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CHAMBER ACTION

Senate

House

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4/29/2008 3:50 PM

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

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

214 1003.01 Definitions.--As used in this chapter, the term:

215 (14) "Core-curricula courses" means courses defined by the
216 Department of Education as mathematics, language arts/reading,
217 science, social studies, foreign language, English for Speakers
218 of Other Languages, exceptional student education, and courses
219 taught in traditional self-contained elementary school
220 classrooms. The term is limited in meaning and used for the sole
221 purpose of designating classes that are subject to the maximum
222 class size requirements established in s. 1, Art. IX of the State



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223 Constitution. This term does not include courses offered under
224 ss. 1002.37 and 1002.45.

225 Section 6. Paragraph (c) of subsection (1) of section
226 1011.61, Florida Statutes, is amended to read:

227 1011.61 Definitions.--Notwithstanding the provisions of s.
228 1000.21, the following terms are defined as follows for the
229 purposes of the Florida Education Finance Program:

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

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

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

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

240 (I) A full-time student, except a postsecondary or adult
241 student or a senior high school student enrolled in adult
242 education when such courses are required for high school
243 graduation, in a combination of programs listed in s.
244 1011.62(1)(c) shall be a fraction of a full-time equivalent
245 membership in each special program equal to the number of net
246 hours per school year for which he or she is a member, divided by
247 the appropriate number of hours set forth in subparagraph (a)1.
248 or subparagraph (a)2. The difference between that fraction or sum
249 of fractions and the maximum value as set forth in subsection (4)
250 for each full-time student is presumed to be the balance of the
251 student's time not spent in such special education programs and
252 shall be recorded as time in the appropriate basic program.



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

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

260 (IV) A full-time equivalent student for students in grades
261 9-12 in a school district virtual instruction program as provided
262 in s. 1002.45 shall consist of six full credit completions in
263 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions
264 can be a combination of either full credits or half credits.

265 (V)~~(III)~~ A Florida Virtual School full-time equivalent
266 student shall consist of six full credit completions in the
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 2. A student in membership in a program scheduled for more
270 or less than 180 school days is a fraction of a full-time
271 equivalent membership equal to the number of instructional hours
272 in membership divided by the appropriate number of hours set
273 forth in subparagraph (a)1.; however, for the purposes of this
274 subparagraph, membership in programs scheduled for more than 180
275 days is limited to students enrolled in juvenile justice
276 education programs and the Florida Virtual School.

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278 The department shall determine and implement an equitable method
279 of equivalent funding for experimental schools and for schools
280 operating under emergency conditions, which schools have been
281 approved by the department to operate for less than the minimum
282 school day.



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

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285 ===== T I T L E A M E N D M E N T =====

286 And the title is amended as follows:

287 Delete everything before the enacting clause
288 and insert:

289 A bill to be entitled
290 An act relating to virtual instruction programs; amending
291 s. 1000.04, F.S.; revising provisions relating to public
292 K-12 schools to include school district virtual
293 instruction programs; amending ss. 1002.20 and 1002.31,
294 F.S.; conforming provisions to changes made by the act;
295 creating s. 1002.45, F.S.; requiring a school district to
296 provide a student the option of participating in virtual
297 instruction if certain requirements are met; providing a
298 purpose; authorizing a school district to implement
299 virtual instruction programs by approved district-operated
300 programs or programs provided by contracted providers if
301 approved by the Department of Education; authorizing a
302 school district to participate in multi-district
303 contractual arrangements; authorizing a school district
304 and a charter school to enter into a joint agreement for
305 charter school students to participate in an approved
306 district virtual instruction program or a contract with an
307 approved virtual instruction provider; requiring the
308 department to review and approve district-operated virtual
309 programs on an annual basis; requiring contract providers
310 to meet certain qualifications; providing an exemption
311 from such qualifications for the Florida Virtual School
312 and the K-8 Virtual School Program; requiring each virtual



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