

## House Bill No. 7067

An act relating to virtual instruction programs; amending s. 1000.04, F.S.; revising provisions relating to public K-12 schools to include school district virtual instruction programs; amending ss. 1002.20 and 1002.31, F.S.; conforming provisions to changes made by the act; creating s. 1002.45, F.S.; requiring a school district to provide students the option of participating in a virtual instruction program beginning with the 2009-2010 school year; providing a purpose; authorizing a school district to implement virtual instruction programs through district-operated programs or programs provided by contracted providers approved by the Department of Education; authorizing a school district to participate in multi-district contractual arrangements; authorizing a charter school to enter into a joint agreement for charter school students to participate in an approved district virtual instruction program; requiring contract providers to meet certain qualifications; providing an exemption from such qualifications for the Florida Virtual School and K-8 Virtual School Program providers; requiring each virtual instruction program operated or contracted by a school district to meet certain requirements; prohibiting a school district from increasing its enrollment in a virtual education program in excess of the prior year's enrollment unless the program achieves a certain performance grade under the school grading system; providing an exemption for such prohibition for the Florida Virtual School; specifying eligibility requirements for students to participate in a district virtual instruction program; specifying participation requirements for enrolled students; defining the term "full-time equivalent student"; providing that specified virtual instruction programs be funded through the Florida Education Finance Program; limiting virtual program instruction courses for students in grades 9 through 12; requiring participation in the state-wide assessment program and education performance accountability system; requiring a school improvement plan or program termination under specified circumstances; exempting certain providers from the act; requiring school districts to include certain information about the Florida Virtual School in information provided to parents and students about the district's virtual instruction program; authorizing school districts to offer specified virtual instruction programs in the 2008-2009 school year; requiring the State Board of Education to adopt rules; amending s. 1003.01, F.S.; revising the definition of "core-curricula courses"; amending s. 1011.61, F.S.; revising the definition of "full-time equivalent" student to conform to changes made by the act; providing an effective date.

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

Section 1. Subsection (1) of section 1000.04, Florida Statutes, is amended to read:

1000.04 Components for the delivery of public education within the Florida K-20 education system.—Florida’s K-20 education system provides for the delivery of public education through publicly supported and controlled K-12 schools, community colleges, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

(1) PUBLIC K-12 SCHOOLS.—The public K-12 schools include charter schools and consist of kindergarten classes; elementary, middle, and high school grades and special classes; school district virtual instruction programs; workforce education; career centers; adult, part-time, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities.

Section 2. Paragraph (a) of subsection (6) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(6) EDUCATIONAL CHOICE.—

(a) Public school choices.—Parents of public school students may seek whatever public school choice options that are applicable to their students and are available to students in their school districts. These options may include controlled open enrollment, lab schools, school district virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public school choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

Section 3. Subsections (2) and (8) of section 1002.31, Florida Statutes, are amended to read:

1002.31 Public school parental choice.—

(2) Each district school board may offer controlled open enrollment within the public schools. The controlled open enrollment program shall be offered in addition to the existing choice programs such as virtual instruction programs, magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.

(8) Each district school board shall annually report the number of students applying for and attending the various types of public schools of choice

in the district, including schools such as virtual instruction programs, magnet schools, and public charter schools, according to rules adopted by the State Board of Education.

Section 4. Section 1002.45, Florida Statutes, is created to read:

1002.45 School district virtual instruction programs.—

(1) PROGRAM.—

(a) Beginning with the 2009-2010 school year, each school district shall provide eligible students within its boundaries the option of participating in a virtual instruction program. The purpose of the program is to make instruction available to students using online and distance learning technology in the nontraditional classroom. The program shall provide virtual instruction to full-time students enrolled in full-time virtual courses in kindergarten through grade 8 or in full-time or part-time virtual courses in grades 9 through 12 as authorized in paragraph (7)(c).

(b) Each school district's virtual instruction program may consist of one or more schools that are operated by the district or by contracted providers approved by the Department of Education under subsection (2). School districts may participate in multi-district contractual arrangements, which may include contracts executed by a regional consortium for its member districts, to provide such programs.

(c) A charter school may enter into a joint agreement with the school district in which it is located for the charter school's students to participate in an approved district virtual instruction program.

(2) PROVIDER QUALIFICATIONS.—On or before March 1, 2009, and annually thereafter, the department shall provide school districts with a list of providers approved to offer virtual instruction. To be approved by the department, a contract provider must annually document that it:

(a) Is nonsectarian in its programs, admission policies, employment practices, and operations;

(b) Complies with the antidiscrimination provisions of s. 1000.05;

(c) Locates an administrative office or offices in this state, requires its administrative staff to be state residents, and requires all instructional staff members to be Florida-certified teachers;

(d) Possesses prior, successful experience offering online courses to elementary, middle, or high school students;

(e) Utilizes an instructional model that relies on certified teachers, not parents, to provide at least 85 percent of the instruction to the student;

(f) Is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, or the New England Association of Colleges and Schools; and

(g) Complies with all requirements under this section.

Notwithstanding this subsection, approved providers of virtual instruction shall include the Florida Virtual School established under s. 1002.37 and providers that operate under s. 1002.415.

(3) SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each virtual instruction program operated or contracted by a school district must:

(a) Require all instructional staff to be certified professional educators under chapter 1012.

(b) Conduct a background screening of all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records.

(c) Align virtual course curriculum and course content to the Sunshine State Standards under s. 1003.41.

(d) Offer instruction that is designed to enable a student to gain proficiency in each virtually delivered course of study.

(e) Provide each student enrolled in the program with all the necessary instructional materials.

(f) Provide, when appropriate, each household having a full-time student enrolled in the program with:

1. All equipment necessary for participants in the school district virtual instruction program, including, but not limited to, a computer, computer monitor, and printer; and

2. Access to or reimbursement for all Internet services necessary for online delivery of instruction.

(g) Not require tuition or student registration fees.

(4) PROGRAM CAPACITY; ENROLLMENT.—Beginning with the 2010-2011 school year, except for courses offered by the Florida Virtual School under s. 1002.37, a school district may not increase the enrollment for its full-time virtual instruction program in excess of its prior school year enrollment unless the program for the previous school year is designated with a grade of “C,” making satisfactory progress, or better under the school grading system provided in s. 1008.34.

(5) STUDENT ELIGIBILITY.—Enrollment in a school district virtual instruction program is open to any student residing within the district’s attendance area if the student meets at least one of the following conditions:

(a) The student has spent the prior school year in attendance at a public school in this state and was enrolled and reported by a public school district for funding during the preceding October and February for purposes of the Florida Education Finance Program surveys.

(b) The student is a dependent child of a member of the United States Armed Forces who was transferred within the last 12 months to this state from another state or from a foreign country pursuant to the parent's permanent change of station orders.

(c) The student was enrolled during the prior school year in a school district virtual instruction program under this section or a K-8 Virtual School Program under s. 1002.415.

(6) STUDENT PARTICIPATION REQUIREMENTS.—Each student enrolled in a school district virtual instruction program must:

(a) Comply with the compulsory attendance requirements of s. 1003.21. Student attendance must be verified by the school district.

(b) Take state assessment tests within the school district in which such student resides, which must provide the student with access to the district's testing facilities.

(7) FUNDING.—

(a) For purposes of a district virtual instruction program, "full-time equivalent student" has the same meaning as provided in s. 1011.61(1)(c)1.b.(III) or (IV).

(b) The school district shall report full-time equivalent students for the school district virtual instruction program and for a charter school's students who participate under paragraph (1)(c) to the department only in a manner prescribed by the department, and funding shall be provided through the Florida Education Finance Program.

(c) Full-time or part-time school district virtual instruction program courses provided under this section for students in grades 9 through 12 are limited to Department of Juvenile Justice programs, dropout prevention programs, and career and vocational programs.

(8) ASSESSMENT AND ACCOUNTABILITY.—

(a) With the exception of the programs offered by the Florida Virtual School under s. 1002.37, each school district virtual instruction program must:

1. Participate in the statewide assessment program under s. 1008.22 and in the state's education performance accountability system under s. 1008.31.

2. Receive a school grade as provided in s. 1008.34. A school district virtual instruction program shall be considered a school under s. 1008.34 for purposes of this section, regardless of the number of individual providers participating in the district's program.

(b) The performance of part-time students under paragraph (7)(c) shall not be included for purposes of school grading under subparagraph (a)2.; however, their performance shall be included for school grading purposes by the nonvirtual school providing the student's primary instruction.

(c) A program that is designated with a grade of “D,” making less than satisfactory progress, or “F,” failing to make adequate progress, must file a school improvement plan with the department for consultation to determine the causes for low performance and to develop a plan for correction and improvement.

(d) The school district shall terminate its program, including all contracts with providers for such program, if the program receives a grade of “D,” making less than satisfactory progress, or “F,” failing to make adequate progress, for 2 years during any consecutive 4-year period. If a contract is not renewed or is terminated, the contracted provider is responsible for all debts of the program or school operated by the provider.

(e) A school district that terminates its program under paragraph (d) shall contract with a provider selected and approved by the department for the provision of virtual instruction until the school district receives approval from the department to operate a new school district virtual instruction program.

(9) EXCEPTIONS.—A provider of digital or online content or curriculum that is used to supplement the instruction of students who are not enrolled in a virtual instruction program under this section is not required to meet the requirements of this section.

(10) MARKETING.—Any information provided by a school district to parents and students regarding the school district’s virtual instruction program must include information about opportunities available at, and the parent’s and student’s right to access courses offered by, the Florida Virtual School under s. 1002.37.

(11) 2008-2009 SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM.—For the 2008-2009 school year, each school district in the state may offer a school district virtual instruction program to provide full-time virtual courses in kindergarten through grade 8 or to provide full-time or part-time virtual courses in grades 9 through 12 as authorized in paragraph (7)(c). Such program may be operated or contracted as provided under paragraph (1)(b) and must comply with all requirements of this section, except that contracts under this subsection may only be issued for virtual courses in kindergarten through grade 8 to providers operating under s. 1002.415 or for virtual courses in grades 9 through 12 as authorized under paragraph (7)(c) to providers who contracted with a regional consortium in the 2007-2008 school year to provide such services.

(12) RULES.—The State Board of Education shall adopt rules necessary to administer this section, including rules that prescribe school district and charter school reporting requirements.

Section 5. Subsection (14) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(14) “Core-curricula courses” means courses defined by the Department of Education as mathematics, language arts/reading, science, social studies,

foreign language, English for Speakers of Other Languages, exceptional student education, and courses taught in traditional self-contained elementary school classrooms. The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. 1002.37, 1002.415, and 1002.45.

Section 6. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

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

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

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

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

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

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student’s time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in grades K-8 in a school district virtual instruction program as provided in s. 1002.45 shall consist of a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level.

(IV) A full-time equivalent student for students in grades 9-12 in a school district virtual instruction program as provided in s. 1002.45 shall consist of six full credit completions in programs listed in s. 1011.62(1)(c)1. and 4. Credit completions can be a combination of either full credits or half credits.

(V)(III) A Florida Virtual School full-time equivalent student shall consist of six full credit completions in the programs listed in s. 1011.62(1)(c)1.

and 4. Credit completions can be a combination of either full credits or half credits.

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum school day.

Section 7. This act shall take effect July 1, 2008.

Approved by the Governor June 10, 2008.

Filed in Office Secretary of State June 10, 2008.