

1                                   A bill to be entitled  
 2       An act relating to digital learning; amending s. 1002.33,  
 3       F.S., authorizing charter to employ instructional methods  
 4       consisting of both traditional classroom and online  
 5       instructional techniques; provides requirements for  
 6       employees and participants of the instructional methods;  
 7       amending s. 1002.45 F.S., requiring school districts to  
 8       provide public school students opportunity to participate  
 9       in virtual instruction program; requiring school districts  
 10      to provide full-time and part-time virtual instruction  
 11      programs; amending s. 1003.428, F.S.; requiring certain  
 12      assessments to be administered in a on-line format;  
 13      amending s. 1008.22, F.S. requiring all statewide end-of-  
 14      course assessments be administrated on-line; amending s.  
 15      1012.57, F.S.; revising requirements for adjunct teaching  
 16      certificate; requiring report on increasing student access  
 17      to digital learning; creating a an unnumbered subsection  
 18      that requires specified reports from the Department of  
 19      Education; providing an effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1. Paragraph (a) of subsection (7) of section  
 24   1002.33, Florida Statutes, is amended to read:

25           1002.33 Charter schools.—

26           (7) CHARTER.—The major issues involving the operation of a  
 27   charter school shall be considered in advance and written into  
 28   the charter. The charter shall be signed by the governing body

29 of the charter school and the sponsor, following a public  
 30 hearing to ensure community input.

31 (a) The charter shall address and criteria for approval of  
 32 the charter shall be based on:

33 1. The school's mission, the students to be served, and  
 34 the ages and grades to be included.

35 2. The focus of the curriculum, the instructional methods  
 36 to be used, any distinctive instructional techniques to be  
 37 employed, and identification and acquisition of appropriate  
 38 technologies needed to improve educational and administrative  
 39 performance which include a means for promoting safe, ethical,  
 40 and appropriate uses of technology which comply with legal and  
 41 professional standards. The charter shall ensure that reading is  
 42 a primary focus of the curriculum and that resources are  
 43 provided to identify and provide specialized instruction for  
 44 students who are reading below grade level. The curriculum and  
 45 instructional strategies for reading must be consistent with the  
 46 Sunshine State Standards and grounded in scientifically based  
 47 reading research.

48 a. The charter may employ instructional methods for  
 49 blended learning courses consisting of both traditional  
 50 classroom and online instructional techniques. Faculty  
 51 authorized to provide online instruction for blended learning  
 52 courses must be part-time or full-time employees of the charter  
 53 school, or contracted as a provider of the instructional  
 54 service; and must hold a current state or Florida school  
 55 district adjunct certification to teach in the subject area of  
 56 the blended learning course. A blended learning faculty member

57 may provide the online instruction remote from the physical  
 58 location of the charter school; however students in blended  
 59 learning courses must be full-time students of the charter  
 60 school and must receive the online instruction from the physical  
 61 location of the charter school. For funding and performance  
 62 accountability purposes, blended learning courses are considered  
 63 the same as traditional courses.

64 3. The current incoming baseline standard of student  
 65 academic achievement, the outcomes to be achieved, and the  
 66 method of measurement that will be used. The criteria listed in  
 67 this subparagraph shall include a detailed description of:

68 a. How the baseline student academic achievement levels  
 69 and prior rates of academic progress will be established.

70 b. How these baseline rates will be compared to rates of  
 71 academic progress achieved by these same students while  
 72 attending the charter school.

73 c. To the extent possible, how these rates of progress  
 74 will be evaluated and compared with rates of progress of other  
 75 closely comparable student populations.

76  
 77 The district school board is required to provide academic  
 78 student performance data to charter schools for each of their  
 79 students coming from the district school system, as well as  
 80 rates of academic progress of comparable student populations in  
 81 the district school system.

82 4. The methods used to identify the educational strengths  
 83 and needs of students and how well educational goals and  
 84 performance standards are met by students attending the charter

85 school. The methods shall provide a means for the charter school  
 86 to ensure accountability to its constituents by analyzing  
 87 student performance data and by evaluating the effectiveness and  
 88 efficiency of its major educational programs. Students in  
 89 charter schools shall, at a minimum, participate in the  
 90 statewide assessment program created under s. 1008.22.

91 5. In secondary charter schools, a method for determining  
 92 that a student has satisfied the requirements for graduation in  
 93 s. 1003.43.

94 6. A method for resolving conflicts between the governing  
 95 body of the charter school and the sponsor.

96 7. The admissions procedures and dismissal procedures,  
 97 including the school's code of student conduct.

98 8. The ways by which the school will achieve a  
 99 racial/ethnic balance reflective of the community it serves or  
 100 within the racial/ethnic range of other public schools in the  
 101 same school district.

102 9. The financial and administrative management of the  
 103 school, including a reasonable demonstration of the professional  
 104 experience or competence of those individuals or organizations  
 105 applying to operate the charter school or those hired or  
 106 retained to perform such professional services and the  
 107 description of clearly delineated responsibilities and the  
 108 policies and practices needed to effectively manage the charter  
 109 school. A description of internal audit procedures and  
 110 establishment of controls to ensure that financial resources are  
 111 properly managed must be included. Both public sector and  
 112 private sector professional experience shall be equally valid in

113 such a consideration.

114 10. The asset and liability projections required in the  
 115 application which are incorporated into the charter and shall be  
 116 compared with information provided in the annual report of the  
 117 charter school.

118 11. A description of procedures that identify various  
 119 risks and provide for a comprehensive approach to reduce the  
 120 impact of losses; plans to ensure the safety and security of  
 121 students and staff; plans to identify, minimize, and protect  
 122 others from violent or disruptive student behavior; and the  
 123 manner in which the school will be insured, including whether or  
 124 not the school will be required to have liability insurance,  
 125 and, if so, the terms and conditions thereof and the amounts of  
 126 coverage.

127 12. The term of the charter which shall provide for  
 128 cancellation of the charter if insufficient progress has been  
 129 made in attaining the student achievement objectives of the  
 130 charter and if it is not likely that such objectives can be  
 131 achieved before expiration of the charter. The initial term of a  
 132 charter shall be for 4 or 5 years. In order to facilitate access  
 133 to long-term financial resources for charter school  
 134 construction, charter schools that are operated by a  
 135 municipality or other public entity as provided by law are  
 136 eligible for up to a 15-year charter, subject to approval by the  
 137 district school board. A charter lab school is eligible for a  
 138 charter for a term of up to 15 years. In addition, to facilitate  
 139 access to long-term financial resources for charter school  
 140 construction, charter schools that are operated by a private,

141 not-for-profit, s. 501(c)(3) status corporation are eligible for  
 142 up to a 15-year charter, subject to approval by the district  
 143 school board. Such long-term charters remain subject to annual  
 144 review and may be terminated during the term of the charter, but  
 145 only according to the provisions set forth in subsection (8).

146 13. The facilities to be used and their location.

147 14. The qualifications to be required of the teachers and  
 148 the potential strategies used to recruit, hire, train, and  
 149 retain qualified staff to achieve best value.

150 15. The governance structure of the school, including the  
 151 status of the charter school as a public or private employer as  
 152 required in paragraph (12)(i).

153 16. A timetable for implementing the charter which  
 154 addresses the implementation of each element thereof and the  
 155 date by which the charter shall be awarded in order to meet this  
 156 timetable.

157 17. In the case of an existing public school that is being  
 158 converted to charter status, alternative arrangements for  
 159 current students who choose not to attend the charter school and  
 160 for current teachers who choose not to teach in the charter  
 161 school after conversion in accordance with the existing  
 162 collective bargaining agreement or district school board rule in  
 163 the absence of a collective bargaining agreement. However,  
 164 alternative arrangements shall not be required for current  
 165 teachers who choose not to teach in a charter lab school, except  
 166 as authorized by the employment policies of the state university  
 167 which grants the charter to the lab school.

168 18. Full disclosure of the identity of all relatives

169 employed by the charter school who are related to the charter  
 170 school owner, president, chairperson of the governing board of  
 171 directors, superintendent, governing board member, principal,  
 172 assistant principal, or any other person employed by the charter  
 173 school who has equivalent decision making authority. For the  
 174 purpose of this subparagraph, the term "relative" means father,  
 175 mother, son, daughter, brother, sister, uncle, aunt, first  
 176 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 177 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
 178 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 179 stepsister, half brother, or half sister.

180 Section 2. Paragraphs (b) and (c) of subsection (1),  
 181 subsection (2), paragraph (a) of subsection (4), and subsections  
 182 (8) and (11) of section 1002.45, Florida Statutes, are amended  
 183 to read:

184 1002.45 School district virtual instruction programs.—

185 (1) PROGRAM.—

186 (b) Beginning with the 2011-2012 ~~2009-2010~~ school year,  
 187 each school district shall provide all enrolled public school  
 188 ~~eligible~~ students within its boundaries opportunities for  
 189 participation ~~the option of participating~~ in part-time and full-  
 190 time ~~a~~-virtual instruction program options, with timely written  
 191 notice of an open enrollment period for full-time students of at  
 192 least ninety days and not ending earlier than thirty days prior  
 193 to the first day of the school year provided directly to all  
 194 parents. The purpose of the program is to make quality virtual  
 195 instruction available to students using online and distance  
 196 learning technology in the nontraditional classroom. The program

197 shall provide at least three options for~~be~~:

198 1. Full-time virtual instruction for students enrolled in  
199 kindergarten through grade 12; and-

200 2. ~~Full-time or P~~part-time virtual instruction for  
201 students enrolled in grades 9 through 12 for courses that are  
202 measured pursuant to sub-subparagraph (8)(a)2.

203 A district virtual instruction program must include  
204 specific provision for at least two full-time and one part-time  
205 option for students ~~who are~~ enrolled in dropout prevention and  
206 academic intervention programs under s. 1003.53, Department of  
207 Juvenile Justice education programs under s. 1003.52, core-  
208 curricula courses to meet class size requirements under s.  
209 1003.03, or community colleges under this section.

210 (c) To provide students with the option of participating  
211 in virtual instruction programs as required by paragraph (b), a  
212 school district may apply one or all of the following  
213 mechanisms:

214 1. Contract with the Florida Virtual School or establish a  
215 franchise of the Florida Virtual School for the provision of a  
216 program under paragraph (b). Using this option is subject to the  
217 requirements of this section and s. 1011.61(1)(c)1.b.(III) and  
218 (IV).

219 2. Contract with an approved provider under subsection (2)  
220 for the provision of a full-time program under subparagraph  
221 (b)1. or a ~~full-time or~~ part-time program under subparagraph  
222 (b)2.

223 3. Enter into an agreement with other ~~another~~ school  
224 districts to allow the participation of its students in an

225 approved virtual instruction program provided by the other  
 226 school districts. The agreement must indicate a process for the  
 227 transfer of funds required by paragraph (7) (b).

228  
 229 Contracts under subparagraph 1. or subparagraph 2. may include  
 230 multidistrict contractual arrangements that may be executed by a  
 231 regional consortium for its member districts. A multidistrict  
 232 contractual arrangement or an agreement under subparagraph 3. is  
 233 not subject to s. 1001.42(4) (d) and does not require the  
 234 participating school districts to be contiguous. These  
 235 arrangements may be used to fulfill the requirements of  
 236 paragraph (1) (b).

237 (2) PROVIDER QUALIFICATIONS.—

238 (a) The department shall annually provide school districts  
 239 with a list of providers approved to offer virtual instruction  
 240 programs. To be approved by the department, a provider must  
 241 document that it:

242 1. Is nonsectarian in its programs, admission policies,  
 243 employment practices, and operations;

244 2. Complies with the antidiscrimination provisions of s.  
 245 1000.05;

246 3. Locates an administrative office or offices in this  
 247 state, requires its administrative staff to be state residents,  
 248 requires all instructional staff to be Florida-certified  
 249 teachers under chapter 1012, and conducts background screenings  
 250 for all employees or contracted personnel, as required by s.  
 251 1012.32, using state and national criminal history records;

252 4. Possesses prior, successful experience offering online

253 | courses to elementary, middle, or high school students, as  
 254 | demonstrated through quantified student performance improvements  
 255 | for each subject area and grade level provided for consideration  
 256 | as instructional program options;

257 |       5. Is accredited by the Southern Association of Colleges  
 258 | and Schools Council on Accreditation and School Improvement, the  
 259 | North Central Association Commission on Accreditation and School  
 260 | Improvement, the Middle States Association of Colleges and  
 261 | Schools Commission on Elementary Schools and Commission on  
 262 | Secondary Schools, the New England Association of Schools and  
 263 | Colleges, the Northwest Association of Accredited Schools, the  
 264 | Western Association of Schools and Colleges, or the Commission  
 265 | on International and Trans-Regional Accreditation; ~~and~~

266 |       6. Assures instructional and curricular quality through a  
 267 | detailed curriculum and student performance accountability plan  
 268 | that addresses every subject and grade level intended for  
 269 | provision within district contracts:

270 |           a. Courses and programs that meet the standards of the  
 271 | International Association for K-12 Online Learning and the  
 272 | Southern Regional Education Board;

273 |           b. Instructional content and services that align with, and  
 274 | measure student attainment of, student proficiency in the Next  
 275 | Generation Sunshine State Standards under s. 1003.41; and

276 |           c. Mechanisms that determine and ensure that a student has  
 277 | satisfied requirements for grade level promotion and high school  
 278 | graduation with a standard diploma, as appropriate;

279 |       7. Publishes, in accordance with disclosure requirements  
 280 | adopted in rule by the State Board of Education, for the general

281 public, as part of its application as a provider, and in all  
 282 contracts negotiated pursuant to this section:

283 a. Information and data about each full time and part time  
 284 program regarding its curriculum;

285 b. School policies and procedures;

286 c. Certification status and physical location of all  
 287 administrative and instructional personnel;

288 d. Student teacher ratios;

289 e. Student completion and promotion rates;

290 f. Student, educator, and school performance  
 291 accountability outcomes.

292 86. If the provider is a community college, employs  
 293 instructors who meet the certification requirements for  
 294 instructional staff under chapter 1012.

295 (b) An approved provider shall retain its approved status  
 296 for a period of 3 years after the date of the department's  
 297 approval under paragraph (a) as long as the provider continues  
 298 to comply with all requirements of this section; except each  
 299 provider approved by the department for the 2011-2012 school  
 300 year must re-apply for approval to provide a part-time program  
 301 for students in grades 9 through 12.

302 (4) CONTRACT REQUIREMENTS.—Each contract with an approved  
 303 provider must at minimum:

304 (a) Set forth a detailed curriculum plan that illustrates  
 305 how students will be provided services, and be measured for  
 306 attainment of, to attain proficiency in the Sunshine State  
 307 Standards, for each grade level and subject.

308 (8) ASSESSMENT AND ACCOUNTABILITY.—

309 (a) Each approved provider contracted under this section  
 310 must:

311 1. Participate in the statewide assessment program under  
 312 s. 1008.22 and in the state's education performance  
 313 accountability system under s. 1008.31.

314 2. Receive a school grade under s. 1008.34 or a school  
 315 improvement rating under s. 1008.341, as applicable. The school  
 316 grade or school improvement rating received by each approved  
 317 provider shall be based upon the aggregated assessment scores of  
 318 all students served by the provider statewide. The department  
 319 shall publish the school grade or school improvement rating  
 320 received by each approved provider on its Internet website. The  
 321 department shall develop an evaluation method for part-time  
 322 providers that will include the percentage of students making  
 323 learning gains, the percentage of students successfully passing  
 324 any required end-of-course assessments, and the percentage of  
 325 students taking AP course exams, and the percentage of students  
 326 scoring a three (3) or above on the AP course exam.

327 (b) The performance of part-time students in grades 9  
 328 through 12 shall not be included for purposes of school grades  
 329 or school improvement ratings under subparagraph (a)2.; however,  
 330 their performance shall be included for school grading or school  
 331 improvement rating purposes by the nonvirtual school providing  
 332 the student's primary instruction.

333 (c) An approved provider that receives a school grade of  
 334 "D" or "F" under s. 1008.34 or a school improvement rating of  
 335 "Declining" under s. 1008.341 must file a school improvement  
 336 plan with the department for consultation to determine the

337 causes for low performance and to develop a plan for correction  
 338 and improvement.

339 (d) An approved provider's contract must be terminated if  
 340 the provider receives a school grade of "D" or "F" under s.  
 341 1008.34 or a school improvement rating of "Declining" under s.  
 342 1008.341 for 2 years during any consecutive 4-year period; or  
 343 has violated any qualification requirement pursuant to  
 344 subsection (2). A provider that has a contract terminated under  
 345 this paragraph may not be an approved provider for a period of  
 346 at least 2 year after the date upon which the contract was  
 347 terminated and until the department determines that the provider  
 348 is in compliance with subsection (2) and has corrected each  
 349 cause of the provider's low performance.

350 (11) RULES.—The State Board of Education shall adopt rules  
 351 necessary to administer this section, including rules that  
 352 prescribe disclosure requirements under subsection (2) and  
 353 school district reporting requirements under subsection (7).

354 Section 3. Paragraph (b) of subsection (2) of section  
 355 1003.428, Florida Statutes, is amended to read:

356 1003.428 General requirements for high school graduation;  
 357 revised.—

358 (2) The 24 credits may be earned through applied,  
 359 integrated, and combined courses approved by the Department of  
 360 Education. The 24 credits shall be distributed as follows:

361 (b) Eight credits in electives.

362 1. For each year in which a student scores at Level 1 on  
 363 FCAT Reading, the student must be enrolled in and complete an  
 364 intensive reading course the following year. Placement of Level

365 2 readers in either an intensive reading course or a content  
 366 area course in which reading strategies are delivered shall be  
 367 determined by diagnosis of reading needs. The department shall  
 368 provide guidance on appropriate strategies for diagnosing and  
 369 meeting the varying instructional needs of students reading  
 370 below grade level. Reading courses shall be designed and offered  
 371 pursuant to the comprehensive reading plan required by s.  
 372 1011.62(9).

373 2. For each year in which a student scores at Level 1 or  
 374 Level 2 on FCAT Mathematics, the student must receive  
 375 remediation the following year. These courses may be taught  
 376 through applied, integrated, or combined courses and are subject  
 377 to approval by the department for inclusion in the Course Code  
 378 Directory.

379  
 380 Beginning with students entering grade 9 in the 2013-2014 school  
 381 year, at least one course must contain online learning. This  
 382 requirement shall be met through an online course offered by the  
 383 Florida Virtual School, through a course offered by the high  
 384 school that significantly integrates online content, or through  
 385 an online dual enrollment course offered pursuant to a district  
 386 interinstitutional articulation agreement under s. 1007.235. A  
 387 student who is enrolled in a full-time or part-time virtual  
 388 instruction program under s. 1002.45 meets this requirement.

389 Section 4. Paragraph (g) of subsection (3) of section  
 390 1008.22, Florida Statutes, is amended to read:

391 1008.22 Student assessment program for public schools.—

392 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall

393 design and implement a statewide program of educational  
 394 assessment that provides information for the improvement of the  
 395 operation and management of the public schools, including  
 396 schools operating for the purpose of providing educational  
 397 services to youth in Department of Juvenile Justice programs.  
 398 The commissioner may enter into contracts for the continued  
 399 administration of the assessment, testing, and evaluation  
 400 programs authorized and funded by the Legislature. Contracts may  
 401 be initiated in 1 fiscal year and continue into the next and may  
 402 be paid from the appropriations of either or both fiscal years.  
 403 The commissioner is authorized to negotiate for the sale or  
 404 lease of tests, scoring protocols, test scoring services, and  
 405 related materials developed pursuant to law. Pursuant to the  
 406 statewide assessment program, the commissioner shall:

407 (g) By the 2014-2015 school year, all statewide end-of-  
 408 course assessments shall be administered on-line. ~~Study the cost~~  
 409 ~~and student achievement impact of secondary end-of-course~~  
 410 ~~assessments, including web-based and performance formats, and~~  
 411 ~~report to the Legislature prior to implementation.~~

412 Section 5. Subsection (1) of section 1012.57, Florida  
 413 Statutes, is amended to read:

414 1012.57 Certification of adjunct educators.—

415 (1) Notwithstanding the provisions of ss. 1012.32,  
 416 1012.55, and 1012.56, or any other provision of law or rule to  
 417 the contrary, district school boards shall adopt rules to allow  
 418 for the issuance of an adjunct teaching certificate to any  
 419 applicant who fulfills the requirements of s. 1012.56(2)(a)-(f)  
 420 and (10) and who has expertise in the subject area to be taught.

421 An applicant shall be considered to have expertise in the  
 422 subject area to be taught if the applicant demonstrates  
 423 sufficient subject area mastery through passage of a subject  
 424 area test. The adjunct teaching certificate shall be used for  
 425 part-time teaching positions.

426 (2) The Legislature intends that this section~~The intent of~~  
 427 ~~this provision is to allow:~~

428 (a) School districts to tap the wealth of talent and  
 429 expertise represented in Florida's citizens who may wish to  
 430 teach part-time in a Florida public school by permitting school  
 431 districts to issue adjunct certificates to qualified applicants.

432 (b) School districts to use the expertise of individuals in  
 433 this state who wish to provide online instruction to Florida  
 434 students by permitting school districts to issue adjunct  
 435 certificates to qualified applicants.

436 (3) Adjunct certificateholders should be used as a strategy  
 437 to enhance the diversity of course offerings offered to all  
 438 Florida students.~~reduce the teacher shortage; thus, adjunct~~  
 439 ~~certificateholders should supplement a school's instructional~~  
 440 ~~staff, not supplant it. Each school principal shall assign an~~  
 441 ~~experienced peer mentor to assist the adjunct teaching~~  
 442 ~~certificateholder during the certificateholder's first year of~~  
 443 ~~teaching, and an adjunct certificateholder may participate in a~~  
 444 ~~district's new teacher training program. District school boards~~  
 445 ~~shall provide the adjunct teaching certificateholder an~~  
 446 ~~orientation in classroom management prior to assigning the~~  
 447 ~~certificateholder to a school.~~

448 (4) Each adjunct teaching certificate is valid through the

449 term of the annual contract between the educator and the school  
 450 district for 5 school years and is renewable if the applicant is  
 451 rated effective or highly effective pursuant to s. 1012.34, has  
 452 received satisfactory performance evaluations during each year  
 453 of teaching under adjunct teaching certification.

454 Section 6. By December 1, 2011, the Department of Education  
 455 shall submit a report to the Governor, the President of the  
 456 Senate, and the Speaker of the House of Representatives which  
 457 identifies and explains the best methods and strategies for  
 458 enabling the department to assist district school boards in  
 459 acquiring digital learning at as reasonable prices as possible  
 460 by providing a plan under which district school boards may  
 461 voluntarily pool their bids for such purchases. The report shall  
 462 identify criteria that will enable school districts to  
 463 differentiate between the level of service as well as pricing  
 464 based upon such factors as the level of student support, the  
 465 frequency of teacher-student communications, instructional  
 466 accountability standards, and academic integrity. The report  
 467 shall also examine ways to increase student access to digital  
 468 learning including identification and analysis of the best  
 469 methods and strategies for implementing part-time virtual  
 470 education in kindergarten through grade 5.

471 Section 7. This act shall take effect July 1, 2011.