

School District Virtual Instruction Program (SB 1676)

Questions and Answers #1

DISTRICT REQUIREMENT TO OFFER VIRTUAL INSTRUCTION

1. *Are school districts required to provide a virtual instruction program option for the 2009-10 school year?*

Yes. Section 1002.45(1), Florida Statutes, states "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."

2. *What type of virtual instruction program is to be offered?*

The law specifies the virtual instruction program be full-time for students in grades K-12. However, for grade 9-12 students in dropout prevention, academic intervention or Department of Juvenile Justice (DJJ) programs, the virtual instruction program can be part-time or full-time. The law defines "virtual instruction" as instruction provided in an interactive learning environment created through technology in which the student and teacher are separated by time, space or both.

3. *With whom may districts enter into contracts or agreements for the 2009-10 school year?*

Districts may:

- Contract with Florida Virtual School
- Establish a franchise of Florida Virtual School
- Contract with a provider approved by the Department of Education
- Enter into an agreement with another school district.

Contracts may include multidistrict agreements executed by a regional consortium for its member districts.

FUNDING AND REPORTING

4. *How will students in district virtual instruction programs be funded?*

Eligible students being served in district virtual instruction programs will be funded through the Florida Education Finance Program (FEFP). Funding is based on successful completions rather than seat time.

5. *How are "successful completions" defined?*

A "successful completion" for students in grades K-5 is completion of a basic education program and promotion to a higher grade level. "Successful completions" for students in grades 6-12 is based on course credits earned for high school students or course completions with a passing grade for middle school students.

6. *Will school districts have to wait a year for funding as suggested by the definition of FTE based on successful completions?*

No. The Department will estimate the FTE data necessary for dollars to flow throughout the year to meet the needs of school district virtual instruction programs prior to the reporting of performance for their students at the end of the year.

7. *How much funding will a district earn for a student who successfully completes in the school district virtual instruction program?*

This will vary depending on the student's program, grade level and district. However, the district will receive funding similar to a comparable student in a district public school.

8. *If the district contracts with an approved virtual instruction provider to operate its virtual instruction program will the school district or the provider receive the FEFP funding?*

The FEFP funding will flow to the school district. The school district and provider will determine in their contract how much of the funding per student the provider will receive.

9. *Is there an established percentage of the FEFP funding that a school district is allowed to keep when contracting with a provider?*

No. The amount of funding the school district keeps is negotiated in the contract between the school district and the provider.

PROVIDER APPROVAL

10. *Will the Department of Education approve only turn-key providers or will it also approve providers that offer a component of a virtual instruction program, such as curriculum or learning platform?*

The Department will only approve turn-key providers for this particular virtual program. Districts can contract with other providers for digital content, curriculum and other online resources for students in their traditional schools who are not participating in the district virtual instruction program. In addition, if the school district operates its own school district virtual instruction program, it can contract with other providers for curriculum, digital content and other online resources. However, if the district uses a turn-key provider to operate its program, this provider must be on the approved list.

STUDENT ELIGIBILITY AND PARTICIPATION

11. *What are the eligibility requirements for students to participate in a school district virtual instruction program?*

Section 1002.45(5), Florida Statutes, limits student eligibility for the district virtual instruction program to students residing within the district who meet at least one of the following conditions:

- (a) 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 for purposes of the FEFP surveys.
- (b) 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.
- (c) The student was enrolled during the prior school year in a school district virtual instruction program under this section or a K-8 virtual school program under Section 1002.415, Florida Statutes.

12. *How will the eligibility requirements be verified?*

Student eligibility is determined by either reviewing a district's previous year student history or, for those students who have transferred from another district, using the Student Locator function available from the

Department. Specific instructions for using the Student Locator function are available by either contacting a district's management information system staff or staff with the Department's Office of Education Information and Accountability Services at ASKEIAS@fldoe.org.

13. *Can prior year prekindergarten (PreK) students meet the eligibility requirements of Section 1002.45(5)(a), Florida Statutes, to participate in a school district virtual instruction program in kindergarten?*

Eligibility for kindergarten entrance into a School District Virtual Instruction Program is limited to students who have previously been enrolled in a Florida public school and funded by the FEFP in both the October and February surveys for the prior year. This would only include students in programs for teenage parents and programs for students with disabilities. Public school students repeating kindergarten and military dependents who recently moved to Florida would also be eligible.

14. *What verification will be requested for students who are dependent children of a member of the United States Armed Forces?*

A review of transfer orders will satisfy the verification requirement for dependent children of members of the United States Armed Forces.

15. *Students enrolled in the district virtual instruction program must take state assessment tests. Will they take all the same tests and how will this be accomplished if they take their virtual classes from home?*

Yes. District virtual instruction students will take the same assessment tests as their counterparts in other district schools. The district of residence is to provide testing facilities for these students. However, the district can designate the testing sites within the school district. Examples include, but are not limited to, assigning each student to the school he or she would have attended, designating a central testing site or providing regional sites.

16. *If a school district contracts with the Florida Virtual School to meet the requirement in Section 1002.45, Florida Statutes, to provide a district virtual instruction program, will those students have to meet the student eligibility and participation requirements of Section 1002.45, Florida Statutes?*

If the district contracts with the Florida Virtual School to operate its district virtual instruction program, participating students are subject to the requirements in Section 1002.45, Florida Statutes. Students taking courses directly from Florida Virtual School are subject to the requirements of Section 1002.37, Florida Statutes.

17. *If a school district already has an approved franchise of Florida Virtual School, will it be able to continue to operate and offer the same programs as it has in the past?*

Yes. District franchises of Florida Virtual School will continue to operate under Section 1002.37, Florida Statutes. However, a district may also use its franchise to provide virtual instruction to students participating in the district's virtual instruction program. The students in the district's virtual instruction program will be subject to the requirements of Section 1002.45, Florida Statutes.

18. *Will district virtual instruction students be required to register as home education students in their district of residence since they will receive their virtual instruction primarily from home?*

No. These students are district public school students, not home education students. The district virtual instruction program will be the school of record for its full-time students.

19. *Can a student in a district virtual instruction program participate in extracurricular activities?*

Yes. Section 1002.20(18)(a), Florida Statutes, states students who meet specified academic and conduct requirements are eligible to participate in extracurricular activities. In addition, Sections 1002.20(18)(d) and 1006.15(5)(b), Florida Statutes, state "organizations that regulate or govern extracurricular activities of public schools shall not discriminate against any eligible student based on an educational choice of public, private, or home education."

SCHOOL AND PROGRAM REQUIREMENTS

20. *What are the program requirements for the school district virtual instruction program?*

Program requirements include:

- Aligning virtual course curriculum and course content to state standards
- Offering instruction to enable students to gain proficiency in each virtual course
- Providing all necessary instructional materials to each student
- Providing, when appropriate, all necessary technology and access to, or reimbursement for, the Internet to each full-time student

21. *How is "when appropriate" defined related to the provision of technology and Internet access?*

Each school district will establish criteria to define "when appropriate" when developing its virtual instruction program.

22. *What are the direct instruction requirements for the Florida-certified teacher?*

Section 1002.45(1), Florida Statutes, requires 50% of the direct instruction to be provided by the Florida-certified teacher for students in K-5 and 80% of the direct instruction for students in 6-12.

23. *Must online teachers reside in the school district?*

Although teachers must be Florida-certified in the subjects or grade levels they teach, the law does not include residency requirements for teachers. However, Section 1002.45(2)(a)3., Florida Statutes, requires administrative staff for the program to be Florida residents.

24. *Will districts be required to submit a plan for their district virtual instruction programs to the Department of Education for approval?*

No. The legislation does not require districts to submit a plan to the Department for approval.

MISCELLANEOUS

25. *If the school district is responsible for providing the equipment and connections to the Internet to students in a home environment, how can school districts be protected from liability issues regarding Internet misuse?*

Each school district should determine if additional language needs to be added to existing policies addressing the use of the Internet and district or school equipment.

26. How does this new program affect collective bargaining?

Each school district should review the collective bargaining agreement in place in its district and determine if additional provisions are necessary to address teachers in a virtual instruction program.