

1 A bill to be entitled
2 An act relating to virtual learning; amending s.
3 1002.37, F.S.; revising the purpose of the Florida
4 Virtual School to provide for the development and
5 delivery of blended learning; requiring the Florida
6 Virtual School to give priority to students enrolled
7 in certain Department of Corrections education
8 programs; conforming a reporting requirement to
9 changes made by the act; revising the calculation of
10 funding for the Florida Virtual School; requiring
11 full-time equivalent students enrolled in a certain
12 blended learning program to be reported to the
13 Department of Education in a specified manner;
14 specifying conditions under which the Florida Virtual
15 School may be funded through the Florida Education
16 Finance Program; revising the requirements of a report
17 that the board of trustees of the Florida Virtual
18 School must annually submit to certain entities,
19 beginning with a specified school year; requiring
20 students enrolled in the Florida Virtual School
21 Justice Education Program to take specified
22 examinations and assessments at institutions or
23 facilities operated by, or under the supervision of,
24 the Department of Corrections; providing for the
25 determination of Florida Virtual School performance

26 related to the Justice Education Program; creating s.
27 1002.371, F.S.; requiring the Florida Virtual School
28 to establish the Florida Virtual School Justice
29 Education Program, beginning with a specified school
30 year; providing the purpose of the program; specifying
31 criteria for course delivery; requiring the Florida
32 Virtual School to report program students separately
33 from other students for funding purposes; providing
34 for funding of students enrolled in the program;
35 authorizing students who turn 22 years of age while
36 enrolled in the program to remain enrolled under
37 certain circumstances; prohibiting funding for such a
38 student from being reported through the Florida
39 Education Finance Program; requiring the Department of
40 Education, with assistance from specified entities, to
41 select a common student assessment instrument and
42 protocol for measuring student learning gains and
43 progression; requiring specified entities to jointly
44 review such assessment instrument and protocol and
45 implement changes as necessary; authorizing students
46 to appeal removal from the Florida Virtual School
47 Justice Education Program, subject to a final
48 determination on the appeal by the Commissioner of
49 Education; requiring the Florida Virtual School to
50 negotiate by a specified date and annually thereafter

51 a cooperative agreement with the Department of
52 Corrections to implement the Florida Virtual School
53 Justice Education Program for the delivery of
54 educational services to students under the
55 jurisdiction of the Department of Corrections;
56 providing requirements for such agreement; providing
57 construction; requiring the state board and the
58 Department of Corrections to adopt rules; amending s.
59 1011.61, F.S.; revising the definition of the term
60 "full-time equivalent student"; amending s. 1011.62,
61 F.S.; conforming a provision to changes made by the
62 act; providing an effective date.

63
64 Be It Enacted by the Legislature of the State of Florida:

65
66 Section 1. Present paragraphs (c) through (g) of
67 subsection (3) of section 1002.37, Florida Statutes, are
68 redesignated as paragraphs (d) through (h), respectively, a new
69 paragraph (c) and paragraph (i) are added to that subsection,
70 paragraph (e) is added to subsection (10) of that section, and
71 paragraphs (a) and (b) of subsection (1), paragraphs (c) and (j)
72 of subsection (2), paragraph (a) of subsection (3), and
73 subsections (7) and (11) of that section are amended, to read:

74 1002.37 The Florida Virtual School.—

75 (1) (a) The Florida Virtual School is established for the

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76 development and delivery of online and blended ~~distance~~ learning
77 education. The Commissioner of Education shall monitor the
78 school's performance and report its performance to the State
79 Board of Education and the Legislature.

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

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

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

92 3. Students who are children of an active duty member of
93 the United States Armed Forces who is not stationed in this
94 state whose home of record or state of legal residence is
95 Florida.

96 4. Students enrolled in the Florida Virtual School Justice
97 Education Program pursuant to s. 1002.371.

98
99 The board of trustees of the Florida Virtual School shall
100 identify appropriate performance measures and standards based on

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101 student achievement that reflect the school's statutory mission
102 and priorities, and shall implement an accountability system for
103 the school that includes assessment of its effectiveness and
104 efficiency in providing quality services that encourage high
105 student achievement, seamless articulation, and maximum access.

106 (2) The Florida Virtual School shall be governed by a
107 board of trustees comprised of seven members appointed by the
108 Governor to 4-year staggered terms. The board of trustees shall
109 be a public agency entitled to sovereign immunity pursuant to s.
110 768.28, and board members shall be public officers who shall
111 bear fiduciary responsibility for the Florida Virtual School.
112 The board of trustees shall have the following powers and
113 duties:

114 (c) The board of trustees shall aggressively seek avenues
115 to generate revenue to support its future endeavors, and shall
116 enter into agreements with blended ~~distance~~ learning providers.
117 The board of trustees may acquire, enjoy, use, and dispose of
118 patents, copyrights, and trademarks and any licenses and other
119 rights or interests thereunder or therein. Ownership of all such
120 patents, copyrights, trademarks, licenses, and rights or
121 interests thereunder or therein shall vest in the state, with
122 the board of trustees having full right of use and full right to
123 retain the revenues derived therefrom. Any funds realized from
124 patents, copyrights, trademarks, or licenses are ~~shall be~~
125 considered internal funds as provided in s. 1011.07. Such funds

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126 shall be used to support the school's marketing and research and
127 development activities in order to improve courseware and
128 services to its students.

129 (j) The board of trustees shall submit to the State Board
130 of Education both forecasted and actual enrollments and credit
131 completions for the Florida Virtual School, according to
132 procedures established by the State Board of Education. At a
133 minimum, such procedures must include the number of public,
134 private, and home education students served, by program and by
135 county of residence, and the number of students enrolled in the
136 Florida Virtual School Justice Education Program pursuant to s.
137 1002.371.

138
139 The Governor shall designate the initial chair of the board of
140 trustees to serve a term of 4 years. Members of the board of
141 trustees shall serve without compensation, but may be reimbursed
142 for per diem and travel expenses pursuant to s. 112.061. The
143 board of trustees shall be a body corporate with all the powers
144 of a body corporate and such authority as is needed for the
145 proper operation and improvement of the Florida Virtual School.
146 The board of trustees is specifically authorized to adopt rules,
147 policies, and procedures, consistent with law and rules of the
148 State Board of Education related to governance, personnel,
149 budget and finance, administration, programs, curriculum and
150 instruction, travel and purchasing, technology, students,

151 contracts and grants, and property as necessary for optimal,
152 efficient operation of the Florida Virtual School. Tangible
153 personal property owned by the board of trustees shall be
154 subject to the provisions of chapter 273.

155 (3) Funding for the Florida Virtual School shall be
156 provided as follows:

157 (a)1. The calculation of a "full-time equivalent student"
158 enrolled in an online learning program must ~~shall~~ be as
159 prescribed in s. 1011.61(1)(c)1.b.(V) and is subject to s.
160 1011.61(4).

161 2. The calculation of a "full-time equivalent student"
162 enrolled in a blended learning program offered pursuant to s.
163 1002.371 must be as prescribed in s. 1011.61(1)(c)1.b.(I) and is
164 subject to s. 1011.61(4).

165 3. For a student in a home education program, funding
166 shall be provided in accordance with this subsection upon course
167 completion if the parent verifies, upon enrollment for each
168 course, that the student is registered with the school district
169 as a home education student pursuant to s. 1002.41(1)(a).

170 (c) A full-time equivalent student enrolled in a blended
171 learning program offered pursuant to s. 1002.371, including a
172 student enrolled during the summer, must be reported to the
173 Department of Education in the manner the department prescribes
174 and must be funded through the Florida Education Finance
175 Program.

176 (i) The Florida Virtual School may be funded for blended
 177 learning through the Florida Education Finance Program only for
 178 full-time students enrolled in the Florida Virtual School
 179 Justice Education Program pursuant to s. 1002.371. However, such
 180 students may enroll in online courses and be funded as provided
 181 in paragraph (a).

182 (7) The board of trustees shall annually submit to the
 183 Governor, the Legislature, the Commissioner of Education, and
 184 the State Board of Education the audit report prepared pursuant
 185 to subsection (6) and a complete and detailed report setting
 186 forth:

187 (a) The operations and accomplishments of the Florida
 188 Virtual School within this ~~the~~ state and those occurring outside
 189 this ~~the~~ state as Florida Virtual School Global and, beginning
 190 with the 2022-2023 school year, the Florida Virtual School
 191 Justice Education Program established under s. 1002.371.

192 (b) The marketing and operational plan for the Florida
 193 Virtual School, and Florida Virtual School Global, and,
 194 beginning with the 2022-2023 school year, the Florida Virtual
 195 School Justice Education Program established under s. 1002.371,
 196 including recommendations regarding methods for improving the
 197 delivery of education through the Internet and other distance
 198 learning technology.

199 (c) The assets and liabilities of the Florida Virtual
 200 School and Florida Virtual School Global at the end of the

201 fiscal year.

202 (d) Recommendations regarding the unit cost of providing
 203 services to students through the Florida Virtual School, ~~and~~
 204 Florida Virtual School Global, and, beginning with the 2022-2023
 205 school year, the Florida Virtual School Justice Education
 206 Program established under s. 1002.371. In order to most
 207 effectively develop public policy regarding any future funding
 208 of the Florida Virtual School, it is imperative that the cost of
 209 the program is accurately identified. The identified cost of the
 210 program must be based on reliable data.

211 (e) Recommendations regarding an accountability mechanism
 212 to assess the effectiveness of the services provided by the
 213 Florida Virtual School, ~~and~~ Florida Virtual School Global, and,
 214 beginning with the 2022-2023 school year, the Florida Virtual
 215 School Justice Education Program established under s. 1002.371.

216 (10)

217 (e) Students enrolled in the Florida Virtual School
 218 Justice Education Program pursuant to s. 1002.371 must take all
 219 industry certification examinations, national assessments, and
 220 statewide, standardized assessments at the institution or
 221 facility operated by, or under the supervision of, the
 222 Department of Corrections.

223 (11) The Florida Virtual School shall receive a school
 224 grade pursuant to s. 1008.34 for students receiving full-time
 225 instruction pursuant to this section. School performance for the

226 Florida Virtual School as it relates to the Justice Education
 227 Program must be assessed based on student learning gains and
 228 student progression as demonstrated by the student assessment
 229 instrument and protocol selected pursuant to s. 1002.371(6).

230 Section 2. Section 1002.371, Florida Statutes, is created
 231 to read:

232 1002.371 Florida Virtual School Justice Education
 233 Program.—

234 (1) Beginning with the 2022-2023 school year, the Florida
 235 Virtual School shall establish the Florida Virtual School
 236 Justice Education Program to offer inmates younger than 22 years
 237 of age housed in institutions and facilities operated by, or
 238 under the supervision of, the Department of Corrections the
 239 opportunity to earn a standard high school diploma pursuant to
 240 s. 1003.4282. Courses must be delivered in an educational
 241 setting under the supervision of the Department of Corrections
 242 by Florida Virtual School personnel certified pursuant to s.
 243 1012.55 who provide instruction through online courses pursuant
 244 to s. 1002.37 or through blended learning courses consisting of
 245 both traditional classroom and online instructional techniques.
 246 Students in blended learning courses must be full-time students
 247 of the school as provided in s. 1011.61(1)(a)1. The funding,
 248 performance, and accountability requirements for blended
 249 learning courses are the same as those for traditional classroom
 250 courses.

251 (2) The Florida Virtual School shall separately report all
252 students enrolled in the program for purposes of the Florida
253 Education Finance Program.

254 (3) The Florida Virtual School shall receive state funds
255 for operating purposes as provided in the General Appropriations
256 Act for students enrolled in the program. The calculation to
257 determine the amount of state funds shall be as prescribed in s.
258 1002.37(3)(g).

259 (4) The program must include and receive funding for a
260 summer school period that must begin on the day immediately
261 following the end of the regular school year and end on the day
262 immediately preceding the subsequent regular school year.
263 Students may not be funded for more than 25 hours per week of
264 instruction.

265 (5) A student who turns 22 years of age while enrolled in
266 the program may remain enrolled if his or her continued
267 enrollment is approved by the Florida Virtual School and the
268 Department of Corrections; however, funding for such a student
269 may not be reported through the Florida Education Finance
270 Program.

271 (6) The Department of Education, with the assistance of
272 the Florida Virtual School and the Department of Corrections,
273 shall select a common student assessment instrument and protocol
274 for measuring student learning gains and student progression for
275 students receiving full-time instruction pursuant to this

276 section. The Department of Education, the Florida Virtual
277 School, and the Department of Corrections, jointly, shall review
278 the effectiveness of such assessment instrument and protocol and
279 implement changes as necessary.

280 (7) A student who is removed from the program may appeal
281 to the Department of Education to seek reinstatement, subject to
282 a final determination on the appeal by the Commissioner of
283 Education.

284 (8) By July 1, 2023, and annually thereafter, the Florida
285 Virtual School shall negotiate a cooperative agreement with the
286 Department of Corrections for the delivery of educational
287 services to students under the jurisdiction of the Department of
288 Corrections to implement the program. Such agreement must
289 provide for, but is not limited to:

290 (a) Roles and responsibilities of the Florida Virtual
291 School and the Department of Corrections, including the roles
292 and responsibilities of contract providers.

293 (b) Resolution of administrative issues, including
294 procedures for sharing information.

295 (c) Allocation of resources, including the maximization of
296 state and federal funding.

297 (d) Procedures for educational evaluation for exceptional
298 education students and those with special needs.

299 (e) Procedures for individualized progress monitoring
300 plans developed for all students not classified upon entry to

301 the program as exceptional education students. These plans must
302 address academic, literacy, career, and technical skills and
303 must include provisions for intensive remedial instruction in
304 areas of weakness.

305 (f) Curriculum and delivery of instruction, including
306 resources required for delivery of instruction through
307 technological means.

308 (g) Procedures for assessments, including, but not limited
309 to, industry certification examinations, national assessments,
310 and statewide, standardized assessments administered pursuant to
311 s. 1008.22 at an institution or facility operated by the
312 Department of Corrections.

313 (h) Classroom management procedures and attendance
314 policies.

315 (i) Procedures for provision of qualified personnel,
316 whether supplied by the Florida Virtual School or the Department
317 of Corrections, and for the performance of their duties in a
318 Department of Corrections setting.

319 (j) Provisions for improving skills in teaching and
320 working with students in the program.

321 (k) Transition plans for students moving into and out of
322 the program, including graduates transitioning to postsecondary
323 education or into the workforce.

324 (l) Procedures and timelines for the timely documentation
325 of credits earned and the transfer of student records.

326 (m) Methods and procedures for dispute resolution.
 327 (n) Provisions for ensuring the safety of education
 328 personnel and support for the agreed-upon education program.

329 (9) This section and the cooperative agreement required
 330 under subsection (8) do not require the Florida Virtual School
 331 to provide more services than can be supported by the funds
 332 generated by students participating in the program.

333 (10) This section does not prohibit a student from
 334 participating in the Correctional Education Program pursuant to
 335 s. 944.801.

336 (11) The State Board of Education and the Department of
 337 Corrections shall adopt rules to administer this section.

338 Section 3. Paragraph (c) of subsection (1) of section
 339 1011.61, Florida Statutes, is amended to read:

340 1011.61 Definitions.—Notwithstanding the provisions of s.
 341 1000.21, the following terms are defined as follows for the
 342 purposes of the Florida Education Finance Program:

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

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

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

349 b. A combination of full-time or part-time students in any
 350 one of the programs listed in s. 1011.62(1)(c) which is the

351 equivalent of one full-time student based on the following
352 calculations:

353 (I) A full-time student in a combination of programs
354 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
355 equivalent membership in each special program equal to the
356 number of net hours per school year for which he or she is a
357 member, divided by the appropriate number of hours set forth in
358 subparagraph (a)1. The difference between that fraction or sum
359 of fractions and the maximum value as set forth in subsection
360 (4) for each full-time student is presumed to be the balance of
361 the student's time not spent in a special program and shall be
362 recorded as time in the appropriate basic program.

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

365 (III) A full-time equivalent student for students in
366 kindergarten through grade 12 in a full-time virtual instruction
367 program under s. 1002.45 or a virtual charter school under s.
368 1002.33 shall consist of six full-credit completions or the
369 prescribed level of content that counts toward promotion to the
370 next grade in programs listed in s. 1011.62(1)(c). Credit
371 completions may be a combination of full-credit courses or half-
372 credit courses.

373 (IV) A full-time equivalent student for students in
374 kindergarten through grade 12 in a part-time virtual instruction
375 program under s. 1002.45 shall consist of six full-credit

376 completions in programs listed in s. 1011.62(1)(c)1. and 3.
377 Credit completions may be a combination of full-credit courses
378 or half-credit courses.

379 (V) A Florida Virtual School full-time equivalent student
380 in an online program shall consist of six full-credit
381 completions or the prescribed level of content that counts
382 toward promotion to the next grade in the programs listed in s.
383 1011.62(1)(c)1. and 3. for students participating in
384 kindergarten through grade 12 part-time virtual instruction and
385 the programs listed in s. 1011.62(1)(c) for students
386 participating in kindergarten through grade 12 full-time virtual
387 instruction. Credit completions may be a combination of full-
388 credit courses or half-credit courses.

389 (VI) Each successfully completed full-credit course earned
390 through an online course delivered by a district other than the
391 one in which the student resides shall be calculated as 1/6 FTE.

392 (VII) A full-time equivalent student for courses requiring
393 passage of a statewide, standardized end-of-course assessment
394 under s. 1003.4282 to earn a standard high school diploma shall
395 be defined and reported based on the number of instructional
396 hours as provided in this subsection.

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

401 2. A student in membership in a program scheduled for more
402 or less than 180 school days or the equivalent on an hourly
403 basis as specified by rules of the State Board of Education is a
404 fraction of a full-time equivalent membership equal to the
405 number of instructional hours in membership divided by the
406 appropriate number of hours set forth in subparagraph (a)1.;

407 however, for the purposes of this subparagraph, membership in
408 programs scheduled for more than 180 days is limited to students
409 enrolled in:

410 a. Juvenile justice education programs.

411 b. The Florida Virtual School.

412 c. Virtual instruction programs and virtual charter
413 schools for the purpose of course completion and credit recovery
414 pursuant to ss. 1002.45 and 1003.498. Course completion applies
415 only to a student who is reported during the second or third
416 membership surveys and who does not complete a virtual education
417 course by the end of the regular school year. The course must be
418 completed no later than the deadline for amending the final
419 student enrollment survey for that year. Credit recovery applies
420 only to a student who has unsuccessfully completed a traditional
421 or virtual education course during the regular school year and
422 must retake the course in order to be eligible to graduate with
423 the student's class.

424

425 The full-time equivalent student enrollment calculated under

426 this subsection is subject to the requirements in subsection
427 (4).

428
429 The department shall determine and implement an equitable method
430 of equivalent funding for schools operating under emergency
431 conditions, which schools have been approved by the department
432 to operate for less than the minimum term as provided in s.
433 1011.60(2).

434 Section 4. Paragraph (f) of subsection (1) of section
435 1011.62, Florida Statutes, is amended to read:

436 1011.62 Funds for operation of schools.—If the annual
437 allocation from the Florida Education Finance Program to each
438 district for operation of schools is not determined in the
439 annual appropriations act or the substantive bill implementing
440 the annual appropriations act, it shall be determined as
441 follows:

442 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
443 OPERATION.—The following procedure shall be followed in
444 determining the annual allocation to each district for
445 operation:

446 (f) *Supplemental academic instruction allocation.*—

447 1. There is created the supplemental academic instruction
448 allocation to provide supplemental academic instruction to
449 students in kindergarten through grade 12.

450 2. The supplemental academic instruction allocation shall

451 be provided annually in the Florida Education Finance Program as
452 specified in the General Appropriations Act. These funds are in
453 addition to the funds appropriated on the basis of FTE student
454 membership in the Florida Education Finance Program and shall be
455 included in the total potential funds of each district.
456 Beginning with the 2018-2019 fiscal year, each school district
457 that has a school earning a grade of "D" or "F" pursuant to s.
458 1008.34 must use that school's portion of the supplemental
459 academic instruction allocation to implement intervention and
460 support strategies for school improvement pursuant to s. 1008.33
461 and for salary incentives pursuant to s. 1012.2315(3) or salary
462 supplements pursuant to s. 1012.22(1)(c)5.c. that are provided
463 through a memorandum of understanding between the collective
464 bargaining agent and the school board that addresses the
465 selection, placement, and expectations of instructional
466 personnel and school administrators. For all other schools, the
467 school district's use of the supplemental academic instruction
468 allocation may include, but is not limited to, the use of a
469 modified curriculum; reading instruction; after-school
470 instruction; tutoring; mentoring; a reduction in class size;
471 extended school year; intensive skills development in summer
472 school; dropout prevention programs as defined in ss. 1003.52
473 and 1003.53(1)(a), (b), and (c); and other methods of improving
474 student achievement. Supplemental academic instruction may be
475 provided to a student in any manner and at any time during or

476 beyond the regular 180-day term identified by the school as
477 being the most effective and efficient way to best help that
478 student progress from grade to grade and to graduate.

479 3. The supplemental academic instruction allocation shall
480 consist of a base amount that has a workload adjustment based on
481 changes in unweighted FTE. The supplemental academic instruction
482 allocation shall be recalculated during the fiscal year. Upon
483 recalculation of funding for the supplemental academic
484 instruction allocation, if the total allocation is greater than
485 the amount provided in the General Appropriations Act, the
486 allocation shall be prorated to the level provided to support
487 the appropriation, based on each district's share of the total.

488 4. Funding on the basis of FTE membership beyond the 180-
489 day regular term shall be provided in the FEFP only for students
490 enrolled in juvenile justice education programs, the Florida
491 Virtual School Justice Education Program pursuant to s.
492 1002.371, or in education programs for juveniles placed in
493 secure facilities or programs under s. 985.19. Funding for
494 instruction beyond the regular 180-day school year for all other
495 K-12 students shall be provided through the supplemental
496 academic instruction allocation and other state, federal, and
497 local fund sources with ample flexibility for schools to provide
498 supplemental instruction to assist students in progressing from
499 grade to grade and graduating.

500 Section 5. This act shall take effect July 1, 2022.