

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1654

INTRODUCER: Senator Gruters

SUBJECT: Education

DATE: March 29, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues	Bouck	ED	Favorable
2.			AED	
3.			AP	

I. Summary:

SB 1654 revises district school board responsibilities, virtual instruction provider requirements, high-performing school district flexibility, and funding for virtual courses and certain assessments. Specifically, the bill:

- Authorizes district school boards to conduct daily business in person; through the use of telecommunications networks, or a combination thereof.
- Retains monthly communication requirements between teachers in virtual instructional programs and families, but removes that the monthly contact must be made by phone.
- Requires that an approved virtual provider contract must be terminated if the provider receives two consecutive school grades of “F.”
- Authorizes high-performing school districts to provide up to two days of virtual instruction as part of the required 180 actual teaching days.

In addition, the bill modifies how virtual education is funded. Instead of funding virtual courses only if the student completes the course with a passing grade or credits earned, the bill requires that a student who is reported during the second and third membership surveys and does not complete the virtual course credits or content prescribed, must be calculated at 80 percent of a full-time equivalent (FTE) student.

A similar provision is added for funding a student enrolled in a course requiring passage of a statewide, standardized end-of-course (EOC) exam to earn a standard high school diploma (Algebra I). The bill requires that a student who is reported during the second and third membership surveys and does not pass the statewide, standardized EOC assessment, must be calculated as 80 percent of an FTE as though the student did pass.

The fiscal impact of the bill is indeterminate. See Section V.

The bill takes effect on July 1, 2021.

II. Present Situation:

District School Board Governance

Each district school board may adopt policies and procedures necessary for the daily business operation of the district school board, including, but not limited to:¹

- The provision of legal services for the district school board;
- Conducting a district legislative program;
- District school board member participation at conferences, conventions, and workshops;
- District school board policy development, adoption, and repeal;
- Meeting procedures, including participation via telecommunications networks, use of technology at meetings, and presentations by nondistrict personnel;
- Citizen communications with the district school board and with individual district school board members;
- Collaboration with local government and other entities as required by law; and
- Organization of the district school board, including special committees and advisory committees.

Florida Education Finance Program (FEFP)

The FEFP is the primary mechanism for funding the operating costs of Florida school districts. Under the FEFP, financial support for education is based on the full-time equivalent² (FTE) student membership in public schools.³ The number of FTE students in each of the funded education programs is multiplied by cost factors⁴ relative to each program to obtain weighted FTE student values.⁵ The base student allocation from state and local funds is determined annually by the Legislature in the General Appropriations Act (GAA) and is a component in the calculation of each school district's base funding.⁶ In addition to the base funding, the Legislature may appropriate categorical funding for specified programs, activities or purposes, such as for mental health assistance.⁷ School districts may also earn supplemental FTE funding through the FEFP for programs based on performance, such as College Board Advanced Placement bonus funding.⁸

¹ Section 1001.43(10), F.S.

² A "full-time student" is one student on the membership roll of one school program or a combination of school programs for the school year or the equivalent for instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program. A full-time equivalent student in a virtual instruction program, virtual charter school, or FLVS consists of 6 full-credit completions or the prescribed level of content that counts toward promotion to the next grade. Credit completions may be a combination of full-credit courses and half-credit courses. Section 1011.61(1), F.S.

³ Section 1011.62, F.S.

⁴ Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.

⁵ Section 1011.62, F.S. Florida Department of Education (FDOE), *2020-21 Funding for Florida School Districts* (2020) available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 1.

⁶ *Id* at 17.

⁷ Section 1011.62(6) F.S.

⁸ Section 1011.62(1) F.S.

School districts report student membership through a number of surveys periods. For FTE reporting, the survey periods cover the following time frames:⁹

- Survey Period 1 (July), covers the time period from the beginning of the fiscal year (July 1) to the beginning of the defined 180-day school year.
- Survey Period 2 (October), covers the first 90 days of the 180-day school year.
- Survey Period 3 (February), covers the second 90 days of the 180-day school year.
- Survey Period 4 (June), covers the period from the end of the 180-day school program to the end of the fiscal year (June 30).
- Survey Period 5, covers reporting of prior school year data for specified programs.

Virtual courses are reported and funded in a similar manner except, virtual courses are funded on performance and only funded if the student completes the course with a passing grade or credits earned.¹⁰ For students reported in Survey Periods 2 and 3 during the 2019-2020 school year, 309,469 students completed virtual courses with passing grades, 4,381 students failed their virtual courses, and 84,987 students did not complete their virtual courses.¹¹

Each school district that participates in the FEFP is required to provide evidence of its effort to maintain an adequate school program throughout the district and must:¹²

- Maintain adequate and accurate records;
- Operate all schools for a term of 180 actual teaching days or the equivalent;
- Adopt rules relating to personnel;
- Expend funds for salaries in accordance with an adopted salary schedule or schedules;
- Observe all requirements of law and rules of the State Board of Education (SBE) relating to the preparation, adoption, and execution of budgets for district school boards;
- Make the financial effort required for the support of the FEFP as prescribed in the GAA; and
- Maintain a system of planning and evaluation as required by law.

Statewide Assessment Program

The primary purpose of the student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff. The data is to be used by districts to improve instruction; by students, parents, and teachers to guide learning objectives; by education researchers to assess national and international education comparison data; and by the public to assess the cost benefit of the expenditure of taxpayer dollars.¹³

The statewide assessment program for Florida's public schools includes statewide, standardized assessments for ELA (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Geometry, Biology I, Civics, and U.S. History; and the Statewide

⁹ FDOE, *FTE General Instructions 2020-21* (2020), available at <http://www.fldoe.org/core/fileparse.php/19916/urlt/11-3.PDF> at 1.

¹⁰ FDOE, *FTE General Instructions 2020-21* (2020), available at <http://www.fldoe.org/core/fileparse.php/19916/urlt/11-3.PDF> at 43. Section 1011.61(1)(c)1.b(III)-(VI), F.S.

¹¹ Email, FDOE, Jessica Fowler, Deputy Legislative Affairs Director, *RE: Data Request* (March 25, 2021).

¹² Section 1011.60, F.S.

¹³ Section 1008.22(1), F.S.

Science Assessment (grades 5 and 8).¹⁴ Results from the assessments are used to calculate school grades and school improvement ratings,¹⁵ and determine student readiness for promotion to 4th grade and high school graduation.¹⁶ Passing the Grade 10 ELA exam or a concordant score and Algebra 1 EOC or a comparative score are required to earn a standard diploma.¹⁷

Spring 2019 EOC results are illustrated in the table below:¹⁸

Spring 2019 (First-time Testers)			
EOC Exam	Total Passed Assessments. (Level 3 and Above)	Total Failed Assessments. (Level 2 and Below)	Total assessments taken.
Algebra 1	127,610	79,450	207,060
Geometry	112,624	84,330	196,954
Biology 1	134,580	65,110	199,690
U.S. History	124,080	53,616	177,696
Civics	151,388	61,795	213,183

A student FTE for courses requiring passage of a statewide, standardized end-of-course assessment to earn a standard high school diploma (Algebra I) must be defined and reported based on the number of instructional hours.¹⁹ For each full-time student who passes a statewide standardized end-of-course assessment without ever being enrolled in the corresponding course, the district may report 1 /6 of an FTE in survey 4.²⁰

School Grading System

School grades provide an easily understandable way to measure the performance of a school. Parents and the general public can use the school grade and its components to understand how well each school serves students.²¹ School grades are used in the state system of school improvement and accountability²² to determine the need for school intervention and support,²³ or whether a school qualifies for school recognition funds.²⁴

¹⁴ Sections 1008.22(3) and 1003.4156, F.S.

¹⁵ See ss. 1008.34 and 1008.341, F.S.

¹⁶ See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

¹⁷ FDOE, *Standard Diploma Requirements* (2020), available at <https://www.fldoe.org/core/fileparse.php/7764/urlt/StandardDiplomaRequirements.pdf>. FDOE, *Graduation Requirements for Florida's Statewide Assessments* (2020), available at <http://www.fldoe.org/core/fileparse.php/7764/urlt/GradRequireFSA.pdf>.

¹⁸ Email, FDOE, Jessica Fowler, Deputy Legislative Affairs Director, *RE: Data Request* (March 25, 2021).

¹⁹ Section 1011.61(1)(c)1.b.(VII), F.S.

²⁰ FDOE, *FTE General Instructions 2020-21* (2020), available at <http://www.fldoe.org/core/fileparse.php/19916/urlt/11-3.PDF> at 2. Section 1011.61(1)(c)1.b.(VIII), F.S.

²¹ FDOE, *2019 School Grades Overview* (2019), available at <http://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesOverview19.pdf>. (last visited March 24, 2020).

²² Florida received a waiver from the United States Department of Education for the 2019-2020 school year for statewide assessments, accountability and reporting requirements required under federal law due to the COVID-19 pandemic. FDOE, *United States Department of Education* (2020), available at <https://www.fldoe.org/core/fileparse.php/19861/urlt/FLCovid19WaiverResponse.pdf>.

²³ Section 1008.33(4), F.S.

²⁴ Section 1008.36, F.S.

Schools are graded at one of the following grades:²⁵

- “A,” schools making excellent progress (62 percent or higher of total applicable points).
- “B,” schools making above average progress (54 to 61 percent of total applicable points).
- “C,” schools making satisfactory progress (41 to 53 percent of total applicable points).
- “D,” schools making less than satisfactory progress (32 to 40 percent of total applicable points).
- “F,” schools failing to make adequate progress (31 percent or less of total applicable points).

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. All schools are graded on the percentage of eligible students who pass assessments in English and language arts (ELA), mathematics, science, and social studies; student learning gains in ELA and mathematics; and students in the lowest 25 percent of ELA and mathematics performers who make learning gains.²⁶ Middle and high school models include additional components beyond the basic model.²⁷

For a high school comprised of grades 9 through 12 or grades 10 through 12, the school’s grade is also based on the following components:²⁸

- The 4-year high school graduation rate of the school as defined by SBE rule.²⁹
- The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement (AP) examinations, International Baccalaureate (IB) examinations, dual enrollment courses, or Advanced International Certificate of Education (AICE) examinations; or who, at any time during high school, earned national industry certifications identified in the CAPE Industry Certification Funding List, pursuant to rules adopted by the SBE.³⁰

School districts receive a school grade based on a district-level calculation of the school grade components. The calculation methodology captures each eligible student in the district who may have transferred among schools within the district or is enrolled in a school that does not receive a grade.³¹

School Improvement Rating

An alternative school is a school that provides dropout prevention and academic intervention services. An alternative school must receive a school improvement rating unless the school earns

²⁵ Section 1008.34(2), F.S. and Rule 6A-1.09981(4)(d), F.A.C.

²⁶ Section 1008.34(3)(b), F.S. If a school does not have at least 10 students with complete data for one or more of the components, those components may not be used in calculating the school’s grade. Section 1008.34(3)(a), F.S.

²⁷ Section 1008.34(3)(b), F.S. and Rule 6A-1.09981(4)(a)-(c), F.A.C.

²⁸ Section 1008.34(3)(b)2., F.S., and Rule 6A-1.09981(4)(c)2. and 3., F.A.C.

²⁹ The four-year high school graduation rate of the school as measured according to 34 CFR §200.19, Other Academic Indicators, effective November 28, 2008. Rule 6A-1.09981(4)(c)1., F.A.C.

³⁰ Beginning with the 2022-2023 school year, a student who earned an Armed Services Qualification Test score that falls within Category II or higher on the Armed Services Vocational Aptitude Battery and earned a minimum of two credits in Junior Reserve Officers’ Training Corps courses from the same branch of the United States Armed Forces qualifies for this component. Section 1008.34(3)(b)2.b.

³¹ Section 1008.34(5), F.S.

a school grade. The school improvement rating identifies an alternative school as having one of the following ratings:³²

- “Commendable” means a significant percentage of the students attending the school are making Learning Gains.³³
- “Maintaining” means a sufficient percentage of the students attending the school are making Learning Gains.
- “Unsatisfactory” means an insufficient percentage of the students attending the school are making Learning Gains.

High-Performing School Districts

Florida recognizes and rewards school districts that demonstrate the ability to consistently maintain or improve their high-performing status through providing such districts with flexibility in meeting specific requirements.³⁴

A school district is an academically high-performing school district if it meets the following criteria:³⁵

- Earn a grade of “A” for two consecutive years and has no district-operated school that earns a grade of “F”;
- Complies with all class size requirements;³⁶ and
- Has no material weaknesses or instances of material noncompliance noted in the annual financial audit.

Specific requirements that high-performing school districts must meet include requirements pertaining to:

- The provision of services to students with disabilities;
- Civil rights and provisions relating discrimination;
- Student health, safety, and welfare;
- The election or compensation of district school board members;
- Student assessment program and the school grading system;
- Financial matters with specified exemptions;
- Planning and budgeting;
- Public school personnel compensation and salary schedules;
- Educational facilities with specified exemptions;
- Instructional materials with specified exemptions;
- Uniform opening date of public schools; and

³² Section 1008.341(2), F.S.

³³ Student Learning Gains in English Language Arts and mathematics are based on statewide, standardized assessments, including retakes, for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have assessment scores, concordant scores, or comparable scores for the preceding school year. Section 1008.341(3), F.S.

³⁴ Section 1003.621, F.S.

³⁵ *Id.*

³⁶ In 2002, citizens approved an amendment to the Florida Constitution that set limits on the number of students in core classes in the state's public schools. Beginning with the 2010-2011 school year, the maximum number of students in each core class would be 18 students in prekindergarten through grade 3; 22 students in grades 4 through 8; and 25 students in grades 9 through 12. FDOE, *Class Size* <http://www.fl DOE.org/finance/budget/class-size/> (last visited March 25, 2021).

- Requirements specific to High-Performing School Districts.

Virtual Learning

Virtual learning is a rapidly growing space in education policy, seeking to maximize potential for instructional innovation, prepare students for life in the digital age and meet students' unique needs.³⁷ Virtual learning takes a variety of forms, including full-time virtual schools, supplemental course offerings and blended learning programs. Virtual schools, including charters, single-district schools and statewide programs, have emerged as educational options for students and parents seeking flexibility and individualized learning. Full-time virtual schools enrolled nearly 375,000 students across 32 states in the 2018-2019 school year, with a majority of those students enrolled in virtual charter schools.³⁸

State virtual schools in 21 states collectively served over 1 million supplemental, part-time, online course enrollments during the 2017-2018 school year.³⁹

Digital Learning Now Act

In 2011, the Florida Legislature created the Digital Learning Now Act to provide all kindergarten through grade 12 students with access to multiple high quality part-time and full-time digital learning options, including:⁴⁰

- Full-time virtual charter school instruction.
- Florida Virtual School (FLVS).
- School district operated part-time and full-time virtual instruction program (VIP) options.
- Other online and blended courses.

Virtual Charter Schools

Virtual charter schools are charter schools that are full-time public virtual schools. Students access the curriculum and instruction, and interact with teachers, outside of a traditional school setting, usually from home.⁴¹ An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application to become a virtual charter school.⁴² An approved virtual charter school may provide full-time virtual instruction for students in kindergarten through grade 12 by:⁴³

- Contracting with FLVS.
- Contracting with an approved provider.
- Entering into a VIP agreement with a school district.

³⁷ Education Commission of the States, *Virtual School Policies December 2019*, available at <https://www.ecs.org/wp-content/uploads/Virtual-School-Policies.pdf>.

³⁸ Digital Learning Collaborative, *Snapshot 2020 A review of K-12 online, blended, and digital learning* (2020), available at <https://static1.squarespace.com/static/5a98496696d4556b01f86662/t/5e61341d879e630db4481a01/1583428708513/DLC-KP-Snapshot2020.pdf> at 7.

³⁹ *Id.* at 18.

⁴⁰ Section 1002.321(4) and Section 1002.455, F.S.

⁴¹ FDOE, *General Information on Virtual Charter Schools*, <http://www.fldoe.org/schools/school-choice/virtual-edu/virtual-charter-school/vcs-info.stml> (last visited March 25, 2021).

⁴² Section 1002.33(1), F.S.

⁴³ Section 1002.45(1), F.S.

Virtual charter schools enrolled 4,905 students in the 2019-2020 school year,⁴⁴ and currently 6,015 students are enrolled in seven virtual charter schools for the 2019-2020 school year.⁴⁵

Florida Virtual School (FLVS)

FLVS was established to develop and deliver online and distance learning education,⁴⁶ and is part of the Florida public school system.⁴⁷ The Commissioner of Education is charged with monitoring FLVS.⁴⁸ Current law requires FLVS to serve any student in the state who meets the profile for success, giving priority to:⁴⁹

- Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools.
- Students seeking accelerated access in order to obtain a high school diploma at least one semester early.
- Students who are children of an active duty member of the United States Armed Forces whose home of record or state of legal residence is Florida.

During the 2019-2020 school year, FLVS served more than 230,000 students in Florida through full- and part-time instruction, including 5,770 full-time students and 225,761 part-time students, who completed a total of 562,190 semester courses.⁵⁰

Virtual Instruction Program (VIP)

A VIP is defined as 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.⁵¹ Each VIP is required to:⁵²

- Align virtual course curriculum and course content to the state standards.
- Offer instruction designed to enable a student to gain proficiency in each course of study.
- Provide each student enrolled with all necessary instructional materials.
- Provide qualified⁵³ full-time students with equipment and Internet access.
- Not require tuition or student registration fees.

⁴⁴ FDOE, *Fact Sheet, Office of Independent Education and Parental Choice* (2020), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Virtual-Sept.pdf>.

⁴⁵ Email, FDOE, Jessica Fowler, Deputy Legislative Affairs Director, *RE: Virtual Charter Data* (March 11, 2021) (On file with the Senate Committee on Education).

⁴⁶ Section 1002.37(1), F.S.

⁴⁷ Section 1000.04(4), F.S.

⁴⁸ Section 1002.37(1)(a), F.S.

⁴⁹ *Id.*

⁵⁰ FDOE, *Fact Sheet, Office of Independent Education and Parental Choice* (2020), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Virtual-Sept.pdf>. FLVS, *FLVS District Enrollment Summary 2019-2020* (2020), available at <https://www.flvs.net/docs/default-source/district/flvs-district-enrollment-summary.pdf>.

⁵¹ Section 1002.45(1)(a)2., F.S.

⁵² Section 1002.45(3), F.S.

⁵³ Any student who qualifies for free or reduced-price school lunches under the National School Lunch Act, or who is on the direct certification list, and who does not have a computer or Internet access in his or her home. Section 1002.45 (3)(d), F.S.

Smaller school districts receiving the sparsity supplement⁵⁴ are required to offer at least one full-time and part-time VIP option⁵⁵ and schools districts not receiving the sparsity supplement are required to offer at least three options.⁵⁶

In order to provide students the opportunity to participate in VIP options, a school district may:⁵⁷

- Contract with FLVS or establish an FLVS franchise.⁵⁸
- Contract with an approved provider.⁵⁹
- Enter into an agreement with other school districts.
- Establish school district operated part-time or full-time VIP options.
- Enter into an agreement with a virtual charter school.

The Florida Department of Education (FDOE) is tasked with annually publishing a list of providers approved to offer VIP options.⁶⁰ Among other requirements to be approved, a provider must document that it possesses prior, successful experience offering online courses to elementary, middle, or high school students and that it follows specific teacher-parent and teacher-student communication requirements, including conducting one contact via phone with the parent and student each month.⁶¹

Once approved, a VIP provider retains its status for 3 years.⁶² However, for a provider without sufficient prior, successful experience offering online courses, the FDOE may conditionally approve the provider to offer courses for one school year.⁶³

Each approved provider must participate in the statewide assessment program and in the state's education performance accountability system and receive a school grade or school improvement rating.⁶⁴ An approved provider that receives a school grade of "D" or "F" or a school improvement rating of "Unsatisfactory" must file a school improvement plan with the FDOE.⁶⁵ An approved provider's contract must be terminated if the provider receives a school grade of "D" or "F" or a school improvement rating of "Unsatisfactory" for two years during any consecutive four-year period.⁶⁶

⁵⁴ School districts having a student population of 24,000 or fewer full-time equivalent students may receive additional funding through the sparsity supplement as determined through a statutory formula and provided in the General Appropriations Act. FDOE, *2020-21 Funding for Florida School Districts* (2020), available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 18.

⁵⁵ FDOE, *District Virtual Options for Students*, <http://www.fldoe.org/schools/school-choice/virtual-edu/parent-resources/district-virtual-options.stml> (last visited March 25, 2021).

⁵⁶ Section 1002.45(1)(b), F.S.

⁵⁷ Section 1002.45(1)(c), F.S.

⁵⁸ FLVS, *County Virtual Schools*, <https://www.flvs.net/florida-school-solutions/county-virtual-schools> (last visited March 25, 2021).

⁵⁹ Approved providers include a provider that is approved by the FDOE, FLVS, a franchise of FLVS, or a Florida College System institution. Section 1002.45(1)(a)1., F.S., and Rule 6A-6.0981, F.A.C.

⁶⁰ Section 1002.45(2)(a), F.S.

⁶¹ Section 1002.45(2)(a)5., F.S.

⁶² Section 1002.45(2)(b), F.S.

⁶³ *Id.*

⁶⁴ Section 1002.45(8), F.S.

⁶⁵ *Id.*

⁶⁶ *Id.*

More than 21,000 students participated in school district VIP options during the 2019-2020 school year.⁶⁷

III. Effect of Proposed Changes:

SB 1654 revises district school board responsibilities, virtual instruction provider requirements, high-performing school district flexibility, and funding for virtual courses and certain assessments. Specifically, the bill:

- Modifies s. 1001.43, F.S., relating to supplemental powers and duties of the district school board, to authorize a district school board to conduct daily business in person; through the use of telecommunications networks, or a combination thereof.
- Modifies s. 1002.45, F.S., relating to virtual instruction programs to:
 - Retain the minimum monthly communication requirement between teachers in virtual instruction programs and students and parents, but removes that the monthly contact must be made by phone.
 - Modify the criteria for termination of an approved provider's contract to specified two consecutive school grades of "F," rather than a school grade of "D" or "F," or two consecutive school improvement ratings of "unsatisfactory," rather than one such rating. The bill also specifies termination is subject to the exhaustion of all appeals.
- Modifies s. 1003.621, F.S., relating to academically high-performing school districts, to authorize high-performing school districts to provide up to two days of virtual instruction as part of the required 180 actual teaching days and specifies that the virtual instruction must be teacher-developed and aligned with enrolled courses.

In addition, the bill modifies s. 1011.61, F.S., to change how virtual education is funded. Instead of funding virtual courses only if the student completes the course with a passing grade or credits earned,⁶⁸ the bill requires that a student who is reported during the second and third membership surveys and does not complete the virtual course credits or content prescribed, must be calculated at 80 percent of an FTE. Similarly, the bill requires a student who enrolls in an online course outside of their school district and does not complete the course, the funding for the course is to be calculated as 80 percent of one-sixth FTE. Funding courses in the manner recognizes there are costs associated with serving students who enroll in virtual courses but may not complete such courses.

A similar provision is added for funding a student enrolled in course requiring passage of a statewide, standardized end-of-course (EOC) to earn a standard high school diploma (Algebra I). The bill requires that a student who is reported during the second and third membership surveys and does not pass the statewide, standardized EOC assessment, must be calculated as 80 percent of an FTE as though the student did pass. Funding Algebra I in this manner transitions the funding for Algebra I to a performance-based model.

The bill takes effect on July 1, 2021.

⁶⁷ FDOE, *Fact Sheet, Office of Independent Education and Parental Choice* (2020), available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Virtual-Sept.pdf>.

⁶⁸ FDOE, *FTE General Instructions 2020-21* (2020), available at <http://www.fldoe.org/core/fileparse.php/19916/urlt/11-3.PDF>, at 43.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact of the bill is indeterminate. Modifying funding for students who do not complete virtual courses or fail the Algebra I End of Course Exam, may result in more or less FTE reported through the Florida Education Finance Program (FEFP).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.43, 1002.45, 1003.621, and 1011.61.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
