

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

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29 student eligibility requirements; providing funding and
30 accountability requirements; creating s. 1002.455, F.S.;
31 establishing student eligibility requirements for K-12
32 virtual instruction; amending s. 1003.428, F.S.; requiring
33 at least one course required for high school graduation to
34 be completed through online learning; creating s.
35 1003.498, F.S.; authorizing school districts to offer
36 virtual courses and blended learning courses; amending s.
37 1008.22, F.S.; requiring all statewide end-of-course
38 assessments to be administrated online beginning with the
39 2014-2015 school year; amending s. 1011.61, F.S.;
40 redefining the term "full-time equivalent student" for
41 purposes of virtual instruction; amending s. 1012.57,
42 F.S.; authorizing school districts to issue adjunct
43 teaching certificates to qualified applicants to provide
44 online instruction; revising requirements for adjunct
45 teaching certificateholders; providing for annual
46 contracts; amending ss. 1000.04, 1002.20, and 1003.03,
47 F.S.; conforming provisions to changes made by the act;
48 requiring the Department of Education to submit a report
49 to the Governor and the Legislature relating to school
50 district offering of, and student access to, digital
51 learning; providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Section 1002.321, Florida Statutes, is created
56 to read:

- 57 | 1002.321 Digital learning.—
- 58 | (1) DIGITAL LEARNING NOW ACT.—There is created the Digital
- 59 | Learning Now Act.
- 60 | (2) ELEMENTS OF HIGH-QUALITY DIGITAL LEARNING.—The
- 61 | Legislature finds that each student should have access to a
- 62 | high-quality digital learning environment that provides:
- 63 | (a) Access to digital learning.
- 64 | (b) Access to high-quality digital content and online
- 65 | courses.
- 66 | (c) Education that is customized to the needs of the
- 67 | student using digital content.
- 68 | (d) A means for the student to demonstrate competency in
- 69 | completed coursework.
- 70 | (e) High-quality digital content, instructional materials,
- 71 | and online and blended learning courses.
- 72 | (f) High-quality digital instruction and teachers.
- 73 | (g) Content and instruction that are evaluated on the
- 74 | metric of student learning.
- 75 | (h) The use of funding as an incentive for performance,
- 76 | options, and innovation.
- 77 | (i) Infrastructure that supports digital learning.
- 78 | (j) Online administration of state assessments.
- 79 | (3) DIGITAL PREPARATION.—Each student must graduate from
- 80 | high school having taken at least one online course, as provided
- 81 | in s. 1003.428.
- 82 | (4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district
- 83 | must establish multiple opportunities for student participation
- 84 | in part-time and full-time kindergarten through grade 12 virtual

85 instruction. Options include, but are not limited to:

86 (a) School district operated part-time or full-time
 87 virtual instruction programs under s. 1002.45(1)(b) for
 88 kindergarten through grade 12 students enrolled in the school
 89 district. A full-time program shall operate under its own Master
 90 School Identification Number.

91 (b) Florida Virtual School instructional services
 92 authorized under s. 1002.37.

93 (c) Blended learning instruction provided by charter
 94 schools authorized under s. 1002.33.

95 (d) Full-time virtual charter school instruction
 96 authorized under s. 1002.33.

97 (e) Courses delivered in the traditional school setting by
 98 personnel providing direct instruction through a virtual
 99 environment or through a blended virtual and physical environment
 100 pursuant to s. 1003.498.

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

104 Section 2. Subsection (1), paragraph (a) of subsection
 105 (6), subsection (7), and paragraph (a) of subsection (20) of
 106 section 1002.33, Florida Statutes, are amended, and paragraph
 107 (f) is added to subsection (17) of that section, to read:

108 1002.33 Charter schools.—

109 (1) AUTHORIZATION.—Charter schools shall be part of the
 110 state's program of public education. All charter schools in
 111 Florida are public schools. A charter school may be formed by
 112 creating a new school or converting an existing public school to

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

124 | (6) APPLICATION PROCESS AND REVIEW.—Charter school
125 | applications are subject to the following requirements:

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

129 | 1. Demonstrates how the school will use the guiding
130 | principles and meet the statutorily defined purpose of a charter
131 | school.

132 | 2. Provides a detailed curriculum plan that illustrates
133 | how students will be provided services to attain the Sunshine
134 | State Standards.

135 | 3. Contains goals and objectives for improving student
136 | learning and measuring that improvement. These goals and
137 | objectives must indicate how much academic improvement students
138 | are expected to show each year, how success will be evaluated,
139 | and the specific results to be attained through instruction.

140 | 4. Describes the reading curriculum and differentiated

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

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

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

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

160 (7) CHARTER.—The major issues involving the operation of a
161 charter school shall be considered in advance and written into
162 the charter. The charter shall be signed by the governing board
163 ~~body~~ of the charter school and the sponsor, following a public
164 hearing to ensure community input.

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

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

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169 2. The focus of the curriculum, the instructional methods
170 to be used, any distinctive instructional techniques to be
171 employed, and identification and acquisition of appropriate
172 technologies needed to improve educational and administrative
173 performance which include a means for promoting safe, ethical,
174 and appropriate uses of technology which comply with legal and
175 professional standards.

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

183 b. In order to provide students with access to diverse
184 instructional delivery models, to facilitate the integration of
185 technology within traditional classroom instruction, and to
186 provide students with the skills they need to compete in the
187 21st century economy, the Legislature encourages instructional
188 methods for blended learning courses consisting of both
189 traditional classroom and online instructional techniques.
190 Charter schools may implement blended learning courses which
191 combine traditional classroom instruction and virtual
192 instruction. Students in a blended learning course must be full-
193 time students of the charter school and receive the online
194 instruction in a classroom setting at the charter school.
195 Instructional personnel certified pursuant to s. 1012.55 who
196 provide virtual instruction for blended learning courses may be

197 employees of the charter school or may be under contract to
198 provide instructional services to charter school students. At a
199 minimum, such instructional personnel must hold an active state
200 or school district adjunct certification under s. 1012.57 for
201 the subject area of the blended learning course. The funding and
202 performance accountability requirements for blended learning
203 courses are the same as those for traditional courses.

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

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

210 b. How these baseline rates will be compared to rates of
211 academic progress achieved by these same students while
212 attending the charter school.

213 c. To the extent possible, how these rates of progress
214 will be evaluated and compared with rates of progress of other
215 closely comparable student populations.

216

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

222 4. The methods used to identify the educational strengths
223 and needs of students and how well educational goals and
224 performance standards are met by students attending the charter

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225 school. The methods shall provide a means for the charter school
226 to ensure accountability to its constituents by analyzing
227 student performance data and by evaluating the effectiveness and
228 efficiency of its major educational programs. Students in
229 charter schools shall, at a minimum, participate in the
230 statewide assessment program created under s. 1008.22.

231 5. In secondary charter schools, a method for determining
232 that a student has satisfied the requirements for graduation in
233 s. 1003.43.

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

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

238 8. The ways by which the school will achieve a
239 racial/ethnic balance reflective of the community it serves or
240 within the racial/ethnic range of other public schools in the
241 same school district.

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

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253 such a consideration.

254 10. The asset and liability projections required in the
255 application which are incorporated into the charter and shall be
256 compared with information provided in the annual report of the
257 charter school.

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

267 12. The term of the charter which shall provide for
268 cancellation of the charter if insufficient progress has been
269 made in attaining the student achievement objectives of the
270 charter and if it is not likely that such objectives can be
271 achieved before expiration of the charter. The initial term of a
272 charter shall be for 4 or 5 years. In order to facilitate access
273 to long-term financial resources for charter school
274 construction, charter schools that are operated by a
275 municipality or other public entity as provided by law are
276 eligible for up to a 15-year charter, subject to approval by the
277 district school board. A charter lab school is eligible for a
278 charter for a term of up to 15 years. In addition, to facilitate
279 access to long-term financial resources for charter school
280 construction, charter schools that are operated by a private,

281 not-for-profit, s. 501(c)(3) status corporation are eligible for
282 up to a 15-year charter, subject to approval by the district
283 school board. Such long-term charters remain subject to annual
284 review and may be terminated during the term of the charter, but
285 only according to the provisions set forth in subsection (8).

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

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

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

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

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

308 18. Full disclosure of the identity of all relatives

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

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

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

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337 subsection (8).

338 (c) A charter may be modified during its initial term or
339 any renewal term upon the recommendation of the sponsor or the
340 charter school governing board and the approval of both parties
341 to the agreement.

342 (d) A school district may require that up to 50 percent of
343 a virtual charter school's governing board members reside in the
344 school district in which the virtual charter school is
345 sponsored. Each virtual charter school's governing board must
346 annually hold at least three public meetings in the school
347 district. Such meetings must be open and accessible to the
348 public, and attendees must be provided an opportunity to receive
349 information and provide input regarding the charter school's
350 affairs. A quorum of the governing board members must be
351 physically present at each meeting.

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

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

359 (20) SERVICES.—

360 (a)1. A sponsor shall provide certain administrative and
361 educational services to charter schools. These services shall
362 include contract management services; full-time equivalent and
363 data reporting services; exceptional student education
364 administration services; services related to eligibility and

365 reporting duties required to ensure that school lunch services
366 under the federal lunch program, consistent with the needs of
367 the charter school, are provided by the school district at the
368 request of the charter school, that any funds due to the charter
369 school under the federal lunch program be paid to the charter
370 school as soon as the charter school begins serving food under
371 the federal lunch program, and that the charter school is paid
372 at the same time and in the same manner under the federal lunch
373 program as other public schools serviced by the sponsor or the
374 school district; test administration services, including payment
375 of the costs of state-required or district-required student
376 assessments; processing of teacher certificate data services;
377 and information services, including equal access to student
378 information systems that are used by public schools in the
379 district in which the charter school is located. Student
380 performance data for each student in a charter school,
381 including, but not limited to, FCAT scores, standardized test
382 scores, previous public school student report cards, and student
383 performance measures, shall be provided by the sponsor to a
384 charter school in the same manner provided to other public
385 schools in the district.

386 2. A total administrative fee for the provision of such
387 services shall be calculated based upon up to 5 percent of the
388 available funds defined in paragraph (17)(b) for all students.
389 However, a sponsor may only withhold up to a 5-percent
390 administrative fee for enrollment for up to and including 250
391 students. For charter schools with a population of 251 or more
392 students, the difference between the total administrative fee

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393 calculation and the amount of the administrative fee withheld
394 may only be used for capital outlay purposes specified in s.
395 1013.62(2).

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

- 400 a. Includes both conversion charter schools and
401 nonconversion charter schools;
- 402 b. Has all schools located in the same county;
- 403 c. Has a total enrollment exceeding the total enrollment
404 of at least one school district in the state;
- 405 d. Has the same governing board; and
- 406 e. Does not contract with a for-profit service provider
407 for management of school operations.

408 4. The difference between the total administrative fee
409 calculation and the amount of the administrative fee withheld
410 pursuant to subparagraph 3. may be used for instructional and
411 administrative purposes as well as for capital outlay purposes
412 specified in s. 1013.62(2).

413 5. Each charter school shall receive 100 percent of the
414 funds awarded to that school pursuant to s. 1012.225. Sponsors
415 shall not charge charter schools any additional fees or
416 surcharges for administrative and educational services in
417 addition to the maximum 5-percent administrative fee withheld
418 pursuant to this paragraph.

419 6. The sponsor of a virtual charter school may withhold a
420 fee of up to 5 percent. The funds shall be used to cover the

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421 cost of services provided under subparagraph 1. and for the
422 school district's local instructional improvement system
423 pursuant to s. 1006.281 or other technological tools that are
424 required to access electronic and digital instructional
425 materials.

426 Section 3. Paragraph (a) of subsection (3) of section
427 1002.37, Florida Statutes, is amended, and subsections (8), (9),
428 (10), and (11) are added to that section, to read:

429 1002.37 The Florida Virtual School.—

430 (3) Funding for the Florida Virtual School shall be
431 provided as follows:

432 (a)1. For a student in grades 9 through 12, a "full-time
433 equivalent student" for the Florida Virtual School is one
434 student who has successfully completed six full-credit courses
435 credits that shall count toward the minimum number of credits
436 required for high school graduation. A student who completes
437 fewer less than six full-credit courses is credits shall be a
438 fraction of a full-time equivalent student. Half-credit course
439 completions shall be included in determining a full-time
440 equivalent student. Credit completed by a student in excess of
441 the minimum required for that student for high school graduation
442 is not eligible for funding.

443 2. For a student in kindergarten through grade 8, a "full-
444 time equivalent student" is one student who has successfully
445 completed six courses or the prescribed level of content that
446 counts toward promotion to the next grade. A student who
447 completes fewer than six courses or the prescribed level of
448 content shall be a fraction of a full-time equivalent student.

449 3. Beginning in the 2014-2015 fiscal year, when s.
450 1008.22(3)(g) is implemented, the reported full-time equivalent
451 students and associated funding of students enrolled in courses
452 requiring passage of an end-of-course assessment shall be
453 adjusted after the student completes the end-of-course
454 assessment. However, no adjustment shall be made for home
455 education program students who choose not to take an end-of-
456 course assessment.

457
458 For purposes of this paragraph, the calculation of "full-time
459 equivalent student" shall be as prescribed in s.
460 1011.61(1)(c)1.b.(V).

461 (8)(a) The Florida Virtual School may provide full-time
462 instruction for students in kindergarten through grade 12 and
463 part-time instruction for students in grades 4 through 12. Part-
464 time instruction for grades 4 and 5 may be provided only to
465 public school students taking grade 6 through grade 8 courses.

466 (b) For students receiving part-time instruction in grades
467 4 and 5 and students receiving full-time instruction in
468 kindergarten through grade 12 from the Florida Virtual School,
469 the combined total of all FTE reported by both the school
470 district and the Florida Virtual School may not exceed 1.0 FTE.

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

475 (10)(a) Public school students receiving full-time
476 instruction in kindergarten through grade 12 by the Florida

477 Virtual School must take all statewide assessments required
 478 pursuant to s. 1008.22.

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

483 (c) All statewide assessments must be taken within the
 484 school district in which the student resides. A school district
 485 must provide the student with access to the district's testing
 486 facilities.

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

490 Section 4. Section 1002.45, Florida Statutes, is amended
 491 to read:

492 1002.45 ~~School district~~ Virtual instruction programs.—

493 (1) PROGRAM.—

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

495 1. "Approved provider" means a provider that is approved
 496 by the Department of Education under subsection (2), the Florida
 497 Virtual School, a franchise of the Florida Virtual School, or a
 498 community college.

499 2. "Virtual instruction program" means a program of
 500 instruction provided in an interactive learning environment
 501 created through technology in which students are separated from
 502 their teachers by time or space, or both, ~~and in which a~~
 503 ~~Florida-certified teacher under chapter 1012 is responsible for~~
 504 ~~at least:~~

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

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

509 (b) ~~Beginning with the 2009-2010 school year,~~ Each school
 510 district shall provide all enrolled public school eligible
 511 students within its boundaries multiple opportunities for
 512 participation the option of participating in part-time and full-
 513 time a virtual instruction program options. Each school district
 514 must provide at least three virtual instruction program options
 515 and provide parents with timely written notification of an open
 516 enrollment period for full-time students of at least 90 days
 517 that ends no later than 30 days prior to the first day of the
 518 school year. The purpose of the program is to make quality
 519 virtual instruction available to students using online and
 520 distance learning technology in the nontraditional classroom. A
 521 school district virtual instruction ~~The~~ program shall provide
 522 the following ~~be~~:

523 1. Full-time virtual instruction for students enrolled in
 524 kindergarten through grade 12.

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

528 3. Full-time or part-time virtual instruction for students
 529 ~~who are~~ enrolled in dropout prevention and academic intervention
 530 programs under s. 1003.53, Department of Juvenile Justice
 531 education programs under s. 1003.52, core-curricula courses to
 532 meet class size requirements under s. 1003.03, or community

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533 colleges under this section.

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

537 1. Contract with the Florida Virtual School or establish a
538 franchise of the Florida Virtual School for the provision of a
539 program under paragraph (b). Using this option is subject to the
540 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
541 (IV).

542 2. Contract with an approved provider under subsection (2)
543 for the provision of a full-time program under subparagraph
544 (b)1. or subparagraph (b)3. or a ~~full-time or part-time~~ program
545 under subparagraph (b)2. or subparagraph (b)3.

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

551 4. Establish school district operated part-time or full-
552 time kindergarten through grade 12 virtual instruction programs
553 under paragraph (b) for students enrolled in the school
554 district. A full-time program shall operate under its own Master
555 School Identification Number.

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

558

559 Contracts under subparagraph 1. or subparagraph 2. may include
560 multidistrict contractual arrangements that may be executed by a

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561 regional consortium for its member districts. A multidistrict
562 contractual arrangement or an agreement under subparagraph 3. is
563 not subject to s. 1001.42(4)(d) and does not require the
564 participating school districts to be contiguous. These
565 arrangements may be used to fulfill the requirements of
566 paragraph (b).

567 (d) A virtual charter school may provide full-time virtual
568 instruction for students in kindergarten through grade 12 if the
569 virtual charter school has a charter approved pursuant to s.
570 1002.33 authorizing full-time virtual instruction. A virtual
571 charter school may:

572 1. Contract with the Florida Virtual School.
573 2. Contract with an approved provider under subsection
574 (2).

575 3. Enter into an ~~a joint~~ agreement with ~~the~~ school
576 districts to allow the participation of its students ~~district in~~
577 ~~which it is located for the charter school's students to~~
578 ~~participate in a the school district's~~ virtual instruction
579 program. The agreement must indicate a process for reporting of
580 student enrollment and the transfer of funds required by
581 paragraph (7)(f).

582 (e) Each school district shall:

583 1. Provide to the department by October 1, 2011, and by
584 each October 1 thereafter, a copy of each contract and the
585 amounts paid per unweighted full-time equivalent student for
586 services procured pursuant to subparagraphs (c)1. and 2.

587 2. Expend the difference in funds provided for a student
588 participating in the school district virtual instruction program

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589 pursuant to subsection (7) and the price paid for contracted
590 services procured pursuant to subparagraphs (c)1. and 2. for the
591 district's local instructional improvement system pursuant to s.
592 1006.281 or other technological tools that are required to
593 access electronic and digital instructional materials.

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

597 (2) PROVIDER QUALIFICATIONS.—

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

602 1. Is nonsectarian in its programs, admission policies,
603 employment practices, and operations;

604 2. Complies with the antidiscrimination provisions of s.
605 1000.05;

606 3. Locates an administrative office or offices in this
607 state, requires its administrative staff to be state residents,
608 requires all instructional staff to be Florida-certified
609 teachers under chapter 1012, and conducts background screenings
610 for all employees or contracted personnel, as required by s.
611 1012.32, using state and national criminal history records;

612 4. Possesses prior, successful experience offering online
613 courses to elementary, middle, or high school students as
614 demonstrated by quantified student learning gains in each
615 subject area and grade level provided for consideration as an
616 instructional program option;

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617 5. Is accredited by a regional accrediting association as
618 defined by State Board of Education rule; ~~the Southern~~
619 ~~Association of Colleges and Schools Council on Accreditation and~~
620 ~~School Improvement, the North Central Association Commission on~~
621 ~~Accreditation and School Improvement, the Middle States~~
622 ~~Association of Colleges and Schools Commission on Elementary~~
623 ~~Schools and Commission on Secondary Schools, the New England~~
624 ~~Association of Schools and Colleges, the Northwest Association~~
625 ~~of Accredited Schools, the Western Association of Schools and~~
626 ~~Colleges, or the Commission on International and Trans-Regional~~
627 ~~Accreditation; and~~

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

632 a. Courses and programs that meet the standards of the
633 International Association for K-12 Online Learning and the
634 Southern Regional Education Board.

635 b. Instructional content and services that align with, and
636 measure student attainment of, student proficiency in the Next
637 Generation Sunshine State Standards.

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

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

645 a. Information and data about the curriculum of each full-
 646 time and part-time program.

647 b. School policies and procedures.

648 c. Certification status and physical location of all
 649 administrative and instructional personnel.

650 d. Hours and times of availability of instructional
 651 personnel.

652 e. Student-teacher ratios.

653 f. Student completion and promotion rates.

654 g. Student, educator, and school performance
 655 accountability outcomes; and

656 ~~8.6.~~ If the provider is a community college, employs
 657 instructors who meet the certification requirements for
 658 instructional staff under chapter 1012.

659 (b) An approved provider shall retain its approved status
 660 for a period of 3 years after the date of the department's
 661 approval under paragraph (a) as long as the provider continues
 662 to comply with all requirements of this section. However, each
 663 provider approved by the department for the 2011-2012 school
 664 year must reapply for approval to provide a part-time program
 665 for students in grades 9 through 12.

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

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

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

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

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

680 1. All equipment necessary for participants in the ~~school~~
 681 ~~district~~ virtual instruction program, including, but not limited
 682 to, a computer, computer monitor, and printer, if a printer is
 683 necessary to participate in the program; and

684 2. Access to or reimbursement for all Internet services
 685 necessary for online delivery of instruction.

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

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

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

693 (b) Provide a method for determining that a student has
 694 satisfied the requirements for graduation in s. 1003.428, s.
 695 1003.429, or s. 1003.43 if the contract is for the provision of
 696 a full-time virtual instruction program to students in grades 9
 697 through 12.

698 (c) Specify a method for resolving conflicts among the
 699 parties.

700 (d) Specify authorized reasons for termination of the

701 contract.

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

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

707 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual
 708 instruction program provided by the school district or by a
 709 virtual charter school operated in the district in which he or
 710 she resides if the student meets eligibility requirements for
 711 virtual instruction pursuant to s. 1002.455. ~~at least one of the~~
 712 ~~following conditions:~~

713 ~~(a) The student has spent the prior school year in~~
 714 ~~attendance at a public school in this state and was enrolled and~~
 715 ~~reported by a public school district for funding during the~~
 716 ~~preceding October and February for purposes of the Florida~~
 717 ~~Education Finance Program surveys.~~

718 ~~(b) The student is a dependent child of a member of the~~
 719 ~~United States Armed Forces who was transferred within the last~~
 720 ~~12 months to this state from another state or from a foreign~~
 721 ~~country pursuant to the parent's permanent change of station~~
 722 ~~orders.~~

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

726 ~~(d) The student has a sibling who is currently enrolled in~~
 727 ~~a school district virtual instruction program and that sibling~~
 728 ~~was enrolled in such program at the end of the prior school~~

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729 ~~year.~~

730 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student
731 enrolled in a ~~school district~~ virtual instruction program or
732 virtual charter school must:

733 (a) Comply with the compulsory attendance requirements of
734 s. 1003.21. Student attendance must be verified by the school
735 district.

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

739 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
740 FUNDING.—

741 (a) Students enrolled in a virtual instruction program or
742 a virtual charter school shall be funded through the Florida
743 Education Finance Program as provided in the General
744 Appropriations Act. However, such funds may not be provided for
745 the purpose of fulfilling the class size requirements in ss.
746 1003.03 and 1011.685.

747 (b) For purposes of a ~~school district~~ virtual instruction
748 program or a virtual charter school, "full-time equivalent
749 student" has the same meaning as provided in s.
750 1011.61(1)(c)1.b.(III) or (IV).

751 (c) For a student enrolled part-time in a grades 6 through
752 12 program, a "full-time equivalent student" has the same
753 meaning as provided in s. 1011.61(1)(c)1.b.(IV).

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

756 (e) Beginning in the 2014-2015 fiscal year, when s.

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757 1008.22(3)(g) is implemented, the reported full-time equivalent
 758 students and associated funding of students enrolled in courses
 759 requiring passage of an end-of-course assessment shall be
 760 adjusted after the student completes the end-of-course
 761 assessment.

762 (f) ~~(b)~~ The school district in which the student resides
 763 shall report full-time equivalent students for a ~~the school~~
 764 ~~district~~ virtual instruction program or a virtual charter school
 765 to the department in a manner prescribed by the department, and
 766 funding shall be provided through the Florida Education Finance
 767 Program. Funds received by the school district of residence for
 768 a student in a virtual instruction program provided by another
 769 school district under this section shall be transferred to the
 770 school district providing the virtual instruction program.

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

774 (8) ASSESSMENT AND ACCOUNTABILITY.—

775 (a) Each approved provider contracted under this section
 776 must:

777 1. Participate in the statewide assessment program under
 778 s. 1008.22 and in the state's education performance
 779 accountability system under s. 1008.31.

780 2. Receive a school grade under s. 1008.34 or a school
 781 improvement rating under s. 1008.341, as applicable. The school
 782 grade or school improvement rating received by each approved
 783 provider shall be based upon the aggregated assessment scores of
 784 all students served by the provider statewide. The department

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785 shall publish the school grade or school improvement rating
786 received by each approved provider on its Internet website. The
787 department shall develop an evaluation method for providers of
788 part-time programs which includes the percentage of students
789 making learning gains, the percentage of students successfully
790 passing any required end-of-course assessment, the percentage of
791 students taking Advanced Placement examinations, and the
792 percentage of students scoring 3 or higher on an Advanced
793 Placement examination.

794 (b) The performance of part-time students in grades 9
795 through 12 shall not be included for purposes of school grades
796 or school improvement ratings under subparagraph (a)2.; however,
797 their performance shall be included for school grading or school
798 improvement rating purposes by the nonvirtual school providing
799 the student's primary instruction.

800 (c) An approved provider that receives a school grade of
801 "D" or "F" under s. 1008.34 or a school improvement rating of
802 "Declining" under s. 1008.341 must file a school improvement
803 plan with the department for consultation to determine the
804 causes for low performance and to develop a plan for correction
805 and improvement.

806 (d) An approved provider's contract must be terminated if
807 the provider receives a school grade of "D" or "F" under s.
808 1008.34 or a school improvement rating of "Declining" under s.
809 1008.341 for 2 years during any consecutive 4-year period or has
810 violated any qualification requirement pursuant to subsection
811 (2). A provider that has a contract terminated under this
812 paragraph may not be an approved provider for a period of at

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813 | least 1 year after the date upon which the contract was
 814 | terminated and until the department determines that the provider
 815 | is in compliance with subsection (2) and has corrected each
 816 | cause of the provider's low performance.

817 | (9) EXCEPTIONS.—A provider of digital or online content or
 818 | curriculum that is used to supplement the instruction of
 819 | students who are not enrolled in a ~~school district~~ virtual
 820 | instruction program under this section is not required to meet
 821 | the requirements of this section.

822 | (10) MARKETING.—Each school district shall provide
 823 | information to parents and students about the parent's and
 824 | student's right to participate in a ~~school district~~ virtual
 825 | instruction program under this section and in courses offered by
 826 | the Florida Virtual School under s. 1002.37.

827 | (11) RULES.—The State Board of Education shall adopt rules
 828 | necessary to administer this section, including rules that
 829 | prescribe disclosure requirements under subsection (2) and
 830 | school district reporting requirements under subsection (7).

831 | Section 5. Section 1002.455, Florida Statutes, is created
 832 | to read:

833 | 1002.455 Student eligibility for K-12 virtual
 834 | instruction.—

835 | (1) A student may enroll in virtual instruction in the
 836 | school district in which he or she resides if the student meets
 837 | at least one of the following conditions:

838 | (a) The student spent the prior school year in attendance
 839 | at a public school in the state and was enrolled and reported by
 840 | the school district for funding during October and February for

841 purposes of the Florida Education Finance Program surveys;

842 (b) The student is a dependent child of a member of the
843 United States Armed Forces who was transferred within the last
844 12 months to this state from another state or from a foreign
845 country pursuant to a permanent change of station order;

846 (c) The student was enrolled during the prior school year
847 in a virtual instruction program under s. 1002.45 or a K-8
848 Virtual School Program under s. 1002.415;

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

852 (e) The student is eligible to enter kindergarten or first
853 grade.

854 (2) The virtual instruction options for which this
855 eligibility section applies include:

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

859 (b) Full-time virtual charter school instruction
860 authorized under s. 1002.33.

861 (c) Courses delivered in the traditional school setting by
862 personnel providing direct instruction through a virtual
863 environment or through a blended virtual and physical environment
864 pursuant to s. 1003.498 and as authorized pursuant to s.
865 1002.321(4)(e).

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

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

871 1003.428 General requirements for high school graduation;
872 revised.—

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

876 (c) Beginning with students entering grade 9 in the 2011-
877 2012 school year, at least one course within the 24 credits
878 required in this subsection must be completed through online
879 learning. However, an online course taken during grades 6
880 through 8 fulfills this requirement. This requirement shall be
881 met through an online course offered by the Florida Virtual
882 School, an online course offered by the high school, or an
883 online dual enrollment course offered pursuant to a district
884 interinstitutional articulation agreement pursuant to s.
885 1007.235. A student who is enrolled in a full-time or part-time
886 virtual instruction program under s. 1002.45 meets this
887 requirement.

888 Section 7. Section 1003.498, Florida Statutes, is created
889 to read:

890 1003.498 School district virtual course offerings.—

891 (1) School districts may deliver courses in the
892 traditional school setting by personnel certified pursuant to s.
893 1012.55 who provide direct instruction through a virtual
894 environment or through a blended virtual and physical
895 environment.

896 (2) School districts may offer virtual courses for
 897 students enrolled in the school district. These courses must be
 898 identified in the course code directory. Students who meet the
 899 eligibility requirements of s. 1002.455 may participate in these
 900 virtual course offerings.

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

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

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

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

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

914 b. The course is offered in the school in which the
 915 student is enrolled. However, a student may enroll in an online
 916 course offered by another school district if the school in which
 917 the student is enrolled offers the course but the student is
 918 unable to schedule the course in his or her school.

919 3. The school district in which the student completes the
 920 course shall report the student's completion of that course for
 921 funding pursuant to s. 1011.61(1)(c)b.(VI) and the home school
 922 district shall not report the student for funding for that
 923 course.

924
 925 For purposes of this paragraph, the combined total of all school
 926 district reported FTE may not be reported as more than 1.0 full-
 927 time equivalent student in any given school year. The Department
 928 of Education shall establish procedures to enable interdistrict
 929 coordination for the delivery and funding of this online option.

930 Section 8. Paragraph (g) of subsection (3) of section
 931 1008.22, Florida Statutes, is amended to read:

932 1008.22 Student assessment program for public schools.—

933 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
 934 design and implement a statewide program of educational
 935 assessment that provides information for the improvement of the
 936 operation and management of the public schools, including
 937 schools operating for the purpose of providing educational
 938 services to youth in Department of Juvenile Justice programs.
 939 The commissioner may enter into contracts for the continued
 940 administration of the assessment, testing, and evaluation
 941 programs authorized and funded by the Legislature. Contracts may
 942 be initiated in 1 fiscal year and continue into the next and may
 943 be paid from the appropriations of either or both fiscal years.
 944 The commissioner is authorized to negotiate for the sale or
 945 lease of tests, scoring protocols, test scoring services, and
 946 related materials developed pursuant to law. Pursuant to the
 947 statewide assessment program, the commissioner shall:

948 (g) Beginning with the 2014-2015 school year, all
 949 statewide end-of-course assessments shall be administered
 950 online. ~~Study the cost and student achievement impact of~~
 951 ~~secondary end-of-course assessments, including web-based and~~

952 ~~performance formats, and report to the Legislature prior to~~
 953 ~~implementation.~~

954 Section 9. Paragraph (c) of subsection (1) of section
 955 1011.61, Florida Statutes, is amended to read:

956 1011.61 Definitions.—Notwithstanding the provisions of s.
 957 1000.21, the following terms are defined as follows for the
 958 purposes of the Florida Education Finance Program:

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

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

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

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

969 (I) A full-time student, except a postsecondary or adult
 970 student or a senior high school student enrolled in adult
 971 education when such courses are required for high school
 972 graduation, in a combination of programs listed in s.
 973 1011.62(1)(c) shall be a fraction of a full-time equivalent
 974 membership in each special program equal to the number of net
 975 hours per school year for which he or she is a member, divided
 976 by the appropriate number of hours set forth in subparagraph
 977 (a)1. or subparagraph (a)2. The difference between that fraction
 978 or sum of fractions and the maximum value as set forth in
 979 subsection (4) for each full-time student is presumed to be the

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980 balance of the student's time not spent in such special
981 education programs and shall be recorded as time in the
982 appropriate basic program.

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

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

991 (IV) A full-time equivalent student for students in grades
992 6 through 12 in a ~~school district~~ virtual instruction program
993 under s. 1002.45(1)(b)1., ~~and 2.,~~ or 3. or a virtual charter
994 school under s. 1002.33 shall consist of six full credit
995 completions in programs listed in s. 1011.62(1)(c)1.b. or c. and
996 3. Credit completions may ~~can~~ be a combination of full-credit
997 courses or half-credit courses ~~either full credits or half~~
998 ~~credits.~~ Beginning in the 2014-2015 fiscal year, when s.
999 1008.22(3)(g) is implemented, the reported full-time equivalent
1000 students and associated funding of students enrolled in courses
1001 requiring passage of an end-of-course assessment shall be
1002 adjusted after the student completes the end-of-course
1003 assessment.

1004 (V) A Florida Virtual School full-time equivalent student
1005 shall consist of six full credit completions or the prescribed
1006 level of content that counts toward promotion to the next grade
1007 in the programs listed in s. 1011.62(1)(c)1.a. and b. for

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1008 kindergarten ~~grades 6~~ through grade 8 and the programs listed in
 1009 s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions
 1010 may ~~can~~ be a combination of full-credit courses or half-credit
 1011 courses ~~either full credits or half credits~~. Beginning in the
 1012 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the
 1013 reported full-time equivalent students and associated funding of
 1014 students enrolled in courses requiring passage of an end-of-
 1015 course assessment shall be adjusted after the student completes
 1016 the end-of-course assessment.

1017 (VI) Each successfully completed full-credit course earned
 1018 through an online course delivered by a district other than the
 1019 one in which the student resides shall be calculated as 1/6 FTE.

1020 (VII) ~~(VI)~~ Each successfully completed credit earned under
 1021 the alternative high school course credit requirements
 1022 authorized in s. 1002.375, which is not reported as a portion of
 1023 the 900 net hours of instruction pursuant to subparagraph
 1024 (1)(a)1., shall be calculated as 1/6 FTE.

1025 2. A student in membership in a program scheduled for more
 1026 or less than 180 school days or the equivalent on an hourly
 1027 basis as specified by rules of the State Board of Education is a
 1028 fraction of a full-time equivalent membership equal to the
 1029 number of instructional hours in membership divided by the
 1030 appropriate number of hours set forth in subparagraph (a)1.;
 1031 however, for the purposes of this subparagraph, membership in
 1032 programs scheduled for more than 180 days is limited to students
 1033 enrolled in juvenile justice education programs and the Florida
 1034 Virtual School.

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1036 The department shall determine and implement an equitable method
 1037 of equivalent funding for experimental schools and for schools
 1038 operating under emergency conditions, which schools have been
 1039 approved by the department to operate for less than the minimum
 1040 school day.

1041 Section 10. Section 1012.57, Florida Statutes, is amended
 1042 to read:

1043 1012.57 Certification of adjunct educators.—

1044 (1) Notwithstanding the provisions of ss. 1012.32,
 1045 1012.55, and 1012.56, or any other provision of law or rule to
 1046 the contrary, district school boards shall adopt rules to allow
 1047 for the issuance of an adjunct teaching certificate to any
 1048 applicant who fulfills the requirements of s. 1012.56(2)(a)-(f)
 1049 and (10) and who has expertise in the subject area to be taught.
 1050 An applicant shall be considered to have expertise in the
 1051 subject area to be taught if the applicant demonstrates
 1052 sufficient subject area mastery through passage of a subject
 1053 area test. The adjunct teaching certificate shall be used for
 1054 part-time teaching positions.

1055 (2) The Legislature intends that this section ~~intent of~~
 1056 ~~this provision is to~~ allow school districts to tap the wealth of
 1057 talent and expertise represented in Florida's citizens who may
 1058 wish to teach part-time in a Florida public school by permitting
 1059 school districts to issue adjunct certificates to qualified
 1060 applicants.

1061 (3) Adjunct certificateholders should be used as a
 1062 strategy to enhance the diversity of course offerings offered to
 1063 all students. School districts may use the expertise of

1064 individuals in the state who wish to provide online instruction
 1065 to students by issuing adjunct certificates to qualified
 1066 applicants ~~reduce the teacher shortage; thus, adjunct~~
 1067 ~~certificat~~holders should supplement a school's instructional
 1068 staff, not supplant it. Each school principal shall assign an
 1069 experienced peer mentor to assist the adjunct teaching
 1070 certificateholder during the certificateholder's first year of
 1071 teaching, and an adjunct certificateholder may participate in a
 1072 district's new teacher training program. District school boards
 1073 shall provide the adjunct teaching certificateholder an
 1074 orientation in classroom management prior to assigning the
 1075 certificateholder to a school.

1076 (4) Each adjunct teaching certificate is valid through the
 1077 term of the annual contract between the educator and the school
 1078 district. Additional annual certifications and annual contracts
 1079 may be awarded by the district at the district's discretion but
 1080 only for 5 school years and is renewable if the applicant is
 1081 rated effective or highly effective under s. 1012.34 ~~has~~
 1082 ~~received satisfactory performance evaluations~~ during each year
 1083 of teaching under adjunct teaching certification.

1084 (5) ~~(2)~~ Individuals who are certified and employed under
 1085 this section shall have the same rights and protection of laws
 1086 as teachers certified under s. 1012.56.

1087 Section 11. Subsection (1) of section 1000.04, Florida
 1088 Statutes, is amended to read:

1089 1000.04 Components for the delivery of public education
 1090 within the Florida K-20 education system.—Florida's K-20
 1091 education system provides for the delivery of public education

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1092 through publicly supported and controlled K-12 schools,
 1093 community colleges, state universities and other postsecondary
 1094 educational institutions, other educational institutions, and
 1095 other educational services as provided or authorized by the
 1096 Constitution and laws of the state.

1097 (1) PUBLIC K-12 SCHOOLS.—The public K-12 schools include
 1098 charter schools and consist of kindergarten classes; elementary,
 1099 middle, and high school grades and special classes; ~~school~~
 1100 ~~district~~ virtual instruction programs; workforce education;
 1101 career centers; adult, part-time, and evening schools, courses,
 1102 or classes, as authorized by law to be operated under the
 1103 control of district school boards; and lab schools operated
 1104 under the control of state universities.

1105 Section 12. Paragraph (a) of subsection (6) of section
 1106 1002.20, Florida Statutes, is amended to read:

1107 1002.20 K-12 student and parent rights.—Parents of public
 1108 school students must receive accurate and timely information
 1109 regarding their child's academic progress and must be informed
 1110 of ways they can help their child to succeed in school. K-12
 1111 students and their parents are afforded numerous statutory
 1112 rights including, but not limited to, the following:

1113 (6) EDUCATIONAL CHOICE.—

1114 (a) Public school choices.—Parents of public school
 1115 students may seek whatever public school choice options that are
 1116 applicable to their students and are available to students in
 1117 their school districts. These options may include controlled
 1118 open enrollment, single-gender programs, lab schools, ~~school~~
 1119 ~~district~~ virtual instruction programs, charter schools, charter

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1120 technical career centers, magnet schools, alternative schools,
 1121 special programs, advanced placement, dual enrollment,
 1122 International Baccalaureate, International General Certificate
 1123 of Secondary Education (pre-AICE), Advanced International
 1124 Certificate of Education, early admissions, credit by
 1125 examination or demonstration of competency, the New World School
 1126 of the Arts, the Florida School for the Deaf and the Blind, and
 1127 the Florida Virtual School. These options may also include the
 1128 public school choice options of the Opportunity Scholarship
 1129 Program and the McKay Scholarships for Students with
 1130 Disabilities Program.

1131 Section 13. Paragraph (b) of subsection (3) of section
 1132 1003.03, Florida Statutes, is amended to read:

1133 1003.03 Maximum class size.—

1134 (3) IMPLEMENTATION OPTIONS.—District school boards must
 1135 consider, but are not limited to, implementing the following
 1136 items in order to meet the constitutional class size maximums
 1137 described in subsection (1):

1138 (b) Adopt policies to encourage students to take courses
 1139 from the Florida Virtual School and other ~~school district~~
 1140 virtual instruction options under s. 1002.45 ~~programs~~.

1141 Section 14. By December 1, 2011, the Department of
 1142 Education shall submit a report to the Governor, the President
 1143 of the Senate, and the Speaker of the House of Representatives
 1144 which identifies and explains the best methods and strategies by
 1145 which the department can assist district school boards in
 1146 acquiring digital learning at the most reasonable prices
 1147 possible and provides a plan under which district school boards

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1148 may voluntarily pool their bids for such purchases. The report
1149 shall identify criteria that will enable district school boards
1150 to differentiate between the level of service and pricing based
1151 upon factors such as the level of student support, the frequency
1152 of teacher-student communications, instructional accountability
1153 standards, and academic integrity. The report shall also include
1154 ways to increase student access to digital learning, including
1155 identification and analysis of the best methods and strategies
1156 for implementing part-time virtual education in kindergarten
1157 through grade 5.

1158 Section 15. This act shall take effect July 1, 2011.