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MEMORANDUM

TO: School District Superintendents

FROM: Jacob Oliva

DATE: February 19, 2021

SUBJECT: Information on Virtual School Choice Options for Florida Students

Florida offers more virtual options for their students than any other state in the nation. Florida students at all grade levels have both full-time (virtual school) and part-time (virtual course) options. The options include virtual schools and courses offered by Florida Virtual School (FLVS) and by all 67 school districts. School districts may operate their own virtual schools, or enter into a contract with a Florida Department of Education (FDOE)-approved private provider or virtual charter school to provide virtual options for their students. All teachers are Florida certified and Florida Virtual School is currently offering training for teachers. More information can be found at <http://www.flvs.net/FLVSTeacherTraining>.

Virtual education provides options for students, parents and school districts. Through virtual education, students have expanded access to a variety of courses and schools. Virtual education can be a good fit for students with medical or behavioral issues that limit success in a traditional classroom or for students who need a more flexible schedule to participate and train for performing arts, academic, athletic and other endeavors, and also for students who would like to accelerate or catch up. School districts can benefit by using virtual education to meet class size requirements and to offer additional courses and acceleration opportunities for their students in a cost effective manner.

All of Florida's virtual education options are designated by law as school choice options for Florida students. Specifically:

- Section 1001.42(23), Florida Statutes (F.S.), related to virtual instruction, requires school boards to provide students with access to virtual instruction programs, including Florida Virtual School and other approved providers, and to award credit for successful completion of such courses.

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- Section 1002.20(6), F.S., related to educational choice, lists virtual instruction programs and Florida Virtual School as educational choice options.
- Section 1002.37(3)(c), F.S., related to Florida Virtual School, states that school districts may not limit student access to courses offered through Florida Virtual School. Recent legislation does not alter the school choice requirements related to access to FLVS courses. For example, districts may not:
 - Expressly limit a student from enrolling in FLVS courses at any time, or require students to withdraw or drop FLVS courses;
 - Require students to enroll in district courses in the same subjects as FLVS courses (even in the case of graduation requirements in the final year or semester);
 - Require students to take FLVS courses in addition to a full-time schedule at the school;
 - Restrict students from taking FLVS courses for core subjects (allowing students to take FLVS courses only for electives); or
 - Limit the number of FLVS courses in which a student may enroll.
- Section 1002.45(1)(b), F.S., related to virtual instruction programs, requires school districts to provide all enrolled public school students the option of participating in part-time and full-time virtual instruction programs.
- Section 1003.4282(4), F.S., related to the online course graduation requirement, states that a school district may not require a student to take the online course outside the school day or in addition to a student's courses for a given semester. This requirement can be met through online courses offered by Florida Virtual School, district virtual schools, traditional district schools or through dual enrollment.
- Section 1003.498(2)(a), F.S., related to school district virtual course offerings, allows students enrolled in the district to register and enroll in online courses offered by their school district.
- Section 1003.498(2)(b), F.S., related to school district virtual course offerings, allows students enrolled in the district to register and enroll in an online course offered by any other school district in the state.
- Section 1003.498(3), F.S., related to school district virtual course options, requires that access to these online courses shall be available during the school day and that a district may not require a student to take an online course outside the school day which is in addition to the student's courses for a given term or on school grounds.
- Section 1003.499(1)(b), F.S., related to Florida-approved courses and tests, creates the Florida-approved courses and tests initiative to expand student choices in selecting high-quality online courses, and those using blended learning models.

- Section 1007.27(1), F.S., related to articulated acceleration mechanisms, specifies that articulated acceleration mechanisms must be available for secondary (and postsecondary) students and include dual enrollment, Advanced Placement and credit earned through Florida Virtual School.

In addition to providing virtual options for their students and allowing access to virtual options offered by other school districts and Florida Virtual School, districts are also required to inform parents about these options:

- Section 1001.42(17), F.S., related to public information and parental involvement, requires school boards to adopt procedures to adequately inform the general public about the public education programs within the district and educational opportunities available through Florida Virtual School.
- Section 1002.37(10)(d), F.S., states: *Unless an alternative testing site is mutually agreed to by the Florida Virtual School and the school district or as contracted under s. 1008.24, F.S., all statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas. A school district must provide the student with access to the school's testing facilities and the date and time of the administration of each examination or assessment.*
- Section 1002.45(1)(b), F.S., related to virtual instruction programs, requires school districts to notify parents in writing about at least one open enrollment window of 90 days for the district's virtual instruction programs.
- Section 1002.45(6)(b), F.S.: *...each student enrolled in a virtual instruction program or virtual charter school must take statewide assessment pursuant to s. 1008.22. Statewide assessments may be administered within the school district in which such student resides, or as specified in the contract in accordance with s. 1008.23(3). If requested by the approved provider or virtual charter school, the district of residence must provide the student with access to the district's testing facilities.*
- Section 1002.45(10), F.S., related to marketing, specifies that each school district shall provide notification to parents and students about a student's right and choice to participate in a district virtual instruction program, to include virtual charter schools and courses offered by Florida Virtual School.
- Section 1003.02(1)(i), F.S., related to parental notification of acceleration options, requires district school boards to notify parents of students in or entering high school of the opportunity and benefits of various acceleration options, including Florida Virtual School courses.

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School choice through virtual education provides students with additional opportunities to pursue their educational and life goals and provides school districts with another mechanism to serve students with diverse needs. The department developed the attached Q & A to help students, parents and districts better understand the array of virtual education options.

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Attachment

Attachment: Virtual Education Q&A

1. What virtual education choices are available for Florida students?

Florida students may choose to enroll as full-time or part-time public school students in any virtual school offered by any school district or Florida Virtual School (FLVS).

2. May students enroll as full-time students in a virtual school provided by another school district?

Yes, students may enroll in a virtual school provided by another school district.

3. What types of online courses may students take from FLVS and district virtual schools?

Virtual schools offer a variety of courses to include core academic and elective courses. These courses range from credit recovery and general education courses to Honors, Advanced Placement and Career and Technical Education courses. The Florida Online Course Catalog lists over 16,000 online courses offered by school districts, Florida Department of Education (FDOE)-approved providers and FLVS. These include almost 400 unique course titles. To access this valuable resource, please visit <http://app4.fldoe.org/coursecatalog/>.

4. Do FDOE-approved private providers offer public virtual instruction programs and online courses directly to students?

No. FDOE-approved providers offer their public virtual instruction programs and online courses through a contract with a public school district in Florida. The district is still responsible for maintaining, updating and reporting student information for public school students residing in the district and for the student progression, promotion and graduation of these students. However, students enrolled in the district are able to enroll in any available and appropriate online course offered by an FDOE-approved private provider through any school district in the state.

5. Are there limitations on the online courses students may take?

Students may choose any course that is available and appropriate for them based on their age, grade level, academic history and educational goals. If the course is deemed appropriate for the student to take in his or her district public school, then it would be appropriate for the student to take it from the district virtual school, from a virtual school in another school district or from FLVS.

6. May districts establish eligibility criteria to participate in virtual education options?

Virtual instruction programs and courses are designated as school choice options for students. A district may not establish eligibility criteria that would limit student access to virtual choice options. This includes requiring a student to have a specific grade point

Attachment: Virtual Education Q&A

average to participate in a virtual education choice option. However, a district does have the responsibility of providing guidance to students based on the student's academic history and educational goals. This should be addressed on an individual basis rather than setting policies that preclude a whole segment of the student population from participating in virtual education.

7. May districts limit student choice to participate in virtual education options?

The school counselor has a role to play in determining whether an online course is appropriate for the student based on the student's academic history and academic goals. However, a district:

- May not expressly limit a student from enrolling in online courses offered by the school district, another school district or FLVS;
- May not require students to take online courses in addition to a full-time schedule at the school;
- May not limit the number of online courses in which district students may enroll (based on the student's goals and academic history);
- May not deny access to an online course because the course is offered at the student's traditional school;
- May not require students to enroll in a district online course instead of those offered by other school districts or FLVS;
- May not require a student to withdraw from an online course to take the course at the district school;
- May not restrict students from taking online courses for core subjects (allowing students to take online courses only for electives); or
- May not require a student to enroll in a course at a district school in the same subjects as the online course (even in the case of graduation requirements in the final year or semester).

Please note, however, that students enrolled in the district are subject to district policies relating to student progression. While a district may not artificially limit a student's enrollment in online courses offered by the school district, another school district or FLVS if the student would be academically eligible to enroll in the same courses in a brick-and-mortar setting within the district, a district still has authority and responsibility to provide academic guidance to their students. This includes limiting enrollment in courses for which the student is not academically qualified in the same manner it would limit a student from enrolling in brick-and-mortar courses for which the student was not academically qualified.

Attachment: Virtual Education Q&A

8. May districts include policies in the district's student progression plan which limit student choice for the various virtual options specified in law?

No. The district may not include such policies in their student progression plans. For example a district student progression plan may not require students to take online courses from the district and limit or deny access to online courses offered through other school districts and FLVS.

9. If a student is enrolled in a choice option within the school district, can the district limit choice to other options, including virtual education options?

If a student has selected a choice option within the school district that is comprised of specific program courses, the district may condition the student's continued enrollment in that choice option upon maintaining enrollment in those specific program courses.

10. Are districts required to provide access to online courses during the school day?

Yes. Section 1001.42(23), F.S., requires districts to provide access to virtual options offered through the school district, approved providers and FLVS. Sections 1003.498 and 1003.4282, F.S., state that school districts may not require students to take online courses outside of the school day and in addition to the student's courses at the school for a given term.

11. May districts place limits on the number of students taking district online courses?

Districts may place such limits based on the available district resources allotted to each online course.

12. What steps should be taken when a student is interested in taking an online course from another school district?

Students must inform their district school about their desire to take an online course from another district. If the course is available and appropriate, both districts must exchange the necessary information at the point of enrollment and course completion to ensure accurate reporting of all required student and course information.

13. May school districts and FLVS set participation requirements for students to continue enrollment in the virtual choice option?

Yes. As a school choice option, the district or FLVS may specify participation requirements for continuation in the virtual program or course. In addition, a virtual student has to meet compulsory attendance requirements which mandate regular attendance in school. Therefore, virtual students should be logging in and completing lessons, assignments and tests on a regular basis. Participation requirements with associated timeframes must be provided to students and parents up front. The home school district must be notified in a timely manner if withdrawal from the virtual option is imminent.

Attachment: Virtual Education Q&A

14. How do virtual students take statewide assessments?

Section 1002.37(10)(d), F.S., states: *Unless an alternative testing site is mutually agreed to by the Florida Virtual School and the school district or as contracted under s. 1008.24, F.S., all statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas. A school district must provide the student with access to the school's testing facilities and the date and time of the administration of each examination or assessment.*

Also stated in section 1002.45(6)(b), F.S.: *...each student enrolled in a virtual instruction program or virtual charter school must take statewide assessment pursuant to s. 1008.22. Statewide assessments may be administered within the school district in which such student resides, or as specified in the contract in accordance with s. 1008.23(3). If requested by the approved provider or virtual charter school, the district of residence must provide the student with access to the district's testing facilities.*

15. Is professional training available to virtual teachers?

Yes, Florida Virtual School is currently offering training for teachers. More information can be found at <http://www.flvs.net/FLVSTeacherTraining>.

16. How can parents and students find more information related to the public virtual choice options offered in Florida?

Districts are required by law to inform parents about educational programs to include school choice and acceleration options. In addition, parents and students may find more information about virtual education choice options as follows:

- The **Florida Online Course Catalog** at <http://app4.fldoe.org/coursecatalog/>.
- Contacting the **school district** in which they reside. The following link leads to a list of district virtual coordinator contacts: <http://www.fldoe.org/schools/school-choice/virtual-edu/directories/district-virtual-contacts.stml>.
- Contacting **Florida Virtual School** Toll Free at 800-374-1430 or <https://www.flvs.net/contact-us/options>.
- Contacting the **FDOE Virtual Education Office** at virtualeducation@fldoe.org or at <http://fldoe.org/schools/school-choice/virtual-edu/>.