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CHAMBER ACTION

Senate

House

Floor: 1/AD/2R  
4/29/2008 4:07 PM

Floor: SEN A/AA  
5/1/2008 6:25 PM

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1 Senator Wise moved the following **amendment**:

2  
3 **Senate Amendment (with title amendment)**

4 Delete everything after the enacting clause  
5 and insert:

6 Section 1. Subsection (1) of section 1000.04, Florida  
7 Statutes, is amended to read:

8 1000.04 Components for the delivery of public education  
9 within the Florida K-20 education system.--Florida's K-20  
10 education system provides for the delivery of public education  
11 through publicly supported and controlled K-12 schools, community  
12 colleges, state universities and other postsecondary educational  
13 institutions, other educational institutions, and other  
14 educational services as provided or authorized by the  
15 Constitution and laws of the state.

16 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools include  
17 charter schools and consist of kindergarten classes; elementary,



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18 middle, and high school grades and special classes; school  
19 district virtual instruction programs; workforce education;  
20 career centers; adult, part-time, and evening schools, courses,  
21 or classes, as authorized by law to be operated under the control  
22 of district school boards; and lab schools operated under the  
23 control of state universities.

24 Section 2. Paragraph (a) of subsection (6) of section  
25 1002.20, Florida Statutes, is amended to read:

26 1002.20 K-12 student and parent rights.--Parents of public  
27 school students must receive accurate and timely information  
28 regarding their child's academic progress and must be informed of  
29 ways they can help their child to succeed in school. K-12  
30 students and their parents are afforded numerous statutory rights  
31 including, but not limited to, the following:

32 (6) EDUCATIONAL CHOICE.--

33 (a) Public school choices.--Parents of public school  
34 students may seek whatever public school choice options that are  
35 applicable to their students and are available to students in  
36 their school districts. These options may include controlled open  
37 enrollment, lab schools, school district virtual instruction  
38 programs, charter schools, charter technical career centers,  
39 magnet schools, alternative schools, special programs, advanced  
40 placement, dual enrollment, International Baccalaureate,  
41 International General Certificate of Secondary Education (pre-  
42 AICE), Advanced International Certificate of Education, early  
43 admissions, credit by examination or demonstration of competency,  
44 the New World School of the Arts, the Florida School for the Deaf  
45 and the Blind, and the Florida Virtual School. These options may  
46 also include the public school choice options of the Opportunity



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47 | Scholarship Program and the McKay Scholarships for Students with  
48 | Disabilities Program.

49 |       Section 3. Subsections (2) and (8) of section 1002.31,  
50 | Florida Statutes, are amended to read:

51 |       1002.31 Public school parental choice.--

52 |       (2) Each district school board may offer controlled open  
53 | enrollment within the public schools. The controlled open  
54 | enrollment program shall be offered in addition to the existing  
55 | choice programs such as virtual instruction programs, magnet  
56 | schools, alternative schools, special programs, advanced  
57 | placement, and dual enrollment.

58 |       (8) Each district school board shall annually report the  
59 | number of students applying for and attending the various types  
60 | of public schools of choice in the district, including schools  
61 | such as virtual instruction programs, magnet schools, and public  
62 | charter schools, according to rules adopted by the State Board of  
63 | Education.

64 |       Section 4. Section 1002.45, Florida Statutes, is created to  
65 | read:

66 |       1002.45 School district virtual instruction programs.--

67 |       (1) PROGRAM.--Beginning with the 2008-2009 school year,  
68 | each school district shall provide students the option of  
69 | participating in virtual instruction if they wish to do so. An  
70 | eligible student must be a full-time student in the school  
71 | district based on the student's enrollment in virtual courses or  
72 | a combination of virtual courses and standard district courses.  
73 | The purpose of the program is to make academic instruction  
74 | available to full-time school district students who use online  
75 | and distance learning technology and who are not taught in the  
76 | traditional classroom. Each school district may implement its



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77 program through approved district-operated programs or programs  
78 by contracted providers approved by the Department of Education  
79 under subsection (2). School districts may participate in multi-  
80 district contractual arrangements to provide such programs. A  
81 school district and a charter school may enter into a joint  
82 agreement for charter school students to participate in an  
83 approved district virtual instruction program or enter into a  
84 district contract with an approved virtual instruction provider.

85 (2) PROVIDER QUALIFICATIONS.--On or before March 1, 2009,  
86 and annually thereafter, the department shall review and approve  
87 district-operated virtual programs. To be approved by the  
88 department, a contract provider must annually document that it:

89 (a) Is nonsectarian in its programs, admission policies,  
90 employment practices, and operations;

91 (b) Complies with the antidiscrimination provisions of s.  
92 1000.05;

93 (c) Locates an administrative office or offices in this  
94 state, requires its administrative staff to be state residents,  
95 and requires all instructional staff members to be Florida-  
96 certified teachers;

97 (d) Possesses prior, successful experience offering online  
98 courses to elementary, middle, or high school students;

99 (e) Is accredited by the Commission on Colleges of the  
100 Southern Association of Colleges and Schools, the Middle States  
101 Association of Colleges and Schools, the North Central  
102 Association of Colleges and Schools, or the New England  
103 Association of Colleges and Schools; and

104 (f) Complies with all requirements under this section.  
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106 The Florida Virtual School established under s. 1002.37 and the  
107 K-8 Virtual School Program approved under s. 1002.415, which  
108 provided virtual instruction during 2007-2008, are not subject to  
109 the provider qualifications of this subsection. The department  
110 may approve other providers who meet the requirements of this  
111 subsection prior to August 1, 2008.

112 (3) SCHOOL DISTRICT VIRTUAL INSTRUCTION REQUIREMENTS.--Each  
113 virtual instruction program operated or contracted by a school  
114 district must:

115 (a) Require all instructional staff to be certified  
116 professional educators under chapter 1012.

117 (b) Conduct a background screening of all employees or  
118 contracted personnel, as required by s. 1012.32, using state and  
119 national criminal history records.

120 (c) Align virtual course curriculum and course content to  
121 the Sunshine State Standards under s. 1003.41.

122 (d) Offer instruction that is designed to enable a student  
123 to gain proficiency in each virtually delivered course of study.

124 (e) Provide each student enrolled in the program with all  
125 the necessary instructional materials.

126 (f) Provide, when appropriate, each household having a  
127 full-time student enrolled in the program with:

128 1. All the necessary equipment necessary for participants  
129 in the school district virtual instruction program, including,  
130 but not limited to, a computer, computer monitor, and printer;  
131 and

132 2. Access to or reimbursement for all Internet services  
133 necessary for online delivery of instruction.

134 (g) Not require tuition or student registration fees.



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135       (4) PROGRAM CAPACITY; ENROLLMENT.--Beginning with the 2010-  
136 2011 school year, except for courses offered by the Florida  
137 Virtual School under s. 1002.37, a school district may not  
138 increase the enrollment for a virtual education program in excess  
139 of its prior school year enrollment unless the program is  
140 designated with a grade of "C," making satisfactory progress, or  
141 better under the school grading system provided in s. 1008.34.

142       (5) STUDENT ELIGIBILITY.--Enrollment in a school district  
143 virtual instruction program is open to any student residing  
144 within the district's attendance area if the student meets at  
145 least one of the following conditions:

146       (a) The student has spent the prior school year in  
147 attendance at a public school in this state and was enrolled and  
148 reported by a public school district for funding during the  
149 preceding October and February for purposes of the Florida  
150 Education Finance Program surveys; however, a student who is a  
151 dependent child of a member of the United States Armed Forces who  
152 was transferred within the last 12 months to this state from  
153 another state or from a foreign country pursuant to the parent's  
154 permanent change of station orders is not required to have been  
155 enrolled and reported for funding during the preceding school  
156 year; or

157       (b) The student was enrolled during the prior school year  
158 in a school district virtual instruction program under this  
159 section or a K-8 Virtual School Program under s. 1002.415.

160       (6) STUDENT PARTICIPATION REQUIREMENTS.--Each student  
161 enrolled in a school district virtual instruction program must:

162       (a) Comply with the compulsory attendance requirements of  
163 s. 1003.21. Student attendance must be verified by the school  
164 district.



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165 (b) Take state assessment tests within the school district  
166 where such student resides, which must provide the student with  
167 access to the district's testing facilities.

168 (7) FUNDING.--

169 (a) For purposes of a district virtual instruction program,  
170 "full-time equivalent student" has the same meaning as provided  
171 in s.1011.61(1)(c)1.b.(III) or (IV).

172 (b) The school district shall report full-time equivalent  
173 students for the school district virtual instruction program to  
174 the department only in a manner prescribed by the department, and  
175 funding shall be provided through the Florida Education Finance  
176 Program.

177 (c) For 2008-2009, school district virtual instruction  
178 program courses provided for students in grades 9 through 12 are  
179 limited to the following: Department of Juvenile Justice  
180 programs, credit recovery, alternative schools, and drop-out  
181 prevention.

182 (8) ASSESSMENT AND ACCOUNTABILITY.--

183 (a) With the exception of the programs offered by the  
184 Florida Virtual School under s. 1002.37, each school district  
185 virtual instruction program must:

186 1. Participate in the statewide assessment program under s.  
187 1008.22 and in the state's education performance accountability  
188 system under s. 1008.31.

189 2. Receive a school grade as provided in s. 1008.34. A  
190 school district virtual instruction program shall be considered a  
191 school under s. 1008.34 for purposes of this section, regardless  
192 of the number of individual providers participating in the  
193 district's program.



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194        (b) A program that is designated with a grade of "D,"  
195 making less than satisfactory progress, or "F," failing to make  
196 adequate progress, must file a school improvement plan with the  
197 department for consultation to determine the causes for low  
198 performance and to develop a plan for correction and improvement.

199        (c) The school district shall terminate its program or its  
200 provider's contract for any program that is designated with the  
201 grade of "D," making less than satisfactory progress, or "F,"  
202 failing to make adequate progress, for 2 years during any  
203 consecutive 4-year period.

204        (d) A school district virtual instruction program must have  
205 a sufficient number of students enrolled in each grade for a  
206 grade to be assigned to the program pursuant to s. 1008.34 and  
207 State Board of Education rule.

208        (e) If the district uses multiple providers, the district  
209 may choose to terminate the lowest performing providers.

210        (9) EXCEPTIONS.--A provider of digital or online content of  
211 curriculum that is used to supplement the instruction of students  
212 who are not enrolled in a virtual instruction program under this  
213 section is not required to meet the requirements of this section.

214        (10) RULES.--The State Board of Education shall adopt rules  
215 under ss. 120.536(1) and 120.54 to administer this section.

216        Section 5. Subsection (14) of section 1003.01, Florida  
217 Statutes, is amended to read:

218        1003.01 Definitions.--As used in this chapter, the term:

219        (14) "Core-curricula courses" means courses defined by the  
220 Department of Education as mathematics, language arts/reading,  
221 science, social studies, foreign language, English for Speakers  
222 of Other Languages, exceptional student education, and courses  
223 taught in traditional self-contained elementary school





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224 classrooms. The term is limited in meaning and used for the sole  
225 purpose of designating classes that are subject to the maximum  
226 class size requirements established in s. 1, Art. IX of the State  
227 Constitution. This term does not include courses offered under  
228 ss. 1002.37 and 1002.45.

229 Section 6. Paragraph (c) of subsection (1) of section  
230 1011.61, Florida Statutes, is amended to read:

231 1011.61 Definitions.--Notwithstanding the provisions of s.  
232 1000.21, the following terms are defined as follows for the  
233 purposes of the Florida Education Finance Program:

234 (1) A "full-time equivalent student" in each program of the  
235 district is defined in terms of full-time students and part-time  
236 students as follows:

237 (c)1. A "full-time equivalent student" is:

238 a. A full-time student in any one of the programs listed in  
239 s. 1011.62(1)(c); or

240 b. A combination of full-time or part-time students in any  
241 one of the programs listed in s. 1011.62(1)(c) which is the  
242 equivalent of one full-time student based on the following  
243 calculations:

244 (I) A full-time student, except a postsecondary or adult  
245 student or a senior high school student enrolled in adult  
246 education when such courses are required for high school  
247 graduation, in a combination of programs listed in s.

248 1011.62(1)(c) shall be a fraction of a full-time equivalent  
249 membership in each special program equal to the number of net  
250 hours per school year for which he or she is a member, divided by  
251 the appropriate number of hours set forth in subparagraph (a)1.  
252 or subparagraph (a)2. The difference between that fraction or sum  
253 of fractions and the maximum value as set forth in subsection (4)



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254 for each full-time student is presumed to be the balance of the  
255 student's time not spent in such special education programs and  
256 shall be recorded as time in the appropriate basic program.

257 (II) A prekindergarten handicapped student shall meet the  
258 requirements specified for kindergarten students.

259 (III) A full-time equivalent student for students in grades  
260 K-8 in a school district virtual instruction program as provided  
261 in s. 1002.45 shall consist of a student who has successfully  
262 completed a basic program listed in s. 1011.62(1)(c)1.a. or b.,  
263 and who is promoted to a higher grade level.

264 (IV) A full-time equivalent student for students in grades  
265 9-12 in a school district virtual instruction program as provided  
266 in s. 1002.45 shall consist of six full credit completions in  
267 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions  
268 can be a combination of either full credits or half credits.

269 (V)~~(III)~~ A Florida Virtual School full-time equivalent  
270 student shall consist of six full credit completions in the  
271 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions  
272 can be a combination of either full credits or half credits.

273 2. A student in membership in a program scheduled for more  
274 or less than 180 school days is a fraction of a full-time  
275 equivalent membership equal to the number of instructional hours  
276 in membership divided by the appropriate number of hours set  
277 forth in subparagraph (a)1.; however, for the purposes of this  
278 subparagraph, membership in programs scheduled for more than 180  
279 days is limited to students enrolled in juvenile justice  
280 education programs and the Florida Virtual School.

281  
282 The department shall determine and implement an equitable method  
283 of equivalent funding for experimental schools and for schools



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284 | operating under emergency conditions, which schools have been  
285 | approved by the department to operate for less than the minimum  
286 | school day.

287 |       Section 7. This act shall take effect July 1, 2008.

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289 | ===== T I T L E   A M E N D M E N T =====

290 | And the title is amended as follows:

291 |       Delete everything before the enacting clause  
292 | and insert:

293 |                               A bill to be entitled  
294 |       An act relating to virtual instruction programs; amending  
295 |       s. 1000.04, F.S.; revising provisions relating to public  
296 |       K-12 schools to include school district virtual  
297 |       instruction programs; amending ss. 1002.20 and 1002.31,  
298 |       F.S.; conforming provisions to changes made by the act;  
299 |       creating s. 1002.45, F.S.; requiring a school district to  
300 |       provide a student the option of participating in virtual  
301 |       instruction if certain requirements are met; providing a  
302 |       purpose; authorizing a school district to implement  
303 |       virtual instruction programs by approved district-operated  
304 |       programs or programs provided by contracted providers if  
305 |       approved by the Department of Education; authorizing a  
306 |       school district to participate in multi-district  
307 |       contractual arrangements; authorizing a school district  
308 |       and a charter school to enter into a joint agreement for  
309 |       charter school students to participate in an approved  
310 |       district virtual instruction program or a contract with an  
311 |       approved virtual instruction provider; requiring the  
312 |       department to review and approve district-operated virtual  
313 |       programs on an annual basis; requiring contract providers



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314 to meet certain qualifications; providing an exemption  
315 from such qualifications for the Florida Virtual School  
316 and the K-8 Virtual School Program; requiring each virtual  
317 instruction program operated or contracted by a school  
318 district to meet certain requirements; prohibiting a  
319 school district from increasing its enrollment in a  
320 virtual education program in excess of the prior year's  
321 enrollment unless the program achieves a certain  
322 performance grade under the school grading system;  
323 providing an exemption for such prohibition for the  
324 Florida Virtual School; requiring students enrolled in a  
325 virtual instruction program to meet certain requirements  
326 to participate in such program, except a dependent child  
327 of a member of the United States Armed Forces under  
328 certain circumstances; defining the term "full-time  
329 equivalent student"; providing that full-time equivalent  
330 students participating in a school district's virtual  
331 instruction program be funded through the Florida  
332 Education Finance Program; requiring that a program  
333 provider participate in the statewide assessment program  
334 and education performance accountability system and meet a  
335 certain performance grade; providing that certain  
336 providers are exempt from the act; requiring the State  
337 Board of Education to adopt rules; amending s. 1003.01,  
338 F.S.; revising the definition of "core-curricula courses";  
339 amending s. 1011.61, F.S.; revising the definition of  
340 "full-time equivalent" student to conform to changes made  
341 by the act; providing an effective date.