

1                   A bill to be entitled  
2           An act relating to K-12 educational instruction; amending  
3           s. 1002.33, F.S.; authorizing the formation of a virtual  
4           charter school; providing requirements and exceptions for  
5           a virtual charter school; amending s. 1002.37, F.S.;  
6           defining "full-time equivalent student" for two grade  
7           groupings for purposes of funding the Florida Virtual  
8           School; amending s. 1002.41, F.S.; authorizing home  
9           education students to enroll in virtual instruction  
10          courses and courses offered in the school district;  
11          requiring school districts to release to certain  
12          organizations directory information on students enrolled  
13          in home education programs; amending s. 1002.42, F.S.;  
14          exempting a Florida-based nonpublic school that provides  
15          education to K-12 students solely by distance education  
16          methods and does not enroll or teach students at an on-  
17          site location from requirements relating to attendance  
18          records and reports, school-entry health examinations, and  
19          student immunizations; amending s. 1002.45, F.S., relating  
20          to school district virtual instruction programs; providing  
21          for additional approved providers; revising requirements  
22          for certified teachers in a virtual instruction program;  
23          providing that a virtual instruction program may be part-  
24          time; revising and adding requirements for a virtual  
25          instruction program and approval of a program provider;  
26          revising student eligibility and enrollment, reporting and  
27          funding, and accountability requirements; requiring the  
28          Department of Education and school districts to post on

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29 the respective websites information relating to virtual  
30 instruction programs; creating s. 1002.452, F.S.; defining  
31 a virtual instruction course; authorizing students in  
32 public schools to take virtual instruction courses while  
33 enrolled full-time at a public school; providing for  
34 credit and funding; amending s. 1003.428, F.S.; requiring  
35 students to take an online course for high school  
36 graduation; amending ss. 1006.28 and 1006.40, F.S.;  
37 providing that instructional materials include computer  
38 hardware; amending s. 1011.61, F.S.; revising the  
39 definition of "full-time equivalent student" as it relates  
40 to virtual instruction for purposes of the Florida  
41 Education Finance Program; including students in a virtual  
42 charter school or in a public school that offers virtual  
43 instruction courses; requiring State Board of Education  
44 rules; amending s. 1012.57, F.S.; authorizing the issuance  
45 of an adjunct educator certificate to virtual instruction  
46 educators; revising requirements for adjunct educator  
47 certification; providing an effective date.

48  
49 Be It Enacted by the Legislature of the State of Florida:

50  
51 Section 1. Subsection (1) of section 1002.33, Florida  
52 Statutes, is amended to read:

53 1002.33 Charter schools.—

54 (1) AUTHORIZATION.—Charter schools shall be part of the  
55 state's program of public education. All charter schools in  
56 Florida are public schools. A charter school may be formed by

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57 | creating a new school or converting an existing public school to  
58 | charter status. A virtual charter school may be formed to  
59 | provide online instruction. The provider of online instruction  
60 | for a virtual charter school must follow the charter application  
61 | process specified in this section and serve students in the  
62 | school district in which the charter is granted. A virtual  
63 | charter school is not subject to or governed by the provisions  
64 | of this section that pertain to facilities or student  
65 | transportation. A public school may not use the term charter in  
66 | its name unless it has been approved under this section.

67 | Section 2. Paragraph (a) of subsection (3) of section  
68 | 1002.37, Florida Statutes, is amended to read:

69 | 1002.37 The Florida Virtual School.—

70 | (3) Funding for the Florida Virtual School shall be  
71 | provided as follows:

72 | (a)1. A "full-time equivalent student" for the Florida  
73 | Virtual School is one student in grades 9 through 12 who has  
74 | successfully completed six credits that shall count toward the  
75 | minimum number of credits required for high school graduation. A  
76 | student who completes less than six credits shall be a fraction  
77 | of a full-time equivalent student. Half-credit completions shall  
78 | be included in determining a full-time equivalent student.  
79 | ~~Credit completed by a student in excess of the minimum required~~  
80 | ~~for that student for high school graduation is not eligible for~~  
81 | ~~funding.~~

82 | 2. A "full-time equivalent student" for the Florida  
83 | Virtual School is one student in kindergarten through grade 8  
84 | who has successfully completed six courses or the prescribed

85 level of content that counts toward promotion to the next grade.  
 86 A student who completes less than six courses or the prescribed  
 87 level of content shall be a fraction of a full-time equivalent  
 88 student.

89 Section 3. Subsections (4) through (9) of section 1002.41,  
 90 Florida Statutes, are renumbered as subsections (5) through  
 91 (10), respectively, and new subsections (4) and (11) are added  
 92 to that section to read:

93 1002.41 Home education programs.—

94 (4) Home education students may enroll in courses offered  
 95 by the Florida Virtual School or a franchise of the Florida  
 96 Virtual School and in courses offered in the school district in  
 97 which the student resides.

98 (11) School districts shall release directory information  
 99 on students enrolled in home education programs to established  
 100 state home education organizations recognized by the Department  
 101 of Education that provide support and information to home  
 102 education families.

103 Section 4. Subsections (4), (5), and (6) of section  
 104 1002.42, Florida Statutes, are amended to read:

105 1002.42 Private schools.—

106 (4) ATTENDANCE RECORDS AND REPORTS.—All officials,  
 107 teachers, and other employees in parochial, religious,  
 108 denominational, and private schools, except a Florida-based  
 109 private school that provides education to K-12 students solely  
 110 by distance education methods, including virtual instruction or  
 111 correspondence courses, and does not enroll or teach students at  
 112 an on-site location in the state, shall keep and prepare records

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113 in accordance with the provisions of s. 1003.23(2).

114 (5) SCHOOL-ENTRY HEALTH EXAMINATIONS.—The governing  
115 authority of each private school, except a Florida-based private  
116 school that provides education to K-12 students solely by  
117 distance education methods, including virtual instruction or  
118 correspondence courses, and does not enroll or teach students at  
119 an on-site location in the state, shall require students to  
120 present a certification of a school-entry health examination in  
121 accordance with the provisions of s. 1003.22(1) and (2).

122 (6) IMMUNIZATIONS.—The governing authority of each private  
123 school, except a Florida-based private school that provides  
124 education to K-12 students solely by distance education methods,  
125 including virtual instruction or correspondence courses, and  
126 does not enroll or teach students at an on-site location in the  
127 state, shall:

128 (a) Require students to present a certification of  
129 immunization in accordance with the provisions of s. 1003.22(3)-  
130 (11).

131 (b) Provide information on the importance of student  
132 health and available immunizations and vaccinations, including,  
133 but not limited to:

134 1. A recommended immunization schedule in accordance with  
135 United States Centers for Disease Control and Prevention  
136 recommendations.

137 2. Detailed information regarding the causes, symptoms,  
138 and transmission of meningococcal disease and the availability,  
139 effectiveness, known contraindications, and appropriate age for  
140 the administration of any required or recommended vaccine

141 against meningococcal disease, in accordance with the  
 142 recommendations of the Advisory Committee on Immunization  
 143 Practices of the United States Centers for Disease Control and  
 144 Prevention.

145 Section 5. Section 1002.45, Florida Statutes, is amended  
 146 to read:

147 1002.45 School district virtual instruction programs.—

148 (1) PROGRAM.—

149 (a) For purposes of this section, the term:

150 1. "Approved provider" means a provider that is approved  
 151 by the Department of Education under subsection (2), the Florida  
 152 Virtual School, ~~or~~ a franchise of the Florida Virtual School, or  
 153 a school, including a charter school, or an organization that  
 154 enters into an agreement with the Florida Virtual School to  
 155 deliver a virtual instruction program.

156 2. "Virtual instruction program" means a program of  
 157 instruction provided in an interactive learning environment  
 158 created through technology in which students are separated from  
 159 their teachers by time or space, or both, at least 25 percent of  
 160 the time and in which a certified teacher is responsible for  
 161 planning instruction, diagnosing learning needs, prescribing  
 162 content delivery, assessing student learning, reporting  
 163 outcomes, and evaluating the effects of instruction ~~Florida-~~  
 164 ~~certified teacher under chapter 1012 is responsible for at~~  
 165 ~~least:~~

166 a. ~~Fifty percent of the direct instruction to students in~~  
 167 ~~kindergarten through grade 5; or~~

168 b. ~~Eighty percent of the direct instruction to students in~~

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169 ~~grades 6 through 12.~~

170 (b) ~~Beginning with the 2009-2010 school year,~~ Each school  
171 district shall provide eligible students ~~within its boundaries~~  
172 the option of participating in a virtual instruction program.  
173 The purpose of the program is to make instruction available to  
174 students using online and distance learning technology in the  
175 nontraditional classroom. The program shall be:

176 1. Full-time or part-time for students enrolled in  
177 kindergarten through grade 12.

178 2. Full-time or part-time for students enrolled in dropout  
179 prevention and academic intervention programs under s. 1003.53  
180 or Department of Juvenile Justice education programs under s.  
181 1003.52 in grades 9 through 12.

182 (c) To provide students with the option of participating  
183 in virtual instruction programs as required by paragraph (b), a  
184 school district may:

185 1. Contract with the Florida Virtual School or establish a  
186 franchise of the Florida Virtual School for the provision of a  
187 program under paragraph (b). Using this option is subject to the  
188 requirements of this section and s. 1011.61(1)(c)1.b.(III) and  
189 (IV).

190 2. Contract with an approved provider under subsection (2)  
191 ~~for the provision of a full-time program under subparagraph~~  
192 ~~(b)1. or a full-time or part-time program under subparagraph~~  
193 ~~(b)2.~~

194 3. Enter into an agreement with another school district to  
195 allow the participation of its students in an approved virtual  
196 instruction program provided by the other school district. The

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197 agreement must indicate a process for the transfer of funds  
 198 required by paragraph (7) (b).

199  
 200 Contracts under subparagraph 1. or subparagraph 2. may include  
 201 multidistrict contractual arrangements that may be executed by a  
 202 regional consortium for its member districts. A multidistrict  
 203 contractual arrangement or an agreement under subparagraph 3. is  
 204 not subject to s. 1001.42(4) (d) and does not require the  
 205 participating school districts to be contiguous.

206 (d) A charter school may enter into a joint agreement with  
 207 the school district in which it is located for the charter  
 208 school's students to participate in the school district's  
 209 virtual instruction program.

210 (2) PROVIDER QUALIFICATIONS.—

211 (a) No later than October 31 of each year, the department  
 212 shall provide an application form to providers seeking to  
 213 operate a virtual instruction program. By March 1 each year, the  
 214 department shall ~~annually~~ provide school districts with a list  
 215 of providers approved to offer virtual instruction programs. To  
 216 be approved by the department, a provider must document that it:

217 1. Is nonsectarian in its programs, admission policies,  
 218 employment practices, and operations;

219 2. Complies with the antidiscrimination provisions of s.  
 220 1000.05;

221 3. ~~Locates an administrative office or offices in this~~  
 222 ~~state, requires its administrative staff to be state residents,~~  
 223 Requires all instructional staff to be state or nationally  
 224 certified educators ~~Florida-certified teachers under chapter~~



225 ~~1012~~, and conducts background screenings for all employees or  
 226 contracted personnel, as required by s. 1012.32, using state and  
 227 national criminal history records;

228 4. Possesses prior, successful experience offering online  
 229 courses to elementary, middle, or high school students; ~~and~~

230 5. Is accredited by the Southern Association of Colleges  
 231 and Schools Council on Accreditation and School Improvement, the  
 232 North Central Association Commission on Accreditation and School  
 233 Improvement, the Middle States Association of Colleges and  
 234 Schools Commission on Elementary Schools and Commission on  
 235 Secondary Schools, the New England Association of Schools and  
 236 Colleges, the Northwest Association of Accredited Schools, the  
 237 Western Association of Schools and Colleges, or the Commission  
 238 on International and Trans-Regional Accreditation;~~-~~

239 6. Has a detailed curriculum plan that illustrates how  
 240 students will be provided services to attain proficiency in the  
 241 Next Generation Sunshine State Standards;

242 7. Has a method for determining that a student has  
 243 satisfied the requirements for graduation under s. 1003.428 or  
 244 s. 1003.429 if the contract is for the provision of a full-time  
 245 virtual instruction program to students in grades 9 through 12;  
 246 and

247 8. Has provided to the department a parent handbook that  
 248 outlines parental participation and required responsibilities  
 249 for participation in the program.

250 (b) An approved provider shall retain its approved status  
 251 for a period of 3 years after the date of the department's  
 252 approval under paragraph (a) as long as the provider continues

253 to comply with all requirements of this section.

254 (3) SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM  
 255 REQUIREMENTS.—Each school district virtual instruction program  
 256 under this section must:

257 (a) Align virtual course curriculum and course content to  
 258 the Next Generation Sunshine State Standards under s. 1003.41.

259 (b) Offer instruction that is designed to enable a student  
 260 to gain proficiency in each virtually delivered course of study.

261 (c) Provide each student enrolled in the program with all  
 262 the necessary instructional materials.

263 (d) Provide ~~to, when appropriate,~~ each full-time student  
 264 enrolled in the program who meets the eligibility requirements  
 265 for free or reduced-priced lunch and who does not have a  
 266 computer or Internet access in his or her home with:

267 1. All equipment necessary for participants in the school  
 268 district virtual instruction program, including, but not limited  
 269 to, a computer, computer monitor, and printer if a printer is  
 270 required to participate in the program; and

271 2. Access to or reimbursement for all Internet services  
 272 necessary for online delivery of instruction.

273 (e) Not require tuition or student registration fees.

274 (f) Provide access to the district's testing facilities to  
 275 students enrolled in the virtual instruction program, a virtual  
 276 charter school, the Florida Virtual School, or a franchise of  
 277 the Florida Virtual School who are required or who choose to  
 278 participate in state assessments.

279 (4) CONTRACT REQUIREMENTS.—Each contract with an approved  
 280 provider must at minimum:

281 ~~(a) Set forth a detailed curriculum plan that illustrates~~  
 282 ~~how students will be provided services to attain proficiency in~~  
 283 ~~the Sunshine State Standards.~~

284 ~~(b) Provide a method for determining that a student has~~  
 285 ~~satisfied the requirements for graduation in s. 1003.428, s.~~  
 286 ~~1003.429, or s. 1003.43 if the contract is for the provision of~~  
 287 ~~a full-time virtual instruction program to students in grades 9~~  
 288 ~~through 12.~~

289 (a)(e) Specify a method for resolving conflicts among the  
 290 parties.

291 (b)(d) Specify authorized reasons for termination of the  
 292 contract.

293 (c)(e) Require the approved provider to be responsible for  
 294 all debts of the school district virtual instruction program if  
 295 the contract is not renewed or is terminated.

296 (d)(f) Require the approved provider to comply with all  
 297 requirements of this section.

298 (5) STUDENT ELIGIBILITY AND ENROLLMENT.—

299 (a) A student who is a resident of the state may enroll in  
 300 a virtual instruction program provided by the school district in  
 301 which he or she resides or in a virtual instruction program  
 302 provided by another school district that offers a program not  
 303 offered in his or her district of residence.

304 (b) Enrollment for the following school year shall be  
 305 permitted from April 1 through the day prior to the start of the  
 306 following school year. Enrollment during the current school year  
 307 shall be permitted through October 1 of that school year. if the  
 308 student meets at least one of the following conditions:

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309 ~~(a) The student has spent the prior school year in~~  
310 ~~attendance at a public school in this state and was enrolled and~~  
311 ~~reported by a public school district for funding during the~~  
312 ~~preceding October and February for purposes of the Florida~~  
313 ~~Education Finance Program surveys.~~

314 ~~(b) The student is a dependent child of a member of the~~  
315 ~~United States Armed Forces who was transferred within the last~~  
316 ~~12 months to this state from another state or from a foreign~~  
317 ~~country pursuant to the parent's permanent change of station~~  
318 ~~orders.~~

319 ~~(c) The student was enrolled during the prior school year~~  
320 ~~in a school district virtual instruction program under this~~  
321 ~~section or a K-8 Virtual School Program under s. 1002.415.~~

322 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student  
323 enrolled in a school district virtual instruction program must:

324 (a) Comply with the compulsory attendance requirements of  
325 s. 1003.21. Student attendance must be verified by the school  
326 district.

327 (b) Take state assessment tests within the school district  
328 in which such student resides, which must provide the student  
329 with access to the district's testing facilities.

330 (7) FUNDING.—

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

334 (b) For a school district offering a virtual instruction  
335 program through a contract with another school district pursuant  
336 to subparagraph (1)(c)3., the school district in which the

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337 student resides shall report full-time equivalent students for  
338 the school district virtual instruction program to the  
339 department in a manner prescribed by the department, and funding  
340 shall be provided through the Florida Education Finance Program.  
341 Funds received by the school district of residence for a student  
342 in a virtual instruction program provided by another school  
343 district under this section shall be transferred to the school  
344 district providing the virtual instruction program.

345 (c) For a school district offering a virtual instruction  
346 program pursuant to subparagraph (1)(c)1. or 2., the school  
347 district providing the virtual instruction program to the  
348 student, regardless of the student's district of residence,  
349 shall report full-time equivalent students for the school  
350 district virtual instruction program to the department in a  
351 manner prescribed by the department, and funding shall be  
352 provided through the Florida Education Finance Program.

353 (8) ASSESSMENT AND ACCOUNTABILITY.—

354 (a) Each approved provider contracted under this section  
355 must:

356 1. Participate in the statewide assessment program under  
357 s. 1008.22 and in the state's education performance  
358 accountability system under s. 1008.31.

359 2. Receive a school grade under s. 1008.34 or a school  
360 improvement rating under s. 1008.341, as applicable. The school  
361 grade or school improvement rating received by each approved  
362 provider shall be based upon the aggregated assessment scores of  
363 all students served by the provider statewide. The department  
364 shall publish the school grade or school improvement rating

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365 received by each approved provider on its Internet website.

366 (b) The performance of part-time students in grades 9  
367 through 12 shall not be included for purposes of school grades  
368 or school improvement ratings under subparagraph (a)2.; however,  
369 their performance shall be included for school grading or school  
370 improvement rating purposes by the nonvirtual school providing  
371 the student's primary instruction.

372 ~~(c) An approved provider that receives a school grade of~~  
373 ~~"D" or "F" under s. 1008.34 or a school improvement rating of~~  
374 ~~"Declining" under s. 1008.341 must file a school improvement~~  
375 ~~plan with the department for consultation to determine the~~  
376 ~~causes for low performance and to develop a plan for correction~~  
377 ~~and improvement.~~

378 (c) ~~(d)~~ An approved provider's contract must be terminated  
379 if the provider receives a school grade of "D" or "F" under s.  
380 1008.34 or a school improvement rating of "Declining" under s.  
381 1008.341 ~~for 2 years during any consecutive 4-year period.~~ A  
382 provider that has a contract terminated under this paragraph may  
383 not be an approved provider for a period of at least 1 year  
384 after the date upon which the contract was terminated and until  
385 the department determines that the provider is in compliance  
386 with subsection (2) and has corrected each cause of the  
387 provider's low performance.

388 (9) EXCEPTIONS.—A provider of digital or online content or  
389 curriculum that is used to supplement the instruction of  
390 students who are not enrolled in a school district virtual  
391 instruction program under this section is not required to meet  
392 the requirements of this section.

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393           (10) MARKETING.—The department shall post on its website  
394 information for students on the virtual instruction programs  
395 available in each school district. The posting must include  
396 information on a student's right to participate in programs and  
397 courses offered by a school district other than the one in which  
398 the student resides. School districts shall differentiate  
399 between a school district virtual instruction program, the  
400 Florida Virtual School, a franchise of the Florida Virtual  
401 School, and a home education program. Each school district shall  
402 provide information annually to parents and students about the  
403 parent's and student's right and the parent's responsibilities  
404 to participate in a school district virtual instruction program  
405 under this section and in courses offered by the Florida Virtual  
406 School under s. 1002.37. A school district shall post on the  
407 district's website information regarding online instruction  
408 opportunities, including an online link to the websites of  
409 approved providers.

410           (11) RULES.—The State Board of Education shall adopt rules  
411 necessary to administer this section, including rules that  
412 prescribe school district reporting requirements under  
413 subsection (7).

414           (12) STUDY.—The department shall review the advisability  
415 of legislatively authorizing school districts to contract with  
416 approved private providers for the provision of part-time  
417 virtual instruction programs for students in grades 9 through 12  
418 who are not enrolled in programs under ss. 1003.52 and 1003.53.  
419 The department shall report its findings and recommendations to  
420 the presiding officers of the Legislature and the Governor by

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421 January 15, 2010.

422 Section 6. Section 1002.452, Florida Statutes, is created  
423 to read:

424 1002.452 Virtual instruction courses.-

425 (1) A virtual instruction course is a course of  
426 instruction provided in an interactive learning environment  
427 created through technology in which students are separated from  
428 their teachers by time or space, or both, at least 25 percent of  
429 the time and in which a certified teacher is responsible for  
430 planning instruction, diagnosing learning needs, prescribing  
431 content delivery, assessing student learning, reporting  
432 outcomes, and evaluating the effects of instruction.

433 (2) Students attending K-12 public schools, including  
434 charter schools, may take virtual instruction courses while  
435 enrolled full-time at a public school. A virtual instruction  
436 course taken by a student while enrolled in a public school  
437 shall count toward academic credit and for purposes of  
438 attendance as if the student took the course in a nonvirtual  
439 setting. Funding to a public school, including a charter school,  
440 for a student taking a virtual instruction course pursuant to  
441 this section shall be as if the student were attending all  
442 courses in a nonvirtual setting.

443 Section 7. Subsection (1) of section 1003.428, Florida  
444 Statutes, is amended to read:

445 1003.428 General requirements for high school graduation;  
446 revised.-

447 (1) Except as otherwise authorized pursuant to s.  
448 1003.429, beginning with students entering their first year of



449 high school in the 2007-2008 school year, graduation requires  
 450 the successful completion of a minimum of 24 credits, an  
 451 International Baccalaureate curriculum, or an Advanced  
 452 International Certificate of Education curriculum. Students must  
 453 be advised of eligibility requirements for state scholarship  
 454 programs and postsecondary admissions. For students entering  
 455 their first year of high school in the 2010-2011 school year, at  
 456 least one of the minimum 24 credits shall be taken online.  
 457 However, an online course taken during grades 6 through 8  
 458 fulfills this requirement.

459 Section 8. Subsection (1) of section 1006.28, Florida  
 460 Statutes, is amended to read:

461 1006.28 Duties of district school board, district school  
 462 superintendent; and school principal regarding K-12  
 463 instructional materials.—

464 (1) DISTRICT SCHOOL BOARD.—The district school board has  
 465 the duty to provide adequate instructional materials for all  
 466 students in accordance with the requirements of this part. The  
 467 term "adequate instructional materials" means a sufficient  
 468 number of textbooks or sets of materials that are available in  
 469 bound, unbound, kit, or package form and may consist of hard-  
 470 backed or soft-backed textbooks, consumables, learning  
 471 laboratories, manipulatives, electronic media, and computer  
 472 hardware, courseware, or software that serve as the basis for  
 473 instruction for each student in the core courses of mathematics,  
 474 language arts, social studies, science, reading, and literature,  
 475 except for instruction for which the school advisory council  
 476 approves the use of a program that does not include a textbook

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477 as a major tool of instruction. The district school board has  
478 the following specific duties:

479 (a) Courses of study; adoption.—Adopt courses of study for  
480 use in the schools of the district.

481 (b) Textbooks.—Provide for proper requisitioning,  
482 distribution, accounting, storage, care, and use of all  
483 instructional materials furnished by the state and furnish such  
484 other instructional materials as may be needed. The district  
485 school board shall assure that instructional materials used in  
486 the district are consistent with the district goals and  
487 objectives and the curriculum frameworks adopted by rule of the  
488 State Board of Education, as well as with the state and district  
489 performance standards provided for in s. 1001.03(1).

490 (c) Other instructional materials.—Provide such other  
491 teaching accessories and aids as are needed for the school  
492 district's educational program.

493 (d) School library media services; establishment and  
494 maintenance.—Establish and maintain a program of school library  
495 media services for all public schools in the district, including  
496 school library media centers, or school library media centers  
497 open to the public, and, in addition such traveling or  
498 circulating libraries as may be needed for the proper operation  
499 of the district school system.

500 Section 9. Subsection (4) of section 1006.40, Florida  
501 Statutes, is amended to read:

502 1006.40 Use of instructional materials allocation;  
503 instructional materials, library books, and reference books;  
504 repair of books.—

505 (4) The funds described in subsection (3) which district  
 506 school boards may use to purchase materials not on the state-  
 507 adopted list shall be used for the purchase of instructional  
 508 materials or other items having intellectual content which  
 509 assist in the instruction of a subject or course. These items  
 510 may be available in bound, unbound, kit, or package form and may  
 511 consist of hardbacked or softbacked textbooks, replacements for  
 512 items which were part of previously purchased instructional  
 513 materials, consumables, learning laboratories, manipulatives,  
 514 electronic media, computer hardware, courseware, or software,  
 515 and other commonly accepted instructional tools as prescribed by  
 516 district school board rule. The funds available to district  
 517 school boards for the purchase of materials not on the state-  
 518 adopted list may not be used to purchase electronic or computer  
 519 hardware unless ~~even if~~ such hardware is bundled with software  
 520 or other electronic media, nor may such funds be used to  
 521 purchase equipment or supplies. However, when authorized to do  
 522 so in the General Appropriations Act, a school or district  
 523 school board may use a portion of the funds available to it for  
 524 the purchase of materials not on the state-adopted list to  
 525 purchase science laboratory materials and supplies.

526 Section 10. Subsection (1) of section 1011.61, Florida  
 527 Statutes, is amended to read:

528 1011.61 Definitions.—Notwithstanding the provisions of s.  
 529 1000.21, the following terms are defined as follows for the  
 530 purposes of the Florida Education Finance Program:

531 (1) A "full-time equivalent student" in each program of  
 532 the district is defined in terms of full-time students and part-

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533 time students as follows:

534 (a) A "full-time student" is one student on the membership  
535 roll of one school program or a combination of school programs  
536 listed in s. 1011.62(1)(c) for the school year or the equivalent  
537 for:

538 1. Instruction in a standard school, comprising not less  
539 than 900 net hours for a student in or at the grade level of 4  
540 through 12, or not less than 720 net hours for a student in or  
541 at the grade level of kindergarten through grade 3 or in an  
542 authorized prekindergarten exceptional program;

543 2. Instruction in a double-session school or a school  
544 utilizing an experimental school calendar approved by the  
545 Department of Education, comprising not less than the equivalent  
546 of 810 net hours in grades 4 through 12 or not less than 630 net  
547 hours in kindergarten through grade 3; or

548 3. Instruction comprising the appropriate number of net  
549 hours set forth in subparagraph 1. or subparagraph 2. for  
550 students who, within the past year, have moved with their  
551 parents for the purpose of engaging in the farm labor or fish  
552 industries, if a plan furnishing such an extended school day or  
553 week, or a combination thereof, has been approved by the  
554 commissioner. Such plan may be approved to accommodate the needs  
555 of migrant students only or may serve all students in schools  
556 having a high percentage of migrant students. The plan described  
557 in this subparagraph is optional for any school district and is  
558 not mandated by the state.

559 (b) A "part-time student" is a student on the active  
560 membership roll of a school program or combination of school

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561 programs listed in s. 1011.62(1)(c) who is less than a full-time  
562 student.

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

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

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

570 (I) A full-time student, except a postsecondary or adult  
571 student or a senior high school student enrolled in adult  
572 education when such courses are required for high school  
573 graduation, in a combination of programs listed in s.  
574 1011.62(1)(c) shall be a fraction of a full-time equivalent  
575 membership in each special program equal to the number of net  
576 hours per school year for which he or she is a member, divided  
577 by the appropriate number of hours set forth in subparagraph  
578 (a)1. or subparagraph (a)2. The difference between that fraction  
579 or sum of fractions and the maximum value as set forth in  
580 subsection (4) for each full-time student is presumed to be the  
581 balance of the student's time not spent in such special  
582 education programs and shall be recorded as time in the  
583 appropriate basic program.

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

586 (III) A full-time equivalent student for students in  
587 kindergarten through grade 5 in a school district virtual  
588 instruction program under s. 1002.45, in a virtual charter

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589 school that offers full-time online instruction, or in a public  
590 school, including a charter school, that offers virtual  
591 instruction courses shall consist of a student who has  
592 successfully completed six courses, or the prescribed level of  
593 content, in a basic program listed in s. 1011.62(1)(c)1.a. or b.  
594 ~~or, and~~ who is promoted to a higher grade level. A student who  
595 completes less than six courses or the prescribed level of  
596 content shall be calculated at a fraction of a full-time  
597 equivalent student. The State Board of Education shall adopt  
598 rules defining a fraction of a full-time equivalent for students  
599 in kindergarten through grade 5 who are in a school district  
600 virtual instruction program under s. 1002.45, in a virtual  
601 charter school that offers full-time online instruction, or in a  
602 public school, including a charter school, that offers virtual  
603 instruction courses.

604 (IV) A full-time equivalent student for students in grades  
605 6 through 12 in a school district virtual instruction program  
606 under s. 1002.45(1)(b)1. and 2., in a virtual charter school  
607 that offers full-time online instruction, or in a public school,  
608 including a charter school, that offers virtual instruction  
609 courses shall consist of six full credit completions in programs  
610 listed in s. 1011.62(1)(c)1.b. or c. and 3. Credit completions  
611 can be a combination of either full credits or half credits.

612 (V) A Florida Virtual School full-time equivalent student  
613 shall consist of six full credit completions in the programs  
614 listed in s. 1011.62(1)(c)1.a. and b. for kindergarten grades 6  
615 through grade 8 and the programs listed in s. 1011.62(1)(c)1.c.  
616 for grades 9 through 12. Credit completions can be a combination

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617 of either full credits or half credits.

618 (VI) Each successfully completed credit earned under the  
619 alternative high school course credit requirements authorized in  
620 s. 1002.375, which is not reported as a portion of the 900 net  
621 hours of instruction pursuant to subparagraph (1)(a)1., shall be  
622 calculated as 1/6 FTE.

623 2. A student in membership in a program scheduled for more  
624 or less than 180 school days or the equivalent on an hourly  
625 basis as specified by rules of the State Board of Education is a  
626 fraction of a full-time equivalent membership equal to the  
627 number of instructional hours in membership divided by the  
628 appropriate number of hours set forth in subparagraph (a)1.;  
629 however, for the purposes of this subparagraph, membership in  
630 programs scheduled for more than 180 days is limited to students  
631 enrolled in juvenile justice education programs and the Florida  
632 Virtual School.

633

634 The department shall determine and implement an equitable method  
635 of equivalent funding for experimental schools and for schools  
636 operating under emergency conditions, which schools have been  
637 approved by the department to operate for less than the minimum  
638 school day.

639 Section 11. Section 1012.57, Florida Statutes, is amended  
640 to read:

641 1012.57 Certification of adjunct educators.—

642 (1) Notwithstanding the provisions of ss. 1012.32,  
643 1012.55, and 1012.56, or any other provision of law or rule to  
644 the contrary, district school boards shall adopt rules to allow

645 for the issuance of an adjunct teaching certificate to any  
 646 applicant who fulfills the requirements of s. 1012.56(2)(a)-(f)  
 647 and (10) and who has expertise in the subject area to be taught.  
 648 An applicant shall be considered to have expertise in the  
 649 subject area to be taught if the applicant demonstrates  
 650 sufficient subject area mastery through passage of a subject  
 651 area test. The adjunct teaching certificate shall be used for  
 652 part-time teaching positions.

653 (2) This section shall ~~The intent of this provision is to~~  
 654 allow:

655 (a) School districts to tap the wealth of talent and  
 656 expertise represented in Florida's citizens who may wish to  
 657 teach part-time in a Florida public school by permitting school  
 658 districts to issue adjunct certificates to qualified applicants.

659 (b) School districts to tap the wealth of talent and  
 660 expertise of individuals in state or out of state who may wish  
 661 to provide online instruction to Florida students by permitting  
 662 school districts to issue adjunct certificates to qualified  
 663 applicants.

664 (3) Adjunct certificateholders should be used as a  
 665 strategy to:

666 (a) Enhance the diversity of course offerings offered to  
 667 all Florida students;

668 (b) Provide rigorous course offerings for students in  
 669 subjects for which the demand does not require a full-time  
 670 educator; or

671 (c) Reduce the teacher shortage; ~~thus, adjunct~~  
 672 ~~certificateholders should supplement a school's instructional~~



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673 ~~staff, not supplant it. Each school principal shall assign an~~  
674 ~~experienced peer mentor to assist the adjunct teaching~~  
675 ~~certificat holder during the certificat holder's first year of~~  
676 ~~teaching, and an adjunct certificat holder may participate in a~~  
677 ~~district's new teacher training program. District school boards~~  
678 ~~shall provide the adjunct teaching certificat holder an~~  
679 ~~orientation in classroom management prior to assigning the~~  
680 ~~certificat holder to a school.~~

681 (4) Each adjunct teaching certificate is valid through the  
682 term of the contract between the educator and the school  
683 district for 5 school years and is renewable if the applicant  
684 has received satisfactory performance evaluations during each  
685 year of teaching under adjunct teaching certification.

686 ~~(2) Individuals who are certified and employed under this~~  
687 ~~section shall have the same rights and protection of laws as~~  
688 ~~teachers certified under s. 1012.56.~~

689 Section 12. This act shall take effect July 1, 2010.