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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/26/2011	.	
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The Committee on Budget (Flores) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 1002.321, Florida Statutes, is created  
to read:

1002.321 Digital learning.—

(1) DIGITAL LEARNING NOW ACT.—There is created the Digital  
Learning Now Act.

(2) ELEMENTS OF HIGH-QUALITY DIGITAL LEARNING.—The  
Legislature finds that each student should have access to a  
high-quality digital learning environment that provides:

(a) Access to digital learning.



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14           (b) Access to high-quality digital content and online  
15 courses.

16           (c) Education that is customized to the needs of the  
17 student using digital content.

18           (d) A means for the student to demonstrate competency in  
19 completed coursework.

20           (e) High-quality digital content, instructional materials,  
21 and online and blended learning courses.

22           (f) High-quality digital instruction and teachers.

23           (g) Content and instruction that are evaluated on the  
24 metric of student learning.

25           (h) The use of funding as an incentive for performance,  
26 options, and innovation.

27           (i) Infrastructure that supports digital learning.

28           (j) Online administration of state assessments.

29           (3) DIGITAL PREPARATION.—Each student must graduate from  
30 high school having taken at least one online course, as provided  
31 in s. 1003.428.

32           (4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district  
33 must establish multiple opportunities for student participation  
34 in part-time and full-time kindergarten through grade 12 virtual  
35 instruction. Options include, but are not limited to:

36           (a) School district operated part-time or full-time virtual  
37 instruction programs under s. 1002.45(1)(b) for kindergarten  
38 through grade 12 students enrolled in the school district. A  
39 full-time program shall operate under its own Master School  
40 Identification Number.

41           (b) Florida Virtual School instructional services  
42 authorized under s. 1002.37.



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43           (c) Blended learning instruction provided by charter  
44 schools authorized under s. 1002.33.

45           (d) Full-time virtual charter school instruction authorized  
46 under s. 1002.33.

47           (e) Courses delivered in the traditional school setting by  
48 personnel providing direct instruction through a virtual  
49 environment or through a blended virtual and physical environment  
50 pursuant to s. 1003.498.

51           (f) Virtual courses offered in the course code directory to  
52 students within the school district or to students in other  
53 school districts throughout the state pursuant to s. 1003.498.

54           Section 2. Subsection (1), paragraph (a) of subsection (6),  
55 subsection (7), and paragraph (a) of subsection (20) of section  
56 1002.33, Florida Statutes, are amended, and paragraph (f) is  
57 added to subsection (17) of that section, to read:

58           1002.33 Charter schools.—

59           (1) AUTHORIZATION.—Charter schools shall be part of the  
60 state's program of public education. All charter schools in  
61 Florida are public schools. A charter school may be formed by  
62 creating a new school or converting an existing public school to  
63 charter status. A charter school may operate a virtual charter  
64 school pursuant to s. 1002.45(1)(d) to provide full-time online  
65 instruction to eligible students, pursuant to s. 1002.455, in  
66 kindergarten through grade 12. A charter school must amend its  
67 charter or submit a new application pursuant to subsection (6)  
68 to become a virtual charter school. A virtual charter school is  
69 subject to the requirements of this section; however, a virtual  
70 charter school is exempt from subsections (18) and (19),  
71 subparagraphs (20)(a)2.-5., paragraph (20)(c), and s. 1003.03. A



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72 public school may not use the term charter in its name unless it  
73 has been approved under this section.

74 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
75 applications are subject to the following requirements:

76 (a) A person or entity wishing to open a charter school  
77 shall prepare and submit an application on a model application  
78 form prepared by the Department of Education which:

79 1. Demonstrates how the school will use the guiding  
80 principles and meet the statutorily defined purpose of a charter  
81 school.

82 2. Provides a detailed curriculum plan that illustrates how  
83 students will be provided services to attain the Sunshine State  
84 Standards.

85 3. Contains goals and objectives for improving student  
86 learning and measuring that improvement. These goals and  
87 objectives must indicate how much academic improvement students  
88 are expected to show each year, how success will be evaluated,  
89 and the specific results to be attained through instruction.

90 4. Describes the reading curriculum and differentiated  
91 strategies that will be used for students reading at grade level  
92 or higher and a separate curriculum and strategies for students  
93 who are reading below grade level. A sponsor shall deny a  
94 charter if the school does not propose a reading curriculum that  
95 is consistent with effective teaching strategies that are  
96 grounded in scientifically based reading research.

97 5. Contains an annual financial plan for each year  
98 requested by the charter for operation of the school for up to 5  
99 years. This plan must contain anticipated fund balances based on  
100 revenue projections, a spending plan based on projected revenues



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101 and expenses, and a description of controls that will safeguard  
102 finances and projected enrollment trends.

103 6. Documents that the applicant has participated in the  
104 training required in subparagraph (f)2. A sponsor may require an  
105 applicant to provide additional information as an addendum to  
106 the charter school application described in this paragraph.

107 7. For the establishment of a virtual charter school,  
108 documents that the applicant has contracted with a provider of  
109 virtual instruction services pursuant to s. 1002.45(1)(d).

110 (7) CHARTER.—The major issues involving the operation of a  
111 charter school shall be considered in advance and written into  
112 the charter. The charter shall be signed by the governing board  
113 ~~body~~ of the charter school and the sponsor, following a public  
114 hearing to ensure community input.

115 (a) The charter shall address and criteria for approval of  
116 the charter shall be based on:

117 1. The school's mission, the students to be served, and the  
118 ages and grades to be included.

119 2. The focus of the curriculum, the instructional methods  
120 to be used, any distinctive instructional techniques to be  
121 employed, and identification and acquisition of appropriate  
122 technologies needed to improve educational and administrative  
123 performance which include a means for promoting safe, ethical,  
124 and appropriate uses of technology which comply with legal and  
125 professional standards.

126 a. The charter shall ensure that reading is a primary focus  
127 of the curriculum and that resources are provided to identify  
128 and provide specialized instruction for students who are reading  
129 below grade level. The curriculum and instructional strategies



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130 for reading must be consistent with the Sunshine State Standards  
131 and grounded in scientifically based reading research.

132 b. In order to provide students with access to diverse  
133 instructional delivery models, to facilitate the integration of  
134 technology within traditional classroom instruction, and to  
135 provide students with the skills they need to compete in the  
136 21st century economy, the Legislature encourages instructional  
137 methods for blended learning courses consisting of both  
138 traditional classroom and online instructional techniques.  
139 Charter schools may implement blended learning courses which  
140 combine traditional classroom instruction and virtual  
141 instruction. Students in a blended learning course must be full-  
142 time students of the charter school and receive the online  
143 instruction in a classroom setting at the charter school.  
144 Instructional personnel certified pursuant to s. 1012.55 who  
145 provide virtual instruction for blended learning courses may be  
146 employees of the charter school or may be under contract to  
147 provide instructional services to charter school students. At a  
148 minimum, such instructional personnel must hold an active state  
149 or school district adjunct certification under s. 1012.57 for  
150 the subject area of the blended learning course. The funding and  
151 performance accountability requirements for blended learning  
152 courses are the same as those for traditional courses.

153 3. The current incoming baseline standard of student  
154 academic achievement, the outcomes to be achieved, and the  
155 method of measurement that will be used. The criteria listed in  
156 this subparagraph shall include a detailed description of:

157 a. How the baseline student academic achievement levels and  
158 prior rates of academic progress will be established.



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159           b. How these baseline rates will be compared to rates of  
160 academic progress achieved by these same students while  
161 attending the charter school.

162           c. To the extent possible, how these rates of progress will  
163 be evaluated and compared with rates of progress of other  
164 closely comparable student populations.

165

166 The district school board is required to provide academic  
167 student performance data to charter schools for each of their  
168 students coming from the district school system, as well as  
169 rates of academic progress of comparable student populations in  
170 the district school system.

171           4. The methods used to identify the educational strengths  
172 and needs of students and how well educational goals and  
173 performance standards are met by students attending the charter  
174 school. The methods shall provide a means for the charter school  
175 to ensure accountability to its constituents by analyzing  
176 student performance data and by evaluating the effectiveness and  
177 efficiency of its major educational programs. Students in  
178 charter schools shall, at a minimum, participate in the  
179 statewide assessment program created under s. 1008.22.

180           5. In secondary charter schools, a method for determining  
181 that a student has satisfied the requirements for graduation in  
182 s. 1003.43.

183           6. A method for resolving conflicts between the governing  
184 board ~~body~~ of the charter school and the sponsor.

185           7. The admissions procedures and dismissal procedures,  
186 including the school's code of student conduct.

187           8. The ways by which the school will achieve a



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188 racial/ethnic balance reflective of the community it serves or  
189 within the racial/ethnic range of other public schools in the  
190 same school district.

191 9. The financial and administrative management of the  
192 school, including a reasonable demonstration of the professional  
193 experience or competence of those individuals or organizations  
194 applying to operate the charter school or those hired or  
195 retained to perform such professional services and the  
196 description of clearly delineated responsibilities and the  
197 policies and practices needed to effectively manage the charter  
198 school. A description of internal audit procedures and  
199 establishment of controls to ensure that financial resources are  
200 properly managed must be included. Both public sector and  
201 private sector professional experience shall be equally valid in  
202 such a consideration.

203 10. The asset and liability projections required in the  
204 application which are incorporated into the charter and shall be  
205 compared with information provided in the annual report of the  
206 charter school.

207 11. A description of procedures that identify various risks  
208 and provide for a comprehensive approach to reduce the impact of  
209 losses; plans to ensure the safety and security of students and  
210 staff; plans to identify, minimize, and protect others from  
211 violent or disruptive student behavior; and the manner in which  
212 the school will be insured, including whether or not the school  
213 will be required to have liability insurance, and, if so, the  
214 terms and conditions thereof and the amounts of coverage.

215 12. The term of the charter which shall provide for  
216 cancellation of the charter if insufficient progress has been





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217 made in attaining the student achievement objectives of the  
218 charter and if it is not likely that such objectives can be  
219 achieved before expiration of the charter. The initial term of a  
220 charter shall be for 4 or 5 years. In order to facilitate access  
221 to long-term financial resources for charter school  
222 construction, charter schools that are operated by a  
223 municipality or other public entity as provided by law are  
224 eligible for up to a 15-year charter, subject to approval by the  
225 district school board. A charter lab school is eligible for a  
226 charter for a term of up to 15 years. In addition, to facilitate  
227 access to long-term financial resources for charter school  
228 construction, charter schools that are operated by a private,  
229 not-for-profit, s. 501(c)(3) status corporation are eligible for  
230 up to a 15-year charter, subject to approval by the district  
231 school board. Such long-term charters remain subject to annual  
232 review and may be terminated during the term of the charter, but  
233 only according to the provisions set forth in subsection (8).

234 13. The facilities to be used and their location.

235 14. The qualifications to be required of the teachers and  
236 the potential strategies used to recruit, hire, train, and  
237 retain qualified staff to achieve best value.

238 15. The governance structure of the school, including the  
239 status of the charter school as a public or private employer as  
240 required in paragraph (12)(i).

241 16. A timetable for implementing the charter which  
242 addresses the implementation of each element thereof and the  
243 date by which the charter shall be awarded in order to meet this  
244 timetable.

245 17. In the case of an existing public school that is being



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246 converted to charter status, alternative arrangements for  
247 current students who choose not to attend the charter school and  
248 for current teachers who choose not to teach in the charter  
249 school after conversion in accordance with the existing  
250 collective bargaining agreement or district school board rule in  
251 the absence of a collective bargaining agreement. However,  
252 alternative arrangements shall not be required for current  
253 teachers who choose not to teach in a charter lab school, except  
254 as authorized by the employment policies of the state university  
255 which grants the charter to the lab school.

256 18. Full disclosure of the identity of all relatives  
257 employed by the charter school who are related to the charter  
258 school owner, president, chairperson of the governing board of  
259 directors, superintendent, governing board member, principal,  
260 assistant principal, or any other person employed by the charter  
261 school who has equivalent decisionmaking authority. For the  
262 purpose of this subparagraph, the term "relative" means father,  
263 mother, son, daughter, brother, sister, uncle, aunt, first  
264 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
265 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
266 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
267 stepsister, half brother, or half sister.

268 (b)1. A charter may be renewed provided that a program  
269 review demonstrates that the criteria in paragraph (a) have been  
270 successfully accomplished and that none of the grounds for  
271 nonrenewal established by paragraph (8) (a) has been documented.  
272 In order to facilitate long-term financing for charter school  
273 construction, charter schools operating for a minimum of 3 years  
274 and demonstrating exemplary academic programming and fiscal



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275 management are eligible for a 15-year charter renewal. Such  
276 long-term charter is subject to annual review and may be  
277 terminated during the term of the charter.

278 2. The 15-year charter renewal that may be granted pursuant  
279 to subparagraph 1. shall be granted to a charter school that has  
280 received a school grade of "A" or "B" pursuant to s. 1008.34 in  
281 3 of the past 4 years and is not in a state of financial  
282 emergency or deficit position as defined by this section. Such  
283 long-term charter is subject to annual review and may be  
284 terminated during the term of the charter pursuant to subsection  
285 (8).

286 (c) A charter may be modified during its initial term or  
287 any renewal term upon the recommendation of the sponsor or the  
288 charter school's ~~school~~ governing board and the approval of both  
289 parties to the agreement.

290 (d)1. Each charter school's governing board must appoint a  
291 representative to facilitate parental involvement, provide  
292 access to information, assist parents and others with questions  
293 and concerns, and resolve disputes. The representative must  
294 reside in the school district in which the charter school is  
295 located and may be a governing board member, charter school  
296 employee, or individual contracted to represent the governing  
297 board. If the governing board oversees multiple charter schools  
298 in the same school district, a single representative may be  
299 appointed to serve all such schools. The representative's  
300 contact information must be provided annually in writing to  
301 parents and posted prominently on the charter school's website  
302 if a website is maintained by the school. The sponsor may not  
303 require that governing board members of the charter school



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304 reside in the school district in which the charter school is  
305 located if the charter school complies with this paragraph.

306 2. Each charter school's governing board must hold at least  
307 two public meetings per school year in the school district. The  
308 meetings must be noticed, open, and accessible to the public,  
309 and attendees must be provided an opportunity to receive  
310 information and provide input regarding the charter school's  
311 operations. The appointed representative and charter school  
312 principal or director, or his or her equivalent, must be  
313 physically present at each meeting.

314 (17) FUNDING.—Students enrolled in a charter school,  
315 regardless of the sponsorship, shall be funded as if they are in  
316 a basic program or a special program, the same as students  
317 enrolled in other public schools in the school district. Funding  
318 for a charter lab school shall be as provided in s. 1002.32.

319 (f) Funding for a virtual charter school shall be as  
320 provided in s. 1002.45(7).

321 (20) SERVICES.—

322 (a)1. A sponsor shall provide certain administrative and  
323 educational services to charter schools. These services shall  
324 include contract management services; full-time equivalent and  
325 data reporting services; exceptional student education  
326 administration services; services related to eligibility and  
327 reporting duties required to ensure that school lunch services  
328 under the federal lunch program, consistent with the needs of  
329 the charter school, are provided by the school district at the  
330 request of the charter school, that any funds due to the charter  
331 school under the federal lunch program be paid to the charter  
332 school as soon as the charter school begins serving food under



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333 the federal lunch program, and that the charter school is paid  
334 at the same time and in the same manner under the federal lunch  
335 program as other public schools serviced by the sponsor or the  
336 school district; test administration services, including payment  
337 of the costs of state-required or district-required student  
338 assessments; processing of teacher certificate data services;  
339 and information services, including equal access to student  
340 information systems that are used by public schools in the  
341 district in which the charter school is located. Student  
342 performance data for each student in a charter school,  
343 including, but not limited to, FCAT scores, standardized test  
344 scores, previous public school student report cards, and student  
345 performance measures, shall be provided by the sponsor to a  
346 charter school in the same manner provided to other public  
347 schools in the district.

348 2. A total administrative fee for the provision of such  
349 services shall be calculated based upon up to 5 percent of the  
350 available funds defined in paragraph (17)(b) for all students.  
351 However, a sponsor may only withhold up to a 5-percent  
352 administrative fee for enrollment for up to and including 250  
353 students. For charter schools with a population of 251 or more  
354 students, the difference between the total administrative fee  
355 calculation and the amount of the administrative fee withheld  
356 may only be used for capital outlay purposes specified in s.  
357 1013.62(2).

358 3. In addition, a sponsor may withhold only up to a 5-  
359 percent administrative fee for enrollment for up to and  
360 including 500 students within a system of charter schools which  
361 meets all of the following:



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- 362 a. Includes both conversion charter schools and  
363 nonconversion charter schools;  
364 b. Has all schools located in the same county;  
365 c. Has a total enrollment exceeding the total enrollment of  
366 at least one school district in the state;  
367 d. Has the same governing board; and  
368 e. Does not contract with a for-profit service provider for  
369 management of school operations.

370 4. The difference between the total administrative fee  
371 calculation and the amount of the administrative fee withheld  
372 pursuant to subparagraph 3. may be used for instructional and  
373 administrative purposes as well as for capital outlay purposes  
374 specified in s. 1013.62(2).

375 5. Each charter school shall receive 100 percent of the  
376 funds awarded to that school pursuant to s. 1012.225. Sponsors  
377 shall not charge charter schools any additional fees or  
378 surcharges for administrative and educational services in  
379 addition to the maximum 5-percent administrative fee withheld  
380 pursuant to this paragraph.

381 6. The sponsor of a virtual charter school may withhold a  
382 fee of up to 5 percent. The funds shall be used to cover the  
383 cost of services provided under subparagraph 1. and for the  
384 school district's local instructional improvement system  
385 pursuant to s. 1006.281 or other technological tools that are  
386 required to access electronic and digital instructional  
387 materials.

388 Section 3. Paragraph (a) of subsection (3) of section  
389 1002.37, Florida Statutes, is amended, and subsections (8), (9),  
390 (10), and (11) are added to that section, to read:



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391 1002.37 The Florida Virtual School.-

392 (3) Funding for the Florida Virtual School shall be  
393 provided as follows:

394 (a) 1. For a student in grades 9 through 12, a "full-time  
395 equivalent student" for the Florida Virtual School is one  
396 student who has successfully completed six full-credit courses  
397 credits that shall count toward the minimum number of credits  
398 required for high school graduation. A student who completes  
399 fewer less than six full-credit courses is credits shall be a  
400 fraction of a full-time equivalent student. Half-credit course  
401 completions shall be included in determining a full-time  
402 equivalent student. Credit completed by a student in excess of  
403 the minimum required for that student for high school graduation  
404 is not eligible for funding.

405 2. For a student in kindergarten through grade 8, a "full-  
406 time equivalent student" is one student who has successfully  
407 completed six courses or the prescribed level of content that  
408 counts toward promotion to the next grade. A student who  
409 completes fewer than six courses or the prescribed level of  
410 content shall be a fraction of a full-time equivalent student.

411 3. Beginning in the 2014-2015 fiscal year, when s.  
412 1008.22(3)(g) is implemented, the reported full-time equivalent  
413 students and associated funding of students enrolled in courses  
414 requiring passage of an end-of-course assessment shall be  
415 adjusted after the student completes the end-of-course  
416 assessment. However, no adjustment shall be made for home  
417 education program students who choose not to take an end-of-  
418 course assessment.

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420 For purposes of this paragraph, the calculation of "full-time  
421 equivalent student" shall be as prescribed in s.  
422 1011.61(1)(c)1.b.(V).

423 (8)(a) The Florida Virtual School may provide full-time  
424 instruction for students in kindergarten through grade 12 and  
425 part-time instruction for students in grades 4 through 12. To  
426 receive full-time instruction in grades 2 through 5, a student  
427 must meet at least one of the eligibility criteria in s.  
428 1002.455(2). Part-time instruction for grades 4 and 5 may be  
429 provided only to public school students taking grade 6 through  
430 grade 8 courses.

431 (b) For students receiving part-time instruction in grades  
432 4 and 5 and students receiving full-time instruction in  
433 kindergarten through grade 12 from the Florida Virtual School,  
434 the combined total of all FTE reported by both the school  
435 district and the Florida Virtual School may not exceed 1.0 FTE.

436 (9) Each elementary school principal must notify the parent  
437 of each student who scores at Level 4 or Level 5 on FCAT Reading  
438 or FCAT Mathematics of the option for the student to take  
439 accelerated courses through the Florida Virtual School.

440 (10)(a) Public school students receiving full-time  
441 instruction in kindergarten through grade 12 by the Florida  
442 Virtual School must take all statewide assessments required  
443 pursuant to s. 1008.22.

444 (b) Public school students receiving part-time instruction  
445 by the Florida Virtual School in courses requiring statewide  
446 end-of-course assessments must take all statewide end-of-course  
447 assessments required pursuant to s. 1008.22(3)(c)2.

448 (c) All statewide assessments must be taken within the





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449 school district in which the student resides. A school district  
450 must provide the student with access to the district's testing  
451 facilities.

452 (11) The Florida Virtual School shall receive a school  
453 grade pursuant to s. 1008.34 for students receiving full-time  
454 instruction.

455 Section 4. Section 1002.45, Florida Statutes, is amended to  
456 read:

457 1002.45 ~~School district~~ Virtual instruction programs.—

458 (1) PROGRAM.—

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

460 1. "Approved provider" means a provider that is approved by  
461 the Department of Education under subsection (2), the Florida  
462 Virtual School, a franchise of the Florida Virtual School, or a  
463 community college.

464 2. "Virtual instruction program" means a program of  
465 instruction provided in an interactive learning environment  
466 created through technology in which students are separated from  
467 their teachers by time or space, or both, ~~and in which a~~  
468 ~~Florida-certified teacher under chapter 1012 is responsible for~~  
469 ~~at least:~~

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

472 ~~b. Eighty percent of the direct instruction to students in~~  
473 ~~grades 6 through 12.~~

474 (b) ~~Beginning with the 2009-2010 school year,~~ Each school  
475 district that is eligible for the sparsity supplement pursuant  
476 to s. 1011.62(7) shall provide all enrolled public school  
477 ~~eligible~~ students within its boundaries the option of



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478 participating in part-time and full-time a virtual instruction  
479 programs. Each school district that is not eligible for the  
480 sparsity supplement shall provide at least three options for  
481 part-time and full-time virtual instruction. All school  
482 districts must provide parents with timely written notification  
483 of an open enrollment period for full-time students of at least  
484 90 days that ends no later than 30 days prior to the first day  
485 of the school year program. The purpose of the program is to  
486 make quality virtual instruction available to students using  
487 online and distance learning technology in the nontraditional  
488 classroom. A school district virtual instruction ~~The~~ program  
489 shall provide the following ~~be~~:

490 1. Full-time virtual instruction for students enrolled in  
491 kindergarten through grade 12.

492 2. ~~Full-time or~~ Part-time virtual instruction for students  
493 enrolled in grades 9 through 12 courses that are measured  
494 pursuant to subparagraph (8)(a)2.

495 3. Full-time or part-time virtual instruction for students  
496 ~~who are~~ enrolled in dropout prevention and academic intervention  
497 programs under s. 1003.53, Department of Juvenile Justice  
498 education programs under s. 1003.52, core-curricula courses to  
499 meet class size requirements under s. 1003.03, or community  
500 colleges under this section.

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

504 1. Contract with the Florida Virtual School or establish a  
505 franchise of the Florida Virtual School for the provision of a  
506 program under paragraph (b). Using this option is subject to the



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507 requirements of this section and s. 1011.61(1)(c)1.b.(III) and  
508 (IV).

509 2. Contract with an approved provider under subsection (2)  
510 for the provision of a full-time program under subparagraph  
511 (b)1. or subparagraph (b)3. or a ~~full-time~~ or part-time program  
512 under subparagraph (b)2. or subparagraph (b)3.

513 3. Enter into an agreement with other ~~another~~ school  
514 districts ~~district~~ to allow the participation of its students in  
515 an approved virtual instruction program provided by the other  
516 school district. The agreement must indicate a process for the  
517 transfer of funds required by paragraph (7) (f) ~~(b)~~.

518 4. Establish school district operated part-time or full-  
519 time kindergarten through grade 12 virtual instruction programs  
520 under paragraph (b) for students enrolled in the school  
521 district. A full-time program shall operate under its own Master  
522 School Identification Number.

523 5. Enter into an agreement with a virtual charter school  
524 authorized by the school district under s. 1002.33.

525  
526 Contracts under subparagraph 1. or subparagraph 2. may include  
527 multidistrict contractual arrangements that may be executed by a  
528 regional consortium for its member districts. A multidistrict  
529 contractual arrangement or an agreement under subparagraph 3. is  
530 not subject to s. 1001.42(4)(d) and does not require the  
531 participating school districts to be contiguous. These  
532 arrangements may be used to fulfill the requirements of  
533 paragraph (b).

534 (d) A virtual charter school may provide full-time virtual  
535 instruction for students in kindergarten through grade 12 if the



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536 virtual charter school has a charter approved pursuant to s.  
537 1002.33 authorizing full-time virtual instruction. A virtual  
538 charter school may:

- 539 1. Contract with the Florida Virtual School.  
540 2. Contract with an approved provider under subsection (2).  
541 3. Enter into an ~~a joint~~ agreement with a ~~the~~ school  
542 district to allow the participation of in which it is located  
543 ~~for~~ the virtual charter school's students to participate in the  
544 school district's virtual instruction program. The agreement  
545 must indicate a process for reporting of student enrollment and  
546 the transfer of funds required by paragraph (7) (f).

547 (e) Each school district shall:

- 548 1. Provide to the department by October 1, 2011, and by  
549 each October 1 thereafter, a copy of each contract and the  
550 amounts paid per unweighted full-time equivalent student for  
551 services procured pursuant to subparagraphs (c)1. and 2.  
552 2. Expend the difference in funds provided for a student  
553 participating in the school district virtual instruction program  
554 pursuant to subsection (7) and the price paid for contracted  
555 services procured pursuant to subparagraphs (c)1. and 2. for the  
556 district's local instructional improvement system pursuant to s.  
557 1006.281 or other technological tools that are required to  
558 access electronic and digital instructional materials.  
559 3. At the end of each fiscal year, but no later than  
560 September 1, report to the department an itemized list of the  
561 technological tools purchased with these funds.

562 (2) PROVIDER QUALIFICATIONS.—

563 (a) The department shall annually publish online ~~provide~~  
564 ~~school districts with~~ a list of providers approved to offer



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565 virtual instruction programs. To be approved by the department,  
566 a provider must document that it:

567 1. Is nonsectarian in its programs, admission policies,  
568 employment practices, and operations;

569 2. Complies with the antidiscrimination provisions of s.  
570 1000.05;

571 3. Locates an administrative office or offices in this  
572 state, requires its administrative staff to be state residents,  
573 requires all instructional staff to be Florida-certified  
574 teachers under chapter 1012, and conducts background screenings  
575 for all employees or contracted personnel, as required by s.  
576 1012.32, using state and national criminal history records;

577 4. Possesses prior, successful experience offering online  
578 courses to elementary, middle, or high school students as  
579 demonstrated by quantified student learning gains in each  
580 subject area and grade level provided for consideration as an  
581 instructional program option;

582 5. Is accredited by a regional accrediting association as  
583 defined by State Board of Education rule; ~~the Southern~~  
584 ~~Association of Colleges and Schools Council on Accreditation and~~  
585 ~~School Improvement, the North Central Association Commission on~~  
586 ~~Accreditation and School Improvement, the Middle States~~  
587 ~~Association of Colleges and Schools Commission on Elementary~~  
588 ~~Schools and Commission on Secondary Schools, the New England~~  
589 ~~Association of Schools and Colleges, the Northwest Association~~  
590 ~~of Accredited Schools, the Western Association of Schools and~~  
591 ~~Colleges, or the Commission on International and Trans-Regional~~  
592 ~~Accreditation; and~~

593 6. Ensures instructional and curricular quality through a



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594 detailed curriculum and student performance accountability plan  
595 that addresses every subject and grade level it intends to  
596 provide through contract with the school district, including:  
597 a. Courses and programs that meet the standards of the  
598 International Association for K-12 Online Learning and the  
599 Southern Regional Education Board.  
600 b. Instructional content and services that align with, and  
601 measure student attainment of, student proficiency in the Next  
602 Generation Sunshine State Standards.  
603 c. Mechanisms that determine and ensure that a student has  
604 satisfied requirements for grade level promotion and high school  
605 graduation with a standard diploma, as appropriate;  
606 7. Publishes for the general public, in accordance with  
607 disclosure requirements adopted in rule by the State Board of  
608 Education, as part of its application as a provider and in all  
609 contracts negotiated pursuant to this section:  
610 a. Information and data about the curriculum of each full-  
611 time and part-time program.  
612 b. School policies and procedures.  
613 c. Certification status and physical location of all  
614 administrative and instructional personnel.  
615 d. Hours and times of availability of instructional  
616 personnel.  
617 e. Student-teacher ratios.  
618 f. Student completion and promotion rates.  
619 g. Student, educator, and school performance accountability  
620 outcomes; and  
621 8.6. If the provider is a community college, employs  
622 instructors who meet the certification requirements for



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623 instructional staff under chapter 1012.

624 (b) An approved provider shall retain its approved status  
625 during the ~~for a period of~~ 3 school years after the date of the  
626 department's approval under paragraph (a) as long as the  
627 provider continues to comply with all requirements of this  
628 section. However, each provider approved by the department for  
629 the 2011-2012 school year must reapply for approval to provide a  
630 part-time program for students in grades 9 through 12.

631 (3) ~~SCHOOL DISTRICT~~ VIRTUAL INSTRUCTION PROGRAM  
632 REQUIREMENTS.—Each ~~school district~~ virtual instruction program  
633 under this section must:

634 (a) Align virtual course curriculum and course content to  
635 the Sunshine State Standards under s. 1003.41.

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

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

640 (d) Provide, ~~when appropriate,~~ each full-time student  
641 enrolled in the program who qualifies for free or reduced-price  
642 school lunches under the National School Lunch Act, or who is on  
643 the direct certification list, and who does not have a computer  
644 or Internet access in his or her home with:

645 1. All equipment necessary for participants in the ~~school~~  
646 ~~district~~ virtual instruction program, including, but not limited  
647 to, a computer, computer monitor, and printer, if a printer is  
648 necessary to participate in the program; and

649 2. Access to or reimbursement for all Internet services  
650 necessary for online delivery of instruction.

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



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

654 (a) Set forth a detailed curriculum plan that illustrates  
655 how students will be provided services and be measured for  
656 attainment of ~~to attain~~ proficiency in the Next Generation  
657 Sunshine State Standards for each grade level and subject.

658 (b) Provide a method for determining that a student has  
659 satisfied the requirements for graduation in s. 1003.428, s.  
660 1003.429, or s. 1003.43 if the contract is for the provision of  
661 a full-time virtual instruction program to students in grades 9  
662 through 12.

663 (c) Specify a method for resolving conflicts among the  
664 parties.

665 (d) Specify authorized reasons for termination of the  
666 contract.

667 (e) Require the approved provider to be responsible for all  
668 debts of the ~~school district~~ virtual instruction program if the  
669 contract is not renewed or is terminated.

670 (f) Require the approved provider to comply with all  
671 requirements of this section.

672 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual  
673 instruction program provided by the school district or by a  
674 virtual charter school operated in the district in which he or  
675 she resides if the student meets eligibility requirements for  
676 virtual instruction pursuant to s. 1002.455. ~~at least one of the~~  
677 ~~following conditions:~~

678 ~~(a) The student has spent the prior school year in~~  
679 ~~attendance at a public school in this state and was enrolled and~~  
680 ~~reported by a public school district for funding during the~~





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681 ~~preceding October and February for purposes of the Florida~~  
682 ~~Education Finance Program surveys.~~

683 ~~(b) The student is a dependent child of a member of the~~  
684 ~~United States Armed Forces who was transferred within the last~~  
685 ~~12 months to this state from another state or from a foreign~~  
686 ~~country pursuant to the parent's permanent change of station~~  
687 ~~orders.~~

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

691 ~~(d) The student has a sibling who is currently enrolled in~~  
692 ~~a school district virtual instruction program and that sibling~~  
693 ~~was enrolled in such program at the end of the prior school~~  
694 ~~year.~~

695 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student  
696 enrolled in a ~~school district~~ virtual instruction program or  
697 virtual charter school must:

698 (a) Comply with the compulsory attendance requirements of  
699 s. 1003.21. Student attendance must be verified by the school  
700 district.

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

704 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL  
705 FUNDING.—

706 (a) Students enrolled in a virtual instruction program or a  
707 virtual charter school shall be funded through the Florida  
708 Education Finance Program as provided in the General  
709 Appropriations Act. However, such funds may not be provided for



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710 the purpose of fulfilling the class size requirements in ss.  
711 1003.03 and 1011.685.

712 (b) For purposes of a ~~school district~~ virtual instruction  
713 program or a virtual charter school, "full-time equivalent  
714 student" has the same meaning as provided in s.  
715 1011.61(1)(c)1.b.(III) or (IV).

716 (c) For a student enrolled part-time in a grades 6 through  
717 12 program, a "full-time equivalent student" has the same  
718 meaning as provided in s. 1011.61(1)(c)1.b.(IV).

719 (d) A student may not be reported as more than 1.0 full-  
720 time equivalent student in any given school year.

721 (e) Beginning in the 2014-2015 fiscal year, when s.  
722 1008.22(3)(g) is implemented, the reported full-time equivalent  
723 students and associated funding of students enrolled in courses  
724 requiring passage of an end-of-course assessment shall be  
725 adjusted after the student completes the end-of-course  
726 assessment.

727 (f) ~~(b)~~ The school district in which the student resides  
728 shall report full-time equivalent students for a ~~the school~~  
729 ~~district~~ virtual instruction program or a virtual charter school  
730 to the department in a manner prescribed by the department, and  
731 funding shall be provided through the Florida Education Finance  
732 Program. Funds received by the school district of residence for  
733 a student in a virtual instruction program provided by another  
734 school district under this section shall be transferred to the  
735 school district providing the virtual instruction program.

736 (g) ~~(e)~~ A community college provider may not report students  
737 who are served in a ~~school district~~ virtual instruction  
738 program for funding under the Community College Program Fund.



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739 (8) ASSESSMENT AND ACCOUNTABILITY.—

740 (a) Each approved provider contracted under this section  
741 must:

742 1. Participate in the statewide assessment program under s.  
743 1008.22 and in the state's education performance accountability  
744 system under s. 1008.31.

745 2. Receive a school grade under s. 1008.34 or a school  
746 improvement rating under s. 1008.341, as applicable. The school  
747 grade or school improvement rating received by each approved  
748 provider shall be based upon the aggregated assessment scores of  
749 all students served by the provider statewide. The department  
750 shall publish the school grade or school improvement rating  
751 received by each approved provider on its Internet website. The  
752 department shall develop an evaluation method for providers of  
753 part-time programs which includes the percentage of students  
754 making learning gains, the percentage of students successfully  
755 passing any required end-of-course assessment, the percentage of  
756 students taking Advanced Placement examinations, and the  
757 percentage of students scoring 3 or higher on an Advanced  
758 Placement examination.

759 (b) The performance of part-time students in grades 9  
760 through 12 shall not be included for purposes of school grades  
761 or school improvement ratings under subparagraph (a)2.; however,  
762 their performance shall be included for school grading or school  
763 improvement rating purposes by the nonvirtual school providing  
764 the student's primary instruction.

765 (c) An approved provider that receives a school grade of  
766 "D" or "F" under s. 1008.34 or a school improvement rating of  
767 "Declining" under s. 1008.341 must file a school improvement



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768 plan with the department for consultation to determine the  
769 causes for low performance and to develop a plan for correction  
770 and improvement.

771 (d) An approved provider's contract must be terminated if  
772 the provider receives a school grade of "D" or "F" under s.  
773 1008.34 or a school improvement rating of "Declining" under s.  
774 1008.341 for 2 years during any consecutive 4-year period or has  
775 violated any qualification requirement pursuant to subsection  
776 (2). A provider that has a contract terminated under this  
777 paragraph may not be an approved provider for a period of at  
778 least 1 year after the date upon which the contract was  
779 terminated and until the department determines that the provider  
780 is in compliance with subsection (2) and has corrected each  
781 cause of the provider's low performance.

782 (9) EXCEPTIONS.—A provider of digital or online content or  
783 curriculum that is used to supplement the instruction of  
784 students who are not enrolled in a ~~school-district~~ virtual  
785 instruction program under this section is not required to meet  
786 the requirements of this section.

787 (10) MARKETING.—Each school district shall provide  
788 information to parents and students about the parent's and  
789 student's right to participate in a ~~school-district~~ virtual  
790 instruction program under this section and in courses offered by  
791 the Florida Virtual School under s. 1002.37.

792 (11) RULES.—The State Board of Education shall adopt rules  
793 necessary to administer this section, including rules that  
794 prescribe disclosure requirements under subsection (2) and  
795 school district reporting requirements under subsection (7).

796 Section 5. Section 1002.455, Florida Statutes, is created



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797 to read:  
798 1002.455 Student eligibility for K-12 virtual instruction.—  
799 (1) A student may participate in virtual instruction in the  
800 school district in which he or she resides if the student meets  
801 the eligibility criteria in subsection (2).  
802 (2) A student is eligible to participate in virtual  
803 instruction if:  
804 (a) The student spent the prior school year in attendance  
805 at a public school in the state and was enrolled and reported by  
806 the school district for funding during October and February for  
807 purposes of the Florida Education Finance Program surveys;  
808 (b) The student is a dependent child of a member of the  
809 United States Armed Forces who was transferred within the last  
810 12 months to this state from another state or from a foreign  
811 country pursuant to a permanent change of station order;  
812 (c) The student was enrolled during the prior school year  
813 in a virtual instruction program under s. 1002.45, the K-8  
814 Virtual School Program under s. 1002.415, or a full-time Florida  
815 Virtual School program under s. 1002.37(8) (a);  
816 (d) The student has a sibling who is currently enrolled in  
817 a virtual instruction program and the sibling was enrolled in  
818 that program at the end of the prior school year; or  
819 (e) The student is eligible to enter kindergarten or first  
820 grade.  
821 (3) The virtual instruction options for which this  
822 eligibility section applies include:  
823 (a) School district operated part-time or full-time  
824 kindergarten through grade 12 virtual instruction programs under  
825 s. 1002.45(1) (b) for students enrolled in the school district.



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826 (b) Full-time virtual charter school instruction authorized  
827 under s. 1002.33.

828 (c) Courses delivered in the traditional school setting by  
829 personnel providing direct instruction through a virtual  
830 environment or through a blended virtual and physical environment  
831 pursuant to s. 1003.498 and as authorized pursuant to s.  
832 1002.321(4) (e).

833 (d) Virtual courses offered in the course code directory to  
834 students within the school district or to students in other  
835 school districts throughout the state pursuant to s. 1003.498.

836 Section 6. Paragraph (c) is added to subsection (2) of  
837 section 1003.428, Florida Statutes, to read:

838 1003.428 General requirements for high school graduation;  
839 revised.—

840 (2) The 24 credits may be earned through applied,  
841 integrated, and combined courses approved by the Department of  
842 Education. The 24 credits shall be distributed as follows:

843 (c) Beginning with students entering grade 9 in the 2011-  
844 2012 school year, at least one course within the 24 credits  
845 required in this subsection must be completed through online  
846 learning. However, an online course taken during grades 6  
847 through 8 fulfills this requirement. This requirement shall be  
848 met through an online course offered by the Florida Virtual  
849 School, an online course offered by the high school, or an  
850 online dual enrollment course offered pursuant to a district  
851 interinstitutional articulation agreement pursuant to s.  
852 1007.235. A student who is enrolled in a full-time or part-time  
853 virtual instruction program under s. 1002.45 meets this  
854 requirement.



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855 Section 7. Section 1003.498, Florida Statutes, is created  
856 to read:

857 1003.498 School district virtual course offerings.—

858 (1) School districts may deliver courses in the traditional  
859 school setting by personnel certified pursuant to s. 1012.55 who  
860 provide direct instruction through a virtual environment or  
861 though a blended virtual and physical environment.

862 (2) School districts may offer virtual courses for students  
863 enrolled in the school district. These courses must be  
864 identified in the course code directory. Students who meet the  
865 eligibility requirements of s. 1002.455 may participate in these  
866 virtual course offerings.

867 (a) Any eligible student who is enrolled in a school  
868 district may register and enroll in an online course offered by  
869 his or her school district.

870 (b) Any eligible student who is enrolled in a school  
871 district may register and enroll in an online course offered by  
872 any other school district in the state, except as limited by the  
873 following:

874 1. A student may not enroll in a course offered through a  
875 virtual instruction program provided pursuant to s. 1002.45.

876 2. A student may not enroll in a virtual course offered by  
877 another school district if:

878 a. The course is offered online by the school district in  
879 which the student resides; or

880 b. The course is offered in the school in which the student  
881 is enrolled. However, a student may enroll in an online course  
882 offered by another school district if the school in which the  
883 student is enrolled offers the course but the student is unable



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884 to schedule the course in his or her school.

885 3. The school district in which the student completes the  
886 course shall report the student's completion of that course for  
887 funding pursuant to s. 1011.61(1)(c)b.(VI) and the home school  
888 district shall not report the student for funding for that  
889 course.

890  
891 For purposes of this paragraph, the combined total of all school  
892 district reported FTE may not be reported as more than 1.0 full-  
893 time equivalent student in any given school year. The Department  
894 of Education shall establish procedures to enable interdistrict  
895 coordination for the delivery and funding of this online option.

896 Section 8. Paragraph (g) of subsection (3) of section  
897 1008.22, Florida Statutes, is amended to read:

898 1008.22 Student assessment program for public schools.—

899 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
900 design and implement a statewide program of educational  
901 assessment that provides information for the improvement of the  
902 operation and management of the public schools, including  
903 schools operating for the purpose of providing educational  
904 services to youth in Department of Juvenile Justice programs.  
905 The commissioner may enter into contracts for the continued  
906 administration of the assessment, testing, and evaluation  
907 programs authorized and funded by the Legislature. Contracts may  
908 be initiated in 1 fiscal year and continue into the next and may  
909 be paid from the appropriations of either or both fiscal years.  
910 The commissioner is authorized to negotiate for the sale or  
911 lease of tests, scoring protocols, test scoring services, and  
912 related materials developed pursuant to law. Pursuant to the





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913 statewide assessment program, the commissioner shall:

914 (g) Beginning with the 2014-2015 school year, all statewide  
915 end-of-course assessments shall be administered online. Study  
916 ~~the cost and student achievement impact of secondary end-of-~~  
917 ~~course assessments, including web-based and performance formats,~~  
918 ~~and report to the Legislature prior to implementation.~~

919 Section 9. Paragraph (c) of subsection (1) of section  
920 1011.61, Florida Statutes, is amended to read:

921 1011.61 Definitions.—Notwithstanding the provisions of s.  
922 1000.21, the following terms are defined as follows for the  
923 purposes of the Florida Education Finance Program:

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

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

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

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

934 (I) A full-time student, except a postsecondary or adult  
935 student or a senior high school student enrolled in adult  
936 education when such courses are required for high school  
937 graduation, in a combination of programs listed in s.  
938 1011.62(1)(c) shall be a fraction of a full-time equivalent  
939 membership in each special program equal to the number of net  
940 hours per school year for which he or she is a member, divided  
941 by the appropriate number of hours set forth in subparagraph



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942 (a)1. or subparagraph (a)2. The difference between that fraction  
943 or sum of fractions and the maximum value as set forth in  
944 subsection (4) for each full-time student is presumed to be the  
945 balance of the student's time not spent in such special  
946 education programs and shall be recorded as time in the  
947 appropriate basic program.

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

950 (III) A full-time equivalent student for students in  
951 kindergarten through grade 5 in a ~~school district~~ virtual  
952 instruction program under s. 1002.45 or a virtual charter school  
953 under s. 1002.33 shall consist of a student who has successfully  
954 completed a basic program listed in s. 1011.62(1)(c)1.a. or b.,  
955 and who is promoted to a higher grade level.

956 (IV) A full-time equivalent student for students in grades  
957 6 through 12 in a ~~school district~~ virtual instruction program  
958 under s. 1002.45(1)(b)1., ~~and 2.,~~ or 3. or a virtual charter  
959 school under s. 1002.33 shall consist of six full credit  
960 completions in programs listed in s. 1011.62(1)(c)1.b. or c. and  
961 3. Credit completions may ~~can~~ be a combination of full-credit  
962 courses or half-credit courses ~~either full credits or half~~  
963 ~~credits.~~ Beginning in the 2014-2015 fiscal year, when s.  
964 1008.22(3)(g) is implemented, the reported full-time equivalent  
965 students and associated funding of students enrolled in courses  
966 requiring passage of an end-of-course assessment shall be  
967 adjusted after the student completes the end-of-course  
968 assessment.

969 (V) A Florida Virtual School full-time equivalent student  
970 shall consist of six full credit completions or the prescribed



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971 level of content that counts toward promotion to the next grade  
972 in the programs listed in s. 1011.62(1)(c)1.a. and b. for  
973 kindergarten ~~grades 6~~ through grade 8 and the programs listed in  
974 s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions  
975 may ~~ean~~ be a combination of full-credit courses or half-credit  
976 courses ~~either full credits or half credits~~. Beginning in the  
977 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the  
978 reported full-time equivalent students and associated funding of  
979 students enrolled in courses requiring passage of an end-of-  
980 course assessment shall be adjusted after the student completes  
981 the end-of-course assessment.

982 (VI) Each successfully completed full-credit course earned  
983 through an online course delivered by a district other than the  
984 one in which the student resides shall be calculated as 1/6 FTE.

985 (VII) ~~(VI)~~ Each successfully completed credit earned under  
986 the alternative high school course credit requirements  
987 authorized in s. 1002.375, which is not reported as a portion of  
988 the 900 net hours of instruction pursuant to subparagraph  
989 (1)(a)1., shall be calculated as 1/6 FTE.

990 2. A student in membership in a program scheduled for more  
991 or less than 180 school days or the equivalent on an hourly  
992 basis as specified by rules of the State Board of Education is a  
993 fraction of a full-time equivalent membership equal to the  
994 number of instructional hours in membership divided by the  
995 appropriate number of hours set forth in subparagraph (a)1. ;  
996 however, for the purposes of this subparagraph, membership in  
997 programs scheduled for more than 180 days is limited to students  
998 enrolled in juvenile justice education programs and the Florida  
999 Virtual School.



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1000  
1001 The department shall determine and implement an equitable method  
1002 of equivalent funding for experimental schools and for schools  
1003 operating under emergency conditions, which schools have been  
1004 approved by the department to operate for less than the minimum  
1005 school day.

1006 Section 10. Section 1012.57, Florida Statutes, is amended  
1007 to read:

1008 1012.57 Certification of adjunct educators.—

1009 (1) Notwithstanding the provisions of ss. 1012.32, 1012.55,  
1010 and 1012.56, or any other provision of law or rule to the  
1011 contrary, district school boards shall adopt rules to allow for  
1012 the issuance of an adjunct teaching certificate to any applicant  
1013 who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10)  
1014 and who has expertise in the subject area to be taught. An  
1015 applicant shall be considered to have expertise in the subject  
1016 area to be taught if the applicant demonstrates sufficient  
1017 subject area mastery through passage of a subject area test. The  
1018 adjunct teaching certificate shall be used for part-time  
1019 teaching positions.

1020 (2) The Legislature intends that this section ~~intent of~~  
1021 ~~this provision is to~~ allow school districts to tap the wealth of  
1022 talent and expertise represented in Florida's citizens who may  
1023 wish to teach part-time in a Florida public school by permitting  
1024 school districts to issue adjunct certificates to qualified  
1025 applicants.

1026 (3) Adjunct certificateholders should be used as a strategy  
1027 to enhance the diversity of course offerings offered to all  
1028 students. School districts may use the expertise of individuals



1029 in the state who wish to provide online instruction to students  
1030 by issuing adjunct certificates to qualified applicants ~~reduce~~  
1031 ~~the teacher shortage; thus, adjunct certificateholders should~~  
1032 ~~supplement a school's instructional staff, not supplant it. Each~~  
1033 ~~school principal shall assign an experienced peer mentor to~~  
1034 ~~assist the adjunct teaching certificateholder during the~~  
1035 ~~certificateholder's first year of teaching, and an adjunct~~  
1036 ~~certificateholder may participate in a district's new teacher~~  
1037 ~~training program. District school boards shall provide the~~  
1038 ~~adjunct teaching certificateholder an orientation in classroom~~  
1039 ~~management prior to assigning the certificateholder to a school.~~

1040 (4) Each adjunct teaching certificate is valid through the  
1041 term of the annual contract between the educator and the school  
1042 district. An additional annual certification and an additional  
1043 annual contract may be awarded by the district at the district's  
1044 discretion but only for 5 school years and is renewable if the  
1045 applicant is rated effective or highly effective under s.  
1046 1012.34 ~~has received satisfactory performance evaluations~~ during  
1047 each year of teaching under adjunct teaching certification.

1048 (5) ~~(2)~~ Individuals who are certified and employed under  
1049 this section shall have the same rights and protection of laws  
1050 as teachers certified under s. 1012.56.

1051 Section 11. Subsection (1) of section 1000.04, Florida  
1052 Statutes, is amended to read:

1053 1000.04 Components for the delivery of public education  
1054 within the Florida K-20 education system.—Florida's K-20  
1055 education system provides for the delivery of public education  
1056 through publicly supported and controlled K-12 schools,  
1057 community colleges, state universities and other postsecondary



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1058 educational institutions, other educational institutions, and  
1059 other educational services as provided or authorized by the  
1060 Constitution and laws of the state.

1061 (1) PUBLIC K-12 SCHOOLS.—The public K-12 schools include  
1062 charter schools and consist of kindergarten classes; elementary,  
1063 middle, and high school grades and special classes; ~~school~~  
1064 ~~district~~ virtual instruction programs; workforce education;  
1065 career centers; adult, part-time, and evening schools, courses,  
1066 or classes, as authorized by law to be operated under the  
1067 control of district school boards; and lab schools operated  
1068 under the control of state universities.

1069 Section 12. Paragraph (a) of subsection (6) of section  
1070 1002.20, Florida Statutes, is amended to read:

1071 1002.20 K-12 student and parent rights.—Parents of public  
1072 school students must receive accurate and timely information  
1073 regarding their child's academic progress and must be informed  
1074 of ways they can help their child to succeed in school. K-12  
1075 students and their parents are afforded numerous statutory  
1076 rights including, but not limited to, the following:

1077 (6) EDUCATIONAL CHOICE.—

1078 (a) *Public school choices*.—Parents of public school  
1079 students may seek whatever public school choice options that are  
1080 applicable to their students and are available to students in  
1081 their school districts. These options may include controlled  
1082 open enrollment, single-gender programs, lab schools, ~~school~~  
1083 ~~district~~ virtual instruction programs, charter schools, charter  
1084 technical career centers, magnet schools, alternative schools,  
1085 special programs, advanced placement, dual enrollment,  
1086 International Baccalaureate, International General Certificate



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1087 of Secondary Education (pre-AICE), Advanced International  
1088 Certificate of Education, early admissions, credit by  
1089 examination or demonstration of competency, the New World School  
1090 of the Arts, the Florida School for the Deaf and the Blind, and  
1091 the Florida Virtual School. These options may also include the  
1092 public school choice options of the Opportunity Scholarship  
1093 Program and the McKay Scholarships for Students with  
1094 Disabilities Program.

1095 Section 13. Paragraph (b) of subsection (3) of section  
1096 1003.03, Florida Statutes, is amended to read:

1097 1003.03 Maximum class size.—

1098 (3) IMPLEMENTATION OPTIONS.—District school boards must  
1099 consider, but are not limited to, implementing the following  
1100 items in order to meet the constitutional class size maximums  
1101 described in subsection (1):

1102 (b) Adopt policies to encourage students to take courses  
1103 from the Florida Virtual School and other school-district  
1104 virtual instruction options under s. 1002.45 programs.

1105 Section 14. By December 1, 2011, the Department of  
1106 Education shall submit a report to the Governor, the President  
1107 of the Senate, and the Speaker of the House of Representatives  
1108 which identifies and explains the best methods and strategies by  
1109 which the department can assist district school boards in  
1110 acquiring digital learning at the most reasonable prices  
1111 possible and provides a plan under which district school boards  
1112 may voluntarily pool their bids for such purchases. The report  
1113 shall identify criteria that will enable district school boards  
1114 to differentiate between the level of service and pricing based  
1115 upon factors such as the level of student support, the frequency



1116 of teacher-student communications, instructional accountability  
1117 standards, and academic integrity. The report shall also include  
1118 ways to increase student access to digital learning, including  
1119 identification and analysis of the best methods and strategies  
1120 for implementing part-time virtual education in kindergarten  
1121 through grade 5.

1122 Section 15. This act shall take effect July 1, 2011.

1123  
1124 ===== T I T L E A M E N D M E N T =====

1125 And the title is amended as follows:

1126 Delete everything before the enacting clause  
1127 and insert:

1128 A bill to be entitled  
1129 An act relating to digital learning; creating s.  
1130 1002.321, F.S.; creating the Digital Learning Now Act;  
1131 providing legislative findings related to the elements  
1132 to be included in high-quality digital learning;  
1133 providing digital preparation requirements; providing  
1134 for customized and accelerated learning; amending s.  
1135 1002.33, F.S.; authorizing the establishment of  
1136 virtual charter schools; providing application  
1137 requirements for establishment of a virtual charter  
1138 school; authorizing a charter school to implement  
1139 blended learning courses; requiring each charter  
1140 school governing board to appoint a representative and  
1141 specifying duties; requiring each governing board to  
1142 hold two public meetings per school year; providing  
1143 funding for a virtual charter school; establishing  
1144 administrative fees for a virtual charter school;





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1145 amending s. 1002.37, F.S.; redefining the term "full-  
1146 time equivalent student" as it applies to the Florida  
1147 Virtual School; providing instruction, eligibility,  
1148 funding, assessment, and accountability requirements;  
1149 amending s. 1002.45, F.S.; revising the definition of  
1150 the term "virtual instruction program"; revising  
1151 school district requirements for providing virtual  
1152 instruction programs; requiring full-time and part-  
1153 time virtual instruction program options; authorizing  
1154 a school district to enter into an agreement with a  
1155 virtual charter school to provide virtual instruction  
1156 to district students; authorizing virtual charter  
1157 school contracts; providing additional provider  
1158 qualifications relating to curriculum, student  
1159 performance accountability, and disclosure; revising  
1160 student eligibility requirements; providing funding  
1161 and accountability requirements; creating s. 1002.455,  
1162 F.S.; establishing student eligibility requirements  
1163 for K-12 virtual instruction; amending s. 1003.428,  
1164 F.S.; requiring at least one course required for high  
1165 school graduation to be completed through online  
1166 learning; creating s. 1003.498, F.S.; authorizing  
1167 school districts to offer virtual courses and blended  
1168 learning courses; amending s. 1008.22, F.S.; requiring  
1169 all statewide end-of-course assessments to be  
1170 administrated online beginning with the 2014-2015  
1171 school year; amending s. 1011.61, F.S.; redefining the  
1172 term "full-time equivalent student" for purposes of  
1173 virtual instruction; amending s. 1012.57, F.S.;



1174 authorizing school districts to issue adjunct teaching  
1175 certificates to qualified applicants to provide online  
1176 instruction; revising requirements for adjunct  
1177 teaching certificateholders; providing for annual  
1178 contracts; amending ss. 1000.04, 1002.20, and 1003.03,  
1179 F.S.; conforming provisions to changes made by the  
1180 act; requiring the Department of Education to submit a  
1181 report to the Governor and the Legislature relating to  
1182 school district offering of, and student access to,  
1183 digital learning; providing an effective date.