

By Senator Gardiner

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1                                   A bill to be entitled  
2           An act relating to education; amending s. 1001.03,  
3           F.S.; requiring that the State Board of Education  
4           enforce compliance with the law and state board rule  
5           by the Florida Virtual School; amending s. 1002.20,  
6           F.S.; providing that a full-time Florida Virtual  
7           School student who meets specified academic and  
8           conduct requirements is eligible to participate in  
9           extracurricular activities at the public school to  
10          which the student would be assigned or could choose to  
11          attend; providing that a virtual school student who  
12          meets specified academic and conduct requirements is  
13          eligible to participate in extracurricular activities  
14          at the public school to which the student would be  
15          assigned or could choose to attend, unless the  
16          activities are provided by the student's virtual  
17          school; amending s. 1002.321, F.S.; requiring that  
18          each student take at least one online course before  
19          graduating from high school, unless otherwise  
20          expressly excluded by law; amending s. 1002.37, F.S.;  
21          authorizing the Florida Virtual School to provide  
22          part-time and full-time instruction for students in  
23          kindergarten through grade 12; providing that the  
24          Florida Virtual School has the same authority and  
25          responsibilities of a school district under the  
26          Florida K-20 Education Code regarding the Florida  
27          Virtual School's full-time program; amending s.  
28          1002.45, F.S.; revising provisions relating to virtual  
29          instruction programs; requiring that a school district

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30 that is eligible for a sparsity supplement, before a  
31 wealth adjustment, provide all enrolled public school  
32 students the option of participating in part-time and  
33 full-time virtual instruction programs; revising  
34 virtual instruction program provider qualifications to  
35 include an independent review of the curriculum for  
36 each course and student performance accountability;  
37 requiring that the person performing the independent  
38 review meet certain qualifications; requiring that a  
39 provider provide independent audit findings  
40 documenting financial stability and sound business  
41 principles and demonstrate sufficient technology  
42 resources and technical support; revising provisions  
43 relating to funding; requiring that a school district  
44 provide to an approved provider information verifying  
45 that reported enrollment data is accurate for the  
46 students served by the provider; amending s. 1002.455,  
47 F.S.; phasing in eligibility for students to  
48 participate in kindergarten through grade 12 virtual  
49 instruction; deleting provisions relating to virtual  
50 instruction options for eligible students; amending s.  
51 1003.428, F.S.; revising the general requirements for  
52 high school graduation; providing that the online  
53 course requirement does not apply to a student whose  
54 individual education plan indicates that an online  
55 course would be inappropriate or to a student who is  
56 enrolled in a Florida high school for 1 academic year  
57 or less; prohibiting a school district from requiring  
58 a student to take an online course outside the school

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59 day or in addition to the student's courses for any  
60 given semester; amending s. 1003.49, F.S.; authorizing  
61 the board of trustees of the Florida Virtual School to  
62 operate education programs for students in  
63 kindergarten through grade 12; amending s. 1003.57,  
64 F.S.; requiring that the Florida Virtual School  
65 fulfill the obligations of a school district for  
66 exceptional public school students who are enrolled in  
67 a full-time Florida Virtual School program; providing  
68 that a student whose individual education plan  
69 indicates that a full-time virtual education is  
70 inappropriate may not be enrolled in a Florida Virtual  
71 School full-time program; amending s. 1006.15, F.S.;  
72 providing standards for participation in  
73 interscholastic and intrascholastic extracurricular  
74 student activities by full-time students attending the  
75 Florida Virtual School; amending s. 1008.22, F.S.;  
76 requiring that all statewide end-of-course assessments  
77 be administered electronically; amending s. 1008.32,  
78 F.S.; requiring that the State Board of Education  
79 oversee the performance of the Florida Virtual School  
80 and ensure compliance with law and state board rule;  
81 revising provisions to conform to changes made by the  
82 act; amending ss. 1011.61 and 1011.62, F.S.; revising  
83 provisions relating to funding to conform to changes  
84 made by the act; conforming cross-references;  
85 providing an effective date.

86  
87 Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (8) of section 1001.03, Florida Statutes, is amended to read:

1001.03 Specific powers of State Board of Education.—

(8) SYSTEMWIDE ENFORCEMENT.—The State Board of Education shall enforce compliance with law and state board rule by all school districts, the Florida Virtual School, and public postsecondary education ~~educational~~ institutions, except for the State University System, in accordance with the provisions of s. 1008.32.

Section 2. Present paragraph (d) of subsection (18) of section 1002.20, Florida Statutes, is redesignated as paragraph (f), and new paragraphs (d) and (e) are 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 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

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

(d) Full-time Florida Virtual School students.—A full-time Florida Virtual School student who meets specified academic and conduct requirements is eligible to participate in extracurricular activities at the public school to which the student would be assigned or could choose to attend according to district school board policies.

(e) Virtual school students.—A virtual school student who

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117 meets specified academic and conduct requirements is eligible to  
118 participate in extracurricular activities at the public school  
119 to which the student would be assigned or could choose to attend  
120 according to district school board policies, unless the activity  
121 is provided by the student's virtual school.

122 Section 3. Subsection (3) of section 1002.321, Florida  
123 Statutes, is amended to read:

124 1002.321 Digital learning.—

125 (3) DIGITAL PREPARATION.—Unless otherwise expressly  
126 excluded by law, each student must take graduate from high  
127 school having taken at least one online course before graduating  
128 from high school, as provided in s. 1003.428.

129 Section 4. Subsection (8) of section 1002.37, Florida  
130 Statutes, is amended to read:

131 1002.37 The Florida Virtual School.—

132 (8) (a) The Florida Virtual School may provide part-time and  
133 full-time instruction for students in kindergarten through grade  
134 12 and part-time instruction for students in grades 4 through  
135 12. To receive full-time instruction in grades 2 through 5, a  
136 student must meet at least one of the eligibility criteria in s.  
137 1002.455(2). Part-time instruction for grades 4 and 5 may be  
138 provided only to public school students taking grade 6 through  
139 grade 8 courses.

140 (b) For students receiving part-time instruction or in  
141 grades 4 and 5 and students receiving full-time instruction in  
142 kindergarten through grade 12 from the Florida Virtual School,  
143 the combined total of all FTE reported by both the school  
144 district and the Florida Virtual School may not exceed 1.0 FTE.

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146 Except as otherwise expressly provided by law, the Florida  
147 Virtual School has the same authority and responsibilities of a  
148 school district under the Florida K-20 Education Code regarding  
149 the Florida Virtual School's full-time program.

150 Section 5. Paragraph (b) of subsection (1), paragraph (a)  
151 of subsection (2), paragraphs (c), (f), and (g) of subsection  
152 (7), and paragraph (a) of subsection (8) of section 1002.45,  
153 Florida Statutes, are amended to read:

154 1002.45 Virtual instruction programs.—

155 (1) PROGRAM.—

156 (b) Each school district that is eligible for the sparsity  
157 supplement, before a wealth adjustment, pursuant to s.  
158 1011.62(7) shall provide all enrolled public school students  
159 within its boundaries the option of participating in part-time  
160 and full-time virtual instruction programs. Each school district  
161 that is not eligible for the sparsity supplement, before a  
162 wealth adjustment, shall provide at least three options for  
163 part-time and full-time virtual instruction. All school  
164 districts must provide parents with timely written notification  
165 of an open enrollment period for full-time students of at least  
166 90 days which ~~that~~ ends no earlier ~~later~~ than 30 days before  
167 ~~prior to~~ the first day of the school year. The purpose of the  
168 program is to make quality virtual instruction available to  
169 students using online and distance learning technology in the  
170 nontraditional classroom. A school district virtual instruction  
171 program shall provide, but is not limited to, the following:

172 1. Part-time and full-time virtual instruction for students  
173 enrolled in kindergarten through grade 12.

174 ~~2. Part-time virtual instruction for students enrolled in~~

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175 ~~grades 9 through 12 courses that are measured pursuant to~~  
176 ~~subparagraph (8)(a)2.~~

177 2.3. Full-time or part-time virtual instruction for  
178 students enrolled in dropout prevention and academic  
179 intervention programs under s. 1003.53, Department of Juvenile  
180 Justice education programs under s. 1003.52, core-curricula  
181 courses to meet class size requirements under s. 1003.03, or  
182 Florida College System institutions under this section.

183 (2) PROVIDER QUALIFICATIONS.—

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

187 1. Is nonsectarian in its programs, admission policies,  
188 employment practices, and operations;

189 2. Complies with the antidiscrimination provisions of s.  
190 1000.05;

191 3. Locates an administrative office or offices in this  
192 state, requires its administrative staff to be state residents,  
193 requires all instructional staff to be Florida-certified  
194 teachers under chapter 1012, and conducts background screenings  
195 for all employees or contracted personnel, as required by s.  
196 1012.32, using state and national criminal history records;

197 4. Possesses prior, successful experience offering online  
198 courses to elementary, middle, or high school students as  
199 demonstrated by quantified student learning gains in each  
200 subject area and grade level provided for consideration as an  
201 instructional program option;

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

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

208 a. Courses and programs that meet the standards of the  
209 International Association for K-12 Online Learning and the  
210 Southern Regional Education Board.

211 b. Instructional content and services that align with, and  
212 measure student attainment of, student proficiency in the Next  
213 Generation Sunshine State Standards.

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

217 7. Provides an independent review of the detailed  
218 curriculum and student performance accountability on a form  
219 adopted by the department and verifies that the person  
220 performing the independent review has examined the curriculum  
221 for each course which meets the requirements of this section.  
222 The independent review must be performed by a person who:

223 a. Holds a current Florida educator certificate;

224 b. Has experience teaching K-12 education in a Florida  
225 public school;

226 c. Has knowledge of the standards of the International  
227 Association for K-12 Online Learning and the Southern Regional  
228 Education Board; and

229 d. Has experience teaching in or administering an online  
230 education program;

231 ~~8.7.~~ Publishes for the general public, in accordance with  
232 disclosure requirements adopted in rule by the State Board of



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233 Education, as part of its application as a provider and in all  
234 contracts negotiated pursuant to this section:

235 a. Information and data about the curriculum of each full-  
236 time and part-time program.

237 b. School policies and procedures.

238 c. Certification status and physical location of all  
239 administrative and instructional personnel.

240 d. Hours and times of availability of instructional  
241 personnel.

242 e. Student-teacher ratios.

243 f. Student completion and promotion rates.

244 g. Student, educator, and school performance accountability  
245 outcomes; ~~and~~

246 ~~9.8.~~ If the provider is a Florida College System  
247 institution, employs instructors who meet the certification  
248 requirements for instructional staff under chapter 1012;~~;~~

249 10. Provides independent audit findings or other externally  
250 validated summary financial information to document financial  
251 stability and sound business principles; and

252 11. Demonstrates sufficient technology resources and  
253 technical support to ensure a quality program.

254 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL  
255 FUNDING.—

256 (c) For a student enrolled part-time in a kindergarten  
257 ~~grades 6~~ through grade 12 program, a "full-time equivalent  
258 student" has the same meaning as provided in s.  
259 1011.61(1)(c)1.b.(III) and (IV) ~~1011.61(1)(c)1.b.(IV)~~.

260 ~~(f) The school district in which the student resides shall~~  
261 ~~report full-time equivalent students for a virtual instruction~~

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262 ~~program or a virtual charter school to the department in a~~  
263 ~~manner prescribed by the department, and funding shall be~~  
264 ~~provided through the Florida Education Finance Program. Funds~~  
265 ~~received by the school district of residence for a student in a~~  
266 ~~virtual instruction program provided by another school district~~  
267 ~~under this section shall be transferred to the school district~~  
268 ~~providing the virtual instruction program.~~

269 ~~(f)-(g)~~ A Florida College System institution provider may  
270 not report students who are served in a virtual instruction  
271 program for funding under the Florida College System Program  
272 Fund.

273 (8) ASSESSMENT AND ACCOUNTABILITY.—

274 (a) Each approved provider contracted under this section  
275 must:

276 1. Participate in the statewide assessment program under s.  
277 1008.22 and in the state's education performance accountability  
278 system under s. 1008.31. In order to ensure that the information  
279 used for accountability purposes is accurate, a school district  
280 must routinely provide to an approved provider information  
281 verifying that the reported enrollment data is accurate for the  
282 students served in the provider's program.

283 2. Receive a school grade under s. 1008.34 or a school  
284 improvement rating under s. 1008.341, as applicable. The school  
285 grade or school improvement rating received by each approved  
286 provider shall be based upon the aggregated assessment scores of  
287 all students served by the provider statewide. The department  
288 shall publish the school grade or school improvement rating  
289 received by each approved provider on its Internet website. The  
290 department shall develop an evaluation method for providers of

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291 part-time programs which includes the percentage of students  
292 making learning gains, the percentage of students successfully  
293 passing any required end-of-course assessment, the percentage of  
294 students taking Advanced Placement examinations, and the  
295 percentage of students scoring 3 or higher on an Advanced  
296 Placement examination.

297 Section 6. Subsections (2) and (3) of section 1002.455,  
298 Florida Statutes, are amended to read:

299 1002.455 Student eligibility for K-12 virtual instruction.-

300 (2) A student is eligible to participate in virtual  
301 instruction if:

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

306 (b) The student is a dependent child of a member of the  
307 United States Armed Forces who was transferred within the last  
308 12 months to this state from another state or from a foreign  
309 country pursuant to a permanent change of station order;

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

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

317 (e) The student is eligible to enter kindergarten or first  
318 grade; ~~or~~

319 (f) Beginning with the 2012-2013 school year, the student

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320 is eligible to enter grade 2 through grade 5;

321 (g) Beginning with the 2013-2014 school year, the student  
322 is eligible to enter kindergarten through grade 8; or

323 (h) Beginning with the 2014-2015 school year, the student  
324 is eligible to enter kindergarten through grade 12.

325 (3) The virtual instruction options for which this  
326 eligibility section applies include:

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

330 (b) Full-time virtual charter school instruction authorized  
331 under s. 1002.33.

332 ~~(c) Courses delivered in the traditional school setting by~~  
333 ~~personnel providing direct instruction through a virtual~~  
334 ~~environment or through a blended virtual and physical environment~~  
335 ~~pursuant to s. 1003.498 and as authorized pursuant to s.~~  
336 ~~1002.321(4)(c).~~

337 ~~(d) Virtual courses offered in the course code directory to~~  
338 ~~students within the school district or to students in other~~  
339 ~~school districts throughout the state pursuant to s. 1003.498.~~

340 Section 7. Paragraph (c) of subsection (2) of section  
341 1003.428, Florida Statutes, is amended to read:

342 1003.428 General requirements for high school graduation;  
343 revised.—

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

347 (c) Beginning with students entering grade 9 in the 2011-  
348 2012 school year, at least one course within the 24 credits

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349 required in this subsection must be completed through online  
350 learning. However, an online course taken during grades 6  
351 through 8 fulfills this requirement. This requirement shall be  
352 met through an online course offered by the Florida Virtual  
353 School, an online course offered by the high school, or an  
354 online dual enrollment course offered pursuant to a district  
355 interinstitutional articulation agreement pursuant to s.  
356 1007.235. A student who is enrolled in a full-time or part-time  
357 virtual instruction program under s. 1002.45 meets this  
358 requirement. This requirement does not apply to a student whose  
359 individual education plan under s. 1003.57 indicates an online  
360 course would be inappropriate or to a student who is enrolled in  
361 a Florida high school for 1 academic year or less. A school  
362 district may not require a student to take the online course  
363 outside the school day or in addition to the student's courses  
364 for any given semester.

365 Section 8. Subsection (1) of section 1003.49, Florida  
366 Statutes, is amended to read:

367 1003.49 Graduation and promotion requirements for publicly  
368 operated schools.-

369 (1) Each state or local public agency, including the  
370 Department of Children and Family Services, the Department of  
371 Corrections, the boards of trustees of universities and Florida  
372 College System institutions, the board of trustees of the  
373 Florida Virtual School, and the Board of Trustees of the Florida  
374 School for the Deaf and the Blind, ~~which agency~~ is authorized to  
375 operate education ~~educational~~ programs for students in at any  
376 ~~level of grades~~ kindergarten through grade 12 and is shall be  
377 subject to all applicable requirements of ss. 1003.4156,

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378 1003.428, 1003.43, 1008.23, and 1008.25. Within the content of  
379 these cited statutes each ~~such~~ state or local public agency or  
380 entity shall be considered a "district school board."

381 Section 9. Subsection (5) is added to section 1003.57,  
382 Florida Statutes, to read:

383 1003.57 Exceptional students instruction.—

384 (5) The Florida Virtual School shall fulfill the  
385 obligations of a school district under this section for  
386 exceptional public school students who are enrolled in a full-  
387 time Florida Virtual School program. A student whose individual  
388 education plan indicates that full-time virtual education is  
389 inappropriate may not be enrolled in a Florida Virtual School  
390 full-time program, but must be enrolled in the school district  
391 in which the student resides. This subsection does not alter a  
392 parent's right to decline exceptional education services.

393 Section 10. Paragraph (e) is added to subsection (3) of  
394 section 1006.15, Florida Statutes, to read:

395 1006.15 Student standards for participation in  
396 interscholastic and intrascholastic extracurricular student  
397 activities; regulation.—

398 (3)

399 (e)1. A full-time student attending the Florida Virtual  
400 School under s. 1002.37 is eligible to participate in any  
401 interscholastic extracurricular activity at a public school to  
402 which the student would be assigned, pursuant to district school  
403 board attendance policies, or at a public school that the  
404 student could choose to attend, pursuant to district or  
405 interdistrict controlled open-enrollment provisions, unless the  
406 activity is provided by the student's virtual school, and if the

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407 following conditions are met:

408 a. The virtual school student meets the requirements of the  
409 virtual education program as provided in s. 1002.37.

410 b. During the period of participation at the public school,  
411 the virtual school student demonstrates educational progress as  
412 required in paragraph (b).

413 c. The virtual school student meets the same residency  
414 requirements as other students in the public school at which the  
415 student participates.

416 d. The virtual school student meets the same standards of  
417 acceptance, behavior, and performance which are required of  
418 other students in extracurricular activities.

419 e. The virtual school student registers with the public  
420 school at which he or she intends to participate in  
421 interscholastic extracurricular activities as a representative  
422 of the school before the beginning date of the season for the  
423 activity in which he or she wishes to participate.

424 2. A virtual school student must be allowed to participate  
425 in curricular activities at the public school if that is a  
426 requirement for an extracurricular activity.

427 3. A student who transfers from a virtual school program to  
428 a public school before or during the first grading period of the  
429 school year is academically eligible to participate in  
430 interscholastic extracurricular activities during the first  
431 grading period if the student has a successful evaluation from  
432 the previous school year as provided in sub-subparagraph 1.b.

433 4. Any public school or private school student who has been  
434 unable to maintain academic eligibility for participation in  
435 interscholastic extracurricular activities is ineligible to

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436 participate in the activities as a virtual school student until  
437 the student successfully completes one grading period in a  
438 virtual school.

439 Section 11. Paragraph (g) of subsection (3) of section  
440 1008.22, Florida Statutes, is amended to read:

441 1008.22 Student assessment program for public schools.—

442 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
443 design and implement a statewide program of educational  
444 assessment that provides information for the improvement of the  
445 operation and management of the public schools, including  
446 schools operating for the purpose of providing educational  
447 services to youth in Department of Juvenile Justice programs.  
448 The commissioner may enter into contracts for the continued  
449 administration of the assessment, testing, and evaluation  
450 programs authorized and funded by the Legislature. Contracts may  
451 be initiated in 1 fiscal year and continue into the next and may  
452 be paid from the appropriations of either or both fiscal years.  
453 The commissioner is authorized to negotiate for the sale or  
454 lease of tests, scoring protocols, test scoring services, and  
455 related materials developed pursuant to law. Pursuant to the  
456 statewide assessment program, the commissioner shall:

457 (g) Beginning with the 2014-2015 school year, all statewide  
458 end-of-course assessments shall be administered electronically  
459 online.

460 Section 12. Section 1008.32, Florida Statutes, is amended  
461 to read:

462 1008.32 State Board of Education oversight enforcement  
463 authority.—The State Board of Education shall oversee the  
464 performance of district school boards, the Florida Virtual



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465 School board of trustees, and Florida College System institution  
466 boards of trustees in enforcement of all laws and rules.  
467 District school boards, the Florida Virtual School board of  
468 trustees, and Florida College System institution boards of  
469 trustees shall be primarily responsible for compliance with law  
470 and state board rule.

471 (1) In order to ensure compliance with law or state board  
472 rule, the State Board of Education shall have the authority to  
473 request and receive information, data, and reports from school  
474 districts, the Florida Virtual School, and Florida College  
475 System institutions. District school superintendents, the  
476 chairperson of the Florida Virtual School board of trustees, and  
477 Florida College System institution presidents are responsible  
478 for the accuracy of the information and data reported to the  
479 state board.

480 (2) The Commissioner of Education may investigate  
481 allegations of noncompliance with law or state board rule and  
482 determine probable cause. The commissioner shall report  
483 determinations of probable cause to the State Board of Education  
484 which shall require the district school board, the Florida  
485 Virtual School board of trustees, or Florida College System  
486 institution board of trustees to document compliance with law or  
487 state board rule.

488 (3) If the district school board, the Florida Virtual  
489 School board of trustees, or Florida College System institution  
490 board of trustees cannot satisfactorily document compliance, the  
491 State Board of Education may order compliance within a specified  
492 timeframe.

493 (4) If the State Board of Education determines that a

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494 district school board, the Florida Virtual School board of  
495 trustees, or Florida College System institution board of  
496 trustees is unwilling or unable to comply with law or state  
497 board rule within the specified time, the state board shall have  
498 the authority to initiate any of the following actions:

499 (a) Report to the Legislature that the school district, the  
500 Florida Virtual School, or Florida College System institution  
501 has been unwilling or unable to comply with law or state board  
502 rule and recommend action to be taken by the Legislature.

503 (b) Reduce the discretionary lottery appropriation until  
504 the school district, the Florida Virtual School, or Florida  
505 College System institution complies with the law or state board  
506 rule.

507 (c) Withhold the transfer of state funds, discretionary  
508 grant funds, or any other funds specified as eligible for this  
509 purpose by the Legislature until the school district, the  
510 Florida Virtual School, or Florida College System institution  
511 complies with the law or state board rule.

512 (d) Declare the school district, the Florida Virtual  
513 School, or Florida College System institution ineligible for  
514 competitive grants.

515 (e) Require monthly or periodic reporting on the situation  
516 related to noncompliance until it is remedied.

517 (5) ~~Nothing in~~ This section does not ~~shall be construed to~~  
518 create a private cause of action or create any rights for  
519 individuals or entities in addition to those provided elsewhere  
520 in law or rule.

521 Section 13. Paragraph (c) of subsection (1) of section  
522 1011.61, Florida Statutes, is amended to read:

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523 1011.61 Definitions.—Notwithstanding the provisions of s.  
524 1000.21, the following terms are defined as follows for the  
525 purposes of the Florida Education Finance Program:

526 (1) A “full-time equivalent student” in each program of the  
527 district is defined in terms of full-time students and part-time  
528 students as follows:

529 (c)1. A “full-time equivalent student” is:

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

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

536 (I) A full-time student in a combination of programs listed  
537 in s. 1011.62(1)(c) shall be a fraction of a full-time  
538 equivalent membership in each special program equal to the  
539 number of net hours per school year for which he or she is a  
540 member, divided by the appropriate number of hours set forth in  
541 subparagraph (a)1. or subparagraph (a)2. The difference between  
542 that fraction or sum of fractions and the maximum value as set  
543 forth in subsection (4) for each full-time student is presumed  
544 to be the balance of the student’s time not spent in such  
545 special education programs and shall be recorded as time in the  
546 appropriate basic program.

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

549 (III) A full-time equivalent student for students in  
550 kindergarten through grade 5 in a virtual instruction program  
551 under s. 1002.45 or a virtual charter school under s. 1002.33

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552 shall consist of a student who has successfully completed a  
553 basic program listed in s. 1011.62(1)(c)1.a. or b., and who is  
554 promoted to a higher grade level.

555 (IV) A full-time equivalent student for students in grades  
556 6 through 12 in a virtual instruction program under s.  
557 1002.45(1)(b)1. or 2. ~~or 3.~~ or a virtual charter school under  
558 s. 1002.33 shall consist of six full credit completions in  
559 programs listed in s. 1011.62(1)(c) ~~1.b. or c. and 3.~~ Credit  
560 completions may be a combination of full-credit courses or half-  
561 credit courses. Beginning in the 2014-2015 fiscal year, when s.  
562 1008.22(3)(g) is implemented, the reported full-time equivalent  
563 students and associated funding of students enrolled in courses  
564 requiring passage of an end-of-course assessment shall be  
565 adjusted after the student completes the end-of-course  
566 assessment.

567 (V) A Florida Virtual School full-time equivalent student  
568 shall consist of six full credit completions or the prescribed  
569 level of content that counts toward promotion to the next grade  
570 in the programs listed in s. 1011.62(1)(c) ~~1.a. and b. for~~  
571 ~~kindergarten through grade 8 and the programs listed in s.~~  
572 ~~1011.62(1)(c)1.c. for grades 9 through 12.~~ Credit completions  
573 may be a combination of full-credit courses or half-credit  
574 courses. Beginning in the 2014-2015 fiscal year, when s.  
575 1008.22(3)(g) is implemented, the reported full-time equivalent  
576 students and associated funding of students enrolled in courses  
577 requiring passage of an end-of-course assessment shall be  
578 adjusted after the student completes the end-of-course  
579 assessment.

580 (VI) Each successfully completed full-credit course earned

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581 through an online course delivered by a district other than the  
582 one in which the student resides shall be calculated as 1/6 FTE.

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

588 2. A student in membership in a program scheduled for more  
589 or less than 180 school days or the equivalent on an hourly  
590 basis as specified by rules of the State Board of Education is a  
591 fraction of a full-time equivalent membership equal to the  
592 number of instructional hours in membership divided by the  
593 appropriate number of hours set forth in subparagraph (a)1.;  
594 however, for the purposes of this subparagraph, membership in  
595 programs scheduled for more than 180 days is limited to students  
596 enrolled in juvenile justice education programs and the Florida  
597 Virtual School.

598  
599 The department shall determine and implement an equitable method  
600 of equivalent funding for experimental schools and for schools  
601 operating under emergency conditions, which schools have been  
602 approved by the department to operate for less than the minimum  
603 school day.

604 Section 14. Paragraphs (e) and (g) of subsection (1) and  
605 subsection (11) of section 1011.62, Florida Statutes, are  
606 amended to read:

607 1011.62 Funds for operation of schools.—If the annual  
608 allocation from the Florida Education Finance Program to each  
609 district for operation of schools is not determined in the

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610 annual appropriations act or the substantive bill implementing  
611 the annual appropriations act, it shall be determined as  
612 follows:

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

617 (e) *Funding model for exceptional student education*  
618 *programs.*—

619 1.a. The funding model uses basic, at-risk, support levels  
620 IV and V for exceptional students and career Florida Education  
621 Finance Program cost factors, and a guaranteed allocation for  
622 exceptional student education programs. Exceptional education  
623 cost factors are determined by using a matrix of services to  
624 document the services that each exceptional student will  
625 receive. The nature and intensity of the services indicated on  
626 the matrix shall be consistent with the services described in  
627 each exceptional student's individual educational plan. The  
628 Department of Education shall review and revise the descriptions  
629 of the services and supports included in the matrix of services  
630 for exceptional students and shall implement those revisions  
631 before the beginning of the 2012-2013 school year.

632 b. In order to generate funds using one of the two weighted  
633 cost factors, a matrix of services must be completed at the time  
634 of the student's initial placement into an exceptional student  
635 education program and at least once every 3 years by personnel  
636 who have received approved training. Nothing listed in the  
637 matrix shall be construed as limiting the services a school or  
638 school district must provide in order to ensure that exceptional

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639 students are provided a free, appropriate public education.

640 c. Students identified as exceptional, in accordance with  
641 chapter 6A-6, Florida Administrative Code, who do not have a  
642 matrix of services as specified in sub-subparagraph b. shall  
643 generate funds on the basis of full-time-equivalent student  
644 membership in the Florida Education Finance Program at the same  
645 funding level per student as provided for basic students.  
646 Additional funds for these exceptional students will be provided  
647 through the guaranteed allocation designated in subparagraph 2.

648 2. For students identified as exceptional who do not have a  
649 matrix of services and students who are gifted in kindergarten  
650 ~~grades K~~ through grade 8, there is created a guaranteed  
651 allocation to provide these students with a free appropriate  
652 public education, in accordance with s. 1001.42(4)(m) and rules  
653 of the State Board of Education, which shall be allocated  
654 annually to each school district and the Florida Virtual School  
655 in the amount provided in the General Appropriations Act. These  
656 funds shall be in addition to the funds appropriated on the  
657 basis of FTE student membership in the Florida Education Finance  
658 Program, and the amount allocated for each school district and  
659 the Florida Virtual School may ~~shall~~ not be recalculated during  
660 the year. These funds shall be used to provide special education  
661 and related services for exceptional students and students who  
662 are gifted in kindergarten ~~grades K~~ through grade 8. ~~Beginning~~  
663 ~~with the 2007-2008 fiscal year,~~ A district's expenditure of  
664 funds and the Florida Virtual School's expenditure of funds from  
665 the guaranteed allocation for students in grades 9 through 12  
666 who are gifted may not be greater than the amount expended  
667 during the 2006-2007 fiscal year for gifted students in grades 9

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668 through 12.

669 (g) *Education for speakers of other languages.*—A school  
670 district and the Florida Virtual School are ~~shall be~~ eligible to  
671 report full-time equivalent student membership in the ESOL  
672 program in the Florida Education Finance Program if ~~provided~~ the  
673 following conditions are met:

674 1. The school district and the Florida Virtual School has a  
675 plan approved by the Department of Education.

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

678 3.a. An eligible student may be reported for funding in the  
679 ESOL program for a base period of 3 years. However, a student  
680 whose English competency does not meet the criteria for  
681 proficiency after 3 years in the ESOL program may be reported  
682 for a fourth, fifth, and sixth year of funding, provided his or  
683 her limited English proficiency is assessed and properly  
684 documented prior to his or her enrollment in each additional  
685 year beyond the 3-year base period.

686 b. If a student exits the program and is later reclassified  
687 as limited English proficient, the student may be reported in  
688 the ESOL program for funding for an additional year, or extended  
689 annually for a period not to exceed a total of 6 years pursuant  
690 to this paragraph, based on an annual evaluation of the  
691 student's status.

692 4. An eligible student may be reported for funding in the  
693 ESOL program for membership in ESOL instruction in English and  
694 ESOL instruction or home language instruction in the basic  
695 subject areas of mathematics, science, social studies, and  
696 computer literacy.



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697 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
698 annually provide in the Florida Education Finance Program a  
699 virtual education contribution. The amount of the virtual  
700 education contribution shall be the difference between the  
701 amount per FTE established in the General Appropriations Act for  
702 virtual education and the amount per FTE for each district and  
703 the Florida Virtual School, which may be calculated by taking  
704 the sum of the base FEFP allocation, the discretionary local  
705 effort, the state-funded discretionary contribution, the  
706 discretionary millage compression supplement, the research-based  
707 reading instruction allocation, and the instructional materials  
708 allocation, and then dividing by the total unweighted FTE. This  
709 difference shall be multiplied by the virtual education  
710 unweighted FTE for programs and options identified in s.  
711 1002.455(3) (a) and, (b), ~~and (d)~~ and the Florida Virtual School  
712 and its franchises to equal the virtual education contribution  
713 and shall be included as a separate allocation in the funding  
714 formula.

715 Section 15. This act shall take effect July 1, 2012.