



School District Virtual Instruction Programs

What are school district virtual instruction programs?

A school district virtual instruction program is a program of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.¹ The purpose of the program is to make instruction available to students using online and distance learning technology in the nontraditional classroom.² In 2008, the Legislature required all school districts to provide a virtual instruction program beginning with the 2009-10 academic year.³ In 2009, the Legislature significantly revised the program requirements.⁴

Each district must offer:

- ❖ A full-time virtual instruction program for students in kindergarten through grade 12;⁵ and
- ❖ A full-time or part-time virtual instruction program for students in grades 9-12 enrolled in dropout prevention and academic intervention programs, Department of Juvenile Justice programs, core-curricula courses to meet class size requirements, or community colleges offering a school district virtual instruction program.⁶

Who is eligible to participate in school district virtual instruction programs?

Enrollment in a school district virtual instruction program is open to any student residing in the district who:

- ❖ Attended a Florida public school during the prior year and was reported for funding during the October and February Florida Education Finance Program (FEFP) surveys;
- ❖ Is the dependent child of a member of the military who, within 12 months of the parent's permanent change of station orders, transferred to Florida from another state or from a foreign country;
- ❖ Was enrolled in a district virtual instruction program or K-8 Virtual School Program⁷ during the prior school year; or

¹ Section 1002.45(1)(a), F.S.

² Section 1002.45(1)(b), F.S.

³ Section 4, ch. 2008-147, L.O.F.

⁴ Section 11, ch. 2009-59, L.O.F.

⁵ Section 1002.45(1)(b)1., F.S.

⁶ Section 1002.45(1)(b)2., F.S.

⁷ The K-8 Virtual School Program was a statewide full-time virtual instruction program for students in kindergarten through grade 8 and was funded through a specific appropriation in the General Appropriations Act (GAA) from 2003 to 2008 (e.g., specific appropriation 93, s. 2, ch. 2008-152, L.O.F.). Although the K-8 Virtual School Program remains in statute (see s. 1002.415, F.S.), it was not funded in the 2009 or 2010 GAA. Proviso language in the 2009 and 2010 GAA provides for school districts, the DOE, and K-8 virtual schools to work together to provide access to a school district virtual instruction program for students previously enrolled in the K-8 Virtual School Program,

- ❖ Has a sibling who is currently enrolled in a school district virtual instruction program and was enrolled in such program at the end of the prior school year.⁸

Participating students must comply with the compulsory school attendance requirements and such compliance must be verified by the district. Students must also participate in the state assessment program.⁹

What options do districts have to provide virtual instruction programs?

In order to provide its students with the opportunity to participate in a virtual instruction program, a school district may choose one or more of the following options:

- ❖ Contract with the Florida Virtual School (FLVS) or establish a franchise of the FLVS;¹⁰
- ❖ Contract with a provider approved by the Department of Education (DOE);¹¹
- ❖ Contract with a community college;¹² or
- ❖ Enter into an agreement with another school district to allow its students to participate in a virtual instruction program provided by the other school district.¹³

Contracts with the FLVS or other providers may include multidistrict contractual arrangements executed by a regional consortium.¹⁴ Additionally, a charter school may enter into an agreement with a district for the charter school's students to participate in the district's virtual instruction program.¹⁵

What requirements must school district virtual instruction programs meet?

Each virtual instruction program operated or contracted by a school district must:

- ❖ Require a Florida-certified teacher to be responsible for 50 percent of the direct instruction to students in kindergarten through grade 5 and 80 percent of the direct instruction to students in grades 6-12;¹⁶
- ❖ Align its curriculum to the Sunshine State Standards;
- ❖ Design instruction to enable students to achieve proficiency in each virtual course; and

regardless of the student's school district of residence. Specific Appropriation 76, s. 2, ch. 2009-81, L.O.F., and specific appropriation 78, s. 2, ch. 2010-152, L.O.F.

⁸ Section 9, ch. 2010-154, L.O.F.; s. 1002.45(5), F.S.

⁹ Section 1002.45(6), F.S.

¹⁰ Section 1002.45(1)(c)1., F.S.; see Florida Virtual School Fact Sheet.

¹¹ Section 1002.45(1)(c)2., F.S.; see *supra* text accompanying note 25.

¹² Section 9, ch. 2010-154, L.O.F.; s. 1002.45(1)(a) and (1)(c)2., F.S.

¹³ Section 1002.45(1)(c)3., F.S.

¹⁴ Section 1002.45(1)(c), F.S. Multidistrict consortia include Panhandle Area Educational Consortium (PAEC), Heartland Educational Consortium (HEC), and Northeast Florida Educational Consortium (NEFEC). See s. 1001.451, F.S.

¹⁵ Section 1002.45(1)(d), F.S.

¹⁶ Section 1002.45(1)(a)2., F.S.

- ❖ Require no tuition or registration fees.¹⁷

In addition, each program must provide students with the following:

- ❖ All necessary instructional materials;¹⁸
 - ❖ All necessary computer equipment, including, but not limited to, a computer, computer monitor, and printer, when appropriate;¹⁹ and
- Access to, or reimbursement for, Internet services, when appropriate.²⁰

If the provider is a community college, the provider must employ instructors who meet statutory certification requirements for instructional staff.²¹

What are the requirements to be approved by the Department of Education to provide school district virtual instruction programs?

To be approved by the DOE, a provider must meet the following requirements:

- ❖ Be nonsectarian in its programs, admission policies, employment practices, and operations;
- ❖ Comply with antidiscrimination provisions;
- ❖ Locate its administrative offices in Florida and require administrative staff to be state residents;
- ❖ Require all instructional staff to be Florida-certified teachers and conduct background screenings for all employees or contracted personnel;
- ❖ Possess prior, successful experience offering online courses to K-12 students; and
- ❖ Be accredited by a specified accrediting agency.²²

The DOE is required to annually provide school districts with a list of approved providers.²³ Once a provider is approved, it retains its approved status for three years as long as the provider continues to comply with program requirements.²⁴ In 2010, the DOE approved two providers for kindergarten through grade 12 (Florida Connections Academy and K12 Florida) and four

¹⁷ Section 1002.45(3)(a), (b), and (d), F.S.

¹⁸ Section 1002.45(3)(c), F.S.

¹⁹ The phrase “when appropriate” is not defined in statute but has been construed by providers to mean that most students would be providing their own equipment and Internet services. For example, Florida Virtual School Full Time states that households will generally need to provide their own computer, printer, and Internet services, but further states that students may be eligible to apply for a “technology hardship” with their resident school district. Florida Virtual School Full Time also states that students will generally need to be registered for free and reduced lunch to qualify for the technology hardship, though school districts make the final hardship determination. Florida Virtual School Full Time, *Technology*, <http://www.flvsft.com/technology> (last visited May 26, 2010).

²⁰ Section 1002.45(3)(d), F.S.

²¹ Section 9, ch. 2010-154, L.O.F.; s. 1002.45(2)(a)6., F.S.

²² Section 1002.45(2)(a)1.-5., F.S. The recognized accrediting agencies are the Southern Association of Colleges and Schools Council on Accreditation and School Improvement, the North Central Association Commission on Accreditation and School Improvement, the Middle States Association of Colleges and Schools Commission on Elementary Schools and Commission on Secondary Schools, the New England Association of Schools and Colleges, the Northwest Association of Accredited Schools, the Western Association of Schools and Colleges, or the Commission on International and Trans-Regional Accreditation.

²³ Section 1002.45(2)(a), F.S.

²⁴ Section 1002.45(2)(b), F.S.

providers for grades 6-12 (Advanced Academies; Educational Options, Inc.; Kaplan Virtual Education; and National Network of Digital Schools).²⁵

What must be included in a contract between a school district and a virtual instruction program provider?

Each contract between a school district and a provider must include the following:

- ❖ A detailed curriculum plan;
- ❖ A method for determining that a student has satisfied the requirements for graduation, if the contract is for a full-time virtual instruction program in grades 9-12;
- ❖ A method for resolving conflicts among parties;
- ❖ Authorized reasons for termination of the contract;
- ❖ A requirement that the approved provider be responsible for all debts of the program if the contract is terminated or not renewed; and
- ❖ A requirement that the approved provider comply with all statutory requirements relating to the program.²⁶

What are the accountability requirements for school district virtual instruction programs?

Each provider contracted to provide a school district virtual instruction program must participate in the statewide assessment program and the state's education performance accountability system.²⁷ Each provider receives a school grade or school improvement rating, which is based upon the aggregated assessment scores of all students served by the provider statewide.²⁸ School grades or school improvement ratings are published on DOE's website.²⁹

If a provider receives a school grade of "D" or "F" or a school improvement rating of "Declining," the provider must file a school improvement plan for correcting low performance with the DOE. The school improvement plan must identify the causes of the low performance and propose a plan for improvement. If a provider receives a school grade of "D" or "F" for any two years during a four-year period, the provider's contract must be terminated and the provider cannot be approved for at least one year.³⁰

²⁵ Florida Department of Education, *Memorandum: Approved Providers for School District Virtual Instruction Program* (March 12, 2010), available at <http://www.fldoe.org/Schools/virtual-schools/pdf/VIPApprovedProviders.pdf>.

²⁶ Section 1002.45(4), F.S.

²⁷ Section 1002.45(8)(a)1., F.S.

²⁸ The performance of part-time 9-12 students is not included in the provider's school grade or school improvement rating. Performance of such students is included in the nonvirtual school that provides the student's primary instruction. Section 1002.45(8)(b), F.S.

²⁹ Section 1002.45(8)(a)2., F.S.

³⁰ Section 1002.45(8)(c) and (d), F.S.

How are school district virtual instruction programs funded?

District virtual instruction programs are funded through the FEFP. Full-time students in kindergarten through grade 5 are funded based on program completion and promotion to the next grade-level.³¹

Full and part-time students in grades 6-12 are funded on a successful course or credit completion basis. Funding is only received if the course is completed and passed. Six credits equal one full-time equivalent (FTE) student. Half credit completions are included in determining a FTE student.³²

Full-time students enrolled in a district virtual instruction program are reported for funding by the district program. Part-time students in grades nine through 12 are reported under their school of record for courses taken there and under the district program for virtual courses that they successfully complete. Districts may only earn one FTE per student, per school year.³³ Community college providers may not report students who are served in a school district virtual instruction program for funding under the Community College Program Fund.³⁴

If a district contracts with a provider, funding flows to the district and the provider is paid by the district pursuant to the terms of the contract. Districts may use FEFP funds to provide equipment or Internet access to students under appropriate circumstances.³⁵

Where can I get additional information?

Florida Department of Education

Division of Public Schools

(850) 245-0509

<http://www.fldoe.org/Schools/virtual-schools/DistrictVIP.asp>

Florida House of Representatives

Education Committee

(850) 488-7451

<http://www.myfloridahouse.gov/>

³¹ Section 1011.61(1)(c)1.b.(III), F.S.

³² Section 1011.61(1)(c)1.b.(IV), F.S.

³³ Florida Department of Education, Office of Funding and Financial Reporting, *FTE General Instructions* (2009-10), available at <http://www.fldoe.org/fefp/pdf/0910JulyFTEInstructions.pdf>.

³⁴ Section 9, ch. 2010-154, L.O.F.; s. 1002.45(7)(c), F.S.

³⁵ Florida Department of Education, *School District Virtual Instruction Program (SB 1676): Questions and Answers #1* (June 29, 2009), available at <http://www.fldoe.org/Schools/virtual-schools/pdf/DistrictVIP-FAQ.pdf>.

