

By the Committee on Rules; and Senator Flores

595-05163-11

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1 A bill to be entitled
2 An act relating to digital learning; creating s.
3 1002.321, F.S.; creating the Digital Learning Now Act;
4 providing legislative findings related to the elements
5 to be included in high-quality digital learning;
6 providing digital preparation requirements; providing
7 for customized and accelerated learning; amending s.
8 1002.33, F.S.; authorizing the establishment of
9 virtual charter schools; providing application
10 requirements for establishment of a virtual charter
11 school; authorizing a charter school to implement
12 blended learning courses; requiring each charter
13 school governing board to appoint a representative and
14 specifying duties; requiring each governing board to
15 hold two public meetings per school year; providing
16 funding for a virtual charter school; establishing
17 administrative fees for a virtual charter school;
18 amending s. 1002.37, F.S.; redefining the term "full-
19 time equivalent student" as it applies to the Florida
20 Virtual School; providing instruction, eligibility,
21 funding, assessment, and accountability requirements;
22 amending s. 1002.45, F.S.; revising the definition of
23 the term "virtual instruction program"; revising
24 school district requirements for providing virtual
25 instruction programs; requiring full-time and part-
26 time virtual instruction program options; authorizing
27 a school district to enter into an agreement with a
28 virtual charter school to provide virtual instruction
29 to district students; authorizing virtual charter

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30 school contracts; providing additional provider
31 qualifications relating to curriculum, student
32 performance accountability, and disclosure; revising
33 student eligibility requirements; providing funding
34 and accountability requirements; creating s. 1002.455,
35 F.S.; establishing student eligibility requirements
36 for K-12 virtual instruction; amending s. 1003.428,
37 F.S.; requiring at least one course required for high
38 school graduation to be completed through online
39 learning; creating s. 1003.498, F.S.; authorizing
40 school districts to offer virtual courses and blended
41 learning courses; amending s. 1008.22, F.S.; requiring
42 all statewide end-of-course assessments to be
43 administrated online beginning with the 2014-2015
44 school year; amending s. 1011.61, F.S.; redefining the
45 term "full-time equivalent student" for purposes of
46 virtual instruction; amending s. 1012.57, F.S.;

47 authorizing school districts to issue adjunct teaching
48 certificates to qualified applicants to provide online
49 instruction; revising requirements for adjunct
50 teaching certificateholders; providing for annual
51 contracts; amending ss. 1000.04, 1002.20, and 1003.03,
52 F.S.; conforming provisions to changes made by the
53 act; requiring the Department of Education to submit a
54 report to the Governor and the Legislature relating to
55 school district offering of, and student access to,
56 digital learning; providing an effective date.

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58 Be It Enacted by the Legislature of the State of Florida:

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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.

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

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

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

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

(f) High-quality digital instruction and teachers.

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

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

(i) Infrastructure that supports digital learning.

(j) Online administration of state assessments.

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

(4) CUSTOMIZED AND ACCELERATED LEARNING.-A school district

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88 must establish multiple opportunities for student participation
89 in part-time and full-time kindergarten through grade 12 virtual
90 instruction. Options include, but are not limited to:

91 (a) School district operated part-time or full-time virtual
92 instruction programs under s. 1002.45(1)(b) for kindergarten
93 through grade 12 students enrolled in the school district. A
94 full-time program shall operate under its own Master School
95 Identification Number.

96 (b) Florida Virtual School instructional services
97 authorized under s. 1002.37.

98 (c) Blended learning instruction provided by charter
99 schools authorized under s. 1002.33.

100 (d) Full-time virtual charter school instruction authorized
101 under s. 1002.33.

102 (e) Courses delivered in the traditional school setting by
103 personnel providing direct instruction through a virtual
104 environment or through a blended virtual and physical environment
105 pursuant to s. 1003.498.

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

109 Section 2. Subsection (1), paragraph (a) of subsection (6),
110 subsection (7), and paragraph (a) of subsection (20) of section
111 1002.33, Florida Statutes, are amended, and paragraph (f) is
112 added to subsection (17) of that section, to read:

113 1002.33 Charter schools.—

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

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117 creating a new school or converting an existing public school to
118 charter status. A charter school may operate a virtual charter
119 school pursuant to s. 1002.45(1)(d) to provide full-time online
120 instruction to eligible students, pursuant to s. 1002.455, in
121 kindergarten through grade 12. A charter school must amend its
122 charter or submit a new application pursuant to subsection (6)
123 to become a virtual charter school. A virtual charter school is
124 subject to the requirements of this section; however, a virtual
125 charter school is exempt from subsections (18) and (19),
126 subparagraphs (20)(a)2.-5., paragraph (20)(c), and s. 1003.03. A
127 public school may not use the term charter in its name unless it
128 has been approved under this section.

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

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

134 1. Demonstrates how the school will use the guiding
135 principles and meet the statutorily defined purpose of a charter
136 school.

137 2. Provides a detailed curriculum plan that illustrates how
138 students will be provided services to attain the Sunshine State
139 Standards.

140 3. Contains goals and objectives for improving student
141 learning and measuring that improvement. These goals and
142 objectives must indicate how much academic improvement students
143 are expected to show each year, how success will be evaluated,
144 and the specific results to be attained through instruction.

145 4. Describes the reading curriculum and differentiated

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146 strategies that will be used for students reading at grade level
147 or higher and a separate curriculum and strategies for students
148 who are reading below grade level. A sponsor shall deny a
149 charter if the school does not propose a reading curriculum that
150 is consistent with effective teaching strategies that are
151 grounded in scientifically based reading research.

152 5. Contains an annual financial plan for each year
153 requested by the charter for operation of the school for up to 5
154 years. This plan must contain anticipated fund balances based on
155 revenue projections, a spending plan based on projected revenues
156 and expenses, and a description of controls that will safeguard
157 finances and projected enrollment trends.

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

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

165 (7) CHARTER.—The major issues involving the operation of a
166 charter school shall be considered in advance and written into
167 the charter. The charter shall be signed by the governing board
168 ~~body~~ of the charter school and the sponsor, following a public
169 hearing to ensure community input.

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

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

174 2. The focus of the curriculum, the instructional methods

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175 to be used, any distinctive instructional techniques to be
176 employed, and identification and acquisition of appropriate
177 technologies needed to improve educational and administrative
178 performance which include a means for promoting safe, ethical,
179 and appropriate uses of technology which comply with legal and
180 professional standards.

181 a. The charter shall ensure that reading is a primary focus
182 of the curriculum and that resources are provided to identify
183 and provide specialized instruction for students who are reading
184 below grade level. The curriculum and instructional strategies
185 for reading must be consistent with the Sunshine State Standards
186 and grounded in scientifically based reading research.

187 b. In order to provide students with access to diverse
188 instructional delivery models, to facilitate the integration of
189 technology within traditional classroom instruction, and to
190 provide students with the skills they need to compete in the
191 21st century economy, the Legislature encourages instructional
192 methods for blended learning courses consisting of both
193 traditional classroom and online instructional techniques.
194 Charter schools may implement blended learning courses which
195 combine traditional classroom instruction and virtual
196 instruction. Students in a blended learning course must be full-
197 time students of the charter school and receive the online
198 instruction in a classroom setting at the charter school.
199 Instructional personnel certified pursuant to s. 1012.55 who
200 provide virtual instruction for blended learning courses may be
201 employees of the charter school or may be under contract to
202 provide instructional services to charter school students. At a
203 minimum, such instructional personnel must hold an active state

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204 or school district adjunct certification under s. 1012.57 for
205 the subject area of the blended learning course. The funding and
206 performance accountability requirements for blended learning
207 courses are the same as those for traditional courses.

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

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

214 b. How these baseline rates will be compared to rates of
215 academic progress achieved by these same students while
216 attending the charter school.

217 c. To the extent possible, how these rates of progress will
218 be evaluated and compared with rates of progress of other
219 closely comparable student populations.

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221 The district school board is required to provide academic
222 student performance data to charter schools for each of their
223 students coming from the district school system, as well as
224 rates of academic progress of comparable student populations in
225 the district school system.

226 4. The methods used to identify the educational strengths
227 and needs of students and how well educational goals and
228 performance standards are met by students attending the charter
229 school. The methods shall provide a means for the charter school
230 to ensure accountability to its constituents by analyzing
231 student performance data and by evaluating the effectiveness and
232 efficiency of its major educational programs. Students in

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233 charter schools shall, at a minimum, participate in the
234 statewide assessment program created under s. 1008.22.

235 5. In secondary charter schools, a method for determining
236 that a student has satisfied the requirements for graduation in
237 s. 1003.43.

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

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

242 8. The ways by which the school will achieve a
243 racial/ethnic balance reflective of the community it serves or
244 within the racial/ethnic range of other public schools in the
245 same school district.

246 9. The financial and administrative management of the
247 school, including a reasonable demonstration of the professional
248 experience or competence of those individuals or organizations
249 applying to operate the charter school or those hired or
250 retained to perform such professional services and the
251 description of clearly delineated responsibilities and the
252 policies and practices needed to effectively manage the charter
253 school. A description of internal audit procedures and
254 establishment of controls to ensure that financial resources are
255 properly managed must be included. Both public sector and
256 private sector professional experience shall be equally valid in
257 such a consideration.

258 10. The asset and liability projections required in the
259 application which are incorporated into the charter and shall be
260 compared with information provided in the annual report of the
261 charter school.

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262 11. A description of procedures that identify various risks
263 and provide for a comprehensive approach to reduce the impact of
264 losses; plans to ensure the safety and security of students and
265 staff; plans to identify, minimize, and protect others from
266 violent or disruptive student behavior; and the manner in which
267 the school will be insured, including whether or not the school
268 will be required to have liability insurance, and, if so, the
269 terms and conditions thereof and the amounts of coverage.

270 12. The term of the charter which shall provide for
271 cancellation of the charter if insufficient progress has been
272 made in attaining the student achievement objectives of the
273 charter and if it is not likely that such objectives can be
274 achieved before expiration of the charter. The initial term of a
275 charter shall be for 4 or 5 years. In order to facilitate access
276 to long-term financial resources for charter school
277 construction, charter schools that are operated by a
278 municipality or other public entity as provided by law are
279 eligible for up to a 15-year charter, subject to approval by the
280 district school board. A charter lab school is eligible for a
281 charter for a term of up to 15 years. In addition, to facilitate
282 access to long-term financial resources for charter school
283 construction, charter schools that are operated by a private,
284 not-for-profit, s. 501(c)(3) status corporation are eligible for
285 up to a 15-year charter, subject to approval by the district
286 school board. Such long-term charters remain subject to annual
287 review and may be terminated during the term of the charter, but
288 only according to the provisions set forth in subsection (8).

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

290 14. The qualifications to be required of the teachers and

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291 the potential strategies used to recruit, hire, train, and
292 retain qualified staff to achieve best value.

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

296 16. A timetable for implementing the charter which
297 addresses the implementation of each element thereof and the
298 date by which the charter shall be awarded in order to meet this
299 timetable.

300 17. In the case of an existing public school that is being
301 converted to charter status, alternative arrangements for
302 current students who choose not to attend the charter school and
303 for current teachers who choose not to teach in the charter
304 school after conversion in accordance with the existing
305 collective bargaining agreement or district school board rule in
306 the absence of a collective bargaining agreement. However,
307 alternative arrangements shall not be required for current
308 teachers who choose not to teach in a charter lab school, except
309 as authorized by the employment policies of the state university
310 which grants the charter to the lab school.

311 18. Full disclosure of the identity of all relatives
312 employed by the charter school who are related to the charter
313 school owner, president, chairperson of the governing board of
314 directors, superintendent, governing board member, principal,
315 assistant principal, or any other person employed by the charter
316 school who has equivalent decisionmaking authority. For the
317 purpose of this subparagraph, the term "relative" means father,
318 mother, son, daughter, brother, sister, uncle, aunt, first
319 cousin, nephew, niece, husband, wife, father-in-law, mother-in-

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320 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
321 stepfather, stepmother, stepson, stepdaughter, stepbrother,
322 stepsister, half brother, or half sister.

323 (b)1. A charter may be renewed provided that a program
324 review demonstrates that the criteria in paragraph (a) have been
325 successfully accomplished and that none of the grounds for
326 nonrenewal established by paragraph (8)(a) has been documented.
327 In order to facilitate long-term financing for charter school
328 construction, charter schools operating for a minimum of 3 years
329 and demonstrating exemplary academic programming and fiscal
330 management are eligible for a 15-year charter renewal. Such
331 long-term charter is subject to annual review and may be
332 terminated during the term of the charter.

333 2. The 15-year charter renewal that may be granted pursuant
334 to subparagraph 1. shall be granted to a charter school that has
335 received a school grade of "A" or "B" pursuant to s. 1008.34 in
336 3 of the past 4 years and is not in a state of financial
337 emergency or deficit position as defined by this section. Such
338 long-term charter is subject to annual review and may be
339 terminated during the term of the charter pursuant to subsection
340 (8).

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

345 (d)1. Each charter school's governing board must appoint a
346 representative to facilitate parental involvement, provide
347 access to information, assist parents and others with questions
348 and concerns, and resolve disputes. The representative must

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349 reside in the school district in which the charter school is
350 located and may be a governing board member, charter school
351 employee, or individual contracted to represent the governing
352 board. If the governing board oversees multiple charter schools
353 in the same school district, a single representative may be
354 appointed to serve all such schools. The representative's
355 contact information must be provided annually in writing to
356 parents and posted prominently on the charter school's website
357 if a website is maintained by the school. The sponsor may not
358 require that governing board members of the charter school
359 reside in the school district in which the charter school is
360 located if the charter school complies with this paragraph.

361 2. Each charter school's governing board must hold at least
362 two public meetings per school year in the school district. The
363 meetings must be noticed, open, and accessible to the public,
364 and attendees must be provided an opportunity to receive
365 information and provide input regarding the charter school's
366 operations. The appointed representative and charter school
367 principal or director, or his or her equivalent, must be
368 physically present at each meeting.

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

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

376 (20) SERVICES.—

377 (a)1. A sponsor shall provide certain administrative and

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378 educational services to charter schools. These services shall
379 include contract management services; full-time equivalent and
380 data reporting services; exceptional student education
381 administration services; services related to eligibility and
382 reporting duties required to ensure that school lunch services
383 under the federal lunch program, consistent with the needs of
384 the charter school, are provided by the school district at the
385 request of the charter school, that any funds due to the charter
386 school under the federal lunch program be paid to the charter
387 school as soon as the charter school begins serving food under
388 the federal lunch program, and that the charter school is paid
389 at the same time and in the same manner under the federal lunch
390 program as other public schools serviced by the sponsor or the
391 school district; test administration services, including payment
392 of the costs of state-required or district-required student
393 assessments; processing of teacher certificate data services;
394 and information services, including equal access to student
395 information systems that are used by public schools in the
396 district in which the charter school is located. Student
397 performance data for each student in a charter school,
398 including, but not limited to, FCAT scores, standardized test
399 scores, previous public school student report cards, and student
400 performance measures, shall be provided by the sponsor to a
401 charter school in the same manner provided to other public
402 schools in the district.

403 2. A total administrative fee for the provision of such
404 services shall be calculated based upon up to 5 percent of the
405 available funds defined in paragraph (17)(b) for all students.
406 However, a sponsor may only withhold up to a 5-percent

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407 administrative fee for enrollment for up to and including 250
408 students. For charter schools with a population of 251 or more
409 students, the difference between the total administrative fee
410 calculation and the amount of the administrative fee withheld
411 may only be used for capital outlay purposes specified in s.
412 1013.62(2).

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

- 417 a. Includes both conversion charter schools and
418 nonconversion charter schools;
419 b. Has all schools located in the same county;
420 c. Has a total enrollment exceeding the total enrollment of
421 at least one school district in the state;
422 d. Has the same governing board; and
423 e. Does not contract with a for-profit service provider for
424 management of school operations.

425 4. The difference between the total administrative fee
426 calculation and the amount of the administrative fee withheld
427 pursuant to subparagraph 3. may be used for instructional and
428 administrative purposes as well as for capital outlay purposes
429 specified in s. 1013.62(2).

430 5. Each charter school shall receive 100 percent of the
431 funds awarded to that school pursuant to s. 1012.225. Sponsors
432 shall not charge charter schools any additional fees or
433 surcharges for administrative and educational services in
434 addition to the maximum 5-percent administrative fee withheld
435 pursuant to this paragraph.

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436 6. The sponsor of a virtual charter school may withhold a
437 fee of up to 5 percent. The funds shall be used to cover the
438 cost of services provided under subparagraph 1. and for the
439 school district's local instructional improvement system
440 pursuant to s. 1006.281 or other technological tools that are
441 required to access electronic and digital instructional
442 materials.

443 Section 3. Paragraph (a) of subsection (3) of section
444 1002.37, Florida Statutes, is amended, and subsections (8), (9),
445 (10), and (11) are added to that section, to read:

446 1002.37 The Florida Virtual School.—

447 (3) Funding for the Florida Virtual School shall be
448 provided as follows:

449 (a)1. For a student in grades 9 through 12, a "full-time
450 equivalent student" for the Florida Virtual School is one
451 student who has successfully completed six full-credit courses
452 credits that shall count toward the minimum number of credits
453 required for high school graduation. A student who completes
454 fewer less than six full-credit courses is credits shall be a
455 fraction of a full-time equivalent student. Half-credit course
456 completions shall be included in determining a full-time
457 equivalent student. Credit completed by a student in excess of
458 the minimum required for that student for high school graduation
459 is not eligible for funding.

460 2. For a student in kindergarten through grade 8, a "full-
461 time equivalent student" is one student who has successfully
462 completed six courses or the prescribed level of content that
463 counts toward promotion to the next grade. A student who
464 completes fewer than six courses or the prescribed level of

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465 content shall be a fraction of a full-time equivalent student.

466 3. Beginning in the 2014-2015 fiscal year, when s.
467 1008.22(3)(g) is implemented, the reported full-time equivalent
468 students and associated funding of students enrolled in courses
469 requiring passage of an end-of-course assessment shall be
470 adjusted after the student completes the end-of-course
471 assessment. However, no adjustment shall be made for home
472 education program students who choose not to take an end-of-
473 course assessment.

474
475 For purposes of this paragraph, the calculation of "full-time
476 equivalent student" shall be as prescribed in s.
477 1011.61(1)(c)1.b.(V).

478 (8)(a) The Florida Virtual School may provide full-time
479 instruction for students in kindergarten through grade 12 and
480 part-time instruction for students in grades 4 through 12. To
481 receive full-time instruction in grades 2 through 5, a student
482 must meet at least one of the eligibility criteria in s.
483 1002.455(2). Part-time instruction for grades 4 and 5 may be
484 provided only to public school students taking grade 6 through
485 grade 8 courses.

486 (b) For students receiving part-time instruction in grades
487 4 and 5 and students receiving full-time instruction in
488 kindergarten through grade 12 from the Florida Virtual School,
489 the combined total of all FTE reported by both the school
490 district and the Florida Virtual School may not exceed 1.0 FTE.

491 (9) Each elementary school principal must notify the parent
492 of each student who scores at Level 4 or Level 5 on FCAT Reading
493 or FCAT Mathematics of the option for the student to take

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494 accelerated courses through the Florida Virtual School.

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

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

503 (c) All statewide assessments must be taken within the
504 school district in which the student resides. A school district
505 must provide the student with access to the district's testing
506 facilities.

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

510 Section 4. Section 1002.45, Florida Statutes, is amended to
511 read:

512 1002.45 ~~School district~~ Virtual instruction programs.—

513 (1) PROGRAM.—

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

515 1. "Approved provider" means a provider that is approved by
516 the Department of Education under subsection (2), the Florida
517 Virtual School, a franchise of the Florida Virtual School, or a
518 community college.

519 2. "Virtual instruction program" means a program of
520 instruction provided in an interactive learning environment
521 created through technology in which students are separated from
522 their teachers by time or space, or both, ~~and in which a~~

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523 ~~Florida-certified teacher under chapter 1012 is responsible for~~
524 ~~at least:~~

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

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

529 (b) ~~Beginning with the 2009-2010 school year,~~ Each school
530 district that is eligible for the sparsity supplement pursuant
531 to s. 1011.62(7) shall provide all enrolled public school
532 eligible students within its boundaries the option of
533 participating in part-time and full-time a virtual instruction
534 programs. Each school district that is not eligible for the
535 sparsity supplement shall provide at least three options for
536 part-time and full-time virtual instruction. All school
537 districts must provide parents with timely written notification
538 of an open enrollment period for full-time students of at least
539 90 days that ends no later than 30 days prior to the first day
540 of the school year program. The purpose of the program is to
541 make quality virtual instruction available to students using
542 online and distance learning technology in the nontraditional
543 classroom. A school district virtual instruction ~~The~~ program
544 shall provide the following be:

545 1. Full-time virtual instruction for students enrolled in
546 kindergarten through grade 12.

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

550 3. Full-time or part-time virtual instruction for students
551 ~~who are~~ enrolled in dropout prevention and academic intervention

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552 programs under s. 1003.53, Department of Juvenile Justice
553 education programs under s. 1003.52, core-curricula courses to
554 meet class size requirements under s. 1003.03, or community
555 colleges under this section.

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

559 1. Contract with the Florida Virtual School or establish a
560 franchise of the Florida Virtual School for the provision of a
561 program under paragraph (b). Using this option is subject to the
562 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
563 (IV).

564 2. Contract with an approved provider under subsection (2)
565 for the provision of a full-time program under subparagraph
566 (b)1. or subparagraph (b)3. or a ~~full-time~~ or part-time program
567 under subparagraph (b)2. or subparagraph (b)3.

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

573 4. Establish school district operated part-time or full-
574 time kindergarten through grade 12 virtual instruction programs
575 under paragraph (b) for students enrolled in the school
576 district. A full-time program shall operate under its own Master
577 School Identification Number.

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

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581 Contracts under subparagraph 1. or subparagraph 2. may include
582 multidistrict contractual arrangements that may be executed by a
583 regional consortium for its member districts. A multidistrict
584 contractual arrangement or an agreement under subparagraph 3. is
585 not subject to s. 1001.42(4)(d) and does not require the
586 participating school districts to be contiguous. These
587 arrangements may be used to fulfill the requirements of
588 paragraph (b).

589 (d) A virtual charter school may provide full-time virtual
590 instruction for students in kindergarten through grade 12 if the
591 virtual charter school has a charter approved pursuant to s.
592 1002.33 authorizing full-time virtual instruction. A virtual
593 charter school may:

- 594 1. Contract with the Florida Virtual School.
- 595 2. Contract with an approved provider under subsection (2).
- 596 3. Enter into an ~~a joint~~ agreement with a ~~the~~ school
597 district to allow the participation of ~~in which it is located~~
598 ~~for~~ the virtual charter school's students to participate in the
599 school district's virtual instruction program. The agreement
600 must indicate a process for reporting of student enrollment and
601 the transfer of funds required by paragraph (7)(f).

602 (e) Each school district shall:

- 603 1. Provide to the department by October 1, 2011, and by
604 each October 1 thereafter, a copy of each contract and the
605 amounts paid per unweighted full-time equivalent student for
606 services procured pursuant to subparagraphs (c)1. and 2.
- 607 2. Expend the difference in funds provided for a student
608 participating in the school district virtual instruction program
609 pursuant to subsection (7) and the price paid for contracted

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610 services procured pursuant to subparagraphs (c)1. and 2. for the
611 district's local instructional improvement system pursuant to s.
612 1006.281 or other technological tools that are required to
613 access electronic and digital instructional materials.

614 3. At the end of each fiscal year, but no later than
615 September 1, report to the department an itemized list of the
616 technological tools purchased with these funds.

617 (2) PROVIDER QUALIFICATIONS.—

618 (a) The department shall annually publish online ~~provide~~
619 ~~school districts with~~ a list of providers approved to offer
620 virtual instruction programs. To be approved by the department,
621 a provider must document that it:

622 1. Is nonsectarian in its programs, admission policies,
623 employment practices, and operations;

624 2. Complies with the antidiscrimination provisions of s.
625 1000.05;

626 3. Locates an administrative office or offices in this
627 state, requires its administrative staff to be state residents,
628 requires all instructional staff to be Florida-certified
629 teachers under chapter 1012, and conducts background screenings
630 for all employees or contracted personnel, as required by s.
631 1012.32, using state and national criminal history records;

632 4. Possesses prior, successful experience offering online
633 courses to elementary, middle, or high school students as
634 demonstrated by quantified student learning gains in each
635 subject area and grade level provided for consideration as an
636 instructional program option;

637 5. Is accredited by a regional accrediting association as
638 defined by State Board of Education rule; ~~the Southern~~

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639 ~~Association of Colleges and Schools Council on Accreditation and~~
640 ~~School Improvement, the North Central Association Commission on~~
641 ~~Accreditation and School Improvement, the Middle States~~
642 ~~Association of Colleges and Schools Commission on Elementary~~
643 ~~Schools and Commission on Secondary Schools, the New England~~
644 ~~Association of Schools and Colleges, the Northwest Association~~
645 ~~of Accredited Schools, the Western Association of Schools and~~
646 ~~Colleges, or the Commission on International and Trans-Regional~~
647 ~~Accreditation; and~~

648 6. Ensures instructional and curricular quality through a
649 detailed curriculum and student performance accountability plan
650 that addresses every subject and grade level it intends to
651 provide through contract with the school district, including:

652 a. Courses and programs that meet the standards of the
653 International Association for K-12 Online Learning and the
654 Southern Regional Education Board.

655 b. Instructional content and services that align with, and
656 measure student attainment of, student proficiency in the Next
657 Generation Sunshine State Standards.

658 c. Mechanisms that determine and ensure that a student has
659 satisfied requirements for grade level promotion and high school
660 graduation with a standard diploma, as appropriate;

661 7. Publishes for the general public, in accordance with
662 disclosure requirements adopted in rule by the State Board of
663 Education, as part of its application as a provider and in all
664 contracts negotiated pursuant to this section:

665 a. Information and data about the curriculum of each full-
666 time and part-time program.

667 b. School policies and procedures.

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668 c. Certification status and physical location of all
 669 administrative and instructional personnel.

670 d. Hours and times of availability of instructional
 671 personnel.

672 e. Student-teacher ratios.

673 f. Student completion and promotion rates.

674 g. Student, educator, and school performance accountability
 675 outcomes; and

676 8.6. If the provider is a community college, employs
 677 instructors who meet the certification requirements for
 678 instructional staff under chapter 1012.

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

686 (3) ~~SCHOOL-DISTRICT~~ VIRTUAL INSTRUCTION PROGRAM
 687 REQUIREMENTS.—Each ~~school-district~~ virtual instruction program
 688 under this section must:

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

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

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

695 (d) Provide, ~~when appropriate,~~ each full-time student
 696 enrolled in the program who qualifies for free or reduced-price

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697 school lunches under the National School Lunch Act, or who is on
698 the direct certification list, and who does not have a computer
699 or Internet access in his or her home with:

700 1. All equipment necessary for participants in the ~~school~~
701 ~~district~~ virtual instruction program, including, but not limited
702 to, a computer, computer monitor, and printer, if a printer is
703 necessary to participate in the program; and

704 2. Access to or reimbursement for all Internet services
705 necessary for online delivery of instruction.

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

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

709 (a) Set forth a detailed curriculum plan that illustrates
710 how students will be provided services and be measured for
711 attainment of to-attain proficiency in the Next Generation
712 Sunshine State Standards for each grade level and subject.

713 (b) Provide a method for determining that a student has
714 satisfied the requirements for graduation in s. 1003.428, s.
715 1003.429, or s. 1003.43 if the contract is for the provision of
716 a full-time virtual instruction program to students in grades 9
717 through 12.

718 (c) Specify a method for resolving conflicts among the
719 parties.

720 (d) Specify authorized reasons for termination of the
721 contract.

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

725 (f) Require the approved provider to comply with all

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726 requirements of this section.

727 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual
728 instruction program provided by the school district or by a
729 virtual charter school operated in the district in which he or
730 she resides if the student meets eligibility requirements for
731 virtual instruction pursuant to s. 1002.455. ~~at least one of the~~
732 ~~following conditions:~~

733 ~~(a) The student has spent the prior school year in~~
734 ~~attendance at a public school in this state and was enrolled and~~
735 ~~reported by a public school district for funding during the~~
736 ~~preceding October and February for purposes of the Florida~~
737 ~~Education Finance Program surveys.~~

738 ~~(b) The student is a dependent child of a member of the~~
739 ~~United States Armed Forces who was transferred within the last~~
740 ~~12 months to this state from another state or from a foreign~~
741 ~~country pursuant to the parent's permanent change of station~~
742 ~~orders.~~

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

746 ~~(d) The student has a sibling who is currently enrolled in~~
747 ~~a school district virtual instruction program and that sibling~~
748 ~~was enrolled in such program at the end of the prior school~~
749 ~~year.~~

750 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student
751 enrolled in a ~~school district~~ virtual instruction program or
752 virtual charter school must:

753 (a) Comply with the compulsory attendance requirements of
754 s. 1003.21. Student attendance must be verified by the school

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755 district.

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

759 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
760 FUNDING.—

761 (a) Students enrolled in a virtual instruction program or a
762 virtual charter school shall be funded through the Florida
763 Education Finance Program as provided in the General
764 Appropriations Act. However, such funds may not be provided for
765 the purpose of fulfilling the class size requirements in ss.
766 1003.03 and 1011.685.

767 (b) For purposes of a ~~school district~~ virtual instruction
768 program or a virtual charter school, "full-time equivalent
769 student" has the same meaning as provided in s.
770 1011.61(1)(c)1.b.(III) or (IV).

771 (c) For a student enrolled part-time in a grades 6 through
772 12 program, a "full-time equivalent student" has the same
773 meaning as provided in s. 1011.61(1)(c)1.b.(IV).

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

776 (e) Beginning in the 2014-2015 fiscal year, when s.
777 1008.22(3)(g) is implemented, the reported full-time equivalent
778 students and associated funding of students enrolled in courses
779 requiring passage of an end-of-course assessment shall be
780 adjusted after the student completes the end-of-course
781 assessment.

782 (f) ~~(b)~~ The school district in which the student resides
783 shall report full-time equivalent students for a ~~the school~~

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784 ~~district~~ virtual instruction program or a virtual charter school
 785 to the department in a manner prescribed by the department, and
 786 funding shall be provided through the Florida Education Finance
 787 Program. Funds received by the school district of residence for
 788 a student in a virtual instruction program provided by another
 789 school district under this section shall be transferred to the
 790 school district providing the virtual instruction program.

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

794 (8) ASSESSMENT AND ACCOUNTABILITY.—

795 (a) Each approved provider contracted under this section
 796 must:

797 1. Participate in the statewide assessment program under s.
 798 1008.22 and in the state's education performance accountability
 799 system under s. 1008.31.

800 2. Receive a school grade under s. 1008.34 or a school
 801 improvement rating under s. 1008.341, as applicable. The school
 802 grade or school improvement rating received by each approved
 803 provider shall be based upon the aggregated assessment scores of
 804 all students served by the provider statewide. The department
 805 shall publish the school grade or school improvement rating
 806 received by each approved provider on its Internet website. The
 807 department shall develop an evaluation method for providers of
 808 part-time programs which includes the percentage of students
 809 making learning gains, the percentage of students successfully
 810 passing any required end-of-course assessment, the percentage of
 811 students taking Advanced Placement examinations, and the
 812 percentage of students scoring 3 or higher on an Advanced

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813 Placement examination.

814 (b) The performance of part-time students in grades 9
815 through 12 shall not be included for purposes of school grades
816 or school improvement ratings under subparagraph (a)2.; however,
817 their performance shall be included for school grading or school
818 improvement rating purposes by the nonvirtual school providing
819 the student's primary instruction.

820 (c) An approved provider that receives a school grade of
821 "D" or "F" under s. 1008.34 or a school improvement rating of
822 "Declining" under s. 1008.341 must file a school improvement
823 plan with the department for consultation to determine the
824 causes for low performance and to develop a plan for correction
825 and improvement.

826 (d) An approved provider's contract must be terminated if
827 the provider receives a school grade of "D" or "F" under s.
828 1008.34 or a school improvement rating of "Declining" under s.
829 1008.341 for 2 years during any consecutive 4-year period or has
830 violated any qualification requirement pursuant to subsection
831 (2). A provider that has a contract terminated under this
832 paragraph may not be an approved provider for a period of at
833 least 1 year after the date upon which the contract was
834 terminated and until the department determines that the provider
835 is in compliance with subsection (2) and has corrected each
836 cause of the provider's low performance.

837 (9) EXCEPTIONS.—A provider of digital or online content or
838 curriculum that is used to supplement the instruction of
839 students who are not enrolled in a ~~school district~~ virtual
840 instruction program under this section is not required to meet
841 the requirements of this section.

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

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

851 Section 5. Section 1002.455, Florida Statutes, is created
852 to read:

853 1002.455 Student eligibility for K-12 virtual instruction.—

854 (1) A student may participate in virtual instruction in the
855 school district in which he or she resides if the student meets
856 the eligibility criteria in subsection (2).

857 (2) A student is eligible to participate in virtual
858 instruction if:

859 (a) The student spent the prior school year in attendance
860 at a public school in the state and was enrolled and reported by
861 the school district for funding during October and February for
862 purposes of the Florida Education Finance Program surveys;

863 (b) The student is a dependent child of a member of the
864 United States Armed Forces who was transferred within the last
865 12 months to this state from another state or from a foreign
866 country pursuant to a permanent change of station order;

867 (c) The student was enrolled during the prior school year
868 in a virtual instruction program under s. 1002.45, the K-8
869 Virtual School Program under s. 1002.415, or a full-time Florida
870 Virtual School program under s. 1002.37(8)(a);

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871 (d) The student has a sibling who is currently enrolled in
872 a virtual instruction program and the sibling was enrolled in
873 that program at the end of the prior school year; or

874 (e) The student is eligible to enter kindergarten or first
875 grade.

876 (3) The virtual instruction options for which this
877 eligibility section applies include:

878 (a) School district operated part-time or full-time
879 kindergarten through grade 12 virtual instruction programs under
880 s. 1002.45(1)(b) for students enrolled in the school district.

881 (b) Full-time virtual charter school instruction authorized
882 under s. 1002.33.

883 (c) Courses delivered in the traditional school setting by
884 personnel providing direct instruction through a virtual
885 environment or through a blended virtual and physical environment
886 pursuant to s. 1003.498 and as authorized pursuant to s.
887 1002.321(4)(e).

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

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

893 1003.428 General requirements for high school graduation;
894 revised.—

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

898 (c) Beginning with students entering grade 9 in the 2011-
899 2012 school year, at least one course within the 24 credits

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900 required in this subsection must be completed through online
901 learning. However, an online course taken during grades 6
902 through 8 fulfills this requirement. This requirement shall be
903 met through an online course offered by the Florida Virtual
904 School, an online course offered by the high school, or an
905 online dual enrollment course offered pursuant to a district
906 interinstitutional articulation agreement pursuant to s.
907 1007.235. A student who is enrolled in a full-time or part-time
908 virtual instruction program under s. 1002.45 meets this
909 requirement.

910 Section 7. Section 1003.498, Florida Statutes, is created
911 to read:

912 1003.498 School district virtual course offerings.—

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

917 (2) School districts may offer virtual courses for students
918 enrolled in the school district. These courses must be
919 identified in the course code directory. Students who meet the
920 eligibility requirements of s. 1002.455 may participate in these
921 virtual course offerings.

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

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

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

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

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

935 b. The course is offered in the school in which the student
936 is enrolled. However, a student may enroll in an online course
937 offered by another school district if the school in which the
938 student is enrolled offers the course but the student is unable
939 to schedule the course in his or her school.

940 3. The school district in which the student completes the
941 course shall report the student's completion of that course for
942 funding pursuant to s. 1011.61(1)(c)b.(VI) and the home school
943 district shall not report the student for funding for that
944 course.

945
946 For purposes of this paragraph, the combined total of all school
947 district reported FTE may not be reported as more than 1.0 full-
948 time equivalent student in any given school year. The Department
949 of Education shall establish procedures to enable interdistrict
950 coordination for the delivery and funding of this online option.

951 Section 8. Paragraph (g) of subsection (3) of section
952 1008.22, Florida Statutes, is amended to read:

953 1008.22 Student assessment program for public schools.—

954 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
955 design and implement a statewide program of educational
956 assessment that provides information for the improvement of the
957 operation and management of the public schools, including

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958 schools operating for the purpose of providing educational
959 services to youth in Department of Juvenile Justice programs.
960 The commissioner may enter into contracts for the continued
961 administration of the assessment, testing, and evaluation
962 programs authorized and funded by the Legislature. Contracts may
963 be initiated in 1 fiscal year and continue into the next and may
964 be paid from the appropriations of either or both fiscal years.
965 The commissioner is authorized to negotiate for the sale or
966 lease of tests, scoring protocols, test scoring services, and
967 related materials developed pursuant to law. Pursuant to the
968 statewide assessment program, the commissioner shall:

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

974 Section 9. Paragraph (c) of subsection (1) of section
975 1011.61, Florida Statutes, is amended to read:

976 1011.61 Definitions.—Notwithstanding the provisions of s.
977 1000.21, the following terms are defined as follows for the
978 purposes of the Florida Education Finance Program:

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

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

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

985 b. A combination of full-time or part-time students in any
986 one of the programs listed in s. 1011.62(1)(c) which is the

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987 equivalent of one full-time student based on the following
988 calculations:

989 (I) A full-time student, except a postsecondary or adult
990 student or a senior high school student enrolled in adult
991 education when such courses are required for high school
992 graduation, in a combination of programs listed in s.
993 1011.62(1)(c) shall be a fraction of a full-time equivalent
994 membership in each special program equal to the number of net
995 hours per school year for which he or she is a member, divided
996 by the appropriate number of hours set forth in subparagraph
997 (a)1. or subparagraph (a)2. The difference between that fraction
998 or sum of fractions and the maximum value as set forth in
999 subsection (4) for each full-time student is presumed to be the
1000 balance of the student's time not spent in such special
1001 education programs and shall be recorded as time in the
1002 appropriate basic program.

1003 (II) A prekindergarten handicapped student shall meet the
1004 requirements specified for kindergarten students.

1005 (III) A full-time equivalent student for students in
1006 kindergarten through grade 5 in a ~~school-district~~ virtual
1007 instruction program under s. 1002.45 or a virtual charter school
1008 under s. 1002.33 shall consist of a student who has successfully
1009 completed a basic program listed in s. 1011.62(1)(c)1.a. or b.,
1010 and who is promoted to a higher grade level.

1011 (IV) A full-time equivalent student for students in grades
1012 6 through 12 in a ~~school-district~~ virtual instruction program
1013 under s. 1002.45(1)(b)1., ~~and~~ 2., or 3. or a virtual charter
1014 school under s. 1002.33 shall consist of six full credit
1015 completions in programs listed in s. 1011.62(1)(c)1.b. or c. and

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1016 3. Credit completions may ~~ean~~ be a combination of full-credit
1017 courses or half-credit courses ~~either full credits or half~~
1018 ~~credits~~. Beginning in the 2014-2015 fiscal year, when s.
1019 1008.22(3)(g) is implemented, the reported full-time equivalent
1020 students and associated funding of students enrolled in courses
1021 requiring passage of an end-of-course assessment shall be
1022 adjusted after the student completes the end-of-course
1023 assessment.

1024 (V) A Florida Virtual School full-time equivalent student
1025 shall consist of six full credit completions or the prescribed
1026 level of content that counts toward promotion to the next grade
1027 in the programs listed in s. 1011.62(1)(c)1.a. and b. for
1028 kindergarten ~~grades 6~~ through grade 8 and the programs listed in
1029 s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions
1030 may ~~ean~~ be a combination of full-credit courses or half-credit
1031 courses ~~either full credits or half credits~~. Beginning in the
1032 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the
1033 reported full-time equivalent students and associated funding of
1034 students enrolled in courses requiring passage of an end-of-
1035 course assessment shall be adjusted after the student completes
1036 the end-of-course assessment.

1037 (VI) Each successfully completed full-credit course earned
1038 through an online course delivered by a district other than the
1039 one in which the student resides shall be calculated as 1/6 FTE.

1040 (VII) ~~(VI)~~ Each successfully completed credit earned under
1041 the alternative high school course credit requirements
1042 authorized in s. 1002.375, which is not reported as a portion of
1043 the 900 net hours of instruction pursuant to subparagraph
1044 (1)(a)1., shall be calculated as 1/6 FTE.

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1045 2. A student in membership in a program scheduled for more
1046 or less than 180 school days or the equivalent on an hourly
1047 basis as specified by rules of the State Board of Education is a
1048 fraction of a full-time equivalent membership equal to the
1049 number of instructional hours in membership divided by the
1050 appropriate number of hours set forth in subparagraph (a)1.;
1051 however, for the purposes of this subparagraph, membership in
1052 programs scheduled for more than 180 days is limited to students
1053 enrolled in juvenile justice education programs and the Florida
1054 Virtual School.

1055
1056 The department shall determine and implement an equitable method
1057 of equivalent funding for experimental schools and for schools
1058 operating under emergency conditions, which schools have been
1059 approved by the department to operate for less than the minimum
1060 school day.

1061 Section 10. Section 1012.57, Florida Statutes, is amended
1062 to read:

1063 1012.57 Certification of adjunct educators.—

1064 (1) Notwithstanding the provisions of ss. 1012.32, 1012.55,
1065 and 1012.56, or any other provision of law or rule to the
1066 contrary, district school boards shall adopt rules to allow for
1067 the issuance of an adjunct teaching certificate to any applicant
1068 who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10)
1069 and who has expertise in the subject area to be taught. An
1070 applicant shall be considered to have expertise in the subject
1071 area to be taught if the applicant demonstrates sufficient
1072 subject area mastery through passage of a subject area test. The
1073 adjunct teaching certificate shall be used for part-time

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1074 teaching positions.

1075 (2) The Legislature intends that this section ~~intent of~~
1076 ~~this provision is to~~ allow school districts to tap the wealth of
1077 talent and expertise represented in Florida's citizens who may
1078 wish to teach part-time in a Florida public school by permitting
1079 school districts to issue adjunct certificates to qualified
1080 applicants.

1081 (3) Adjunct certificateholders should be used as a strategy
1082 to enhance the diversity of course offerings offered to all
1083 students. School districts may use the expertise of individuals
1084 in the state who wish to provide online instruction to students
1085 by issuing adjunct certificates to qualified applicants ~~reduce~~
1086 ~~the teacher shortage; thus, adjunct certificateholders should~~
1087 ~~supplement a school's instructional staff, not supplant it. Each~~
1088 ~~school principal shall assign an experienced peer mentor to~~
1089 ~~assist the adjunct teaching certificateholder during the~~
1090 ~~certificateholder's first year of teaching, and an adjunct~~
1091 ~~certificateholder may participate in a district's new teacher~~
1092 ~~training program. District school boards shall provide the~~
1093 ~~adjunct teaching certificateholder an orientation in classroom~~
1094 ~~management prior to assigning the certificateholder to a school.~~

1095 (4) Each adjunct teaching certificate is valid through the
1096 term of the annual contract between the educator and the school
1097 district. An additional annual certification and an additional
1098 annual contract may be awarded by the district at the district's
1099 discretion but only for 5 school years and is renewable if the
1100 applicant is rated effective or highly effective under s.
1101 1012.34 ~~has received satisfactory performance evaluations~~ during
1102 each year of teaching under adjunct teaching certification.

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1103 (5)~~(2)~~ Individuals who are certified and employed under
1104 this section shall have the same rights and protection of laws
1105 as teachers certified under s. 1012.56.

1106 Section 11. Subsection (1) of section 1000.04, Florida
1107 Statutes, is amended to read:

1108 1000.04 Components for the delivery of public education
1109 within the Florida K-20 education system.—Florida's K-20
1110 education system provides for the delivery of public education
1111 through publicly supported and controlled K-12 schools,
1112 community colleges, state universities and other postsecondary
1113 educational institutions, other educational institutions, and
1114 other educational services as provided or authorized by the
1115 Constitution and laws of the state.

1116 (1) PUBLIC K-12 SCHOOLS.—The public K-12 schools include
1117 charter schools and consist of kindergarten classes; elementary,
1118 middle, and high school grades and special classes; ~~school~~
1119 ~~district~~ virtual instruction programs; workforce education;
1120 career centers; adult, part-time, and evening schools, courses,
1121 or classes, as authorized by law to be operated under the
1122 control of district school boards; and lab schools operated
1123 under the control of state universities.

1124 Section 12. Paragraph (a) of subsection (6) of section
1125 1002.20, Florida Statutes, is amended to read:

1126 1002.20 K-12 student and parent rights.—Parents of public
1127 school students must receive accurate and timely information
1128 regarding their child's academic progress and must be informed
1129 of ways they can help their child to succeed in school. K-12
1130 students and their parents are afforded numerous statutory
1131 rights including, but not limited to, the following:

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1132 (6) EDUCATIONAL CHOICE.—

1133 (a) *Public school choices.*—Parents of public school
1134 students may seek whatever public school choice options that are
1135 applicable to their students and are available to students in
1136 their school districts. These options may include controlled
1137 open enrollment, single-gender programs, lab schools, ~~school~~
1138 ~~district~~ virtual instruction programs, charter schools, charter
1139 technical career centers, magnet schools, alternative schools,
1140 special programs, advanced placement, dual enrollment,
1141 International Baccalaureate, International General Certificate
1142 of Secondary Education (pre-AICE), Advanced International
1143 Certificate of Education, early admissions, credit by
1144 examination or demonstration of competency, the New World School
1145 of the Arts, the Florida School for the Deaf and the Blind, and
1146 the Florida Virtual School. These options may also include the
1147 public school choice options of the Opportunity Scholarship
1148 Program and the McKay Scholarships for Students with
1149 Disabilities Program.

1150 Section 13. Paragraph (b) of subsection (3) of section
1151 1003.03, Florida Statutes, is amended to read:

1152 1003.03 Maximum class size.—

1153 (3) IMPLEMENTATION OPTIONS.—District school boards must
1154 consider, but are not limited to, implementing the following
1155 items in order to meet the constitutional class size maximums
1156 described in subsection (1):

1157 (b) Adopt policies to encourage students to take courses
1158 from the Florida Virtual School and other ~~school-district~~
1159 virtual instruction options under s. 1002.45 ~~programs~~.

1160 Section 14. By December 1, 2011, the Department of

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1161 Education shall submit a report to the Governor, the President
1162 of the Senate, and the Speaker of the House of Representatives
1163 which identifies and explains the best methods and strategies by
1164 which the department can assist district school boards in
1165 acquiring digital learning at the most reasonable prices
1166 possible and provides a plan under which district school boards
1167 may voluntarily pool their bids for such purchases. The report
1168 shall identify criteria that will enable district school boards
1169 to differentiate between the level of service and pricing based
1170 upon factors such as the level of student support, the frequency
1171 of teacher-student communications, instructional accountability
1172 standards, and academic integrity. The report shall also include
1173 ways to increase student access to digital learning, including
1174 identification and analysis of the best methods and strategies
1175 for implementing part-time virtual education in kindergarten
1176 through grade 5.

1177 Section 15. This act shall take effect July 1, 2011.