



1                   A bill to be entitled  
2           An act relating to student eligibility for K-12  
3           virtual instruction; amending s. 1002.37, F.S.;  
4           revising eligibility requirements for specified  
5           students to receive part-time instruction at the  
6           Florida Virtual School; removing provisions requiring  
7           the Auditor General to conduct an operational audit of  
8           the Florida Virtual School; amending s. 1002.45, F.S.;  
9           revising student eligibility and participation  
10          requirements for virtual instruction programs;  
11          amending s. 1002.455, F.S.; authorizing all students,  
12          including home education and private school students,  
13          to participate in specified virtual instruction  
14          options; deleting the eligibility criteria for a  
15          student to participate in virtual instruction;  
16          amending s. 1003.4282, F.S.; revising the options that  
17          a district school board or charter school governing  
18          board may offer for a student to satisfy certain  
19          online course requirements; amending ss. 1002.33,  
20          1003.498, and 1011.62, F.S.; conforming provisions and  
21          cross-references to changes made by the act; providing  
22          an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:  
25



26 Section 1. Paragraph (a) of subsection (8) and subsection  
27 (11) of section 1002.37, Florida Statutes, are amended to read:

28 1002.37 The Florida Virtual School.—

29 (8) (a) The Florida Virtual School may provide full-time  
30 and part-time instruction for students in kindergarten through  
31 grade 12. ~~To receive part-time instruction in kindergarten~~  
32 ~~through grade 5, a student must meet at least one of the~~  
33 ~~eligibility criteria in s. 1002.455(2).~~

34 ~~(11) The Auditor General shall conduct an operational~~  
35 ~~audit of the Florida Virtual School, including Florida Virtual~~  
36 ~~School Global. The scope of the audit shall include, but not be~~  
37 ~~limited to, the administration of responsibilities relating to~~  
38 ~~personnel; procurement and contracting; revenue production;~~  
39 ~~school funds, including internal funds; student enrollment~~  
40 ~~records; franchise agreements; information technology~~  
41 ~~utilization, assets, and security; performance measures and~~  
42 ~~standards; and accountability. The final report on the audit~~  
43 ~~shall be submitted to the President of the Senate and the~~  
44 ~~Speaker of the House of Representatives no later than January~~  
45 ~~31, 2014.~~

46 Section 2. Section 1002.455, Florida Statutes, is amended  
47 to read:

48 1002.455 Student eligibility for K-12 virtual  
49 instruction.—

50 ~~(1)~~ All students, including home education and private



51 school students, are eligible to participate in any of the  
52 following ~~A student may participate in virtual instruction in~~  
53 ~~the school district in which he or she resides if the student~~  
54 ~~meets the eligibility criteria in subsection (2).~~

55 ~~(2) A student is eligible to participate in virtual~~  
56 ~~instruction if:~~

57 ~~(a) The student spent the prior school year in attendance~~  
58 ~~at a public school in the state and was enrolled and reported by~~  
59 ~~the school district for funding during October and February for~~  
60 ~~purposes of the Florida Education Finance Program surveys;~~

61 ~~(b) The student is a dependent child of a member of the~~  
62 ~~United States Armed Forces who was transferred within the last~~  
63 ~~12 months to this state from another state or from a foreign~~  
64 ~~country pursuant to a permanent change of station order;~~

65 ~~(c) The student was enrolled during the prior school year~~  
66 ~~in a virtual instruction program under s. 1002.45 or a full-time~~  
67 ~~Florida Virtual School program under s. 1002.37(8) (a);~~

68 ~~(d) The student has a sibling who is currently enrolled in~~  
69 ~~a virtual instruction program and the sibling was enrolled in~~  
70 ~~that program at the end of the prior school year;~~

71 ~~(e) The student is eligible to enter kindergarten or first~~  
72 ~~grade; or~~

73 ~~(f) The student is eligible to enter grades 2 through 5~~  
74 ~~and is enrolled full-time in a school district virtual~~  
75 ~~instruction program, virtual charter school, or the Florida~~



76 ~~Virtual School.~~

77 ~~(3) The virtual instruction options for which this~~  
78 ~~eligibility section applies include:~~

79 (1)(a) School district operated part-time or full-time  
80 kindergarten through grade 12 virtual instruction programs under  
81 s. 1002.45(1)(b) ~~for students enrolled in the school district.~~

82 (2)(b) Full-time virtual charter school instruction  
83 authorized under s. 1002.33 to students within the school  
84 district or to students in other school districts throughout the  
85 state pursuant to s. 1002.31.

86 (3)(e) Virtual courses offered in the course code  
87 directory to students within the school district or to students  
88 in other school districts throughout the state pursuant to s.  
89 1003.498.

90 (4) Florida Virtual School instructional services  
91 authorized under s. 1002.37.

92 Section 3. Subsection (4) of section 1003.4282, Florida  
93 Statutes, is amended to read:

94 1003.4282 Requirements for a standard high school  
95 diploma.—

96 (4) ONLINE COURSE REQUIREMENT.—At least one course within  
97 the 24 credits required under this section must be completed  
98 through online learning.

99 (a) An online course taken in grade 6, grade 7, or grade 8  
100 fulfills the requirements of this subsection. The requirement is



101 met through an online course offered by the Florida Virtual  
102 School, a virtual education provider approved by the State Board  
103 of Education, a high school, or an online dual enrollment  
104 course. A student who is enrolled in a full-time or part-time  
105 virtual instruction program under s. 1002.45 meets the  
106 requirement.

107 (b) A district school board or a charter school governing  
108 board, as applicable, may allow a student ~~offer students the~~  
109 ~~following options~~ to satisfy the online course requirements of  
110 this subsection by completing a blended learning course or

111 ~~1. Completion of a course in which the~~ a student earns a  
112 nationally recognized industry certification in information  
113 technology that is identified on the CAPE Industry Certification  
114 Funding List pursuant to s. 1008.44 or passing ~~passage of~~ the  
115 information technology certification examination without  
116 enrolling ~~enrollment~~ in or completing ~~completion of~~ the  
117 corresponding course or courses, as applicable.

118 ~~2. Passage of an online content assessment, without~~  
119 ~~enrollment in or completion of the corresponding course or~~  
120 ~~courses, as applicable, by which the student demonstrates skills~~  
121 ~~and competency in locating information and applying technology~~  
122 ~~for instructional purposes.~~

123  
124 For purposes of this subsection, a school district may not  
125 require a student to take the online or blended learning course



126 outside the school day or in addition to a student's courses for  
127 a given semester. This subsection does not apply to a student  
128 who has an individual education plan under s. 1003.57 which  
129 indicates that an online or blended learning course would be  
130 inappropriate or to an out-of-state transfer student who is  
131 enrolled in a Florida high school and has 1 academic year or  
132 less remaining in high school.

133 Section 4. Subsection (1) of section 1002.33, Florida  
134 Statutes, is amended to read:

135 1002.33 Charter schools.—

136 (1) AUTHORIZATION.—Charter schools shall be part of the  
137 state's program of public education. All charter schools in  
138 Florida are public schools. A charter school may be formed by  
139 creating a new school or converting an existing public school to  
140 charter status. A charter school may operate a virtual charter  
141 school pursuant to s. 1002.45(1)(d) to provide full-time online  
142 instruction to ~~eligible~~ students, pursuant to s. 1002.455, in  
143 kindergarten through grade 12. The school district in which the  
144 student enrolls in the virtual charter school shall report the  
145 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and  
146 the home school district shall not report the student for  
147 funding. An existing charter school that is seeking to become a  
148 virtual charter school must amend its charter or submit a new  
149 application pursuant to subsection (6) to become a virtual  
150 charter school. A virtual charter school is subject to the



151 requirements of this section; however, a virtual charter school  
152 is exempt from subsections (18) and (19), subparagraphs  
153 (20)(a)2., 4., 5., and 7., paragraph (20)(c), and s. 1003.03. A  
154 public school may not use the term charter in its name unless it  
155 has been approved under this section.

156 Section 5. Subsection (5) and paragraph (b) of subsection  
157 (6) of section 1002.45, Florida Statutes, are amended to read:

158 1002.45 Virtual instruction programs.—

159 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual  
160 instruction program provided by the school district or by a  
161 virtual charter school ~~operated in the district in which he or~~  
162 ~~she resides if the student meets eligibility requirements for~~  
163 ~~virtual instruction~~ pursuant to s. 1002.455.

164 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student  
165 enrolled in a virtual instruction program or virtual charter  
166 school must:

167 (b) Take statewide assessments pursuant to s. 1008.22.  
168 Statewide assessments may be administered ~~state assessment tests~~  
169 within the school district in which such student resides, or as  
170 specified in the contract in accordance with s. 1008.24(3). If  
171 requested by the approved provider or virtual charter school,  
172 the district of residence ~~which~~ must provide the student with  
173 access to the district's testing facilities.

174 Section 6. Subsection (2) of section 1003.498, Florida  
175 Statutes, is amended to read:



176 |           1003.498 School district virtual course offerings.—

177 |           (2) School districts may offer virtual courses for  
178 | students enrolled in the school district. These courses must be  
179 | identified in the course code directory. Students ~~who meet the~~  
180 | ~~eligibility requirements of s. 1002.455~~ may participate in these  
181 | virtual course offerings pursuant to s. 1002.455.

182 |           (a) Any ~~eligible~~ student who is enrolled in a school  
183 | district may register and enroll in an online course offered by  
184 | his or her school district.

185 |           (b)1. Any ~~eligible~~ student who is enrolled in a school  
186 | district may register and enroll in an online course offered by  
187 | any other school district in the state. The school district in  
188 | which the student completes the course shall report the  
189 | student's completion of that course for funding pursuant to s.  
190 | 1011.61(1)(c)1.b.(VI), and the home school district shall not  
191 | report the student for funding for that course.

192 |           2. The full-time equivalent student membership calculated  
193 | under this subsection is subject to the requirements in s.  
194 | 1011.61(4). The Department of Education shall establish  
195 | procedures to enable interdistrict coordination for the delivery  
196 | and funding of this online option.

197 |           Section 7. Subsection (11) of section 1011.62, Florida  
198 | Statutes, is amended to read:

199 |           1011.62 Funds for operation of schools.—If the annual  
200 | allocation from the Florida Education Finance Program to each





201 district for operation of schools is not determined in the  
202 annual appropriations act or the substantive bill implementing  
203 the annual appropriations act, it shall be determined as  
204 follows:

205 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
206 annually provide in the Florida Education Finance Program a  
207 virtual education contribution. The amount of the virtual  
208 education contribution shall be the difference between the  
209 amount per FTE established in the General Appropriations Act for  
210 virtual education and the amount per FTE for each district and  
211 the Florida Virtual School, which may be calculated by taking  
212 the sum of the base FEFP allocation, the discretionary local  
213 effort, the state-funded discretionary contribution, the  
214 discretionary millage compression supplement, the research-based  
215 reading instruction allocation, and the instructional materials  
216 allocation, and then dividing by the total unweighted FTE. This  
217 difference shall be multiplied by the virtual education  
218 unweighted FTE for programs and options identified in s.  
219 1002.455 ~~s. 1002.455(3)~~ and the Florida Virtual School and its  
220 franchises to equal the virtual education contribution and shall  
221 be included as a separate allocation in the funding formula.

222 Section 8. This act shall take effect July 1, 2017.