MEMORANDUM

TO: School District Superintendents
FROM: Paul O. Burns, Ed.D.
DATE: November 3, 2023

SUBJECT: Information on Virtual School Choice Options for Florida Students

Florida offers more virtual options for our 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 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 to provide virtual options for their students.

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 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. Examples of limiting access may include:
  - Expressly limiting a student from enrolling in FLVS courses at any time, or require students to withdraw or drop FLVS courses;
  - Requiring 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);
o Requiring students to take FLVS courses in addition to a full-time schedule at the school;
o Restricting students from taking FLVS courses for core subjects (allowing students to take FLVS courses only for electives); or
o Limiting 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 students within the district the option of participating in part-time and full-time virtual instruction programs.

- Section 1003.498(2), 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 or in any other school district in the state.

House Bill 5101 revised section 1002.45(1)(e)4., F.S., to limit the enrollment of full-time equivalent virtual students residing outside of the school district providing the virtual instruction pursuant to section 1002.45(1)(c), F.S., to no more than those that can be funded from state FEFP funds.

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.

POB/sb

Attachment
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 Florida 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 Florida 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. To access this valuable resource, please visit [http://app4.fldoe.org/coursecatalog/](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 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 likely be appropriate for the student to take it from the district virtual school, from a virtual school in another Florida 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. Examples of limiting access may include:

- Limiting a student from enrolling in online courses offered by the school district, another Florida school district or FLVS;
- Requiring students to take online courses in addition to a full-time schedule at the school;
- Limiting the number of online courses in which district students may enroll (based on the student’s goals and academic history);
- Denying access to an online course because the course is offered at the student’s traditional school;
- Requiring students to enroll in a district online course instead of those offered by other Florida school districts or FLVS;
- Requiring a student to withdraw from an online course to take the course at the district school;
- Restricting students from taking online courses for core subjects (allowing students to take online courses only for electives); or
- Requiring 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 Florida 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.
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 Florida 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. Section 1003.498, F.S., states 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 Florida 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 must 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, all industry certification examinations, national assessments, progress monitoring under s. 1008.25(9), and 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 progress monitoring and each examination or assessment.

Also stated in section 1002.45(5)(b), F.S.: Each student enrolled in the school district’s virtual instruction program or virtual charter school must take statewide assessments pursuant to s. 1008.22 and participate in the coordinated screening and progress monitoring system under s. 1008.25(9). Statewide assessments and progress monitoring may be administered within the school district in which such student resides, or as specified in the contract in accordance with s. 1008.24(3). If requested by the approved virtual instruction program provider or virtual charter school, the district of residence must provide the student with access to the district’s testing facilities.

15. 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://web06.fldoe.org/CourseCatalog/](http://web06.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.shtml](http://www.fldoe.org/schools/school-choice/virtual-edu/directories/district-virtual-contacts.shtml).

• Contacting Florida Virtual School Toll Free at 800-374-1430 or [https://www.flvs.net/contact-us/options](https://www.flvs.net/contact-us/options).

• Contacting the FDOE Virtual Education Office at [virtualeducation@fldoe.org](mailto:virtualeducation@fldoe.org) or at [http://fldoe.org/schools/school-choice/virtual-edu/](http://fldoe.org/schools/school-choice/virtual-edu/).