



161362

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2012	.	
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The Committee on Education Pre-K - 12 (Bogdanoff) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present paragraph (d) of subsection (18) of section 1002.20, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school. K-12



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13 students and their parents are afforded numerous statutory
14 rights including, but not limited to, the following:

15 (18) EXTRACURRICULAR ACTIVITIES.—In accordance with the
16 provisions of s. 1006.15:

17 (d) Florida Virtual School full-time students.—Florida
18 Virtual School full-time students who meet specified academic
19 and conduct requirements are eligible to participate in
20 extracurricular activities at the public school to which the
21 student would be assigned or could choose to attend according to
22 district school board policies.

23 Section 2. Paragraph (e) of subsection (4) of section
24 1002.321, Florida Statutes, is amended, and subsection (5) is
25 added to that section, to read:

26 1002.321 Digital learning.—

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

31 (e) Courses delivered in the traditional school setting by
32 personnel providing direct instruction through ~~a~~ virtual
33 instruction environment or through ~~though~~ a blended learning
34 courses consisting of both traditional classroom and online
35 instructional techniques ~~virtual and physical environment~~
36 pursuant to s. 1003.498.

37 (5) INTEGRITY OF ONLINE COURSES.—It is unlawful for any
38 person to knowingly and willfully take an online course or
39 examination on behalf of another person. Any person who violates
40 this subsection commits a misdemeanor of the first degree,
41 punishable as provided in s. 775.082 or s. 775.083.



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42 Section 3. Section 1002.37, Florida Statutes, is amended,
43 to read:

44 1002.37 The Florida Virtual School.—

45 (1) (a) The Florida Virtual School is established for the
46 development and delivery of online and distance learning
47 education. The Commissioner of Education shall monitor the
48 school's performance and report its performance to the State
49 Board of Education and the Legislature.

50 (b) The mission of the Florida Virtual School is to provide
51 students with technology-based educational opportunities to gain
52 the knowledge and skills necessary to succeed. The school shall
53 serve any student in the state who meets the profile for success
54 in this educational delivery context and shall give priority to:

55 1. Students who need expanded access to courses in order to
56 meet their educational goals, such as home education students
57 and students in inner-city and rural high schools who do not
58 have access to higher-level courses.

59 2. Students seeking accelerated access in order to obtain a
60 high school diploma at least one semester early.

61 (c) To ensure students are informed of the opportunities
62 offered by the Florida Virtual School, the commissioner shall
63 provide the board of trustees of the Florida Virtual School
64 access to the records of public school students in a format
65 prescribed by the board of trustees.

66
67 The board of trustees of the Florida Virtual School shall
68 identify appropriate performance measures and standards based on
69 student achievement that reflect the school's statutory mission
70 and priorities, and shall implement an accountability system for



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71 the school that includes assessment of its effectiveness and
72 efficiency in providing quality services that encourage high
73 student achievement, seamless articulation, and maximum access.

74 (2) The Florida Virtual School shall be governed by a board
75 of trustees comprised of seven members appointed by the Governor
76 to 4-year staggered terms. The board of trustees shall be a
77 public agency entitled to sovereign immunity pursuant to s.
78 768.28, and board members shall be public officers who shall
79 bear fiduciary responsibility for the Florida Virtual School.
80 The board of trustees shall have the following powers and
81 duties:

82 (a)1. The board of trustees shall meet at least 4 times
83 each year, upon the call of the chair, or at the request of a
84 majority of the membership.

85 2. The fiscal year for the Florida Virtual School shall be
86 the state fiscal year as provided in s. 216.011(1)(o).

87 (b) The board of trustees shall be responsible for the
88 Florida Virtual School's development of a state-of-the-art
89 technology-based education delivery system that is cost-
90 effective, educationally sound, marketable, and capable of
91 sustaining a self-sufficient delivery system through the Florida
92 Education Finance Program.

93 (c) The board of trustees shall aggressively seek avenues
94 to generate revenue to support its future endeavors, and shall
95 enter into agreements with distance learning providers. The
96 board of trustees may acquire, enjoy, use, and dispose of
97 patents, copyrights, and trademarks and any licenses and other
98 rights or interests thereunder or therein. Ownership of all such
99 patents, copyrights, trademarks, licenses, and rights or



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100 interests thereunder or therein shall vest in the state, with
101 the board of trustees having full right of use and full right to
102 retain the revenues derived therefrom. Any funds realized from
103 patents, copyrights, trademarks, or licenses shall be considered
104 internal funds as provided in s. 1011.07. Such funds shall be
105 used to support the school's marketing and research and
106 development activities in order to improve courseware and
107 services to its students.

108 (d) The board of trustees shall be responsible for the
109 administration and control of all local school funds derived
110 from all activities or sources and shall prescribe the
111 principles and procedures to be followed in administering these
112 funds.

113 (e) The Florida Virtual School may accrue supplemental
114 revenue from supplemental support organizations, which include,
115 but are not limited to, alumni associations, foundations,
116 parent-teacher associations, and booster associations. The
117 governing body of each supplemental support organization shall
118 recommend the expenditure of moneys collected by the
119 organization for the benefit of the school. Such expenditures
120 shall be contingent upon the review of the executive director.
121 The executive director may override any proposed expenditure of
122 the organization that would violate Florida law or breach sound
123 educational management.

124 (f) In accordance with law and rules of the State Board of
125 Education, the board of trustees shall administer and maintain
126 personnel programs for all employees of the board of trustees
127 and the Florida Virtual School. The board of trustees may adopt
128 rules, policies, and procedures related to the appointment,



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129 employment, and removal of personnel.

130 1. The board of trustees shall determine the compensation,
131 including salaries and fringe benefits, and other conditions of
132 employment for such personnel.

133 2. The board of trustees may establish and maintain a
134 personnel loan or exchange program by which persons employed by
135 the board of trustees for the Florida Virtual School as academic
136 administrative and instructional staff may be loaned to, or
137 exchanged with persons employed in like capacities by, public
138 agencies either within or without this state, or by private
139 industry. With respect to public agency employees, the program
140 authorized by this subparagraph shall be consistent with the
141 requirements of part II of chapter 112. The salary and benefits
142 of board of trustees personnel participating in the loan or
143 exchange program shall be continued during the period of time
144 they participate in a loan or exchange program, and such
145 personnel shall be deemed to have no break in creditable or
146 continuous service or employment during such time. The salary
147 and benefits of persons participating in the personnel loan or
148 exchange program who are employed by public agencies or private
149 industry shall be paid by the originating employers of those
150 participants, and such personnel shall be deemed to have no
151 break in creditable or continuous service or employment during
152 such time.

153 3. The employment of all Florida Virtual School academic
154 administrative and instructional personnel shall be subject to
155 rejection for cause by the board of trustees, and shall be
156 subject to policies of the board of trustees relative to
157 certification, tenure, leaves of absence, sabbaticals,



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158 remuneration, and such other conditions of employment as the
159 board of trustees deems necessary and proper, not inconsistent
160 with law.

161 4. Each person employed by the board of trustees in an
162 academic administrative or instructional capacity with the
163 Florida Virtual School shall be entitled to a contract as
164 provided by rules of the board of trustees.

165 5. All employees except temporary, seasonal, and student
166 employees may be state employees for the purpose of being
167 eligible to participate in the Florida Retirement System and
168 receive benefits. The classification and pay plan, including
169 terminal leave and other benefits, and any amendments thereto,
170 shall be subject to review and approval by the Department of
171 Management Services and the Executive Office of the Governor
172 prior to adoption.

173 (g) The board of trustees shall establish priorities for
174 admission of students in accordance with paragraph (1)(b).

175 (h) The board of trustees shall establish and distribute to
176 all school districts and high schools in the state procedures
177 for enrollment of students in courses offered by the Florida
178 Virtual School.

179 (i) The board of trustees shall establish criteria defining
180 the elements of an approved franchise. The board of trustees may
181 enter into franchise agreements with Florida district school
182 boards and may establish the terms and conditions governing such
183 agreements. The board of trustees shall establish the
184 performance and accountability measures and report the
185 performance of each school district franchise to the
186 Commissioner of Education.



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187 (j) The board of trustees shall submit to the State Board
188 of Education both forecasted and actual enrollments and credit
189 completions for the Florida Virtual School, according to
190 procedures established by the State Board of Education. At a
191 minimum, such procedures must include the number of public,
192 private, and home education students served by program and by
193 county of residence.

194 (k) The board of trustees shall provide for the content and
195 custody of student and employee personnel records. Student
196 records shall be subject to the provisions of s. 1002.22.
197 Employee records shall be subject to the provisions of s.
198 1012.31.

199 (l) The financial records and accounts of the Florida
200 Virtual School shall be maintained under the direction of the
201 board of trustees and under rules adopted by the State Board of
202 Education for the uniform system of financial records and
203 accounts for the schools of the state.

204
205 The Governor shall designate the initial chair of the board of
206 trustees to serve a term of 4 years. Members of the board of
207 trustees shall serve without compensation, but may be reimbursed
208 for per diem and travel expenses pursuant to s. 112.061. The
209 board of trustees shall be a body corporate with all the powers
210 of a body corporate and such authority as is needed for the
211 proper operation and improvement of the Florida Virtual School.
212 The board of trustees is specifically authorized to adopt rules,
213 policies, and procedures, consistent with law and rules of the
214 State Board of Education related to governance, personnel,
215 budget and finance, administration, programs, curriculum and



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216 instruction, travel and purchasing, technology, students,
217 contracts and grants, and property as necessary for optimal,
218 efficient operation of the Florida Virtual School. Tangible
219 personal property owned by the board of trustees shall be
220 subject to the provisions of chapter 273.

221 (3) Funding for the Florida Virtual School shall be
222 provided as follows:

223 (a)1. For a student in grades 9 through 12, a "full-time
224 equivalent student" is one student who has successfully
225 completed six full-credit courses that count toward the minimum
226 number of credits required for high school graduation. A student
227 who completes fewer than six full-credit courses is a fraction
228 of a full-time equivalent student. Half-credit course
229 completions shall be included in determining a full-time
230 equivalent student. Credit completed by a student in excess of
231 the minimum required for that student for high school graduation
232 is not eligible for funding.

233 2. For a student in kindergarten through grade 8, a "full-
234 time equivalent student" is one student who has successfully
235 completed six courses or the prescribed level of content that
236 counts toward promotion to the next grade. A student who
237 completes fewer than six courses or the prescribed level of
238 content shall be a fraction of a full-time equivalent student.

239 3. Beginning in the 2014-2015 fiscal year, when s.
240 1008.22(3)(g) is implemented, the reported full-time equivalent
241 students and associated funding of students enrolled in courses
242 requiring passage of an end-of-course assessment shall be
243 adjusted after the student completes the end-of-course
244 assessment. However, no adjustment shall be made for home



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245 education program students who choose not to take an end-of-
246 course assessment.

247
248 For purposes of this paragraph, the calculation of "full-time
249 equivalent student" shall be as prescribed in s.
250 1011.61(1)(c)1.b.(V).

251 (b) Full-time equivalent student credit completed through
252 the Florida Virtual School, including credits completed during
253 the summer, shall be reported to the Department of Education in
254 the manner prescribed by the department and shall be funded
255 through the Florida Education Finance Program.

256 (c) School districts may not limit student access to
257 courses offered through the Florida Virtual School.

258 (d) Full-time equivalent student credit completion for
259 courses offered through the Florida Virtual School shall be
260 reported only by the Florida Virtual School. School districts
261 shall report full-time equivalent student membership only for
262 courses for which the district provides the instruction.

263 (e) The district cost differential as provided in s.
264 1011.62(2) shall be established as 1.000.

265 (f) The Florida Virtual School shall receive funds for
266 operating purposes in an amount determined as follows: multiply
267 the maximum allowable nonvoted discretionary millage for
268 operations pursuant to s. 1011.71(1) and (3) by the value of 96
269 percent of the current year's taxable value for school purposes
270 for the state; divide the result by the total full-time
271 equivalent membership of the state; and multiply the result by
272 the full-time equivalent membership of the school. The amount
273 thus obtained shall be discretionary operating funds and shall



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274 be appropriated from state funds in the General Appropriations
275 Act.

276 (g) The Florida Virtual School shall receive additional
277 state funds as may be provided in the General Appropriations
278 Act; however, such funds may not be provided for the purpose of
279 fulfilling the class size requirements in ss. 1003.03 and
280 1011.685.

281 (h) In addition to the funds provided in the General
282 Appropriations Act, the Florida Virtual School may receive other
283 funds from grants and donations.

284 (4) School districts operating a virtual school that is an
285 approved franchise of the Florida Virtual School may count full-
286 time equivalent students, as provided in paragraph (3)(a), if
287 such school has been certified as an approved franchise by the
288 Commissioner of Education based on criteria established by the
289 board of trustees pursuant to paragraph (2)(i).

290 (5) Under no circumstance may the credit of the state be
291 pledged on behalf of the Florida Virtual School.

292 (6) The board of trustees shall annually submit to the
293 Governor, the Legislature, the Commissioner of Education, and
294 the State Board of Education a complete and detailed report
295 setting forth:

296 (a) The operations and accomplishments of the Florida
297 Virtual School.

298 (b) The marketing and operational plan for the Florida
299 Virtual School, including recommendations regarding methods for
300 improving the delivery of education through the Internet and
301 other distance learning technology.

302 (c) The assets and liabilities of the Florida Virtual



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303 School at the end of the fiscal year.

304 (d) A copy of an annual financial audit of the accounts and
305 records of the Florida Virtual School, conducted by an
306 independent certified public accountant and performed in
307 accordance with rules adopted by the Auditor General.

308 (e) Recommendations regarding the unit cost of providing
309 services to students. In order to most effectively develop
310 public policy regarding any future funding of the Florida
311 Virtual School, it is imperative that the cost of the program is
312 accurately identified. The identified cost of the program must
313 be based on reliable data.

314 (f) Recommendations regarding an accountability mechanism
315 to assess the effectiveness of the services provided by the
316 Florida Virtual School.

317 (7) The State Board of Education may adopt rules it deems
318 necessary to implement reporting requirements for the Florida
319 Virtual School.

320 (8) (a) The Florida Virtual School may provide full-time and
321 part-time instruction for students in kindergarten through grade
322 12 ~~and part-time instruction for students in grades 4 through~~
323 ~~12. To receive part-time instruction in kindergarten through~~
324 ~~grade 5 full-time instruction in grades 2 through 5, a student~~
325 must meet at least one of the eligibility criteria in s.
326 1002.455(2). ~~Part-time instruction for grades 4 and 5 may be~~
327 ~~provided only to public school students taking grade 6 through~~
328 ~~grade 8 courses.~~

329 (b) For students receiving part-time instruction in
330 kindergarten through grade ~~grades 4 and 5~~ and students receiving
331 full-time instruction in kindergarten through grade 12 from the



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332 Florida Virtual School, the combined total of all FTE reported
333 by both the school district and the Florida Virtual School may
334 not exceed 1.0 FTE.

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

339 (9) ~~(10)~~ (a) Public school students receiving full-time
340 instruction in kindergarten through grade 12 by the Florida
341 Virtual School must take all statewide assessments required
342 pursuant to s. 1008.22.

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

347 (c) All statewide assessments must be taken at the school
348 to which the student would be assigned according to district
349 school board attendance area policies ~~within the school district~~
350 ~~in which the student resides~~. A school district must provide the
351 student with access to the school's ~~district's~~ testing
352 facilities.

353 (10) ~~(11)~~ The Florida Virtual School shall receive a school
354 grade pursuant to s. 1008.34 for students receiving full-time
355 instruction.

356 (11) The Florida Virtual School is subject to, with respect
357 to its full-time program, and shall be considered a district
358 school board within the context of the following statutes:

359 (a) Section 1001.52, relating to the reproduction and
360 destruction of district school records;



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361 (b) Section 1003.22, relating to school-entry health
362 examinations;
363 (c) Section 1003.26, relating to the enforcement of school
364 attendance;
365 (d) Section 1003.33, relating to report cards;
366 (e) Section 1003.4156, relating to requirements for middle
367 grades promotion;
368 (f) Section 1003.42, relating to required instruction;
369 (g) Sections 1003.428 and 1003.43, relating to the general
370 requirements for high school graduation;
371 (h) Section 1003.49, relating to graduation and promotion
372 requirements for publicly operated schools;
373 (i) Section 1003.54, relating to teenage parent programs;
374 (j) Section 1003.56, relating to English language
375 instruction for limited English proficient students;
376 (k) Section 1003.571, relating to instruction for
377 exceptional students who have a disability;
378 (l) Section 1006.025, relating to guidance services;
379 (m) Section 1006.07, relating to student discipline and
380 school safety;
381 (n) Section 1007.271, relating to dual enrollment programs;
382 (o) Section 1008.25, relating to student progression,
383 remedial instruction, and reporting requirements; and
384 (p) Section 1008.30, relating to common placement testing
385 for public postsecondary education, except that school districts
386 are required to administer any statewide test required, pursuant
387 to paragraph (9) (c).
388
389 This subsection does not limit or eliminate any other obligation



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390 imposed upon the Florida Virtual School by law.

391 Section 4. Paragraph (b) of subsection (1), paragraph (a)
392 of subsection (2), and paragraphs (c) and (f) of subsection (7)
393 of section 1002.45, Florida Statutes, are amended to read:

394 1002.45 Virtual instruction programs.—

395 (1) PROGRAM.—

396 (b) Each school district that is eligible for the sparsity
397 supplement pursuant to s. 1011.62(7)(a) and (b) ~~1011.62(7)~~ shall
398 provide all enrolled public school students within its
399 boundaries the option of participating in part-time and full-
400 time virtual instruction programs. Each school district that is
401 not eligible for the sparsity supplement pursuant to s.

402 1011.62(7)(a) and (b) shall provide at least three options for
403 part-time and full-time virtual instruction. All school
404 districts must provide parents with timely written notification
405 of at least one ~~an~~ open enrollment period for full-time students
406 of ~~at least~~ 90 days or more which ~~that~~ ends ~~no later than~~ 30
407 days before ~~prior to~~ the first day of the school year. The
408 purpose of the program is to make quality virtual instruction
409 available to students using online and distance learning
410 technology in the nontraditional classroom. A school district
411 virtual instruction program shall consist of ~~provide~~ the
412 following:

413 1. Full-time virtual instruction for students enrolled in
414 kindergarten through grade 12.

415 2. Part-time virtual instruction for students enrolled in
416 kindergarten ~~grades 9~~ through grade 12 courses that are measured
417 pursuant to subparagraph (8)(a)2.

418 3. Full-time or part-time virtual instruction for students



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419 enrolled in dropout prevention and academic intervention
420 programs under s. 1003.53, Department of Juvenile Justice
421 education programs under s. 1003.52, core-curricula courses to
422 meet class size requirements under s. 1003.03, or Florida
423 College System institutions under this section.

424 (2) PROVIDER QUALIFICATIONS.—

425 (a) The department shall annually publish online a list of
426 providers approved to offer virtual instruction programs. To be
427 approved by the department, a provider must document that it:

428 1. Is nonsectarian in its programs, admission policies,
429 employment practices, and operations;

430 2. Complies with the antidiscrimination provisions of s.
431 1000.05;

432 3. Locates an administrative office or offices in this
433 state, requires its administrative staff to be state residents,
434 requires all instructional staff to be Florida-certified
435 teachers under chapter 1012, and conducts background screenings
436 for all employees or contracted personnel, as required by s.
437 1012.32, using state and national criminal history records;

438 4. Possesses prior, successful experience offering online
439 courses to elementary, middle, or high school students as
440 demonstrated by quantified student learning gains in each
441 subject area and grade level provided for consideration as an
442 instructional program option;

443 5. Is accredited by a regional accrediting association as
444 defined by State Board of Education rule;

445 6. Ensures instructional and curricular quality through a
446 detailed curriculum and student performance accountability plan
447 that addresses every subject and grade level it intends to



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448 provide through contract with the school district, including:
449 a. Courses and programs that meet the standards of the
450 International Association for K-12 Online Learning and the
451 Southern Regional Education Board.
452 b. Instructional content and services that align with, and
453 measure student attainment of, student proficiency in the Next
454 Generation Sunshine State Standards.
455 c. Mechanisms that determine and ensure that a student has
456 satisfied requirements for grade level promotion and high school
457 graduation with a standard diploma, as appropriate;
458 7. Publishes for the general public, in accordance with
459 disclosure requirements adopted in rule by the State Board of
460 Education, as part of its application as a provider and in all
461 contracts negotiated pursuant to this section:
462 a. Information and data about the curriculum of each full-
463 time and part-time program.
464 b. School policies and procedures.
465 c. Certification status and physical location of all
466 administrative and instructional personnel.
467 d. Hours and times of availability of instructional
468 personnel.
469 e. Student-teacher ratios.
470 f. Student completion and promotion rates.
471 g. Student, educator, and school performance accountability
472 outcomes; ~~and~~
473 8. If the provider is a Florida College System institution,
474 employs instructors who meet the certification requirements for
475 instructional staff under chapter 1012; and
476 9. Performs an annual financial audit of its accounts and



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477 records conducted by an independent certified public accountant
478 which is in accordance with rules adopted by the Auditor
479 General, is conducted in compliance with generally accepted
480 auditing standards, and includes a report on financial
481 statements presented in accordance with generally accepted
482 accounting principles.

483 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
484 FUNDING.—

485 (c) For a student enrolled ~~part-time~~ in a kindergarten
486 ~~grades 6~~ through grade 12 virtual instruction program, a “full-
487 time equivalent student” has the same meaning as provided in s.
488 1011.61(1)(c)1.b.(III) and (IV) ~~1011.61(1)(c)1.b.(IV).~~

489 (f) The school district providing virtual instruction ~~in~~
490 ~~which the student resides~~ shall report full-time equivalent
491 students for a virtual instruction program or a virtual charter
492 school to the department in a manner prescribed by the
493 department, and funding shall be provided through the Florida
494 Education Finance Program. ~~Funds received by the school district~~
495 ~~of residence for a student in a virtual instruction program~~
496 ~~provided by another school district under this section shall be~~
497 ~~transferred to the school district providing the virtual~~
498 ~~instruction program.~~

499 Section 5. Subsections (2) and (3) of section 1002.455,
500 Florida Statutes, are amended to read:

501 1002.455 Student eligibility for K-12 virtual instruction.—

502 (2) A student is eligible to participate in virtual
503 instruction if:

504 (a) The student spent the prior school year in attendance
505 at a public school in the state and was enrolled and reported by



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506 the school district for funding during October and February for
507 purposes of the Florida Education Finance Program surveys;

508 (b) The student is a dependent child of a member of the
509 United States Armed Forces who was transferred within the last
510 12 months to this state from another state or from a foreign
511 country pursuant to a permanent change of station order;

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

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

519 (e) The student is eligible to enter kindergarten or first
520 grade.

521
522 Notwithstanding this subsection, beginning with the 2012-2013
523 school year, a student is eligible to participate in a virtual
524 education program if the student is eligible to enter grades 2
525 through 5. Beginning with the 2013-2014 school year, a student
526 is eligible to participate in a virtual education program if the
527 student is eligible to enter kindergarten through grade 8.
528 Beginning with the 2014-2015 school year, a student is eligible
529 to participate in a virtual education program if the student is
530 eligible to enter kindergarten through grade 12.

531 (3) The virtual instruction options for which this
532 eligibility section applies include:

533 (a) School district operated part-time or full-time
534 kindergarten through grade 12 virtual instruction programs under



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535 s. 1002.45(1)(b) for students enrolled in the school district.

536 (b) Full-time virtual charter school instruction authorized
537 under s. 1002.33.

538 ~~(c) Courses delivered in the traditional school setting by~~
539 ~~personnel providing direct instruction through a virtual~~
540 ~~environment or through a blended virtual and physical environment~~
541 ~~pursuant to s. 1003.498 and as authorized pursuant to s.~~
542 ~~1002.321(4)(e).~~

543 (c) ~~(d)~~ Virtual courses offered in the course code directory
544 to students within the school district or to students in other
545 school districts throughout the state pursuant to s. 1003.498.

546 Section 6. Paragraph (c) of subsection (2) of section
547 1003.428, Florida Statutes, is amended to read:

548 1003.428 General requirements for high school graduation;
549 revised.—

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

553 (c) Beginning with students entering grade 9 in the 2011-
554 2012 school year, at least one course within the 24 credits
555 required in this subsection must be completed through online
556 learning. A school district may not require a student to take
557 the online course outside the school day or in addition to a
558 student's courses for a given semester. However, An online
559 course taken during grades 6 through 8 fulfills this
560 requirement. This requirement shall be met through an online
561 course offered by the Florida Virtual School, an online course
562 offered by the high school, or an online dual enrollment course
563 ~~offered pursuant to a district interinstitutional articulation~~



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564 ~~agreement pursuant to s. 1007.235.~~ A student who is enrolled in
565 a full-time or part-time virtual instruction program under s.
566 1002.45 meets this requirement. This requirement does not apply
567 to a student who has an individual educational plan under s.
568 1003.57 which indicates that an online course would be
569 inappropriate or a student who is enrolled in a Florida high
570 school and has less than 1 academic year remaining in high
571 school.

572 Section 7. Subsection (1) of section 1003.498, Florida
573 Statutes, is amended to read:

574 1003.498 School district virtual course offerings.-

575 (1) School districts may deliver courses in the traditional
576 school setting by personnel certified pursuant to s. 1012.55 who
577 provide direct instruction through a virtual instruction
578 environment or through ~~though~~ a blended learning courses
579 consisting of both traditional classroom and online
580 instructional techniques ~~virtual and physical environment.~~
581 Students in a blended learning course must be full-time students
582 of the school and receive the online instruction in a classroom
583 setting at the school. The funding, performance, and
584 accountability requirements for blended learning courses are the
585 same as those for traditional courses.

586 Section 8. Subsection (5) is added to section 1003.57,
587 Florida Statutes, to read:

588 1003.57 Exceptional students instruction.-

589 (5) Each full-time virtual instruction program under s.
590 1002.37 or s. 1002.45 must fulfill the obligations of a school
591 district under this section for public school exceptional
592 students who are enrolled in a full-time virtual instruction



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593 program. A student whose individual educational plan indicates
594 that full-time virtual instruction is appropriate may be
595 enrolled in a full-time virtual instruction program.

596 Section 9. Paragraphs (e), (f), and (g) are added to
597 subsection (3) of section 1006.15, Florida Statutes, to read:

598 1006.15 Student standards for participation in
599 interscholastic and intrascholastic extracurricular student
600 activities; regulation.—

601 (3)

602 (e) A student enrolled in the Florida Virtual School full-
603 time program may participate in any interscholastic
604 extracurricular activity at the public school to which the
605 student would be assigned according to district school board
606 attendance area policies or which the student could choose to
607 attend, pursuant to district or interdistrict controlled open
608 enrollment policies, if the student:

609 1. During the period of participation in the
610 interscholastic extracurricular activity, meets the requirements
611 in paragraph (a).

612 2. Meets any additional requirements as determined by the
613 board of trustees of the Florida Virtual School.

614 3. Meets the same residency requirements as other students
615 in the school at which he or she participates.

616 4. Meets the same standards of acceptance, behavior, and
617 performance that are required of other students in
618 extracurricular activities.

619 5. Registers his or her intent to participate in
620 interscholastic extracurricular activities with the school
621 before the beginning date of the season for the activity in



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622 which he or she wishes to participate. A Florida Virtual School
623 student must be able to participate in curricular activities if
624 that is a requirement for an extracurricular activity.

625 (f) A student who transfers from the Florida Virtual School
626 full-time program to a traditional public school before or
627 during the first grading period of the school year is
628 academically eligible to participate in interscholastic
629 extracurricular activities during the first grading period if
630 the student has a successful evaluation from the previous school
631 year pursuant to paragraph (a).

632 (g) A public school or private school student who has been
633 unable to maintain academic eligibility for participation in
634 interscholastic extracurricular activities is ineligible to
635 participate in such activities as a Florida Virtual School
636 student until the student successfully completes one grading
637 period in the Florida Virtual School pursuant to paragraph (a).

638 Section 10. Paragraph (c) of subsection (1) of section
639 1011.61, Florida Statutes, is amended to read:

640 1011.61 Definitions.—Notwithstanding the provisions of s.
641 1000.21, the following terms are defined as follows for the
642 purposes of the Florida Education Finance Program:

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

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

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

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



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651 equivalent of one full-time student based on the following
652 calculations:

653 (I) A full-time student in a combination of programs listed
654 in s. 1011.62(1)(c) shall be a fraction of a full-time
655 equivalent membership in each special program equal to the
656 number of net hours per school year for which he or she is a
657 member, divided by the appropriate number of hours set forth in
658 subparagraph (a)1. or subparagraph (a)2. The difference between
659 that fraction or sum of fractions and the maximum value as set
660 forth in subsection (4) for each full-time student is presumed
661 to be the balance of the student's time not spent in such
662 special education programs and shall be recorded as time in the
663 appropriate basic program.

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

666 (III) A full-time equivalent student for students in
667 kindergarten through grade 12 ~~5~~ in a full-time virtual
668 instruction program under s. 1002.45 or a virtual charter school
669 under s. 1002.33 shall consist of six full credit completions in
670 programs listed in s. 1011.62(1)(c) ~~a student who has~~
671 ~~successfully completed a basic program listed in s.~~
672 ~~1011.62(1)(c)1.a. or b., and who is promoted to a higher grade~~
673 ~~level.~~ Credit completions may be a combination of full-credit
674 courses or half-credit courses. Beginning in the 2014-2015
675 fiscal year, when s. 1008.22(3)(g) is implemented, the reported
676 full-time equivalent students and associated funding of students
677 enrolled in courses requiring passage of an end-of-course
678 assessment shall be adjusted after the student completes the
679 end-of-course assessment.



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680 (IV) A full-time equivalent student for students in
681 kindergarten ~~grades 6~~ through grade 12 in a part-time virtual
682 instruction program under s. 1002.45 ~~1002.45(1)(b)1., 2., or 3.~~
683 ~~or a virtual charter school~~ under s. ~~1002.33~~ shall consist of
684 six full credit completions in programs listed in s.
685 1011.62(1)(c)1. and 3. ~~1011.62(1)(c)1.b. or c. and 3.~~ Credit
686 completions may be a combination of full-credit courses or half-
687 credit courses. Beginning in the 2014-2015 fiscal year, when s.
688 1008.22(3)(g) is implemented, the reported full-time equivalent
689 students and associated funding of students enrolled in courses
690 requiring passage of an end-of-course assessment shall be
691 adjusted after the student completes the end-of-course
692 assessment.

693 (V) A Florida Virtual School full-time equivalent student
694 shall consist of six full credit completions or the prescribed
695 level of content that counts toward promotion to the next grade
696 in the programs listed in s. 1011.62(1)(c)1. and 3.
697 ~~1011.62(1)(c)1.a. and b.~~ for students participating in
698 kindergarten through grade 12 part-time virtual instruction &
699 and the programs listed in s. 1011.62(1)(c) ~~1011.62(1)(c)1.e.~~
700 for students participating in kindergarten through grade 12
701 full-time virtual instruction ~~grades 9 through 12~~. Credit
702 completions may be a combination of full-credit courses or half-
703 credit courses. Beginning in the 2014-2015 fiscal year, when s.
704 1008.22(3)(g) is implemented, the reported full-time equivalent
705 students and associated funding of students enrolled in courses
706 requiring passage of an end-of-course assessment shall be
707 adjusted after the student completes the end-of-course
708 assessment.



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

712 (VII) Each successfully completed credit earned under the
713 alternative high school course credit requirements authorized in
714 s. 1002.375, which is not reported as a portion of the 900 net
715 hours of instruction pursuant to subparagraph (1)(a)1., shall be
716 calculated as 1/6 FTE.

717 2. A student in membership in a program scheduled for more
718 or less than 180 school days or the equivalent on an hourly
719 basis as specified by rules of the State Board of Education is a
720 fraction of a full-time equivalent membership equal to the
721 number of instructional hours in membership divided by the
722 appropriate number of hours set forth in subparagraph (a)1.;
723 however, for the purposes of this subparagraph, membership in
724 programs scheduled for more than 180 days is limited to students
725 enrolled in juvenile justice education programs and the Florida
726 Virtual School.

727
728 The department shall determine and implement an equitable method
729 of equivalent funding for experimental schools and for schools
730 operating under emergency conditions, which schools have been
731 approved by the department to operate for less than the minimum
732 school day.

733 Section 11. Paragraph (g) of subsection (1) and subsection
734 (11) of section 1011.62, Florida Statutes, are amended to read:

735 1011.62 Funds for operation of schools.—If the annual
736 allocation from the Florida Education Finance Program to each
737 district for operation of schools is not determined in the



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738 annual appropriations act or the substantive bill implementing
739 the annual appropriations act, it shall be determined as
740 follows:

741 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
742 OPERATION.—The following procedure shall be followed in
743 determining the annual allocation to each district for
744 operation:

745 (g) *Education for speakers of other languages.*—A school
746 district or a full-time virtual instruction program is ~~shall be~~
747 eligible to report full-time equivalent student membership in
748 the ESOL program in the Florida Education Finance Program
749 provided the following conditions are met:

750 1. The school district or the full-time virtual instruction
751 program has a plan approved by the Department of Education.

752 2. The eligible student is identified and assessed as
753 limited English proficient based on assessment criteria.

754 3.a. An eligible student may be reported for funding in the
755 ESOL program for a base period of 3 years. However, a student
756 whose English competency does not meet the criteria for
757 proficiency after 3 years in the ESOL program may be reported
758 for a fourth, fifth, and sixth year of funding, provided his or
759 her limited English proficiency is assessed and properly
760 documented prior to his or her enrollment in each additional
761 year beyond the 3-year base period.

762 b. If a student exits the program and is later reclassified
763 as limited English proficient, the student may be reported in
764 the ESOL program for funding for an additional year, or extended
765 annually for a period not to exceed a total of 6 years pursuant
766 to this paragraph, based on an annual evaluation of the



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767 student's status.

768 4. An eligible student may be reported for funding in the
769 ESOL program for membership in ESOL instruction in English and
770 ESOL instruction or home language instruction in the basic
771 subject areas of mathematics, science, social studies, and
772 computer literacy.

773 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
774 annually provide in the Florida Education Finance Program a
775 virtual education contribution. The amount of the virtual
776 education contribution shall be the difference between the
777 amount per FTE established in the General Appropriations Act for
778 virtual education and the amount per FTE for each district and
779 the Florida Virtual School, which may be calculated by taking
780 the sum of the base FEFP allocation, the discretionary local
781 effort, the state-funded discretionary contribution, the
782 discretionary millage compression supplement, the research-based
783 reading instruction allocation, and the instructional materials
784 allocation, and then dividing by the total unweighted FTE. This
785 difference shall be multiplied by the virtual education
786 unweighted FTE for programs and options identified in s.
787 1002.455(3) ~~1002.455(3)(a), (b), and (d)~~ and the Florida Virtual
788 School and its franchises to equal the virtual education
789 contribution and shall be included as a separate allocation in
790 the funding formula.

791 Section 12. This act shall take effect July 1, 2012.

792
793 ===== T I T L E A M E N D M E N T =====

794 And the title is amended as follows:

795 Delete everything before the enacting clause



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796 and insert:

797 A bill to be entitled
798 An act relating to digital learning; amending s.
799 1002.20, F.S.; providing that Florida Virtual School
800 full-time students who meet specified academic and
801 conduct requirements are eligible to participate in
802 interscholastic extracurricular activities at certain
803 public schools; amending s. 1002.321, F.S.; revising
804 provisions relating to customized and accelerated
805 learning through virtual instruction to include
806 blended learning courses; prohibiting any person from
807 taking an online course or examination on behalf of
808 another person; providing a penalty; amending s.
809 1002.37, F.S.; providing that the Florida Virtual
810 School may provide part-time instruction for students
811 in kindergarten through grade 12; deleting a
812 requirement that an elementary school principal
813 provide certain notification to parents; requiring
814 that statewide assessments be taken at the school to
815 which a student would be assigned according to
816 district school board attendance area policies;
817 requiring that a school district provide a student
818 with access to the school's testing facilities;
819 providing that the Florida Virtual School is subject
820 to certain statutory requirements and is considered a
821 district school board within the context of those
822 statutory requirements; amending s. 1002.45, F.S.;
823 revising provisions relating to school district
824 options for providing full-time and part-time virtual



825 instruction programs and the open enrollment period
826 for participation; providing that a part-time virtual
827 instruction program offer instruction for students
828 enrolled in kindergarten through grade 12 courses;
829 requiring an additional qualification for a virtual
830 instruction program provider to obtain approval by the
831 Department of Education; revising provisions relating
832 to the funding of virtual instruction programs and
833 virtual charter schools to conform to changes made by
834 the act; amending s. 1002.455, F.S.; revising
835 provisions relating to the eligibility of students to
836 participate in virtual instruction programs during
837 specified school years; deleting provisions relating
838 to virtual instruction options for which students in
839 the school district are eligible; amending s.
840 1003.428, F.S.; revising provisions relating to the
841 general requirements for high school graduation;
842 prohibiting a school district from requiring a student
843 to take an online course outside the school day or in
844 addition to the student's courses for a given
845 semester; amending s. 1003.498, F.S.; providing
846 requirements for blended learning courses; amending s.
847 1003.57, F.S.; providing responsibilities and
848 requirements for each full-time virtual instruction
849 program enrolling public school exceptional students;
850 amending s. 1006.15, F.S.; providing that a student
851 enrolled in the Florida Virtual School's full-time
852 program may participate in any interscholastic
853 extracurricular activity at a public school under



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854 certain circumstances; amending s. 1011.61, F.S.;

855 revising the definition of the term "full-time

856 equivalent student" to conform to changes made by the

857 act; conforming cross-references; amending s. 1011.62,

858 F.S.; providing that full-time virtual instruction

859 programs are eligible to report student membership in

860 the English for Speakers of Other Languages program

861 for funding purposes; conforming a cross-reference;

862 providing an effective date.