

1 A bill to be entitled
 2 An act relating to digital learning; amending
 3 1002.321, F.S.; requiring the Department of Education
 4 to develop an online catalog of available digital
 5 learning courses pursuant to 1002.37, 1002.45, and
 6 1003.498; providing specific information for each
 7 course and a method for teachers and students to
 8 submit evaluative feedback; amending 1002.37, F.S.;
 9 clarifying, for home education students, the
 10 eligibility verification process for purposes of
 11 funding through the FEFP upon course completion;
 12 requiring FLVS to provide information in their
 13 required report about operations occurring outside the
 14 state, as Florida Virtual School Global; amending
 15 1002.45, F.S.; allowing districts to offer part-time
 16 virtual instruction for K-12 students for all courses,
 17 not just courses measured by an assessment; removing
 18 the requirement that a provider locate an
 19 administrative office in the state; removing the
 20 requirement that the provider employees be residents
 21 of the state and requiring such providers to maintain
 22 a minimum level of services available to parents and
 23 students; establishing provisions by which the
 24 Department of Education may conditionally approve
 25 providers without prior successful experience in
 26 providing on-line courses; creating s. 1002.451, F.S.;
 27 allowing districts to operate innovation schools
 28 through a pilot program; providing definitions and

29 requirements; amending 1003.01, F.S.; removing blended
 30 learning courses provided by a charter school or
 31 traditional public school from the definition of core
 32 curricular course for purposes of class size
 33 requirements; amending 1003.498, F.S.; requiring the
 34 Department of Education to provide identifiers for
 35 existing course codes to designate their use for
 36 blended learning courses; removing restrictions on
 37 students for taking on-line courses across district
 38 lines; prohibiting school districts from requiring a
 39 public school student to take an on-line course
 40 outside the school day, in addition to the student's
 41 courses for a given term, or on school grounds;
 42 amending 1011.61, F.S.; clarifying reporting of FTE
 43 for courses that require an end-of-course assessment;
 44 providing an effective date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. Subsection (6) is added to section 1002.321,
 49 Florida Statutes, to read:

50 1002.321 Digital learning.—

51 (6) The department shall develop an online catalog of
 52 available digital learning courses provided pursuant to 1002.37,
 53 1002.45, and 1003.498, F.S., which provides, for each course,
 54 access to the course description, completion and passage rates
 55 and a method for student and teacher users to provide evaluative
 56 feedback.

57 Section 2. Subsection (3) and subsection (6) of s.
 58 1002.37, F.S. are amended to read:

59 1002.37 The Florida Virtual School. -

60 (3) Funding for the Florida Virtual School shall be
 61 provided as follows:

62 (a)1. For a student in grades 9 through 12, a "full-time
 63 equivalent student" is one student who has successfully
 64 completed six full-credit courses that count toward the minimum
 65 number of credits required for high school graduation. A student
 66 who completes fewer than six full-credit courses is a fraction
 67 of a full-time equivalent student. Half-credit course
 68 completions shall be included in determining a full-time
 69 equivalent student. Credit completed by a student in excess of
 70 the minimum required for that student for high school graduation
 71 is not eligible for funding.

72 2. For a student in kindergarten through grade 8, a "full-
 73 time equivalent student" is one student who has successfully
 74 completed six courses or the prescribed level of content that
 75 counts toward promotion to the next grade. A student who
 76 completes fewer than six courses or the prescribed level of
 77 content shall be a fraction of a full-time equivalent student.

78 3. Beginning in the 2014-2015 fiscal year, when s.
 79 1008.22(3)(g) is implemented, the reported full-time equivalent
 80 students and associated funding of students enrolled in courses
 81 requiring passage of an end-of-course assessment shall be
 82 adjusted after the student completes the end-of-course
 83 assessment. However, no adjustment shall be made for home
 84 education program students who choose not to take an end-of-

85 course assessment.

86 4. Home education students shall be funded in accordance
 87 with this section upon course completion if the parent verifies,
 88 upon enrollment for each course, that the student is registered
 89 as a home education student with their district pursuant to s.
 90 1002.41(1)(a), F.S.

91
 92 For purposes of this paragraph, the calculation of "full-time
 93 equivalent student" shall be as prescribed in s.
 94 1011.61(1)(c)1.b.(V).

95 (6) The board of trustees shall annually submit to the
 96 Governor, the Legislature, the Commissioner of Education, and
 97 the State Board of Education a complete and detailed report
 98 setting forth:

99 (a) The operations and accomplishments of the Florida
 100 Virtual School within the state and those occurring outside the
 101 state as Florida Virtual School Global.

102 (b) The marketing and operational plan for the Florida
 103 Virtual School and Florida Virtual School Global, including
 104 recommendations regarding methods for improving the delivery of
 105 education through the Internet and other distance learning
 106 technology.

107 (c) The assets and liabilities of the Florida Virtual
 108 School and Florida Virtual School Global at the end of the
 109 fiscal year.

110 (d) A copy of an annual financial audit of the accounts
 111 and records of the Florida Virtual School and Florida Virtual
 112 School Global, conducted by an independent certified public

113 accountant and performed in accordance with rules adopted by the
 114 Auditor General.

115 (e) Recommendations regarding the unit cost of providing
 116 services to students through the Florida Virtual School and
 117 Florida Virtual School Global. In order to most effectively
 118 develop public policy regarding any future funding of the
 119 Florida Virtual School, it is imperative that the cost of the
 120 program is accurately identified. The identified cost of the
 121 program must be based on reliable data.

122 (f) Recommendations regarding an accountability mechanism
 123 to assess the effectiveness of the services provided by the
 124 Florida Virtual School and Florida Virtual School Global.

125 Section 3. Paragraph (b) of subsection (1), paragraph
 126 (a) of subsection (2), and subsection (5), of section 1002.45,
 127 Florida Statutes, are amended, and paragraph (f) is added to
 128 subsection (3) of that section, to read:

129 1002.45 Virtual instruction programs.—

130 (1) PROGRAM.—

131 (b) Each school district that is eligible for the sparsity
 132 supplement pursuant to s. 1011.62(7)(a) and (b) shall provide
 133 all enrolled public school students within its boundaries the
 134 option of participating in part-time and full-time virtual
 135 instruction programs. Each school district that is not eligible
 136 for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b)
 137 shall provide at least three options for part-time and full-time
 138 virtual instruction. All school districts must provide parents
 139 with timely written notification of at least one open enrollment
 140 period for full-time students of 90 days or more which ends 30

141 days before the first day of the school year. The purpose of the
 142 program is to make quality virtual instruction available to
 143 students using online and distance learning technology in the
 144 nontraditional classroom. A school district virtual instruction
 145 program shall consist of the following:

146 1. Full-time and part-time virtual instruction for students
 147 enrolled in kindergarten through grade 12.

148 2. ~~Part-time virtual instruction for students enrolled in~~
 149 ~~kindergarten through grade 12 courses that are measured pursuant~~
 150 ~~to subparagraph (8)(a)2.~~

151 3. Full-time or part-time virtual instruction for students
 152 enrolled in dropout prevention and academic intervention
 153 programs under s. 1003.53, Department of Juvenile Justice
 154 education programs under s. 1003.52, core-curricula courses to
 155 meet class size requirements under s. 1003.03, or Florida
 156 College System institutions under this section.

157 (2) PROVIDER QUALIFICATIONS.—

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

161 1. Is nonsectarian in its programs, admission policies,
 162 employment practices, and operations;

163 2. Complies with the antidiscrimination provisions of s.
 164 1000.05;

165 3. ~~Locates an administrative office or offices in this~~
 166 ~~state, requires its administrative staff to be state residents,~~
 167 Requires all instructional staff to be Florida-certified
 168 teachers under chapter 1012, and conducts background screenings

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169 for all employees or contracted personnel, as required by s.
170 1012.32, using state and national criminal history records;

171 4. Providers must provide the following minimum level of
172 services to parents and students. Specific information must be
173 posted and accessible on-line, and include the teacher-parent
174 and teacher-student contact policies for each course, including,
175 but not limited to:

176 a. how to contact the instructor via phone, email, and/or
177 online messaging tools;

178 b. how to contact technical support via phone, email,
179 and/or online messaging tools;

180 c. how to contact the administration office via phone,
181 email, and/or online messaging tools; and

182 d. any requirements for regular contact with the instructor
183 for the course and clear expectations for meeting this
184 requirement.

185
186 The instructor in every course must, at a minimum, conduct one
187 contact via phone with the parent and the student each month.

188 5.4. Possesses prior, successful experience offering online
189 courses to elementary, middle, or high school students as
190 demonstrated by quantified student learning gains in each
191 subject area and grade level provided for consideration as an
192 instructional program option; however, for providers without
193 sufficient prior, successful experience offering online courses,
194 the department may conditionally approve providers to offer
195 courses measured pursuant to subparagraph (8)(a)2. Conditional
196 approval shall only be valid for one school year at which time

197 the provider's experience in offering such courses must be
 198 considered in determining whether to grant approval to offer
 199 virtual instruction programs.

200 ~~6.5.~~ Is accredited by a regional accrediting association as
 201 defined by State Board of Education rule;

202 ~~7.6.~~ Ensures instructional and curricular quality through a
 203 detailed curriculum and student performance accountability plan
 204 that addresses every subject and grade level it intends to
 205 provide through contract with the school district, including:

206 a. Courses and programs that meet the standards of the
 207 International Association for K-12 Online Learning and the
 208 Southern Regional Education Board.

209 b. Instructional content and services that align with, and
 210 measure student attainment of, student proficiency in the Next
 211 Generation Sunshine State Standards.

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

215 ~~8.7.~~ Publishes for the general public, in accordance with
 216 disclosure requirements adopted in rule by the State Board of
 217 Education, as part of its application as a provider and in all
 218 contracts negotiated pursuant to this section:

219 a. Information and data about the curriculum of each full-
 220 time and part-time program.

221 b. School policies and procedures.

222 c. Certification status and physical location of all
 223 administrative and instructional personnel.

224 d. Hours and times of availability of instructional

225 personnel.

226 e. Student-teacher ratios.

227 f. Student completion and promotion rates.

228 g. Student, educator, and school performance
229 accountability outcomes;

230 ~~9.8.~~ If the provider is a Florida College System
231 institution, employs instructors who meet the certification
232 requirements for instructional staff under chapter 1012; and

233 10.9. Performs an annual financial audit of its accounts
234 and records conducted by an independent certified public
235 accountant which is in accordance with rules adopted by the
236 Auditor General, is conducted in compliance with generally
237 accepted auditing standards, and includes a report on financial
238 statements presented in accordance with generally accepted
239 accounting principles.

240 Section 3. Section 1002.451, Florida Statutes, is created
241 to read:

242 1002.451 DISTRICT INNOVATION SCHOOL PILOT PROGRAM.— A
243 district school board may operate a district innovation school
244 for the purpose of encouraging innovation while requiring high
245 student academic achievement and accountability in exchange for
246 flexibility and exemption from specific statutes and rules. The
247 innovation school shall operate within existing resources.

248 (1) DISTRICT INNOVATION SCHOOL — A district innovation
249 school is defined as a school that has adopted and implemented,
250 on a school-wide basis, a blended learning program. A blended
251 learning program is defined as a formal education program in
252 which a student learns at least in part through online delivery

253 of content and instruction with some element of student control
254 over time, place, path, and/or pace and at least in part at a
255 supervised brick-and-mortar location away from home. Blended
256 learning models shall include major components such as
257 differentiated instruction, data-driven placement, flexible
258 scheduling, differentiated teaching, and self-paced learning.
259 The school shall use one of the following blended learning
260 models:

261 a. Flipped Classroom Model in which students utilize online
262 instructional videos at home for homework and practice concepts
263 in the classroom with the support of the teacher; or

264 b. Flex Model in which students learn primarily online in a
265 brick and mortar school, and teachers act as facilitators; or

266 c. Rotation Model in which students move between different
267 learning modalities, such as, online instruction, teacher
268 directed instruction, seminar or group projects, and one-on-one
269 teacher coaching. Rotation models include: individual; station;
270 and lab.

271 (2) GUIDING PRINCIPLES. – A district innovation school
272 shall be guided by the following principles:

273 a. Meet high standards of student achievement in exchange
274 for flexibility with statutes and rules;

275 b. Implement innovative learning methods and measurement
276 tools, including blended learning, to implement a school-side
277 transformation, not just specific courses, to improve student
278 learning and academic achievement;

279 c. Promote enhanced academic success and financial
280 efficiency by aligning responsibility with accountability;

281 d. Require the measurement of learning outcomes;
 282 e. Provide parents with sufficient information on whether
 283 their child is reading at grade level and whether the child
 284 makes learning gains each year spent in the innovation school.

285 (3) TERMS OF THE PILOT PROGRAM - A district innovation
 286 school may operate pursuant to a performance contract with the
 287 district school board for a period of 5 years, at the end of
 288 which the school's performance will be evaluated for purposes of
 289 renewal.

290 (a) After an initial three year period, if a district
 291 innovation school receives a school grade of F for two
 292 consecutive years the district school board shall terminate the
 293 contract with the school and the school shall no longer be
 294 eligible for the statutory flexibilities provided in subsection
 295 (4).

296 (4) EXEMPTION FROM STATUTES AND RULES. -

297 (a) A district innovation school shall be exempt from all
 298 statutes in chapters 1000-1013. However, a district innovation
 299 school shall be in compliance with the following statutes in
 300 chapters 1000-1013:

301 1. Those statutes specifically applying to district
 302 innovation schools, including this section.

303 2. Those statutes pertaining to the student assessment
 304 program and school grading system.

305 3. Those statutes pertaining to the provision of services
 306 to students with disabilities.

307 4. Those statutes pertaining to civil rights, including s.
 308 [1000.05](#), relating to discrimination.

309 5. Those statutes pertaining to student health, safety, and
 310 welfare.

311 (b) Additionally, a district innovation school shall be in
 312 compliance with the following statutes:

313 1. Section 286.011, relating to public meetings and
 314 records, public inspection, and criminal and civil penalties.

315 2. Chapter 119, relating to public records.

316 3. Section 1003.03, relating to the maximum class size,
 317 except that the calculation for compliance pursuant to s.
 318 1003.03 shall be the average at the school level.

319 4. Section 1012.22(1)(c), relating to compensation and
 320 salary schedules.

321 5. Section 1012.33(5), relating to workforce reductions.

322 6. Section 1012.335, relating to contracts with
 323 instructional personnel hired on or after July 1, 2011.

324 7. Section 1012.34, relating to the substantive
 325 requirements for performance evaluations for instructional
 326 personnel and school administrators.

327 Section 4. Subsection (14) of section 1003.01, Florida
 328 Statutes, is amended to read:

329 1003.01 Definitions.—As used in this chapter, the term:

330 (14) "Core-curricula courses" means:

331 (a) Courses in language arts/reading, mathematics, social
 332 studies, and science in prekindergarten through grade 3,
 333 excluding any extracurricular courses pursuant to subsection
 334 (15);

335 (b) Courses in grades 4 through 8 in subjects that are
 336 measured by state assessment at any grade level and courses

337 required for middle school promotion, excluding any
 338 extracurricular courses pursuant to subsection (15);

339 (c) Courses in grades 9 through 12 in subjects that are
 340 measured by state assessment at any grade level and courses that
 341 are specifically identified by name in statute as required for
 342 high school graduation and that are not measured by state
 343 assessment, excluding any extracurricular courses pursuant to
 344 subsection (15);

345 (d) Exceptional student education courses; and

346 (e) English for Speakers of Other Languages courses.

347 The term is limited in meaning and used for the sole purpose of
 348 designating classes that are subject to the maximum class size
 349 requirements established in s. 1, Art. IX of the State
 350 Constitution. This term does not include courses offered under
 351 ss. 1002.33(7)(a)2.b., 1002.321(4)(e), 1002.37, 1002.415, and
 352 1002.45.

353 Section 5. Subsections (1) and (2) of section 1003.498,
 354 Florida Statutes, are amended, and subsection (3) is added to
 355 that section to read:

356 1003.498 School district virtual course offerings.—

357 (1) School districts may deliver courses in the
 358 traditional school setting by personnel certified pursuant to s.
 359 1012.55 who provide direct instruction through virtual
 360 instruction or through blended learning courses consisting of
 361 both traditional classroom and online instructional techniques.
 362 Students in a blended learning course must be full-time students
 363 of the school and receive the online instruction in a classroom
 364 setting at the school. The funding, performance, and

365 accountability requirements for blended learning courses are the
 366 same as those for traditional courses. To facilitate the
 367 delivery and coding of blended learning courses, the Department
 368 of Education shall provide identifiers for existing course codes
 369 to designate that they are being used for blended learning
 370 courses for the purpose of ensuring the efficient reporting of
 371 such courses.

372 (2) School districts may offer virtual courses for
 373 students enrolled in the school district. These courses must be
 374 identified in the course code directory. Students who meet the
 375 eligibility requirements of s. 1002.455 may participate in these
 376 virtual course offerings.

377 (a) Any eligible student who is enrolled in a school
 378 district may register and enroll in an online course offered by
 379 his or her school district.

380 (b) Any eligible student who is enrolled in a school
 381 district may register and enroll in an online course offered by
 382 any other school district in the state, ~~except as limited by~~
 383 ~~the following:~~

384 ~~1. A student may not enroll in a course offered through a~~
 385 ~~virtual instruction program provided pursuant to s. 1002.45.~~

386 ~~2. A student may not enroll in a virtual course offered by~~
 387 ~~another school district if:~~

388 ~~a. The course is offered online by the school district in~~
 389 ~~which the student resides; or~~

390 ~~b. The course is offered in the school in which the~~
 391 ~~student is enrolled. However, a student may enroll in an online~~
 392 ~~course offered by another school district if the school in which~~

393 ~~the student is enrolled offers the course but the student is~~
 394 ~~unable to schedule the course in his or her school.~~

395 ~~_____3.~~ The school district in which the student completes the
 396 course shall report the student's completion of that course for
 397 funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home
 398 school district shall not report the student for funding for
 399 that course.

400

401 For purposes of this paragraph, the combined total of all school
 402 district reported FTE may not be reported as more than 1.0 full-
 403 time equivalent student in any given school year. The Department
 404 of Education shall establish procedures to enable interdistrict
 405 coordination for the delivery and funding of this online option.

406 (3) A school district may not require a public school
 407 student to take a course outside the school day, in addition to
 408 the student's courses for a given term, or on school grounds.

409 Section 6. Subsections (c) of section 1011.61, F.S. is
 410 amended to read:

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

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

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

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

421 (I) A full-time student in a combination of programs
 422 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
 423 equivalent membership in each program equal to the number of net
 424 hours per school year for which he or she is a member, divided
 425 by the appropriate number of hours set forth in subparagraph
 426 (a)1. or subparagraph (a)2. The sum of the fractions for each
 427 program may not exceed the maximum value set forth in subsection
 428 (4).

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

431 (III) A full-time equivalent student for students in
 432 kindergarten through grade 12 in a full-time virtual instruction
 433 program under s. 1002.45 or a virtual charter school under s.
 434 1002.33 shall consist of six full-credit completions or the
 435 prescribed level of content that counts toward promotion to the
 436 next grade in programs listed in s. 1011.62(1)(c). Credit
 437 completions may be a combination of full-credit courses or half-
 438 credit courses. Beginning in the 2014-2015 fiscal year, when s.
 439 1008.22(3)(g) is implemented, the reported full-time equivalent
 440 students and associated funding of students enrolled in courses
 441 requiring passage of an end-of-course assessment shall be
 442 adjusted after the student completes the end-of-course
 443 assessment.

444 (IV) A full-time equivalent student for students in
 445 kindergarten through grade 12 in a part-time virtual instruction
 446 program under s. 1002.45 shall consist of six full-credit
 447 completions in programs listed in s. 1011.62(1)(c)1. and 3.
 448 Credit completions may be a combination of full-credit courses

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449 or half-credit courses. Beginning in the fourth year of
450 administering the end of course assessment pursuant to s.
451 1008.22(3)(c)2.a., the FTE shall be credit-based and each course
452 shall be equal to 1/6 FTE. The reported FTE shall be adjusted
453 after the student successfully completes the end-of-course
454 assessment. ~~Beginning in the 2014-2015 fiscal year, when s.~~
455 ~~1008.22(3)(g) is implemented, the reported full-time equivalent~~
456 ~~students and associated funding of students enrolled in courses~~
457 ~~requiring passage of an end-of-course assessment shall be~~
458 ~~adjusted after the student completes the end of course~~
459 ~~assessment.~~

460 (V) A Florida Virtual School full-time equivalent student
461 shall consist of six full-credit completions or the prescribed
462 level of content that counts toward promotion to the next grade
463 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
464 participating in kindergarten through grade 12 part-time virtual
465 instruction and the programs listed in s. 1011.62(1)(c) for
466 students participating in kindergarten through grade 12 full-
467 time virtual instruction. Credit completions may be a
468 combination of full-credit courses or half-credit courses.
469 Beginning in the fourth year of administering the end of course
470 assessment pursuant to s. 1008.22(3)(c)2.a., the FTE shall be
471 credit-based and each course shall be equal to 1/6 FTE. The
472 reported FTE shall be adjusted after the student successfully
473 completes the end-of-course assessment. ~~Beginning in the 2014-~~
474 ~~2015 fiscal year, when s. 1008.22(3)(g) is implemented, the~~
475 ~~reported full-time equivalent students and associated funding of~~
476 ~~students enrolled in courses requiring passage of an end of-~~

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477 ~~course assessment shall be adjusted after the student completes~~
478 ~~the end of course assessment.~~

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

483 (VII) Each successfully completed credit earned under the
484 alternative high school course credit requirements authorized in
485 s. 1002.375, which is not reported as a portion of the 900 net
486 hours of instruction pursuant to subparagraph (1)(a)1., shall be
487 calculated as 1/6 FTE.

488 (VIII)(A) A full-time equivalent student for courses
489 requiring a statewide, standardized end-of-course assessment
490 pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported
491 based on the number of instructional hours as provided in this
492 subsection for the first 3 years of administering the end-of-
493 course assessment. Beginning in the fourth year of administering
494 the end-of-course assessment, the FTE shall be credit-based and
495 each course shall be equal to 1/6 FTE. The reported FTE shall be
496 adjusted after the student successfully completes the end-of-
497 course assessment pursuant to s. 1008.22(3)(c)2.a.

498 (B) For students enrolled in a school district as a full-
499 time student, the district may report 1/6 FTE for each student
500 who passes a statewide, standardized end-of-course assessment
501 without being enrolled in the corresponding course.

502 (C) The FTE earned under this sub-sub-subparagraph and any
503 FTE for courses or programs listed in s. 1011.62(1)(c) that do
504 not require passing a statewide, standardized end-of-course

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505 assessment are subject to the requirements in subsection (4).

506 2. A student in membership in a program scheduled for more
507 or less than 180 school days or the equivalent on an hourly
508 basis as specified by rules of the State Board of Education is a
509 fraction of a full-time equivalent membership equal to the
510 number of instructional hours in membership divided by the
511 appropriate number of hours set forth in subparagraph (a)1.;
512 however, for the purposes of this subparagraph, membership in
513 programs scheduled for more than 180 days is limited to students
514 enrolled in juvenile justice education programs and the Florida
515 Virtual School.

516

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

522 Section 7. This act shall take effect July 1, 2013.