

School District Virtual Instruction Programs

This Act authorizes school districts to offer Virtual School Programs. Each district program may consist of district-operated or contracted virtual schools. Districts may administer their programs individually, through regional consortiums, or through multi-district contracts.

Submitted as:

Florida

Chapter 2008-147

Status: Enacted into law in 2008.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Permit School District
2 Virtual Instruction Programs.”

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Section 2. [*School District Virtual Instruction Programs.*]

5 (A) Beginning with the [2009-2010] school year, each school district shall provide
6 eligible students within its boundaries the option of participating in a virtual instruction program.
7 The purpose of the program is to make instruction available to students using online and distance
8 learning technology in the nontraditional classroom. The program shall provide virtual
9 instruction to full-time students enrolled in full-time virtual courses in kindergarten through
10 grade 8 or in full-time or part-time virtual courses in grades 9 through 12 as authorized in
11 Section 6 (D) of this Act.

12 (B) Each school district’s virtual instruction program may consist of one or more schools
13 that are operated by the district or by contracted providers approved by the [department of
14 education] under Section (3). School districts may participate in multi-district contractual
15 arrangements, which may include contracts executed by a regional consortium for its member
16 districts, to provide such programs.

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

20 (D) Parents of public school students may seek school district virtual instruction
21 programs if that is a public school choice option applicable to their students and is available to
22 students in their school district.

23 (E) Each district school board shall annually report the number of students applying for
24 and attending virtual instruction programs according to rules adopted by the [state board of
25 education].

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Section 3. [*Virtual Instruction Provider Qualifications.*]

28 (A) On or before [March 1, 2009], and annually thereafter, the [department of education]
29 shall provide school districts with a list of providers approved to offer virtual instruction. To be
30 approved by the [department of education], a contract provider must [annually] document that it:

31 (1) is nonsectarian in its programs, admission policies, employment practices, and
32 operations;

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 (2) complies with the antidiscrimination provisions of [insert citation];

34 (3) locates an administrative office or offices in this state, requires its
35 administrative staff to be state residents, and requires all instructional staff members to be [state-
36 certified] teachers;

37 (4) possesses prior, successful experience offering online courses to elementary,
38 middle, or high school students;

39 (5) uses an instructional model that relies on certified teachers, not parents, to
40 provide at least [85 percent] of the instruction to the student;

41 (6) is accredited by the [Commission on Colleges of the Southern Association of
42 Colleges and Schools, the Middle States Association of Colleges and Schools, the North Central
43 Association of Colleges and Schools, or the New England Association of Colleges and Schools];
44 and

45 (7) complies with all requirements under this section.

46 (B) Notwithstanding this subsection, approved providers of virtual instruction shall
47 include providers that operate under [insert citation].

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49 Section 4. [*School District Virtual Instruction Program Requirements.*] Each virtual
50 instruction program operated or contracted by a school district must:

51 (1) require all instructional staff to be certified professional educators under
52 [insert citation];

53 (2) conduct a background screening of all employees or contracted personnel, as
54 required by [insert citation], using state and national criminal history records;

55 (3) align virtual course curriculum and course content to state standards under
56 [insert citation];

57 (4) offer instruction that is designed to enable a student to gain proficiency in each
58 virtually delivered course of study;

59 (5) provide each student enrolled in the program with all the necessary
60 instructional materials;

61 (6) provide, when appropriate, each household having a full-time student enrolled
62 in the program with:

63 (a) all equipment necessary for participants in the school district virtual
64 instruction program, including, but not limited to, a computer, computer monitor, and printer;
65 and

66 (b) access to or reimbursement for all internet services necessary for
67 online delivery of instruction; and

68 (7) not require tuition or student registration fees.

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70 Section 5. [*Student Eligibility and Participation.*]

71 (A) Enrollment in a school district virtual instruction program is open to any student
72 residing within the district's attendance area if the student meets at least one of the following
73 conditions:

74 (1) the student has spent the prior school year in attendance at a public school in
75 this state and was enrolled and reported by a public school district for funding during the
76 preceding October and February;

77 (2) the student is a dependent child of a member of the United States Armed
78 Forces who was transferred within the last [12] months to this state from another state or from a
79 foreign country pursuant to the parent's permanent change of station orders; or

80 (3) the student was enrolled during the prior school year in a school district virtual
81 instruction program under [insert citation].

82 (B) Each student enrolled in a school district virtual instruction program must:
83 (1) comply with the compulsory attendance requirements of [insert citation].
84 Student attendance must be verified by the school district; and
85 (2) take state assessment tests within the school district in which such student
86 resides, which must provide the student with access to the district’s testing facilities.
87 (C) Beginning with the [2010-2011] school year, a school district may not increase the
88 enrollment for its full-time virtual instruction program in excess of its prior school year
89 enrollment unless the program for the previous school year is designated with a grade of “C,”
90 making satisfactory progress, or better under the school grading system provided in [insert
91 citation].

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93 Section 6. *[Funding.]*

94 (A) For purposes of a district virtual instruction program, “full-time equivalent student”
95 means:

96 (1) a full-time equivalent student for students in grades K-8 in a school district
97 virtual instruction program shall consist of a student who has successfully completed a basic
98 program listed in [insert citation], and who is promoted to a higher grade level; or

99 (2) a full-time equivalent student for students in grades 9-12 in a school district
100 virtual instruction program as provided in [insert citation] shall consist of six full credit
101 completions in programs listed in [insert citation]. Credit completions can be a combination of
102 either full credits or half credits.

103 (B) The school district shall report full-time equivalent students for the school district
104 virtual instruction program and for a charter school’s students who participate under Section 2
105 (C) of this Act to the [department of education] in a manner prescribed by the [department of
106 education], and funding shall be provided through the [Education Finance Program] established
107 under [insert citation].

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

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112 Section 7. *[Assessment and Accountability.]*

113 (A) Each school district virtual instruction program must:

114 (1) participate in the statewide assessment program under [insert citation] and in
115 the state’s education performance accountability system under [insert citation].

116 (2) receive a school grade as provided in [insert citation].

117 (B) A school district virtual instruction program shall be considered a school under
118 [insert citation] for purposes of this section, regardless of the number of individual providers
119 participating in the district’s program.

120 (C) The performance of part-time students under paragraph (6)(C) shall not be included
121 for purposes of school grading under subparagraph (A)(2). However, their performance shall be
122 included for school grading purposes by the nonvirtual school providing the student’s primary
123 instruction.

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

128 (E) The school district shall terminate its program, including all contracts with providers
129 for such program, if the program receives a grade of “D,” making less than satisfactory progress,

130 or “F,” failing to make adequate progress, for [2 years during any consecutive 4-year period]. If a
131 contract is not renewed or is terminated, the contracted provider is responsible for all debts of the
132 program or school operated by the provider.

133 (F) A school district that terminates its program under paragraph (E) shall contract with a
134 provider selected and approved by the [department] for the provision of virtual instruction until
135 the school district receives approval from the [department] to operate a new school district virtual
136 instruction program.

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138 Section 8. [*Exceptions.*] A provider of digital or online content or curriculum that is used
139 to supplement the instruction of students who are not enrolled in a virtual instruction program
140 under this section is not required to meet the requirements of this Act.

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142 Section 9. [*Rules.*] The [state board of education] shall adopt rules necessary to
143 administer this Act, including rules that prescribe school district and charter school reporting
144 requirements.

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146 Section 10. [*Severability.*] [Insert severability clause.]

147
148 Section 11. [*Repealer.*] [Insert repealer clause.]

149
150 Section 12. [*Effective Date.*] [Insert effective date.]