS JEP to take all industry certification exams, national and statewide standardized assessments at the institution under the supervision of the DOC.
- Requires blended or online learning courses provided under FLVS JEP to be delivered in an educational setting under the supervision of the DOC by FLVS certified personnel.
- Authorizes a student who turns 22 years of age to remain in the program if approved, but funding for such a student through the Florida Education Finance program is prohibited.
- Requires the Department of Education (DOE), with the assistance of the FLVS and the DOC, to select a common student assessment instrument and protocol for measuring student learning gains for the FLVS JEP and requires school performance to be based on demonstrated student learning gains and student progression as measured by the student assessment instrument.
- Authorizes a student who is removed from the program to appeal to the DOE to seek reinstatement, subject to the final determination by the Commissioner of Education.
- Requires by July 1, 2023, and annually thereafter, the FLVS to negotiate a specified cooperative agreement with the DOC to implement the FLVS JEP.
- Specifies that the FLVS JEP does not prohibit a student from participating in other DOC educational programs.
- Modifies the definition of an FLVS full-time equivalent student to differentiate between online learning and blended learning offered by the FLVS JEP.
- Authorizes students enrolled in the FLVS JEP for funding beyond the 180-day regular term.

The bill has an indeterminate but significant fiscal impact. See Fiscal Comments.

The bill has an effective date of July 1, 2022.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### Digital Learning

In 2011, the Florida Legislature created the Digital Learning Now Act to provide all kindergarten through grade 12 students with access to multiple high quality part-time and full-time digital learning options, including:<sup>1</sup>

- Part-time or full-time virtual charter school instruction.
- Florida Virtual School (FLVS).
- School district operated part-time or full-time virtual instruction program options.
- Other online and blended courses.

##### *Blended Learning*

School districts and charter schools may deliver blended learning courses consisting of both traditional classroom and online instructional techniques.<sup>2</sup> Students in a blended learning course must be full-time students of the school, and the funding, performance, and accountability requirements for blended learning courses are the same as those for traditional courses.<sup>3</sup> District virtual schools, virtual charter schools, and the FLVS are not expressly authorized to offer blended learning courses.<sup>4</sup>

##### *Virtual Learning*

Florida defines a virtual instruction program as a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.<sup>5</sup>

Virtual learning has grown significantly over the last decade and, more recently, was thrust into the spotlight because of the shift to remote instruction caused by the COVID-19 pandemic.<sup>6</sup> In comparing Fiscal Years 2019-2020 to 2020-2021, virtual FTE enrollment in Florida increased almost 120 percent and district-developed virtual instruction programs experienced an enrollment of 18,594 students for an increase of 639 percent.<sup>7</sup>

#### The Florida Virtual School

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<sup>1</sup> Sections 1002.321(4) and 1002.455, F.S.

<sup>2</sup> Sections 1003.498(1) and 1002.33(7)(a)2.b., F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Section 1011.61, F.S.

<sup>5</sup> Section 1002.45(1)(a)2., F.S.

<sup>6</sup> Education Commission of the States, *A Policymaker's Guide to Virtual Schools* (Nov. 2021), available at <https://www.ecs.org/wp-content/uploads/Policymakers-Guide-to-Virtual-Schools.pdf>.

<sup>7</sup> Florida House of Representatives, PreK-12 Appropriations Subcommittee March 2, 2021 Meeting, *Overview of K-12 Virtual Instruction*, at 52, available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3094&Session=2021&DocumentType=Meeting%20Packets&FileName=pka%203-2-21.pdf>.

The FLVS was established to develop and deliver online and distance learning education,<sup>8</sup> and is part of Florida's public school system.<sup>9</sup> The Commissioner of Education (commissioner) is charged with monitoring the FLVS.<sup>10</sup> The FLVS is required to serve any student in the state who meets the profile for success, giving priority to students:<sup>11</sup>

- Who need expanded access to courses in order to meet their educational goals.
- Seeking accelerated access to obtain a high school diploma at least one semester early.
- Who are children of an active duty member of the United States Armed Forces whose home of record or state of legal residence is Florida.

### *Governance*

The FLVS is governed by a Board of Trustees (BOT), comprised of seven members appointed by the Governor to 4-year staggered terms that must, among other requirements:<sup>12</sup>

- Be responsible for the development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and self-sufficient.
- Aggressively seek avenues to generate revenue to support future endeavors, and enter into agreements with distance learning providers.
- Be responsible for the administration and control of all local school funds.
- Administer and maintain personnel programs for all employees.
- Establish priorities for student enrollment.
- Maintain financial records and accounts.

The BOT must submit an annual report to the Governor, the Legislature, the State Board of Education, and the commissioner that addresses the FLVS and FLVS Global.<sup>13</sup> The report must include the required annual financial audit of its accounts and records, and describe operations, marketing, accomplishments, recommendations regarding the unit cost of providing services to students, and recommendations regarding an accountability mechanism to assess the effectiveness of the services provided.<sup>14</sup>

### *Operations*

The FLVS is authorized to provide full-time and part-time instruction for students in kindergarten through grade 12.<sup>15</sup> Public school students receiving full-time instruction by the FLVS must take all required statewide assessments and students receiving part-time instruction in courses requiring statewide end-of-course assessments must take all required assessments.<sup>16</sup> In addition, the FLVS offers a comprehensive selection of courses that fulfill all state standards, including core courses, world language electives, Advanced Placement, Advanced International Certificate of Education, and Career and Technical Education (CTE) courses.<sup>17</sup>

As a public school, the FLVS is required to provide full-time enrolled students, regardless of disability, with an equal opportunity to participate in and benefit from the school's education program.<sup>18</sup>

The FLVS must receive a school grade for students receiving full-time instruction.<sup>19</sup>

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<sup>8</sup> Section 1002.37(1)(a), F.S.

<sup>9</sup> Section 1000.04(5), F.S.

<sup>10</sup> Section 1002.37(1)(a), F.S.

<sup>11</sup> Section 1002.37(1)(b)1.-3., F.S.

<sup>12</sup> Section 1002.37(2), F.S.

<sup>13</sup> Section 1002.37(7)(a), F.S.

<sup>14</sup> Section 1002.37(7)(a)-(e), F.S.

<sup>15</sup> Section 1002.37(9)(a), F.S.

<sup>16</sup> Section 1002.37(10)(a)-(b), F.S.

<sup>17</sup> Florida Virtual School, *FLVS Full Time Courses*, <https://www.flvs.net/full-time/courses> (last visited Feb. 11, 2022).

<sup>18</sup> Section 1003.57(5), F.S.

<sup>19</sup> Section 1002.37(11), F.S.

Students enrolled full-time may earn a standard high school diploma from the FLVS, however, the FLVS does not currently offer a General Education Development (GED) high school equivalency diploma program.<sup>20</sup>

During the 2019-2020 school year, the FLVS served 12,567 full-time students and over 360,753 semester courses were completed by part-time students.<sup>21</sup>

### *Funding*

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of the FLVS. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in public schools.<sup>22</sup> An FTE student in a virtual instruction program, virtual charter school, or the FLVS is funded on performance and only funded if the student completes the course with a passing grade or credits earned.<sup>23</sup>

Student membership in programs scheduled for more than 180 days is limited to students enrolled in Department of Juvenile Justice (DJJ) education programs, the FLVS, and other specified virtual instruction programs.<sup>24</sup> Funding on the basis of FTE membership beyond the 180-day regular term is provided only for students enrolled in DJJ programs.<sup>25</sup>

### Department of Corrections

The mission of the Florida Department of Corrections (DOC) is to provide a continuum of services to meet the needs of those entrusted to its care, creating a safe and professional environment with the outcome of reduced victimization, safer communities, and an emphasis on the premium of life.<sup>26</sup> One aspect of the DOC's responsibility to affect positive results for the reintegrating population and for Florida's communities is to operate the Correctional Education Program (CEP).<sup>27</sup>

### *Correctional Education Program*

The CEP must be composed of the educational facilities and services of all institutions and facilities housing inmates operated by the DOC.<sup>28</sup> The responsibilities of the CEP, in part, include:<sup>29</sup>

- Developing guidelines for collecting education-related information during the inmate reception process and for disseminating such information to specified staff.
- Monitoring, assessing, and reporting inmate education program services as required.
- Approving educational programs and developing procedures for admission.
- Entering into agreements, as appropriate, with colleges, universities, and public or private school districts, including charter schools and the FLVS.
- Developing and maintaining complete and reliable statistics on the number of high school equivalency diplomas and vocational certificates issued by each institution.
- Selecting programs to add or delete from the vocational curriculum.

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<sup>20</sup> Email from Mike Miller, Florida Virtual School, RE: FLVS and GED (Jan. 28, 2022). *see also* Florida Virtual School, *FLVS Full Time Frequently Asked Questions*, <https://www.flvs.net/full-time/more> (last visited Feb. 11, 2022).

<sup>21</sup> Florida Department of Education, *Florida's Public Virtual Education Programs Fact Sheet* (Sept. 2021), available at <https://www.fldoe.org/core/fileparse.php/5606/urlt/Virtual-Sept.pdf>.

<sup>22</sup> Section 1002.37(3), F.S.

<sup>23</sup> Florida Department of Education, Bureau of PK-20 Education Data Warehouse and Office of Funding and Financial Reporting, *Full-time Equivalent (FTE) General Instructions 2021-22*, at 39, available at <https://www.fldoe.org/core/fileparse.php/7508/urlt/2122FTEGeneralInstructions.pdf>.

<sup>24</sup> Section 1011.61(1)(c)2., F.S.

<sup>25</sup> Section 1011.62(1)(f)4., F.S.

<sup>26</sup> Florida Department of Corrections, *About the Florida Department of Corrections*, <http://www.dc.state.fl.us/about.html> (last visited Feb. 11, 2022).

<sup>27</sup> Florida Department of Corrections, Agency Analysis of 2022 Senate Bill 1226, pg.2 (Jan. 26, 2022).

<sup>28</sup> Section 944.801(1), F.S.

<sup>29</sup> Section 944.801(3)(a)-(l), F.S.

- Ensuring that every inmate who has 2-years or more remaining to serve on their sentence and who lacks basic and functional literacy skills<sup>30</sup> attends not fewer than 150 hours of sequential instruction in a correctional adult basic education program.<sup>31</sup>
- Recommending the award of additional incentives for inmates who receive a high school equivalency diploma or a vocational certificate.
- Ensuring that all education staff are certified in accordance with the Department of Education (DOE) standards.

The CEP is established in 51 state-operated institutions and seven privately owned facilities across Florida.<sup>32</sup> The program is designed to prepare students for the GED examination and receipt of a State of Florida high school equivalency diploma in accordance with the DOE adult education curriculum frameworks and performance standards.<sup>33</sup> In partnership with Florida’s state and technical colleges, the CEP also offers CTE programs which are aligned with DOE curriculum frameworks and performance standards and rely on labor market analyses to evaluate program implementation and viability.<sup>34</sup> In addition to the opportunity to complete the GED and a variety of CTE certifications, the DOC offers job assignment credentialing programs that provide job-related instruction and industry-related credentials designed to improve the employability of Florida’s workforce.<sup>35</sup> The DOC holds active and outcome-based agreements and contracts with community providers, universities, and colleges to provide credits and credentials leading to licensure within existing training courses in several state-operated institutions.<sup>36</sup>

Participation in the CEP is not mandatory and is at the discretion of the inmate.<sup>37</sup> The CEP is designed as an adult general education program and operates by an assessment-based student progress monitoring using the Tests of Adult Basic Education (TABE) to gauge academic skills and readiness for the GED exam.<sup>38</sup> Educational services are directed to inmates with the most critical need. The CEP educational approach has been deliberately developed to address the educational needs of incarcerated adults while avoiding some of the challenges of treating them as youthful learners.<sup>39</sup>

Not considered to be primarily an educational agency, but rather the state corrections agency for adjudicated adults, the CEP does not receive funding through the FEFP, tabulate grade point averages, monitor credit accrual, nor retain or issue official transcripts for adult students.<sup>40</sup>

During Fiscal Year 2020-2021, a total of 14,877 inmates participated in academic education programs resulting in the conferring of 812 GEDs with an operational cost of approximately \$1,300 per student.<sup>41</sup> As measured through progress monitoring, 3,968 students made the following learning gains:<sup>42</sup>

- 45.2 percent demonstrated gains of one or more levels in mathematics;
- 54.1 percent advanced one or more levels in reading; and
- 51 percent showed academic gains of one or more levels in language.

Traditionally, the DOC tends to concentrate educational needs on the younger demographic,

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<sup>30</sup> “Functional literacy,” which is also referred to as “intermediate adult basic education,” means the demonstration of academic competence from 6.0 through 8.9 educational grade levels as measured by means approved for this purpose by the State Board of Education. Section 1004.02(15), F.S.

<sup>31</sup> “Adult basic education” means courses of instruction designed to improve the employability of the state’s workforce through instruction in mathematics, reading, language, and workforce readiness skills at grade level equivalency. Section 1004.02(1), F.S.

<sup>32</sup> Florida Department of Corrections, Agency Analysis of 2022 Senate Bill 1226, pg.2 (Jan. 26, 2022).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at 4

<sup>37</sup> *Id.* at 2

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 3

<sup>42</sup> *Id.*

especially those who qualify under the Federal Individuals with Disabilities Education Act (IDEA) and are entitled to education services until the age of 22.<sup>43</sup> Not all inmates under 22 years of age qualify for special education services, but for those that do, the DOC provides the required accommodations and modifications.<sup>44</sup>

Currently there are 1,634 inmates under 22 years of age housed at 100 various institutions across the State.<sup>45</sup> Of these, 1,196 are listed as not having a confirmed or verified high school diploma or GED, and 206 are currently in restrictive housing or a disciplinary confinement setting.<sup>46</sup> The highest level of education claimed is as follows:<sup>47</sup>

<b>Grade Level</b>	<b>Number of Inmates</b>
Fourth	2
Fifth	2
Sixth	15
Seventh	25
Eight	89
Ninth	147
Tenth	205
Eleventh	258
Twelfth	126
First Year of College	1
None	256
Unknown	70
<b>Total</b>	<b>1196</b>

Within this demographic, 380 inmates are verified to have cognitive disabilities and are federally required to receive special education services. Of the 380 special education eligible inmates, 133 refused services and programming.<sup>48</sup>

## **Effect of Proposed Changes**

### *Florida Virtual School Justice Education Program*

The bill creates the Florida Virtual School Justice Education Program (FLVS JEP) to offer inmates younger than 22 years of age housed in institutions and facilities operated by, or under the supervision of, the DOC the opportunity to earn a standard high school diploma. The bill requires FLVS to establish the FLVS JEP beginning in the 2022-2023 school year.

FLVS JEP courses must be delivered in an educational setting under the supervision of the DOC by FLVS-certified personnel who provide instruction through online courses or through blended learning courses consisting of both traditional classroom and online instructional techniques. The bill requires students in blended learning courses under FLVS JEP to be full-time students, and requires the funding, performance, and accountability requirements for blended learning courses under FLVS JEP to be the same as those for traditional classroom courses.

The bill requires FLVS JEP to include and receive funding for a summer school period, and prohibits a student from being funded for more than 25 hours per week of instruction under the summer school period.

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<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 4

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

The bill authorizes a student who turns 22 years of age to remain in the program if approved by the FLVS and the DOC, however funding for such a student through the FEFP is prohibited. Additionally, a student who is removed from the program may appeal to the DOE to seek reinstatement, subject to a final determination by the commissioner.

The bill requires the DOE, with the assistance of the FLVS and the DOC, to select a common student assessment instrument and protocol for measuring student learning gains for students enrolled in the FLVS JEP. The assessment instrument and protocol must be jointly reviewed for effectiveness with changes implemented as necessary. The bill requires the school performance of FLVS JEP to be assessed based on student learning gains and student progression as demonstrated by the selected assessment instrument.

The bill requires by July 1, 2023, and annually thereafter, the FLVS to negotiate a cooperative agreement with the DOC for the delivery of educational services to implement the FLVS JEP. The agreement must provide for, but is not limited to, the following:

- Roles and responsibilities of the FLVS and the DOC, including contract providers.
- Resolution of administrative issues, to include procedures for sharing information.
- Allocation of resources, including the maximization of state and federal funding.
- Procedures for educational evaluation for exceptional education students.
- Procedures for individualized progress monitoring plans for students not classified upon entry as exceptional education students. The plans must address academic, literacy, career, and technical skills and include provisions for intensive remedial instruction in areas identified as deficient.
- Curriculum and delivery of instruction, including resources required for technology.
- Procedures for assessments at an institution or facility operated by the DOC.
- Classroom management procedures and attendance policies.
- Procedures for the provision of qualified personnel and for the performance of their duties in a DOC setting.
- Provisions for improving skills in teaching and working with students in the FLVS JEP.
- Transition plans for student moving into and out of the FLVS JEP.
- Procedures for the documentation of credits earned and the transfer of student records.
- Methods and procedures for dispute resolution.
- Provisions for ensuring the safety of educational personnel and support of the FLVS JEP.

The bill requires students enrolled in FLVS JEP to take all industry certification examinations, national assessments, and statewide, standardized assessments at the institution or facility operated by, or under the supervision of, the DOC.

The bill provides that the FLVS is not required to provide more services than can be supported by the funds generated by the students participating in the program and that a student participating in the FLVS JEP is not prohibited from participating in DOC's CEP.

### *Florida Virtual School*

The bill revises the purpose of the FLVS to include the delivery of online and blended learning education, as opposed to online and distance learning, and as such requires the FLVS BOT to enter into agreements with blended learning providers.

The bill adds students enrolled in the FLVS JEP as a priority population to be served by the FLVS and requires the FLVS BOT to submit to the SBE the number of students enrolled in the FLVS JEP.

The bill requires, beginning with the 2022-2023 school year, the FLVS BOT to include specified FLVS JEP information in the required annual report submitted to the Governor, Legislature, SBE, and the commissioner.

## *FLVS JEP Funding*

The bill provides a definition for a full-time equivalent student enrolled in a blended learning program under FLVS JEP, differentiating such a student from one enrolled in an online learning program.

The bill requires a full-time equivalent student enrolled in a blended learning program offered by the FLVS JEP, including a student enrolled during the summer, to be funded through the FEFP based on seat time like traditional public schools. The FLVS may only be funded for full-time students enrolled in the FLVS JEP, however a student enrolled in the FLVS JEP may also enroll in an online course and be funded as provided for a student enrolled in an online learning program.

Additionally, the bill authorizes students enrolled in the FLVS JEP to be eligible for funding beyond the 180-day regular term, similar to the authorization for students enrolled in DJJ programs.

### B. SECTION DIRECTORY:

**Section 1.** Amending s. 1002.37, F.S.; revising the purpose of the Florida Virtual School to provide for the development and delivery of blended learning; requiring the Florida Virtual School to give priority to students enrolled in certain Department of Corrections education programs; conforming a reporting requirement to changes made by the act; revising the calculation of funding for the Florida Virtual School; requiring full-time equivalent students enrolled in a certain blended learning program to be reported to the Department of Education in a specified manner; specifying conditions under which the Florida Virtual School may be funded through the Florida Education Finance Program; revising the requirements of a report that the board of trustees of the Florida Virtual School must annually submit to certain entities, beginning with a specified school year; requiring students enrolled in the Florida Virtual School Justice Education Program to take specified examinations and assessments at institutions or facilities operated by, or under the supervision of, the Department of Corrections; providing for the determination of Florida Virtual School performance related to the Justice Education Program.

**Section 2.** Creating s. 1002.371, F.S.; requiring the Florida Virtual School to establish the Florida Virtual School Justice Education Program, beginning with a specified school year; providing the purpose of the program; specifying criteria for course delivery; requiring the Florida Virtual School to report program students separately from other students for funding purposes; providing for funding of students enrolled in the program; authorizing students who turn 22 years of age while enrolled in the program to remain enrolled under certain circumstances; prohibiting funding for such a student from being reported through the Florida Education Finance Program; requiring the Department of Education, with assistance from specified entities, to select a common student assessment instrument and protocol for measuring student learning gains and progression; requiring specified entities to jointly review such assessment instrument and protocol and implement changes as necessary; authorizing students to appeal removal from the Florida Virtual School Justice Education Program, subject to a final determination on the appeal by the Commissioner of Education; requiring the Florida Virtual School to negotiate by a specified date and annually thereafter a cooperative agreement with the Department of Corrections to implement the Florida Virtual School Justice Education Program for the delivery of educational services to students under the jurisdiction of the Department of Corrections; providing requirements for such agreement; providing construction; requiring the state board and the Department of Corrections to adopt rules.

**Section 3.** Amending s. 1011.61, F.S.; revising the definition of the term "full-time equivalent student."

**Section 4.** Amending s. 1011.62, F.S.; conforming a provision to changes made by the act.

**Section 5.** Provides an effective date of July 1, 2022.



## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

There is an indeterminate but significant fiscal impact to the future costs if additional FTE students are added to the Florida Education Finance Program.

The Department of Corrections (DOC) recommends adding additional full-time equivalent (FTE) positions and costs as follows:<sup>49</sup>

- Two FTE in the central office for infrastructure and security at a cost of \$194,472.
- One FTE per site at cost of \$73,462 per site to support the lifecycle management of the equipment, infrastructure, and related security to support the Florida Virtual School Justice Education Program (FLVS JEP). To scale the program statewide, the DOC recommends 50 site-based FTE at a cost of \$3,673,103.

In addition, the DOC estimates a technology impact to provide for the computer workstations, infrastructure, software licensing for a single site with 200 workstations to cost \$400,000-\$550,000 with \$200,000-\$250,000 of recurring funding annually.<sup>50</sup> It is unclear what the technology impact may be to scale the program across the 100 facilities where eligible inmates are currently housed.

It is also unclear how these costs may be shared between the DOC and the Florida Virtual School (FLVS) and if there is an additional fiscal impact to the FLVS or the Department of Education to implement the FLVS JEP.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

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<sup>49</sup> Florida Department of Corrections, Agency Analysis of 2022 Senate Bill 1226, pg.9 (Jan. 26, 2022).

<sup>50</sup> *Id.* at 10

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

The bill requires the State Board of Education and the Department of Corrections to adopt rules to administer the Florida Virtual School Justice Education Program (FLVS JEP).

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

There may be a conflict in statutory responsibilities authorizing the Commissioner of Education to act as the ultimate decision-maker in hearing inmate student appeals regarding reinstatement of a student inmate who has been removed from the FLVS JEP. Decisions impacting the daily lives of inmates are under the purview of the Secretary of Correction pursuant to s. 20.315, F.S.<sup>51</sup>

The bill requires the Florida Virtual School (FLVS) to establish the FLVS JEP beginning in the 2022-2023 school year, however, the negotiated cooperative agreement between the FLVS and the Department of Corrections for the delivery of services under the FLVS JEP is required by July 1, 2023. The FLVS JEP could potentially provide services to eligible DOC inmates for a full school year without a finalized negotiated agreement.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

Not applicable.

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<sup>51</sup> *Id.* at 11