

HB 831

2012

1                   A bill to be entitled  
2       An act relating to virtual instruction for students  
3       with disabilities; amending s. 1002.321, F.S.;  
4       providing that digital learning should provide access  
5       to online courses with reasonable and allowable  
6       accommodations for using assistive technology;  
7       amending s. 1002.33, F.S.; requiring charter school  
8       applications to include a description of online  
9       courses with reasonable and allowable accommodations  
10      that will be used in reading instruction; including  
11      the use of assistive technology devices as a basis for  
12      the approval of a charter; amending s. 1002.45, F.S.;  
13      providing additional requirements for the approval of  
14      virtual instruction program providers by the  
15      Department of Education with respect to the offering  
16      of reasonable and allowable accommodations for  
17      students with disabilities; amending s. 1002.455,  
18      F.S.; providing that certain students with  
19      disabilities are eligible to participate in virtual  
20      instruction; providing an effective date.

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

23  
24       Section 1. Paragraph (b) of subsection (2) of section  
25   1002.321, Florida Statutes, is amended to read:

26       1002.321 Digital learning.—

27       (2) ELEMENTS OF HIGH-QUALITY DIGITAL LEARNING.—The  
28   Legislature finds that each student should have access to a

HB 831

2012

high-quality digital learning environment that provides:

(b) Access to high-quality digital content and online courses, including online courses with reasonable and allowable accommodations for using assistive technology.

Section 2. Paragraph (a) of subsection (6) and paragraph (a) of subsection (7) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(a) A person or entity wishing to open a charter school shall prepare and submit an application on a model application form prepared by the Department of Education which:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

4. Describes the reading curriculum, and differentiated strategies, and online courses with reasonable and allowable accommodations that will be used for students reading at grade level or higher and a separate curriculum and strategies and

57 online courses with reasonable and allowable accommodations for  
58 students who are reading below grade level. A sponsor shall deny  
59 a charter if the school does not propose a reading curriculum  
60 that is consistent with effective teaching strategies that are  
61 grounded in scientifically based reading research.

62 5. Contains an annual financial plan for each year  
63 requested by the charter for operation of the school for up to 5  
64 years. This plan must contain anticipated fund balances based on  
65 revenue projections, a spending plan based on projected revenues  
66 and expenses, and a description of controls that will safeguard  
67 finances and projected enrollment trends.

68 6. Documents that the applicant has participated in the  
69 training required in subparagraph (f)2. A sponsor may require an  
70 applicant to provide additional information as an addendum to  
71 the charter school application described in this paragraph.

72 7. For the establishment of a virtual charter school,  
73 documents that the applicant has contracted with a provider of  
74 virtual instruction services pursuant to s. 1002.45(1)(d).

75 (7) CHARTER.—The major issues involving the operation of a  
76 charter school shall be considered in advance and written into  
77 the charter. The charter shall be signed by the governing board  
78 of the charter school and the sponsor, following a public  
79 hearing to ensure community input.

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

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

84 2. The focus of the curriculum, the instructional methods

85 to be used, any distinctive instructional techniques to be  
86 employed, and identification and acquisition of appropriate  
87 technologies, including assistive technology devices such as  
88 screen readers, keyboard-enabled interfaces and graphic  
89 elements, and open captions, needed to improve educational and  
90 administrative performance which include a means for promoting  
91 safe, ethical, and appropriate uses of technology which comply  
92 with legal and professional standards.

93 a. The charter shall ensure that reading is a primary  
94 focus of the curriculum and that reasonable and allowable  
95 accommodations and resources are provided to identify and  
96 provide specialized instruction for students who are reading  
97 below grade level, including students with disabilities who have  
98 an individual education plan or a 504 accommodation plan issued  
99 under s. 504 of the Rehabilitation Act of 1973. The curriculum  
100 and instructional strategies for reading must be consistent with  
101 the Sunshine State Standards and grounded in scientifically  
102 based reading research.

103 b. In order to provide students with access to diverse  
104 instructional delivery models, to facilitate the integration of  
105 technology within traditional classroom instruction, and to  
106 provide students with the skills they need to compete in the  
107 21st century economy, the Legislature encourages instructional  
108 methods for blended learning courses consisting of both  
109 traditional classroom and online instructional techniques.  
110 Charter schools may implement blended learning courses which  
111 combine traditional classroom instruction and virtual  
112 instruction. Students in a blended learning course must be full-

time students of the charter school and receive the online instruction in a classroom setting at the charter school. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

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

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

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

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

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

the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1003.428, s. 1003.429, or s. 1003.43.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

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

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

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter

169 school. A description of internal audit procedures and  
170 establishment of controls to ensure that financial resources are  
171 properly managed must be included. Both public sector and  
172 private sector professional experience shall be equally valid in  
173 such a consideration.

174 10. The asset and liability projections required in the  
175 application which are incorporated into the charter and shall be  
176 compared with information provided in the annual report of the  
177 charter school.

178 11. A description of procedures that identify various  
179 risks and provide for a comprehensive approach to reduce the  
180 impact of losses; plans to ensure the safety and security of  
181 students and staff; plans to identify, minimize, and protect  
182 others from violent or disruptive student behavior; and the  
183 manner in which the school will be insured, including whether or  
184 not the school will be required to have liability insurance,  
185 and, if so, the terms and conditions thereof and the amounts of  
186 coverage.

187 12. The term of the charter which shall provide for  
188 cancellation of the charter if insufficient progress has been  
189 made in attaining the student achievement objectives of the  
190 charter and if it is not likely that such objectives can be  
191 achieved before expiration of the charter. The initial term of a  
192 charter shall be for 4 or 5 years. In order to facilitate access  
193 to long-term financial resources for charter school  
194 construction, charter schools that are operated by a  
195 municipality or other public entity as provided by law are  
196 eligible for up to a 15-year charter, subject to approval by the

HB 831

2012

197 district school board. A charter lab school is eligible for a  
198 charter for a term of up to 15 years. In addition, to facilitate  
199 access to long-term financial resources for charter school  
200 construction, charter schools that are operated by a private,  
201 not-for-profit, s. 501(c)(3) status corporation are eligible for  
202 up to a 15-year charter, subject to approval by the district  
203 school board. Such long-term charters remain subject to annual  
204 review and may be terminated during the term of the charter, but  
205 only according to the provisions set forth in subsection (8).

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

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

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

213 16. A timetable for implementing the charter which  
214 addresses the implementation of each element thereof and the  
215 date by which the charter shall be awarded in order to meet this  
216 timetable.

217 17. In the case of an existing public school that is being  
218 converted to charter status, alternative arrangements for  
219 current students who choose not to attend the charter school and  
220 for current teachers who choose not to teach in the charter  
221 school after conversion in accordance with the existing  
222 collective bargaining agreement or district school board rule in  
223 the absence of a collective bargaining agreement. However,  
224 alternative arrangements shall not be required for current



HB 831

2012

225 teachers who choose not to teach in a charter lab school, except  
226 as authorized by the employment policies of the state university  
227 which grants the charter to the lab school.

228 18. Full disclosure of the identity of all relatives  
229 employed by the charter school who are related to the charter  
230 school owner, president, chairperson of the governing board of  
231 directors, superintendent, governing board member, principal,  
232 assistant principal, or any other person employed by the charter  
233 school who has equivalent decisionmaking authority. For the  
234 purpose of this subparagraph, the term "relative" means father,  
235 mother, son, daughter, brother, sister, uncle, aunt, first  
236 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
237 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
238 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
239 stepsister, half brother, or half sister.

240 19. Implementation of the activities authorized under s.  
241 1002.331 by the charter school when it satisfies the eligibility  
242 requirements for a high-performing charter school. A high-  
243 performing charter school shall notify its sponsor in writing by  
244 March 1 if it intends to increase enrollment or expand grade  
245 levels the following school year. The written notice shall  
246 specify the amount of the enrollment increase and the grade  
247 levels that will be added, as applicable.

248 Section 3. Paragraph (a) of subsection (2) of section  
249 1002.45, Florida Statutes, is amended to read:

250 1002.45 Virtual instruction programs.—

251 (2) PROVIDER QUALIFICATIONS.—

252 (a) The department shall annually publish online a list of

HB 831

2012

providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

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

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

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

4. Possesses prior, successful experience offering online courses, including online courses with reasonable and allowable accommodations for students with disabilities, to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option;

5. Is accredited by a regional accrediting association as defined by State Board of Education rule;

6. Ensures instructional and curricular quality through a detailed curriculum, reasonable and allowable accommodations for students with disabilities, and a student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the

HB 831

2012

281 Southern Regional Education Board.

282       b. Instructional content and services that align with, and  
283 measure student attainment of, student proficiency in the Next  
284 Generation Sunshine State Standards.

285       c. Mechanisms that determine and ensure that a student has  
286 satisfied requirements for grade level promotion and high school  
287 graduation with a standard diploma, as appropriate;

288       7. Publishes for the general public, in accordance with  
289 disclosure requirements adopted in rule by the State Board of  
290 Education, as part of its application as a provider and in all  
291 contracts negotiated pursuant to this section:

292       a. Information and data about the curriculum of each full-  
293 time and part-time program.

294       b. School policies and procedures.

295       c. Certification status and physical location of all  
296 administrative and instructional personnel.

297       d. Hours and times of availability of instructional  
298 personnel.

299       e. Student-teacher ratios.

300       f. Student completion and promotion rates.

301       g. Student, educator, and school performance  
302 accountability outcomes; and

303       8. If the provider is a Florida College System  
304 institution, employs instructors who meet the certification  
305 requirements for instructional staff under chapter 1012.

306       Section 4. Subsection (2) of section 1002.455, Florida  
307 Statutes, is amended to read:

308       1002.455 Student eligibility for K-12 virtual

HB 831

2012

instruction.—

(2) A student is eligible to participate in virtual instruction if:

(a) The student spent the prior school year in attendance at a public school in the state and was enrolled and reported by the school district for funding during October and February for purposes of the Florida Education Finance Program 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 a permanent change of station order;

(c) The student was enrolled during the prior school year in a virtual instruction program under s. 1002.45, the K-8 Virtual School Program under s. 1002.415, or a full-time Florida Virtual School program under s. 1002.37(8)(a);

(d) The student has a sibling who is currently enrolled in a virtual instruction program and the sibling was enrolled in that program at the end of the prior school year; ~~or~~

(e) The student is eligible to enter kindergarten or first grade; or

(f) The student is a student with a disability who has an individual education plan or a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973 and who can access virtual instruction with reasonable and allowable accommodations.

Section 5. This act shall take effect July 1, 2012.