

STATE BOARD OF EDUCATION
Consent Item
June 24, 2015

SUBJECT: Approval of Amendment to Rule 6A-6.0981, Provider Approval and Renewal for Virtual Instruction Program

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1002.45, Florida Statutes

EXECUTIVE SUMMARY

This rule outlines the process through which private entities can become approved to enter into contractual agreements with Florida school districts or virtual charter schools to offer virtual instruction.

The purpose of this rule amendment is to include a renewal process for approved virtual instruction program providers. The renewal application will include the following: disclosure requirements, parent/student information requirements, accreditation, curriculum and instruction, student performance and accountability, financial audit, and supporting documentation.

Supporting Documentation Included: Proposed Rule 6A-6.0981, F.A.C. and Form VSP-02R, Virtual Instruction Program Application for Provider Renewal

Facilitator: Adam Miller, Executive Director, Office of Independent Education and Parental Choice

6A-6.0981 Provider Approval and Renewal for Virtual Instruction Program.

(1) Purpose. Section 1002.45, F.S., requires each school district to provide eligible students within its boundaries the option to participate in a virtual instruction program. The Department of Education will provide school districts and virtual charter schools annually with a list of providers approved to offer full and part-time virtual instruction programs under this section of law.

(2)(a) Application Form. Form VSP-02, Virtual Instruction Program Application for Provider Approval (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03386>), for becoming an approved provider for the Virtual Instruction Program, will be used for those virtual education providers applying for approved status from the Department of Education. Form VSP-02 is hereby incorporated by reference and made a part of this rule to become effective January 2014.

(b) Application Form. Form VSP-02R ~~VSP-02PT~~, Virtual Instruction Program Application for ~~Part Time~~ Provider Renewal Approval (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03387>), for renewing ~~becoming~~ an approved ~~part-time~~ provider for the Virtual Instruction Program, will be used for those virtual education providers applying for renewal ~~approved~~ status from the Department of Education. Form VSP-02R ~~VSP-02PT~~ is hereby incorporated by reference and made a part of this rule to become effective July 2015 ~~January 2014~~. Copies ~~A copy~~ of fForms VSP-02 and VSP-02R ~~VSP-02PT~~ may be obtained by contacting the Office of Independent Education and Parental Choice ~~Division of Public Schools, Office of the Chancellor~~, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) Applications. The applications to become an approved provider or for renewal will be available at www.fldoe.org/Schools/virtual-schools/districtVIP.asp beginning September 1 of each year for the following school year and must be accessed and submitted electronically. The deadline for filing the application is September 30.

(a) Pursuant to Section 1002.45(2)(a)5., F.S., the applicant must possess prior successful experience offering online courses to elementary, middle and high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instruction program option.

1. Initial Approval. For applicants seeking initial approval, prior successful experience shall be demonstrated as follows: Learning gains shall be sufficient if they demonstrate a level of gains comparable to the level of gains that would be anticipated in a Florida public school earning a school grade of “C” or better, in accordance with Section 1008.34, F.S., or demonstrate that the applicant will likely meet the learning gains component necessary to maintain

a school grade of “C” or better pursuant to Section 1002.45(8), F.S. Upon an applicant’s request the Department of Education shall conditionally approve a provider who is otherwise qualified but without sufficient prior, successful experience offering online courses, to offer courses measured by statewide assessments under Section 1008.22, F.S., with a learning gains component, end-of-course assessments, or Advanced Placement (AP) examinations. Conditional approval shall be valid for one (1) school year only and, based on the provider’s subsequent experience in offering the courses under this paragraph, the Department shall determine whether to grant final approval to offer a virtual instruction program under the criteria for successful experience as outlined in this paragraph.

2. Renewal. Renewal applicants with a school grade in the most recent grades release by the Department of Education meet the prior successful experience criteria unless they are disqualified pursuant to Section 1002.45(8), F. S. Pursuant to Section 1002.45(8), F. S., a provider who was disqualified under this section shall be ineligible for approval for one (1) year. Thereafter, the provider must submit an application for initial approval. Renewal applicants without a school grade must meet the criteria for prior successful experience required for initial approval.

(b) through (6) No change.

Rulemaking Authority 1001.02(1), (2)(n), 1002.45(11) FS. Law Implemented 1002.45 FS. History—New 11-26-08, Amended 10-21-09, 3-20-11, 12-20-11, 1-23-13, 1-1-14,



Florida Department of Education

Virtual Instruction Program Application for Provider Renewal

Providers will use this application form, VSP – 02R to renew their currently approved program. The initial application cycle will be open for thirty (30) days.

To be approved, the application and all documentation must be received by September 30. Approval requires the Applicant to complete all the information requested in all parts of the application and a determination that the Provider meets the compliance requirements set forth in Part 2. Incomplete applications will not be reviewed. The department will provide the Applicant with a written decision regarding the approval or denial of the application no later than forty-five (45) days after the deadline.

If the application is denied, the Applicant will receive written notification identifying the specific areas of deficiency. The Applicant shall have thirty (30) calendar days after receipt of the notice of denial to resolve any outstanding issues, and resubmit its application for reconsideration. The Applicant will receive a final written notice of approval or denial.

Please submit completed online applications to <http://www.fldoe.org/schools/school-choice/virtual-edu/dis-virtual-instruction-programs.shtml>

Please direct your questions to Virtualeducation@fldoe.org.

Applicant/Provider Name: _____

Primary Contact Person: _____

Title: _____

Address: _____

City/State/Zip Code: _____

Telephone: _____

Fax: _____

E-mail Address: _____

Part 1 – Description of Virtual Instruction Program to be Provided

Please describe the type of virtual instruction program you are applying to provide in Florida for the Virtual Instruction Program. Part 1 of this application provides a basis for evaluation in Part 2. Therefore, be sure to provide documentation in Part 2 of the application to support your ability to offer the type of program described in Part 1.

Type of Program: ___ Renewal

Grades levels to be served: ___ K ___ 7
(Check all that apply) ___ 1 ___ 8
 ___ 2 ___ 9
 ___ 3 ___ 10
 ___ 4 ___ 11
 ___ 5 ___ 12
 ___ 6

Target population: ___ All students
(Check all that apply) ___ Dropout Prevention/Academic Intervention
 ___ Credit Recovery
 ___ Vocational/Career Education
 ___ Juvenile Justice
 ___ English Language Learner (ELL)
 ___ Exceptional Student (ESE) – Specify _____
 ___ Academically Talented/Gifted
 ___ Other – Specify: _____

Capacity of Program in terms of the number of full-time equivalent students that could be served for each year: Year 1 _____ Year 2 _____ Year 3 _____

List of new and/or revised Florida courses to be offered or URL to course directory (include course code numbers and titles from the Florida Course Code Directory at:
<http://www.fldoe.org/policy/articulation/ccd/index.shtml>

Online Teacher Requirements:

- minimum hiring criteria (academic credentials, certifications, teaching experience, other)
- demonstrated competencies in online instruction and learning technologies (please list competencies assessed)
- initial and ongoing professional development (please list required and optional professional development activities, both education-related and skills-based)
- type and frequency of teacher evaluations and percent of evaluation based on student performance

Disclosure Requirements

Section 1002.45, Florida Statutes, requires the Provider to publish, for the general public, and as part of this application and any subsequent applications or contracts with school districts, the following information:

- Information and data about the curriculum of each full-time and part-time program. Please include, at minimum, the source or origin of curriculum and course content, specific research and best practice used in design, the basis for and frequency of revisions, research related to effectiveness of curriculum, evidence that content and assessments are accurate, free of bias, and accessible for students with disabilities and limited English proficiency, and National Collegiate Athletic Association (NCAA) approval status for each applicable high school course offered.
- All school policies and procedures. To address specific questions in this application, please provide policies and procedures related to the following topics in an easy-to-find location on this disclosure website so they can be reviewed: non-sectarian, anti-discrimination, teacher responsibilities, parental responsibilities, teacher-student interaction, teacher-parent interaction, academic integrity, student eligibility, state assessment requirements, attendance and participation requirements.
- Certification status and physical location (state of residence) of all administrative and instructional personnel, to include state certification(s), highly-qualified status, out-of-field, National Board certified, ESOL-endorsed or similar credential in other state, and reading-endorsed or similar credential in other state.
- Hours and availability of instructional personnel.
- Average student-teacher ratios and teacher loads for full-time and part-time teachers by grade-level bands K-3, 4-8 and 9-12 and for core and elective courses.
- Student completions (percent completions and percent successful completions) and promotion rates in total and by subgroup*. Student completion calculations are to include all students who are enrolled for more than 14 calendar days in a course.
- Student, educator, and school performance accountability outcomes. Please include, at minimum, student standardized assessment results in total and by subgroup* (also provide name of assessment), state assessment results, if available, by total and subgroup, percent of teacher evaluations based on student performance, percent of teachers in previous years with effective or highly effective evaluations, school grades, if applicable, other school/program ratings, dropout rates, graduation rates.

*Subgroups to include students from major racial and ethnic groups, economically disadvantaged students, students with disabilities, and students with limited English proficiency.

Provide the link(s) to where this required disclosure information is prominently displayed on your website and that information is up to date:

Parent and Student Information Requirements

Section 1002.45(2)(a)4., Florida Statutes, requires the Provider to provide the following information posted and accessible online to parents and students. Please describe specifically how you will make this information available to your parents and students.

- How to contact the instructor via phone, email, or online messaging tools.
- How to contact technical support via phone, email, or online messaging tools.
- How to contact the administrative office via phone, email, or online messaging tools.
- Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.
- The requirement that the instructor in each course must, at a minimum, conduct one contact via phone with the parent and the student each month.

Part 2 – Verification of Provider Compliance Requirements

For each question in Part 2 of the application, the Applicant must provide the information requested and documentation to support compliance for each requirement. Applications without requested information and documentation will not be considered for approval.

PROVIDER REQUIREMENTS

1. The Provider is accredited by the K-12 section of one of the federally-recognized, regional accrediting agencies, or their assigns, specified in State Board of Education Rule 6A-6.0981, Florida Administrative Code.

- _____ AdvancED
- _____ Middle States Association of Colleges and Schools Commission on Elementary Schools and Commission on Secondary Schools
- _____ New England Association of Schools and Colleges
- _____ Northwest Accreditation Commission
- _____ Western Association of Schools and Colleges

Upload documentation to Support Provider Compliance: Accreditation certificate confirming accreditation and dates of validity if certificate expired after prior approval.

CURRICULUM AND INSTRUCTION

2. The Provider ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide for new or revised courses.
 - Courses and programs that meet the iNACOL Standards for K-12 Online Learning and the Southern Regional Education Board.
 - Instructional content and services that align with, and measure student attainment of, student proficiency in Florida's currently adopted state standards.
 - Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma.

Upload documentation to Support Provider Compliance: Please upload the curriculum and student performance accountability plan required in Section 1002.45(2)(a)7., Florida Statutes. This plan should include the following items in the order presented below.

- *For each new or revised course a completed checklist for the iNACOL National Standards of Quality for Online Courses for one course per subject area at each grade-level band (K-5, 6-8, and 9-12, if applicable). Evidence to demonstrate the course meets iNACOL standards must be included for each section of standards included in the checklist. File names for iNACOL documents must include Florida course codes and titles (e.g., iNACOL.1200310.Algebra1). The standards can be downloaded at:
<http://www.inacol.org/resources/publications/national-quality-standards/>*
- *For each new or revised course the Provider proposes to offer, a completed Florida online course alignment document that includes all of the standards/benchmarks listed for the course on the following website:
<http://www.cpalms.org/Public/> which is in accordance with Rule 6A-1.09412, F.A.C and is incorporated by reference herein. For each standard/benchmark listed, evidence of alignment must specify where the standard/benchmark is taught in the course, how it is taught and how mastery is assessed. File names for alignment documents must include Florida course codes and course titles as specified in the most current Course Code Directory located at:
<http://www.fldoe.org/policy/articulation/ccd/index.shtml> (e.g., 1200310.Algebra1) which is incorporated into Rule 6A-1.09441 and is incorporated by reference herein. For Advanced Placement (AP) courses, in lieu of course alignment documents, please provide evidence the course has been approved by the College Board and is included in the most current AP Ledger. Please upload all course documents by subject and within subject, by grade level.*
- *Please provide the name, title/position, company or organization, and relevant job experience and credentials of the person verifying your course alignment to current state and iNACOL national course standards.*

Name:

Title/Position:

Credentials (Florida certification; other certifications, licenses, endorsements; degrees, etc.): _____

Relevant Job Experience (Florida educational experience; online educational experience; other related educational experience): _____

Upon request, the Applicant will provide access to the Department of Education to provide a virtual WALK-THROUGH of a course during review phase of application process.

Please provide a link or information on how to access your virtual course walk-through:

STUDENT PERFORMANCE AND PROGRAM ACCOUNTABILITY

3. The Provider received a Florida school grade in the most recent grades release by the Department of Education and was not disqualified pursuant to Section 1002.45(8), Florida Statutes, or possesses prior successful experience as demonstrated by quantified student learning gains in every subject area and grade level.

Documentation to Support Provider Compliance: Florida School Grades during prior approval period or quantified learning gains for every subject area and grade level included in Provider's virtual instruction program, as follows:

The following learning gains data must be submitted for all subject areas and grade levels included in Provider's virtual program:

- 1. At least two years of cohort data from a state-administered summative assessment approved to meet No Child Left Behind (NCLB) accountability requirements;*

If learning gains data under category 1 are not available for every subject area and grade level, the following evidence of learning gains must be submitted for all subject areas and grade levels available:

- 2. At least two years of cohort data from a nationally standardized summative achievement test; or*
- 3. At least one year of cohort data from a nationally standardized interim assessment with multiple administrations within the year designed to measure student learning gains.*

At a minimum, Provider must provide data from category 1, 2, or 3 in language arts/reading and mathematics. If comprehensive learning gains data are not available for Reading/Language Arts, mathematics, and other applicable subjects included in statewide assessments, the following evidence of learning gains must be submitted for all other subject areas and grade levels included in Provider's virtual instruction program:

- 4. At least one year of cohort data from teacher developed End-of-Course assessments or semester examinations; or*
- 5. At least one year of cohort data from Pre- and Post-assessments delivered for a course or program, which assessment is not covered under another category.*

At a minimum, cohort data shall include: The number of students enrolled, the number of students tested, the percentage of students tested, and performance results over the cohort period specified in the categories above. Student performance data are to be aggregated by subject area and grade level. The Provider may also submit data at a finer level of

aggregation, such as by course level or subgroups within each subject area or grade. In addition, the Provider shall, upon the department's request, provide individual student performance data in the categories described above, as needed to determine if the Provider's student learning gains are sufficient to meet the requirements of Section 1002.45, Florida Statutes, and Rule 6A-6.0981, Florida Administrative Code. The cohort period shall comprise the most recent data available. The cohort shall include all students in the subject area and grade level under review. Any definitions or materials needed to comprehend the assessment results must be provided.

OTHER PROGRAM REQUIREMENTS

Section 1002.45(2), Florida Statutes, requires the Provider's virtual program to meet the iNACOL Standards for Quality Online Programs.

4. A quality online program has adequate financial and material resources to accomplish the mission of the organization and to provide a quality online program for students. These resources are appropriately planned for and expended using sound business practices. The Provider performs an annual financial audit conducted by an independent certified public accountant.

Upload documentation to Support Provider Compliance: A recent annual financial audit of Provider's accounts and records conducted by an independent certified public accountant which is in accordance with rules adopted by the Auditor General, including Chapter 10.850, Audits of Charter Schools and Similar Entities, Florida Virtual School, and Virtual Instruction Program Providers, which is incorporated in Rule 61H1-20.0093, F.A.C.

SUPPORTING DOCUMENTATION

This part of the application requests additional information related to your experience in providing virtual instruction programs to support responses given in Part 2 of the application. The responses in this part of the application may provide support for multiple items in Part 2.

1. Have you been involved in any lawsuits or litigation related to providing virtual instruction programs? If so, include a summary and the results.
2. Please provide a summary (independent or external) of stakeholder satisfaction survey results from Florida customers (parents, students, and teachers) with links or addresses (required) to obtain copies of the complete survey results.
3. The Provider may provide other documentation to support responses to application questions, such as, awards, recognitions (name, description, and dates), or testimonials.

**Florida Department of Education
District Virtual Instruction Program
Application for Provider Approval**

ASSURANCES

1. The applicant will administer each program covered by the application in accordance with all applicable federal and state laws, rules, statutes and regulations.
2. The applicant will only hire Florida-certified instructional personnel under Chapter 1012, Florida Statutes.
3. The applicant will ensure all employees and contracted personnel will undergo background screening as required by Section 1002.45(2)(a)3., Florida Statutes, using state and national criminal history records and the Applicant will provide a list of employees to each school district contracting with the Applicant for verification of compliance.
4. All curriculum and course content is aligned with Florida's currently adopted state standards under Section 1003.41, Florida Statutes.
5. All of the applicant's Advanced Placement courses have been approved by the College Board's AP Course Audit and are included in the current AP Ledger and Florida's Course Code Directory (State Board of Education Rule 6A-1.09441, F.A.C.). All of the applicant's other accelerated course offerings have been validated by the appropriate program organization.
6. The applicant retains responsibility for the quality and content of courses it offers, including courses added or revised after time of application whether developed by applicant or acquired via third-party contractual agreements, partnerships or other agreements related to the content or delivery of online courses.
7. The applicant's web systems meet conformance level A of the *World Wide Web Consortium's Web Accessibility Initiative (WAI) Web Content Accessibility Guidelines (WCAG) 2.0*, pursuant to the requirements of iNACOL's National Standards for Quality Online Courses.
8. The applicant will adhere to requirements for student participation in state assessment tests as specified in Section 1002.45(6)(b), Florida Statutes.
9. The applicant will provide attendance, participation, and performance information to districts as required by the district policies to enable districts to monitor student progress toward successful completion of the virtual course or program and to meet student participation requirements specified in Section 1002.45, Florida Statutes.

10. The applicant will provide student, staff and program data to school districts for timely submission of the required record formats to the Department of Education. The applicant will provide accurate accountability data to school districts and the Department of Education (DOE) to ensure accuracy of Provider school grades. This includes, but is not limited to, correct student IDs, course titles, course numbers, and provider codes, as defined in the DOE Data Elements <http://www.fldoe.org/eias/dataweb/download.asp>, pursuant to State Board of Education Rule 6A-1.0014, F.A.C.
11. The applicant agrees to inform the Florida Department of Education's Office of Virtual Education in writing of any substantial changes to its virtual instruction program. For purposes of this paragraph, a change is substantial if the content of the application by which the program was approved has become obsolete due to the proposed change.

I certify that the applicant will adhere to each of the assurances contained in this application for approval as a provider in the Virtual Instruction Program. I further certify all responses to this application are a true and accurate representation of the applicant's compliance with Section 1002.45, Florida Statutes.

Signature

____/____/____
Date Signed

Telephone Number

Printed name

Title