

# Florida

## Department of Education

**Bill Number:** House Bill 7063

**Bill Title:** Digital Learning

**Bill Sponsor:** Representative Stargel, (Co-Sponsor Representative McBurney)

**Effective Date:** July 1, 2012

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### Executive Summary:

The bill expands part-time virtual education options at the state and district levels, student eligibility to participate in full-time virtual programs and opportunities for exceptional education students and students in ESOL programs to participate and be funded in virtual education programs. It prohibits a person from taking an online course or examination on behalf of another person for compensation and provides a penalty. Virtual instruction program providers must meet an additional qualification to obtain DOE approval. The bill provides exceptions for students who have to meet the online course graduation requirement and specifies that districts may not require students to take the online course outside of the school day. The bill provides eligibility for Florida Virtual School (FLVS) full-time students to participate in interscholastic extracurricular activities. The bill specifies responsibilities and requirements for enrolling exceptional education students in full-time virtual programs and revises the definitions of a Full-Time-Equivalent (FTE) student for virtual instruction programs, virtual charter schools and FLVS.

The bill amends s. 1002.20, F.S., K-12 student and parent rights, to:

- Specify that a full-time FLVS student who meets specified conduct and academic requirements is eligible to participate in extracurricular activities at the district public school to which the student would be assigned or could choose to attend.

The bill amends s. 1002.321, F.S., Digital learning, to:

- Revise provisions related to virtual instruction through blended learning opportunities provided by school districts in a traditional setting.
- Prohibit a person from taking an online course or examination on behalf of another person for compensation and specify that a person who violates this subsection commits a misdemeanor of the second degree.

The bill amends s. 1002.37, F.S., The Florida Virtual School, to:

- Authorize FLVS to provide full-time and part-time instruction for students in grades K-12 (this expands part-time instruction to include students in grades K-3).
- Removes restriction that grades 4-5 students may only take middle school courses and removes the associated parental notification requirements for students scoring Levels 4 and 5 on FCAT Reading or Mathematics.

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- Require part-time students in grades K-5 to meet at least one of the eligibility criteria in s. 1002.455, F.S.
- Limit the combined total of FTE reported by FLVS and the school district to 1.0 FTE for full-time students in grades K-12 and for part-time students in grades K-5.
- Require all statewide assessments for FLVS students to be taken at the school to which the student would be assigned according to district school board attendance areas.

The bill revises s. 1002.45, F.S., Virtual instruction programs, to:

- Clarify that districts eligible for the Sparsity Supplement component of the Florida Education Finance Program (FEFP) before the wealth adjustment are required to offer one option for district virtual instruction programs.
- Clarify that districts must provide at least one enrollment period of 90 days or more which ends 30 days before the first day of school.
- Expand part-time virtual instruction programs to include students enrolled in grades K-8 courses measured by FCAT, End-of-Course (EOC) assessments and Advanced Placement (AP) exams. This part-time program was limited to grades 9-12 previously.
- Require applicants for approval as a virtual instruction program provider to perform an annual financial audit by an independent certified public accountant in accordance with rules of the Auditor General and to provide financial statements presented in accordance with generally accepted accounting principles.
- Conform funding provisions to changes made by the act and to require the school district providing virtual instruction to report the FTE for students residing in another district.

The bill amends s. 1002.455, F.S., Student eligibility for K-12 virtual instruction, to:

- Allow students eligible to enter grades 2-5 to enroll in full-time virtual instruction programs offered by school districts, virtual charter schools and FLVS without having to meet one of the other eligibility criteria.
- Remove requirement for students taking online and blended courses in a traditional setting from having to meet one of the eligibility criteria specified in this section of law.

The bill amends s. 1003.428, F.S., General requirements for high school graduation; revised, to:

- Prohibit a school district from requiring a student to take the online course to meet graduation requirements outside of the school day or in addition to a student's full schedule of courses for a given semester.
- Provide exemptions for meeting the online course graduation requirement for students who have individual education plans (IEPs) which indicate an online course would not be appropriate or for students who have been enrolled in a Florida high school for one year or less.

The bill amends s. 1003.498, F.S., School district virtual course offerings, to:

- Clarify that school districts may deliver online and blended learning courses in a traditional setting.
- Specify that students in blended learning courses must be full-time students of the school and receive the online instruction in a classroom setting. The funding, performance and accountability requirements are the same as for traditional courses.

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The bill amends s. 1003.57, F.S., Exceptional students instruction, to:

- Require full-time virtual instructions programs offered by school districts and FLVS to fulfill the obligations of a school district for their full-time exceptional education students.
- Allow a student whose IEP states that full-time virtual instruction is appropriate to enroll in a full-time virtual instruction program.

The bill amends s. 1006.15, F.S., Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation, to:

- Provide conditions for eligibility for FLVS full-time students and for students who transfer to and from FLVS to participate in extracurricular activities.
- Specify these students may participate at the school to which they would have been assigned or could choose to attend based on district policies.
- Require these students to meet the same residency requirements and standards of acceptance, behavior and performance as required for other students.
- Require these students to register their intent at the district school before the beginning date of the season for the activity.
- Authorize FLVS full-time students to participate in curricular activities if required by the extracurricular activity.
- Specify that a student who transfers from FLVS to a district school during the first grading period is eligible to participate if he or she had a successful evaluation from their previous school.
- Specify that a public or private school student who has been unable to maintain academic eligibility is ineligible to participate as an FLVS full-time student until the student successfully completes one grading period.

The bill amends s. 1011.61, F.S., Funds for operation of schools, to:

- Revise the definition of a full-time equivalent (FTE) student for full-time students in virtual instruction programs offered by school districts, virtual charter schools and FLVS to include funding in all FEFP funding categories. This adds the ESE and ESOL funding programs.
- Specify that funding for part-time students in district and FLVS virtual programs is limited to FEFP Basic Education and Career Education funding programs.
- Revise the FTE definition for full-time elementary students (grades K-5) enrolled in district virtual instruction programs and virtual charter schools to consist of six full credit completions or the prescribed level of content that counts toward promotion to the next grade. This removes the requirement that elementary students complete an entire basic education program and be promoted to a higher grade level to earn any funding and allows students to earn partial FTE for courses or prescribed content they have successfully completed.

The bill amends s. 1011.62, F.S., Funds for operation of schools, to:

- Allow full-time virtual instruction programs to report FTE membership in ESOL programs provided the full-time virtual program has a plan approved by the Department.

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- Specify that virtual programs and options offered through district virtual instruction programs, virtual charter schools, FLVS and franchises of FLVS are to be included in the Virtual Education Contribution calculation.

### **General Implementation Timeline:**

July 1, 2012	The act becomes effective.
April-September 2012	Revision of State Board of Education Rule 6A-6.0981, F.A.C., and application for provider approval
April-September 2012	Revision of provider approval process and team
April-September 2012	Development of new online application for provider approval
Summer 2012	New reporting instructions for new part-time elementary virtual instruction programs
2014-15	Funding for virtual programs to be adjusted by student performance on end-of-course exams