

Proposed 2011 legislation:

Virtual Learning Options for all Florida students



What follows is a proposal to expand learning options in a way that can make Florida a national leader in all types of virtual education. Notably, this report and bill draft are the product of a broad-based Virtual Education Coalition that includes competing stakeholders who, with a focus on the needs of students, found common ground in opening the door to broad and meaningful new virtual options.

How Florida stacks up

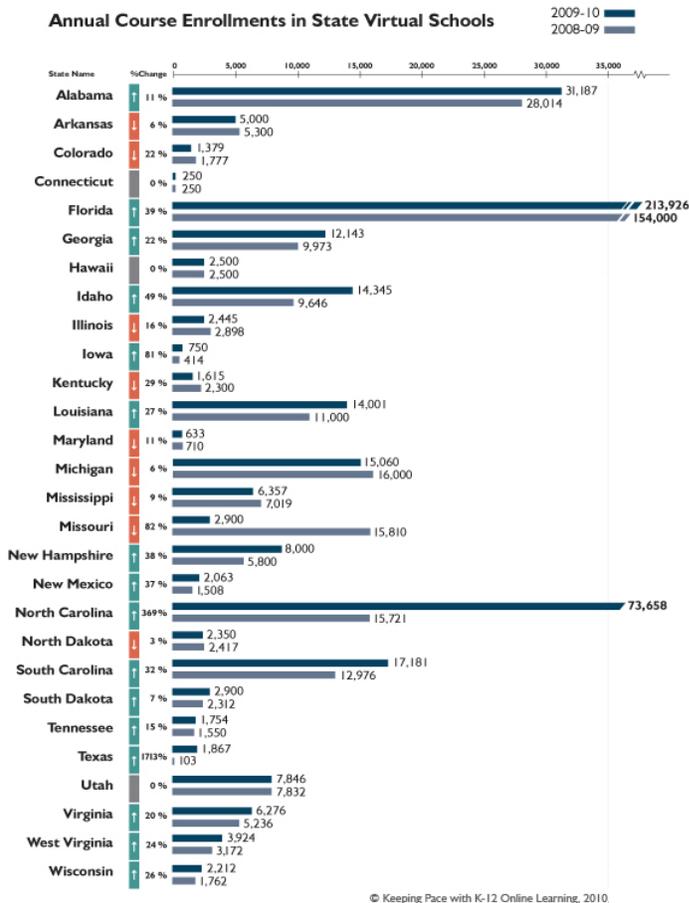
Florida is far and away the national leader in part-time online learning, but lags well behind other states in the provision of fulltime online services. According to the 2010 edition of *Keeping Pace with K-12 Online Learning*, 39 states operate state virtual schools similar to Florida Virtual School, and 27 states offer fulltime online schools similar to the Florida Virtual Instruction Program. In aggregate, 48 states offer some form of online learning with an estimated 1-million students receiving some form of online learning. Of that, about 200,000 receive fulltime virtual education.

In the Sunshine State, Florida Virtual School registered 38 percent growth in 2009-10, with 213,926 course enrollments and 97,183 students. That's three times more than the second-closest state, and the school has continued to receive state and national acclaim. A 2007 Florida TaxWatch report concluded that "FLVS gets solid student achievement results at a reduced cost to the state" and a 2009 *Education Next* cover report called it "virtual school, real success."

The fulltime instruction program does not measure up nearly so well. Its 2009-10 enrollment ranked 15th among the 18 states tracking enrollment, and *Keeping Pace* was unusually critical of the existing framework. "Florida has created a requirement that school districts offer full-time online schools, which has created confusion and inefficiencies across the state," the report stated. "The belief that students should be able to choose an online school has been put into practice through a mandate to districts that in practice is cumbersome, inefficient, and poorly understood within the state."

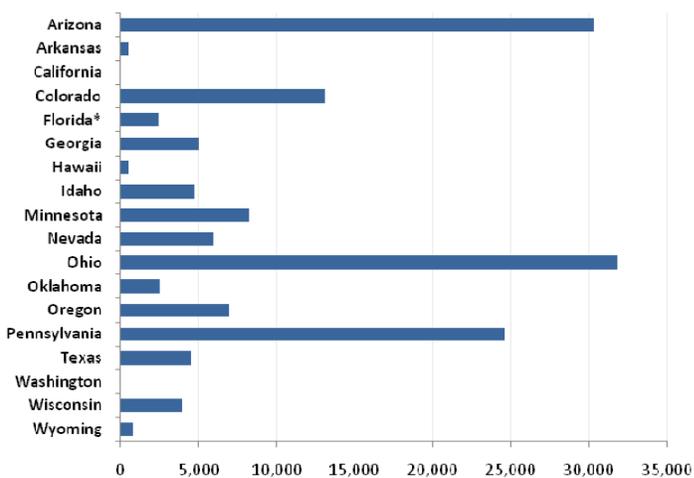
The Florida picture

Online education in Florida is provided in a variety of ways and funded at different levels. FLVS was created in 1997 to serve grades 6-12 part-time and fulltime, and began offering franchises to school districts in 2001. In 2003, the Legislature created a fulltime K-8 Virtual School Program through two private companies, Florida Connections Academy and Florida Virtual Academy (K-12 Inc.), for about 1,000 students statewide. That program is now being phased out. The District Virtual Instruction Program, which provides fulltime virtual education to students in K-12 and part-time for 9-12, was created in 2008. The law mandated that each district provide or make provision for a VIP in 2009-10, and a safety net was established for 165 students in the previous K-8 Virtual Program to assure they were able to remain with Connections and K-12. A variety of other services are provided in districts, including about 40 districts that contract with Educational Options Inc. to provide online education for dropout programs and credit recovery.



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Annual Full-Time Online Enrollment: 2009-10



Data from the Keeping Pace with K-12 Online Learning, 2010.
* VIP, not FLVS; Note: Arizona count includes full- and part-time

A glimpse at the current Florida virtual landscape

	Florida Virtual School	FLVS district franchises	Virtual Instruction Program	Other district programs
Program type	6-12, mostly part-time	6-12, mostly part-time	K-12 fulltime 9-12 part-time DOP, DJJ	K-12 part-time
Student eligibility	Public, private and home education	Public, private and home education	Previous public school required, military	Public school
Participation	2009-10: 213,926 course completions, equal to 17,827 FTE		2009-10: estimated 2,300 students statewide	
Funding	FEFP, paid based on successful completions. 2010-11: \$5,183 per FTE	FEFP based on successful completions	FEFP projected: Districts receive average \$5,300 per FTE and pay vendor average \$3,900 per FTE	FEFP
Accountability	Performance funding. Student performance counts toward district school grade.	Performance funding. Student performance counts toward district school grade.	Performance funding. District VIP uses district grading. Vendor VIP receives statewide grade with D or F requiring improvement plan and two Ds or Fs in four years ending contract.	Part of school's accountability.

Source: DOE Office of Virtual Education

Expanding virtual options for all Florida students

The primary goal is to provide students throughout Florida with as many quality online education options as possible and to make those options available to every student regardless of where they live or whether they attend a district school. The secondary goal is to bring more consistency in the qualifications, funding, and accountability applied to all public and private providers. To achieve these goals, we recommend the following approach:

1. Open the virtual door to every student

Allow every Florida student to access a state-approved virtual education program whether it is provided by the Florida Virtual School, a school district, a virtual charter school or a private provider and whether the program is full or part-time. This would be true for all grades, K-12, and with no preconditions such as prior-year public school attendance.

2. Provide options for K-12 fulltime virtual education

Ensure that every student can choose from multiple statewide virtual education providers and, if offered, an in-district virtual program. These programs would receive the same amount from the state, regardless of provider, and would be required to meet stringent selection criteria and to receive annual grades based on FCAT scores or other measures.

- A) **Remove district mandate:** Districts would no longer be required to provide a fulltime virtual program. If they want to provide virtual instruction within their district, they would be reimbursed at the same rate as all other providers and their virtual students would be grouped together for FCAT-based school grades.
- B) **Modify Florida Education Finance Program (FEFP) to allow FLVS to receive K-5 funding.** FLVS would be given statutory authority to serve K-5 students for FEFP funding.
- C) **Allow qualified private providers to deliver K-12 fulltime virtual statewide.** The state BOE would be directed to select statewide private providers through a process that requires it to examine the qualifications of each provider and the types of courses it would provide. Those providers would be available to students in all 67 counties.
- D) **BOE allowed to charge fees:** The state would be allowed to offset its administrative costs for provider and course review and approval by charging reasonable fees to providers. These fees could not exceed the actual cost of the review.
- E) **District virtual charters.** The charter school law would be amended to allow for provision of virtual charter schools to serve students in individual school districts. The virtual charter group must contract with a state-approved provider. If denied a charter by the district School Board, the group could appeal to the state.

3. Use the same formula to pay every fulltime K-12 provider

The FEFP currently funds FLVS as a special district and with a formula that in 2010-11 provides an average FTE amount of \$5,183. The formula that produces the current FLVS funding would be used to pay for each student receiving fulltime services, whether by FLVS, private providers, or a virtual charter school. That formula should recognize cost factors for vocational and other programs. The amount per FTE would vary slightly based on individual district variables such as district cost

differential and discretionary millage revenue.

- A) **Alter the completion incentive.** The funding model for fulltime providers would recognize the considerable investment involved in establishing each student in the program. It would be based largely on student participation and the same enrollment surveys as traditional district schools. Providers would receive 20 percent of FTE for each quarter of instruction received by the student. After successfully completing the first two quarters of instruction, providers would receive another 10 percent of the FTE based on the portion of successfully completed content. The final 10 percent of the FTE would be paid only upon successful completion of the grade level for K-5 and successful completion of the course for 6-12.
- B) **Pay based on FEFP.** FLVS, school districts and virtual charter schools would receive funding through their current FEFP disbursements based on the formula used for FLVS. Private providers would be paid through a special virtual education funding district controlled and operated by the BOE. Virtual charter schools would be paid by the district, with the district receiving 2 percent for administrative expenses.

4. Provide options for 6-12 part-time virtual education

FLVS would remain as the public statewide provider of virtual courses. It would be joined by eligible private providers selected by the state BOE after meeting the provider standards and specific course approvals. The BOE would also approve courses for any interested school district.

- A) **Develop course approval process:** The BOE would be directed to develop an approval process for virtual courses in grades 6-12. Both approved private providers and districts would submit applications to deliver individual courses, and the board would review and determine whether each course met the standard.
- B) **BOE allowed to charge fees:** The state would be allowed to offset its administrative costs for course review and approval by charging reasonable fees to providers. These fees could not exceed the actual cost of the review.
- C) **Pay providers using the same formula as used for FLVS:** Private providers and districts would be paid using the same formula as FLVS. The BOE would issue the payments, drawing from the special virtual education district created for funding purposes.
- D) **Pay on the current completion basis:** FLVS and private providers would be paid entirely on the basis of completion. The statute, 1002.37, should also be clarified to ensure that FLVS and other providers are paid upon course completion not upon course credit.
- E) **Allow for select elementary (K-5) students:** Provide for funding of qualified elementary (K-5) students who successfully complete secondary virtual courses.

5. Qualifications and measurements for fulltime and part-time providers

The state Board of Education would approve standards for all private providers and for all course content. The process would be similar to that used in the original selection of the fulltime K-8 providers and would vet provider qualifications. BOE would also approve specific course content for statewide private providers, for the Florida Virtual School and for districts that want to provide virtual courses within their local district.

- A) **Maintain most current standards:** From the current VIP statute (1002.45), a private provider must: Possess prior, successful experience offering online courses to elementary, middle, and high school students; Employ Florida certified teachers; Be nonsectarian in its programs, admission policies, employment practices, and operations; Comply with the antidiscrimination provisions of s. 1000.05; Conduct background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records; Be accredited by 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.
- B) **Providing for adjunct online teachers:** Expand the current statutory permission for the granting of adjunct certification to include adjunct certification for online teachers.
- C) **Add new standards:** Require that courses and programs of each provider meet the standards of the International Association for K-12 Online Learning (iNACOL) and the Southern Regional Education Board (SREB) (<http://www.inacol.org/research/nationalstandards/>); Require a detailed curriculum plan that illustrates how students will be provided services to attain proficiency in the Next Generation Sunshine State Standards; Require a method for fulltime providers to determine that a student has satisfied the requirements for graduation for students in grades 9 through 12.
- D) **Accountability for each provider:** Each fulltime program and each full-time provider will receive an annual grade on the same basis as other Florida schools receive a grade under the School Accountability program. Fulltime programs will be graded based on all students enrolled in under a single school number established for fulltime virtual schools, and each provider will be graded on all students enrolled in fulltime virtual schools where the provider delivers both curriculum

and instruction, which may include students enrolled under a contract between a district and a provider, the state and a provider or FLVS and a provider. The BOE will develop an evaluation program for part-time providers that will include the percentage of students making learning gains, the percentage of students successfully passing any required End-of-Course Assessments, and the percentage of students taking as well as scoring a three (3) or above on AP course exams. The DOE would be empowered to disqualify and remove any full-time provider who receives a D or an F as a school grade and to develop a similar failing standard for part-time providers. Disqualified providers shall not be eligible to re-submit for approval for two years after the year in which they are disqualified. Any fulltime program that receives a grade of a D or an F or an I shall be required to submit an improvement plan and must earn a grade of C or above during the next school year and will not be eligible to seek reinstatement as a program for two years after the year of the disqualification.

- E) **First-year grandfathering provision:** For the first school year following passage of these new guidelines, all private providers previously approved by the BOE to participate in fulltime virtual education under Section 1002.45(2), F.S., would receive automatic approval as a provider under the new law. During that first year, BOE would analyze whether each provider should remain based on the new guidelines and previous performance.

6. Providing access to all students and notice to all families

The state should play a role in assuring students are aware of all the options and families have both the tools and adequate time available each year to make fulltime and part-time virtual education choices.

- A) **Publishing the information for all to see:** The BOE would be required to develop a set of disclosure requirements that would be provided to all interested parents on each of the fulltime and part-time programs that would include information concerning the curriculum, school policies, teachers (fulltime or part-time and where they are located) and student-teacher ratios and completion data.
- B) **Open and visible enrollment periods:** The enrollment period for each fulltime virtual program shall be readily identified to all parents, through notice provided by each school district and DOE. The open enrollment period for full-time students must be at least ninety days and may not end earlier than thirty days prior to the first day of the school in the virtual program.
- C) **Assuring that families can exercise their options:** The BOE should be required to promulgate rules that ensure students are able to enroll and participate in the fulltime or part-time virtual program or course of their choice and are not assigned by their resident district to any virtual program or course without their consent.

7. Acclimating all students to virtual education

Each Florida public school student would be required to successfully complete one virtual education course from an approved provider as a requirement of graduation. A student who successfully completes a virtual course in middle school meets this requirement.

8. Evaluate options for K-5 part-time virtual education

Some K-5 students may benefit from virtual courses. The Legislature should direct that a study be conducted by an independent research group or state agency to evaluate the best methods for implementing K-5 part-time virtual education.

About the Virtual Education Coalition:

The Virtual Education Coalition is part of a new parental choice working group formed in May 2010 that draws together more than two dozen advocates for expanding learning options for Florida students. The larger group is known as the Florida Alliance for Choices in Education and is focused on consensus solutions for options that strengthen public education. The Virtual Education Coalition has met in person or through conference calls on nine occasions to exchange and research ideas and build consensus on a plan that opens competition more broadly than in any state.



The participants are:

Co-chairpersons: **Wendy Howard**, chairperson, Florida Chapter of the National Coalition for Public School Options; and **Mark Maxwell**, chief governmental affairs officer, Florida Virtual School

Other participants: **Brewser Brown**, president, SKB Consulting Group; **Brenda Dickinson**, president, Home Education Foundation; **Barbara Dreyer**, president and CEO, Connections Academy; **Jim Horne**, president, The Horne Group; **Brian Kennedy**, executive director, National Coalition for Public School Options; **John Kirtley**, chairman, Step Up For Students; **Patricia Levesque**, executive director, Foundation for Florida's Future; **Will McKinley**, managing partner, Dutko Poole McKinley; **Adam Peshek**, policy analyst, Foundation for Florida's Future; **Doug Tuthill**, president, Step Up For Students; **Steve Uhlfelder**, Uhlfelder & Associates.

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