A bill to be entitled
An act relating to virtual learning; amending s. 1002.37, F.S.; revising the purpose of the Florida Virtual School to provide for the development and delivery of blended learning; requiring the Florida Virtual School to give priority to students enrolled in certain Department of Corrections education programs; conforming a reporting requirement to changes made by the act; revising the calculation of funding for the Florida Virtual School; requiring full-time equivalent students enrolled in a certain blended learning program to be reported to the Department of Education in a specified manner; specifying conditions under which the Florida Virtual School may be funded through the Florida Education Finance Program; revising the requirements of a report that the board of trustees of the Florida Virtual School must annually submit to certain entities, beginning with a specified school year; requiring students enrolled in the Florida Virtual School Justice Education Program to take specified examinations and assessments at institutions or facilities operated by, or under the supervision of, the Department of Corrections; providing for the determination of Florida Virtual School performance related to the Justice Education Program; creating s. 1002.371, F.S.; requiring the Florida Virtual School to establish the Florida Virtual School Justice Education Program, beginning with a specified school
year; providing the purpose of the program; specifying criteria for course delivery; requiring the Florida Virtual School to report program students separately from other students for funding purposes; providing for funding of students enrolled in the program; authorizing students who turn 22 years of age while enrolled in the program to remain enrolled under certain circumstances; prohibiting funding for such a student from being reported through the Florida Education Finance Program; requiring the Department of Education, with assistance from specified entities, to select a common student assessment instrument and protocol for measuring student learning gains and progression; requiring specified entities to jointly review such assessment instrument and protocol and implement changes as necessary; authorizing students to appeal removal from the Florida Virtual School Justice Education Program, subject to a final determination on the appeal by the Commissioner of Education; requiring the Florida Virtual School to negotiate by a specified date and annually thereafter a cooperative agreement with the Department of Corrections to implement the Florida Virtual School Justice Education Program for the delivery of educational services to students under the jurisdiction of the Department of Corrections; providing requirements for such agreement; providing construction; requiring the state board and the Department of Corrections to adopt rules; amending s.
1011.61, F.S.; revising the definition of the term “full-time equivalent student”; amending s. 1011.62, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Present paragraphs (c) through (g) of subsection (3) of section 1002.37, Florida Statutes, are redesignated as paragraphs (d) through (h), respectively, a new paragraph (c) and paragraph (i) are added to that subsection, paragraph (e) is added to subsection (10) of that section, and paragraphs (a) and (b) of subsection (1), paragraphs (c) and (j) of subsection (2), paragraph (a) of subsection (3), and subsections (7) and (11) of that section are amended, to read:

1002.37 The Florida Virtual School.—

(1)(a) The Florida Virtual School is established for the development and delivery of online and blended distance learning education. The Commissioner of Education shall monitor the school’s performance and report its performance to the State Board of Education and the Legislature.

(b) The mission of the Florida Virtual School is to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed. The school shall serve any student in this the state who meets the profile for success in this educational delivery context and shall give priority to:

1. Students who need expanded access to courses in order to meet their educational goals, such as home education students
and students in inner-city and rural high schools who do not have access to higher-level courses.

2. Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

3. Students who are children of an active duty member of the United States Armed Forces who is not stationed in this state whose home of record or state of legal residence is Florida.

4. Students enrolled in the Florida Virtual School Justice Education Program pursuant to s. 1002.371.

The board of trustees of the Florida Virtual School shall identify appropriate performance measures and standards based on student achievement that reflect the school’s statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high student achievement, seamless articulation, and maximum access.

(2) The Florida Virtual School shall be governed by a board of trustees comprised of seven members appointed by the Governor to 4-year staggered terms. The board of trustees shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida Virtual School. The board of trustees shall have the following powers and duties:

(c) The board of trustees shall aggressively seek avenues to generate revenue to support its future endeavors, and shall enter into agreements with blended distance learning providers.
The board of trustees may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board of trustees having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses are shall be considered internal funds as provided in s. 1011.07. Such funds shall be used to support the school’s marketing and research and development activities in order to improve courseware and services to its students.

(j) The board of trustees shall submit to the State Board of Education both forecasted and actual enrollments and credit completions for the Florida Virtual School, according to procedures established by the State Board of Education. At a minimum, such procedures must include the number of public, private, and home education students served, by program and by county of residence, and the number of students enrolled in the Florida Virtual School Justice Education Program pursuant to s. 1002.371.

The Governor shall designate the initial chair of the board of trustees to serve a term of 4 years. Members of the board of trustees shall serve without compensation, but may be reimbursed for per diem and travel expenses pursuant to s. 112.061. The board of trustees shall be a body corporate with all the powers of a body corporate and such authority as is needed for the proper operation and improvement of the Florida Virtual School.
The board of trustees is specifically authorized to adopt rules, policies, and procedures, consistent with law and rules of the State Board of Education related to governance, personnel, budget and finance, administration, programs, curriculum and instruction, travel and purchasing, technology, students, contracts and grants, and property as necessary for optimal, efficient operation of the Florida Virtual School. Tangible personal property owned by the board of trustees shall be subject to the provisions of chapter 273.

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

(a)1. The calculation of a “full-time equivalent student” enrolled in an online learning program must be as prescribed in s. 1011.61(1)(c)1.b.(V) and is subject to s. 1011.61(4).

2. The calculation of a “full-time equivalent student” enrolled in a blended learning program offered pursuant to s. 1002.371 must be as prescribed in s. 1011.61(1)(c)1.b.(I) and is subject to s. 1011.61(4).

3. For a student in a home education program, funding shall be provided in accordance with this subsection upon course completion if the parent verifies, upon enrollment for each course, that the student is registered with the school district as a home education student pursuant to s. 1002.41(1)(a).

(c) A full-time equivalent student enrolled in a blended learning program offered pursuant to s. 1002.371, including a student enrolled during the summer, must be reported to the Department of Education in the manner the department prescribes and must be funded through the Florida Education Finance
(i) The Florida Virtual School may be funded for blended learning through the Florida Education Finance Program only for full-time students enrolled in the Florida Virtual School Justice Education Program pursuant to s. 1002.371. However, such students may enroll in online courses and be funded as provided in paragraph (3)(a).

(7) The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education the audit report prepared pursuant to subsection (6) and a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida Virtual School within this the state and those occurring outside this the state as Florida Virtual School Global and, beginning with the 2022-2023 school year, the Florida Virtual School Justice Education Program established under s. 1002.371.

(b) The marketing and operational plan for the Florida Virtual School, Florida Virtual School Global, and, beginning with the 2022-2023 school year, the Florida Virtual School Justice Education Program established under s. 1002.371, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

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

(d) Recommendations regarding the unit cost of providing services to students through the Florida Virtual School and
Florida Virtual School Global, and, beginning with the 2022-2023 school year, the Florida Virtual School Justice Education Program established under s. 1002.371. In order to most effectively develop public policy regarding any future funding of the Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data.

(e) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School, and Florida Virtual School Global, and, beginning with the 2022-2023 school year, the Florida Virtual School Justice Education Program established under s. 1002.371.

(10) Students enrolled in the Florida Virtual School Justice Education Program pursuant to s. 1002.371 must take all industry certification examinations, national assessments, and statewide, standardized assessments at the institution or facility operated by, or under the supervision of, the Department of Corrections.

(11) The Florida Virtual School shall receive a school grade pursuant to s. 1008.34 for students receiving full-time instruction pursuant to this section. School performance for the Florida Virtual School as it relates to the Justice Education Program must be assessed based on student learning gains and student progress as demonstrated by the student assessment instrument and protocol selected pursuant to s. 1002.371(6).

Section 2. Section 1002.371, Florida Statutes, is created to read:

1002.371 Florida Virtual School Justice Education Program.—

(1) Beginning with the 2022-2023 school year, the Florida
Virtual School shall establish the Florida Virtual School Justice Education Program to offer inmates younger than 22 years of age housed in institutions and facilities operated by, or under the supervision of, the Department of Corrections the opportunity to earn a standard high school diploma pursuant to s. 1003.4282. Courses must be delivered in an educational setting under the supervision of the Department of Corrections by Florida Virtual School personnel certified pursuant to s. 1012.55 who provide instruction through online courses pursuant to s. 1002.37 or through blended learning courses consisting of both traditional classroom and online instructional techniques. Students in blended learning courses must be full-time students of the school as provided in s. 1011.61(1)(a)1. The funding, performance, and accountability requirements for blended learning courses are the same as those for traditional classroom courses.

(2) The Florida Virtual School shall separately report all students enrolled in the program for purposes of the Florida Education Finance Program.

(3) The Florida Virtual School shall receive state funds for operating purposes as provided in the General Appropriations Act for students enrolled in the program. The calculation to determine the amount of state funds shall be as prescribed in s. 1002.37(3)(f).

(4) The program must include and receive funding for a summer school period that must begin on the day immediately following the end of the regular school year and end on the day immediately preceding the subsequent regular school year. Students may not be funded for more than 25 hours per week of
(5) A student who turns 22 years of age while enrolled in the program may remain enrolled if his or her continued enrollment is approved by the Florida Virtual School and the Department of Corrections; however, funding for such a student may not be reported through the Florida Education Finance Program.

(6) The Department of Education, with the assistance of the Florida Virtual School and the Department of Corrections, shall select a common student assessment instrument and protocol for measuring student learning gains and student progression for students receiving full-time instruction pursuant to this section. The Department of Education, the Florida Virtual School, and the Department of Corrections, jointly, shall review the effectiveness of such assessment instrument and protocol and implement changes as necessary.

(7) A student who is removed from the program may appeal to the Department of Education to seek reinstatement, subject to a final determination on the appeal by the Commissioner of Education.

(8) By July 1, 2023, and annually thereafter, the Florida Virtual School shall negotiate a cooperative agreement with the Department of Corrections for the delivery of educational services to students under the jurisdiction of the Department of Corrections to implement the program. Such agreement must provide for, but is not limited to:

(a) Roles and responsibilities of the Florida Virtual School and the Department of Corrections, including the roles and responsibilities of contract providers.
(b) Resolution of administrative issues, including procedures for sharing information.
(c) Allocation of resources, including the maximization of state and federal funding.
(d) Procedures for educational evaluation for exceptional education students and those with special needs.
(e) Procedures for individualized progress monitoring plans developed for all students not classified upon entry to the program as exceptional education students. These plans must address academic, literacy, career, and technical skills and must include provisions for intensive remedial instruction in areas of weakness.
(f) Curriculum and delivery of instruction, including resources required for delivery of instruction through technological means.
(g) Procedures for assessments, including, but not limited to, industry certification examinations, national assessments, and statewide, standardized assessments administered pursuant to s. 1008.22 at an institution or facility operated by the Department of Corrections.
(h) Classroom management procedures and attendance policies.
(i) Procedures for provision of qualified personnel, whether supplied by the Florida Virtual School or the Department of Corrections, and for the performance of their duties in a Department of Corrections setting.
(j) Provisions for improving skills in teaching and working with students in the program.
(k) Transition plans for students moving into and out of
the program, including graduates transitioning to postsecondary education or into the workforce.

(1) Procedures and timelines for the timely documentation of credits earned and the transfer of student records.

(m) Methods and procedures for dispute resolution.

(n) Provisions for ensuring the safety of education personnel and support for the agreed-upon education program.

(9) This section and the cooperative agreement required under subsection (8) do not require the Florida Virtual School to provide more services than can be supported by the funds generated by students participating in the program.

(10) This section does not prohibit a student from participating in the Correctional Education Program pursuant to s. 944.801.

(11) The State Board of Education and the Department of Corrections shall adopt rules to administer this section.

Section 3. Paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is amended to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

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

(c)1. A “full-time equivalent student” is:

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

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

(I) A full-time student in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student’s time not spent in a special program and shall be recorded as time in the appropriate basic program.

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

(III) A full-time equivalent student for students in kindergarten through grade 12 in a full-time virtual instruction program under s. 1002.45 or a virtual charter school under s. 1002.33 shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in programs listed in s. 1011.62(1)(c). Credit completions may be a combination of full-credit courses or half-credit courses.

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

(V) A Florida Virtual School full-time equivalent student
in an online program shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1. and 3. for students participating in kindergarten through grade 12 part-time virtual instruction and the programs listed in s. 1011.62(1)(c) for students participating in kindergarten through grade 12 full-time virtual instruction. Credit completions may be a combination of full-credit courses or half-credit courses.

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

(VII) A full-time equivalent student for courses requiring passage of a statewide, standardized end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be defined and reported based on the number of instructional hours as provided in this subsection.

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

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students...
enrolled in:
  a. Juvenile justice education programs.
  b. The Florida Virtual School.
  c. Virtual instruction programs and virtual charter schools
for the purpose of course completion and credit recovery
pursuant to ss. 1002.45 and 1003.498. Course completion applies
only to a student who is reported during the second or third
membership surveys and who does not complete a virtual education
course by the end of the regular school year. The course must be
completed no later than the deadline for amending the final
student enrollment survey for that year. Credit recovery applies
only to a student who has unsuccessfully completed a traditional
or virtual education course during the regular school year and
must retake the course in order to be eligible to graduate with
the student’s class.

The full-time equivalent student enrollment calculated under
this subsection is subject to the requirements in subsection
(4).

The department shall determine and implement an equitable method
of equivalent funding for schools operating under emergency
conditions, which schools have been approved by the department
to operate for less than the minimum term as provided in s.
1011.60(2).

Section 4. Paragraph (f) of subsection (1) of section
1011.62, Florida Statutes, is amended to read:
1011.62 Funds for operation of schools.—If the annual
allocation from the Florida Education Finance Program to each
district for operation of schools is not determined in the
annual appropriations act or the substantive bill implementing
the annual appropriations act, it shall be determined as
follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
OPERATION.—The following procedure shall be followed in
determining the annual allocation to each district for
operation:

(f) Supplemental academic instruction allocation.—

1. There is created the supplemental academic instruction
allocation to provide supplemental academic instruction to
students in kindergarten through grade 12.

2. The supplemental academic instruction allocation shall
be provided annually in the Florida Education Finance Program as
specified in the General Appropriations Act. These funds are in
addition to the funds appropriated on the basis of FTE student
member in the Florida Education Finance Program and shall be
included in the total potential funds of each district.
Beginning with the 2018-2019 fiscal year, each school district
that has a school earning a grade of “D” or “F” pursuant to s.
1008.34 must use that school’s portion of the supplemental
academic instruction allocation to implement intervention and
support strategies for school improvement pursuant to s. 1008.33
and for salary incentives pursuant to s. 1012.2315(3) or salary
supplements pursuant to s. 1012.22(1)(c)5.c. that are provided
through a memorandum of understanding between the collective
bargaining agent and the school board that addresses the
selection, placement, and expectations of instructional
personnel and school administrators. For all other schools, the
school district’s use of the supplemental academic instruction allocation may include, but is not limited to, the use of a modified curriculum; reading instruction; after-school instruction; tutoring; mentoring; a reduction in class size; extended school year; intensive skills development in summer school; dropout prevention programs as defined in ss. 1003.52 and 1003.53(1)(a), (b), and (c); and other methods of improving student achievement. Supplemental academic instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. The supplemental academic instruction allocation shall consist of a base amount that has a workload adjustment based on changes in unweighted FTE. The supplemental academic instruction allocation shall be recalculated during the fiscal year. Upon recalculation of funding for the supplemental academic instruction allocation, if the total allocation is greater than the amount provided in the General Appropriations Act, the allocation shall be prorated to the level provided to support the appropriation, based on each district’s share of the total.

4. Funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs, the Florida Virtual School Justice Education Program pursuant to s. 1002.371, or in education programs for juveniles placed in secure facilities or programs under s. 985.19. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental
academic instruction allocation and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

Section 5. This act shall take effect July 1, 2022.