

#### **6A-6.0981 Provider Approval and Renewal for Virtual Instruction Program.**

(1) Purpose. Section 1002.45, F.S., requires each school district to provide eligible students within its boundaries the option to participate in a virtual instruction program. The Department of Education will provide school districts and virtual charter schools annually with a list of providers approved to offer full and part-time virtual instruction programs under this section of law.

(2)(a) Application Form. Form VSP-02, Virtual Instruction Program Application for Provider Approval (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03386>), for becoming an approved provider for the Virtual Instruction Program, will be used for those virtual education providers applying for approved status from the Department of Education. Form VSP-02 is hereby incorporated by reference and made a part of this rule to become effective January 2014.

(b) Application Form. Form VSP-02R, Virtual Instruction Program Application for Provider Renewal (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05519>), for renewing an approved provider for the Virtual Instruction Program, will be used for those virtual education providers applying for renewal status from the Department of Education. Form VSP-02R is hereby incorporated by reference and made a part of this rule to become effective July 2015. Copies of forms VSP-02 and VSP-02R may be obtained by contacting the Office of Independent Education and Parental Choice, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) Applications. The applications to become an approved provider or for renewal will be available at [www.fldoe.org/Schools/virtual-schools/districtVIP.asp](http://www.fldoe.org/Schools/virtual-schools/districtVIP.asp) beginning September 1 of each year for the following school year and must be accessed and submitted electronically. The deadline for filing the application is September 30.

(a) Pursuant to Section 1002.45(2)(a)5., F.S., the applicant must possess prior successful experience offering online courses to elementary, middle and high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instruction program option.

1. Initial Approval. For applicants seeking initial approval, prior successful experience shall be demonstrated as follows: Learning gains shall be sufficient if they demonstrate a level of gains comparable to the level of gains that would be anticipated in a Florida public school earning a school grade of "C" or better, in accordance with Section 1008.34, F.S., or demonstrate that the applicant will likely meet the learning gains component necessary to maintain a school grade of "C" or better pursuant to Section 1002.45(8), F.S. Upon an applicant's request the Department of Education shall conditionally approve a provider who is otherwise qualified but without sufficient prior, successful experience offering online courses, to offer courses measured by statewide assessments under Section 1008.22, F.S., with a learning gains component, end-of-course assessments, or Advanced Placement (AP) examinations. Conditional approval shall be valid for one (1) school year only and, based on the provider's subsequent experience in offering the courses under this paragraph, the Department shall determine whether to grant final approval to offer a virtual instruction program under the criteria for successful experience as outlined in this paragraph.

2. Renewal. Renewal applicants with a school grade in the most recent grades release by the Department of Education meet the prior successful experience criteria unless they are disqualified pursuant to Section 1002.45(8), F.S. Pursuant to Section 1002.45(8), F.S., a provider who was disqualified under this section shall be ineligible for approval for one (1) year. Thereafter, the provider must submit an application for initial approval. Renewal applicants without a school grade must meet the criteria for prior successful experience required for initial approval.

(b) In accordance with Section 1002.45(2)(a)6., F.S., the applicant must be accredited by at least one of the following K-12 regional accrediting agencies, their successors or assigns: AdvancED, Middle States Association of Colleges and Schools Commission on Elementary Schools and Commission on Secondary Schools, New England Association of Schools and Colleges, Northwest Accreditation Commission, or Western Association of Schools and Colleges.

(c) Pursuant to Section 1002.45(2)(a)7., F.S., the applicant must ensure instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide. The curriculum plan must include evidence:

1. That the applicant's online program and courses meet the standards of the International Association of K12 Online Learning;
2. That its courses and services are aligned to the most recently adopted Florida standards and measure student attainment of those standards, including:
  - a. Where the standard is taught in the course;
  - b. How the standard is taught; and,
  - c. How mastery is assessed.

File names for course alignment documents must include the Florida course codes and titles specified in Florida's most current Course Code Directory incorporated in Rule 6A-1.09441, F.A.C.

3. That mechanisms are in place to determine and ensure students have satisfied promotion and graduation requirements. Mechanisms should include:

- a. The use of formative and interim assessment;
- b. A multi-tiered system of student supports, interventions and assistance to ensure student progression toward promotion and graduation requirements;
- c. Curriculum development, activities and assessments based on principles that give all individuals equal opportunities to learn, supporting flexibility in representation, expression, and engagement;
- d. Electronic and information technology accessible to persons with disabilities; and,
- e. Strategies to ensure comprehensible instruction for students with limited English proficiency.

Upon request, the applicant will provide access for a virtual walk-through of courses during the review phase of the application process.

(d) The applicant will disclose on a prominent place on its website the disclosure information required under Section 1002.45(2)(a)8., F.S. Average student-teacher ratios are to be calculated for full-time and part-time teachers and for core and elective courses for the following grade-level bands: grades K-3, grades 4-8, and grades 9-12. The total number of students assigned to full-time teachers must be provided. Student completion rate calculations are to include all students who are enrolled for more than fourteen (14) calendar days. Student performance accountability outcomes are to include student assessment results for all students and by the following subgroups: major racial and ethnic groups, economically disadvantaged students, students with disabilities and students with limited English proficiency. "Major racial and ethnic groups" shall include those groups reported for accountability purposes under the Elementary and Secondary Education Act (ESEA) in any state or, if no such prior reporting is available, shall include, at a minimum: American Indian, Asian, Black/African American, Hispanic, and White.

(4) The Department of Education will review each complete application and provide the applicant with a written decision regarding the approval or denial of the application no later than forty-five (45) calendar days after the deadline. Incomplete applications, including applications lacking required supporting documentation will not be reviewed. Approved providers will be posted to the website: [www.fldoe.org/Schools/virtual-schools/DistrictVIP.asp](http://www.fldoe.org/Schools/virtual-schools/DistrictVIP.asp).

(5) Notice of Denial. If the application is denied, the applicant will receive written notification identifying the specific areas of deficiency. The applicant shall have thirty (30) calendar days after receipt of the notice of denial to resolve any outstanding issues, and resubmit its application for reconsideration. The applicant will receive a final notice of approval or denial. If an application is denied a second time, the Department of Education will provide a final written notice to the provider indicating that the application has been administratively closed and that the provider may apply during the next application phase in accordance with subsection (3) of this rule.

(6) Revocation. The Department shall revoke the approval of a provider who fails to comply with all the requirements of Section 1002.45, F.S.

*Rulemaking Authority 1001.02(1), (2)(n), 1002.45(11) FS. Law Implemented 1002.45 FS. History—New 11-26-08, Amended 10-21-09, 3-20-11, 12-20-11, 1-23-13, 1-1-14, 7-28-15.*