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

Suggested State Legislation

(Title, enacting clause, etc.)

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

Section 2. [School District Virtual Instruction Programs.]
(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 Section 6 (D) of this Act.
(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 Section (3). 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.
(D) Parents of public school students may seek school district virtual instruction programs if that is a public school choice option applicable to their students and is available to students in their school district.
(E) Each district school board shall annually report the number of students applying for and attending virtual instruction programs according to rules adopted by the [state board of education].

Section 3. [Virtual Instruction Provider Qualifications.]
(A) On or before [March 1, 2009], and annually thereafter, the [department of education] shall provide school districts with a list of providers approved to offer virtual instruction. To be approved by the [department of education], a contract provider must [annually] document that it:
(1) is nonsectarian in its programs, admission policies, employment practices, and operations;
(2) complies with the antidiscrimination provisions of [insert citation];
(3) 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 [state-certified] teachers;

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

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

(6) 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

(7) complies with all requirements under this section.

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

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

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

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

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

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

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

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

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

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

(7) not require tuition or student registration fees.

Section 5. [Student Eligibility and Participation.]

(A) 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:

(1) 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;

(2) 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; or

(3) the student was enrolled during the prior school year in a school district virtual instruction program under [insert citation].
(B) Each student enrolled in a school district virtual instruction program must:

(1) comply with the compulsory attendance requirements of [insert citation].

Student attendance must be verified by the school district; and

(2) 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.

(C) Beginning with the [2010-2011] school year, 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 [insert citation].

Section 6. [Funding.]

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

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

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

(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 Section 2 (C) of this Act to the [department of education] in a manner prescribed by the [department of education], and funding shall be provided through the [Education Finance Program] established under [insert citation].

(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.

Section 7. [Assessment and Accountability.]

(A) Each school district virtual instruction program must:

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

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

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

(C) The performance of part-time students under paragraph (6)(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.

(D) 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 of education] for consultation to determine the causes for low performance and to develop a plan for correction and improvement.

(E) 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.

(F) A school district that terminates its program under paragraph (E) 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.

Section 8. [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 Act.

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

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

Section 11. [Repealer.] [Insert repealer clause.]

Section 12. [Effective Date.] [Insert effective date.]