

By the Committee on Education Pre-K - 12; and Senator Gardiner

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1 A bill to be entitled
2 An act relating to digital learning; amending s.
3 1002.20, F.S.; providing that Florida Virtual School
4 full-time students who meet specified academic and
5 conduct requirements are eligible to participate in
6 interscholastic extracurricular activities at certain
7 public schools; amending s. 1002.321, F.S.; revising
8 provisions relating to customized and accelerated
9 learning through virtual instruction to include
10 blended learning courses; prohibiting any person from
11 taking an online course or examination on behalf of
12 another person; providing a penalty; amending s.
13 1002.37, F.S.; providing that the Florida Virtual
14 School may provide part-time instruction for students
15 in kindergarten through grade 12; deleting a
16 requirement that an elementary school principal
17 provide certain notification to parents; requiring
18 that statewide assessments be taken at the school to
19 which a student would be assigned according to
20 district school board attendance area policies;
21 requiring that a school district provide a student
22 with access to the school's testing facilities;
23 providing that the Florida Virtual School is subject
24 to certain statutory requirements and is considered a
25 district school board within the context of those
26 statutory requirements; amending s. 1002.45, F.S.;
27 revising provisions relating to school district
28 options for providing full-time and part-time virtual
29 instruction programs and the open enrollment period

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30 for participation; providing that a part-time virtual
31 instruction program offer instruction for students
32 enrolled in kindergarten through grade 12 courses;
33 requiring an additional qualification for a virtual
34 instruction program provider to obtain approval by the
35 Department of Education; revising provisions relating
36 to the funding of virtual instruction programs and
37 virtual charter schools to conform to changes made by
38 the act; amending s. 1002.455, F.S.; revising
39 provisions relating to the eligibility of students to
40 participate in virtual instruction programs during
41 specified school years; deleting provisions relating
42 to virtual instruction options for which students in
43 the school district are eligible; amending s.
44 1003.428, F.S.; revising provisions relating to the
45 general requirements for high school graduation;
46 prohibiting a school district from requiring a student
47 to take an online course outside the school day or in
48 addition to the student's courses for a given
49 semester; amending s. 1003.498, F.S.; providing
50 requirements for blended learning courses; amending s.
51 1003.57, F.S.; providing responsibilities and
52 requirements for each full-time virtual instruction
53 program enrolling public school exceptional students;
54 amending s. 1006.15, F.S.; providing that a student
55 enrolled in the Florida Virtual School's full-time
56 program may participate in any interscholastic
57 extracurricular activity at a public school under
58 certain circumstances; amending s. 1011.61, F.S.;

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59 revising the definition of the term "full-time
60 equivalent student" to conform to changes made by the
61 act; conforming cross-references; amending s. 1011.62,
62 F.S.; providing that full-time virtual instruction
63 programs are eligible to report student membership in
64 the English for Speakers of Other Languages program
65 for funding purposes; conforming a cross-reference;
66 providing an effective date.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Present paragraph (d) of subsection (18) of
71 section 1002.20, Florida Statutes, is redesignated as paragraph
72 (e), and a new paragraph (d) is added to that subsection, to
73 read:

74 1002.20 K-12 student and parent rights.—Parents of public
75 school students must receive accurate and timely information
76 regarding their child's academic progress and must be informed
77 of ways they can help their child to succeed in school. K-12
78 students and their parents are afforded numerous statutory
79 rights including, but not limited to, the following:

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

82 (d) Florida Virtual School full-time students.—Florida
83 Virtual School full-time students who meet specified academic
84 and conduct requirements are eligible to participate in
85 extracurricular activities at the public school to which the
86 student would be assigned or could choose to attend according to
87 district school board policies.

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88 Section 2. Paragraph (e) of subsection (4) of section
89 1002.321, Florida Statutes, is amended, and subsection (5) is
90 added to that section, to read:

91 1002.321 Digital learning.—

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

96 (e) Courses delivered in the traditional school setting by
97 personnel providing direct instruction through ~~a virtual~~
98 instruction environment or through though a blended learning
99 courses consisting of both traditional classroom and online
100 instructional techniques ~~virtual and physical environment~~
101 pursuant to s. 1003.498.

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

107 Section 3. Section 1002.37, Florida Statutes, is amended,
108 to read:

109 1002.37 The Florida Virtual School.—

110 (1) (a) The Florida Virtual School is established for the
111 development and delivery of online and distance learning
112 education. The Commissioner of Education shall monitor the
113 school's performance and report its performance to the State
114 Board of Education and the Legislature.

115 (b) The mission of the Florida Virtual School is to provide
116 students with technology-based educational opportunities to gain

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117 the knowledge and skills necessary to succeed. The school shall
118 serve any student in the state who meets the profile for success
119 in this educational delivery context and shall give priority to:

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

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

126 (c) To ensure students are informed of the opportunities
127 offered by the Florida Virtual School, the commissioner shall
128 provide the board of trustees of the Florida Virtual School
129 access to the records of public school students in a format
130 prescribed by the board of trustees.

131
132 The board of trustees of the Florida Virtual School shall
133 identify appropriate performance measures and standards based on
134 student achievement that reflect the school's statutory mission
135 and priorities, and shall implement an accountability system for
136 the school that includes assessment of its effectiveness and
137 efficiency in providing quality services that encourage high
138 student achievement, seamless articulation, and maximum access.

139 (2) The Florida Virtual School shall be governed by a board
140 of trustees comprised of seven members appointed by the Governor
141 to 4-year staggered terms. The board of trustees shall be a
142 public agency entitled to sovereign immunity pursuant to s.
143 768.28, and board members shall be public officers who shall
144 bear fiduciary responsibility for the Florida Virtual School.
145 The board of trustees shall have the following powers and

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146 duties:

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

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

152 (b) The board of trustees shall be responsible for the
153 Florida Virtual School's development of a state-of-the-art
154 technology-based education delivery system that is cost-
155 effective, educationally sound, marketable, and capable of
156 sustaining a self-sufficient delivery system through the Florida
157 Education Finance Program.

158 (c) The board of trustees shall aggressively seek avenues
159 to generate revenue to support its future endeavors, and shall
160 enter into agreements with distance learning providers. The
161 board of trustees may acquire, enjoy, use, and dispose of
162 patents, copyrights, and trademarks and any licenses and other
163 rights or interests thereunder or therein. Ownership of all such
164 patents, copyrights, trademarks, licenses, and rights or
165 interests thereunder or therein shall vest in the state, with
166 the board of trustees having full right of use and full right to
167 retain the revenues derived therefrom. Any funds realized from
168 patents, copyrights, trademarks, or licenses shall be considered
169 internal funds as provided in s. 1011.07. Such funds shall be
170 used to support the school's marketing and research and
171 development activities in order to improve courseware and
172 services to its students.

173 (d) The board of trustees shall be responsible for the
174 administration and control of all local school funds derived

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175 from all activities or sources and shall prescribe the
176 principles and procedures to be followed in administering these
177 funds.

178 (e) The Florida Virtual School may accrue supplemental
179 revenue from supplemental support organizations, which include,
180 but are not limited to, alumni associations, foundations,
181 parent-teacher associations, and booster associations. The
182 governing body of each supplemental support organization shall
183 recommend the expenditure of moneys collected by the
184 organization for the benefit of the school. Such expenditures
185 shall be contingent upon the review of the executive director.
186 The executive director may override any proposed expenditure of
187 the organization that would violate Florida law or breach sound
188 educational management.

189 (f) In accordance with law and rules of the State Board of
190 Education, the board of trustees shall administer and maintain
191 personnel programs for all employees of the board of trustees
192 and the Florida Virtual School. The board of trustees may adopt
193 rules, policies, and procedures related to the appointment,
194 employment, and removal of personnel.

195 1. The board of trustees shall determine the compensation,
196 including salaries and fringe benefits, and other conditions of
197 employment for such personnel.

198 2. The board of trustees may establish and maintain a
199 personnel loan or exchange program by which persons employed by
200 the board of trustees for the Florida Virtual School as academic
201 administrative and instructional staff may be loaned to, or
202 exchanged with persons employed in like capacities by, public
203 agencies either within or without this state, or by private

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204 industry. With respect to public agency employees, the program
205 authorized by this subparagraph shall be consistent with the
206 requirements of part II of chapter 112. The salary and benefits
207 of board of trustees personnel participating in the loan or
208 exchange program shall be continued during the period of time
209 they participate in a loan or exchange program, and such
210 personnel shall be deemed to have no break in creditable or
211 continuous service or employment during such time. The salary
212 and benefits of persons participating in the personnel loan or
213 exchange program who are employed by public agencies or private
214 industry shall be paid by the originating employers of those
215 participants, and such personnel shall be deemed to have no
216 break in creditable or continuous service or employment during
217 such time.

218 3. The employment of all Florida Virtual School academic
219 administrative and instructional personnel shall be subject to
220 rejection for cause by the board of trustees, and shall be
221 subject to policies of the board of trustees relative to
222 certification, tenure, leaves of absence, sabbaticals,
223 remuneration, and such other conditions of employment as the
224 board of trustees deems necessary and proper, not inconsistent
225 with law.

226 4. Each person employed by the board of trustees in an
227 academic administrative or instructional capacity with the
228 Florida Virtual School shall be entitled to a contract as
229 provided by rules of the board of trustees.

230 5. All employees except temporary, seasonal, and student
231 employees may be state employees for the purpose of being
232 eligible to participate in the Florida Retirement System and

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233 receive benefits. The classification and pay plan, including
234 terminal leave and other benefits, and any amendments thereto,
235 shall be subject to review and approval by the Department of
236 Management Services and the Executive Office of the Governor
237 prior to adoption.

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

240 (h) The board of trustees shall establish and distribute to
241 all school districts and high schools in the state procedures
242 for enrollment of students in courses offered by the Florida
243 Virtual School.

244 (i) The board of trustees shall establish criteria defining
245 the elements of an approved franchise. The board of trustees may
246 enter into franchise agreements with Florida district school
247 boards and may establish the terms and conditions governing such
248 agreements. The board of trustees shall establish the
249 performance and accountability measures and report the
250 performance of each school district franchise to the
251 Commissioner of Education.

252 (j) The board of trustees shall submit to the State Board
253 of Education both forecasted and actual enrollments and credit
254 completions for the Florida Virtual School, according to
255 procedures established by the State Board of Education. At a
256 minimum, such procedures must include the number of public,
257 private, and home education students served by program and by
258 county of residence.

259 (k) The board of trustees shall provide for the content and
260 custody of student and employee personnel records. Student
261 records shall be subject to the provisions of s. 1002.22.

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262 Employee records shall be subject to the provisions of s.
263 1012.31.

264 (1) The financial records and accounts of the Florida
265 Virtual School shall be maintained under the direction of the
266 board of trustees and under rules adopted by the State Board of
267 Education for the uniform system of financial records and
268 accounts for the schools of the state.

269

270 The Governor shall designate the initial chair of the board of
271 trustees to serve a term of 4 years. Members of the board of
272 trustees shall serve without compensation, but may be reimbursed
273 for per diem and travel expenses pursuant to s. 112.061. The
274 board of trustees shall be a body corporate with all the powers
275 of a body corporate and such authority as is needed for the
276 proper operation and improvement of the Florida Virtual School.
277 The board of trustees is specifically authorized to adopt rules,
278 policies, and procedures, consistent with law and rules of the
279 State Board of Education related to governance, personnel,
280 budget and finance, administration, programs, curriculum and
281 instruction, travel and purchasing, technology, students,
282 contracts and grants, and property as necessary for optimal,
283 efficient operation of the Florida Virtual School. Tangible
284 personal property owned by the board of trustees shall be
285 subject to the provisions of chapter 273.

286 (3) Funding for the Florida Virtual School shall be
287 provided as follows:

288 (a)1. For a student in grades 9 through 12, a "full-time
289 equivalent student" is one student who has successfully
290 completed six full-credit courses that count toward the minimum

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291 number of credits required for high school graduation. A student
292 who completes fewer than six full-credit courses is a fraction
293 of a full-time equivalent student. Half-credit course
294 completions shall be included in determining a full-time
295 equivalent student. Credit completed by a student in excess of
296 the minimum required for that student for high school graduation
297 is not eligible for funding.

298 2. For a student in kindergarten through grade 8, a "full-
299 time equivalent student" is one student who has successfully
300 completed six courses or the prescribed level of content that
301 counts toward promotion to the next grade. A student who
302 completes fewer than six courses or the prescribed level of
303 content shall be a fraction of a full-time equivalent student.

304 3. Beginning in the 2014-2015 fiscal year, when s.
305 1008.22(3)(g) is implemented, the reported full-time equivalent
306 students and associated funding of students enrolled in courses
307 requiring passage of an end-of-course assessment shall be
308 adjusted after the student completes the end-of-course
309 assessment. However, no adjustment shall be made for home
310 education program students who choose not to take an end-of-
311 course assessment.

312
313 For purposes of this paragraph, the calculation of "full-time
314 equivalent student" shall be as prescribed in s.

315 1011.61(1)(c)1.b.(V).

316 (b) Full-time equivalent student credit completed through
317 the Florida Virtual School, including credits completed during
318 the summer, shall be reported to the Department of Education in
319 the manner prescribed by the department and shall be funded

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320 through the Florida Education Finance Program.

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

323 (d) Full-time equivalent student credit completion for
324 courses offered through the Florida Virtual School shall be
325 reported only by the Florida Virtual School. School districts
326 shall report full-time equivalent student membership only for
327 courses for which the district provides the instruction.

328 (e) The district cost differential as provided in s.
329 1011.62(2) shall be established as 1.000.

330 (f) The Florida Virtual School shall receive funds for
331 operating purposes in an amount determined as follows: multiply
332 the maximum allowable nonvoted discretionary millage for
333 operations pursuant to s. 1011.71(1) and (3) by the value of 96
334 percent of the current year's taxable value for school purposes
335 for the state; divide the result by the total full-time
336 equivalent membership of the state; and multiply the result by
337 the full-time equivalent membership of the school. The amount
338 thus obtained shall be discretionary operating funds and shall
339 be appropriated from state funds in the General Appropriations
340 Act.

341 (g) The Florida Virtual School shall receive additional
342 state funds as may be provided in the General Appropriations
343 Act; however, such funds may not be provided for the purpose of
344 fulfilling the class size requirements in ss. 1003.03 and
345 1011.685.

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

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

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

357 (6) The board of trustees shall annually submit to the
358 Governor, the Legislature, the Commissioner of Education, and
359 the State Board of Education a complete and detailed report
360 setting forth:

361 (a) The operations and accomplishments of the Florida
362 Virtual School.

363 (b) The marketing and operational plan for the Florida
364 Virtual School, including recommendations regarding methods for
365 improving the delivery of education through the Internet and
366 other distance learning technology.

367 (c) The assets and liabilities of the Florida Virtual
368 School at the end of the fiscal year.

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

373 (e) Recommendations regarding the unit cost of providing
374 services to students. In order to most effectively develop
375 public policy regarding any future funding of the Florida
376 Virtual School, it is imperative that the cost of the program is
377 accurately identified. The identified cost of the program must

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378 be based on reliable data.

379 (f) Recommendations regarding an accountability mechanism
380 to assess the effectiveness of the services provided by the
381 Florida Virtual School.

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

385 (8) (a) The Florida Virtual School may provide full-time and
386 part-time instruction for students in kindergarten through grade
387 12 ~~and part-time instruction for students in grades 4 through~~
388 ~~12. To receive part-time instruction in kindergarten through~~
389 ~~grade 5 full-time instruction in grades 2 through 5, a student~~
390 must meet at least one of the eligibility criteria in s.
391 1002.455(2). ~~Part-time instruction for grades 4 and 5 may be~~
392 ~~provided only to public school students taking grade 6 through~~
393 ~~grade 8 courses.~~

394 (b) For students receiving part-time instruction in
395 kindergarten through grade ~~grades 4 and 5~~ and students receiving
396 full-time instruction in kindergarten through grade 12 from the
397 Florida Virtual School, the combined total of all FTE reported
398 by both the school district and the Florida Virtual School may
399 not exceed 1.0 FTE.

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

404 (9) ~~(10)~~ (a) Public school students receiving full-time
405 instruction in kindergarten through grade 12 by the Florida
406 Virtual School must take all statewide assessments required

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407 pursuant to s. 1008.22.

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

412 (c) All statewide assessments must be taken at the school
413 to which the student would be assigned according to district
414 school board attendance area policies ~~within the school district~~
415 ~~in which the student resides~~. A school district must provide the
416 student with access to the school's ~~district's~~ testing
417 facilities.

418 ~~(10)-(11)~~ The Florida Virtual School shall receive a school
419 grade pursuant to s. 1008.34 for students receiving full-time
420 instruction.

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

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

426 (b) Section 1003.22, relating to school-entry health
427 examinations;

428 (c) Section 1003.26, relating to the enforcement of school
429 attendance;

430 (d) Section 1003.33, relating to report cards;

431 (e) Section 1003.4156, relating to requirements for middle
432 grades promotion;

433 (f) Section 1003.42, relating to required instruction;

434 (g) Sections 1003.428 and 1003.43, relating to the general
435 requirements for high school graduation;

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- 436 (h) Section 1003.49, relating to graduation and promotion
437 requirements for publicly operated schools;
- 438 (i) Section 1003.54, relating to teenage parent programs;
- 439 (j) Section 1003.56, relating to English language
440 instruction for limited English proficient students;
- 441 (k) Section 1003.571, relating to instruction for
442 exceptional students who have a disability;
- 443 (l) Section 1006.025, relating to guidance services;
- 444 (m) Section 1006.07, relating to student discipline and
445 school safety;
- 446 (n) Section 1007.271, relating to dual enrollment programs;
- 447 (o) Section 1008.25, relating to student progression,
448 remedial instruction, and reporting requirements; and
- 449 (p) Section 1008.30, relating to common placement testing
450 for public postsecondary education, except that school districts
451 are required to administer any statewide test required, pursuant
452 to paragraph (9) (c).

453

454 This subsection does not limit or eliminate any other obligation
455 imposed upon the Florida Virtual School by law.

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

459 1002.45 Virtual instruction programs.—

460 (1) PROGRAM.—

461 (b) Each school district that is eligible for the sparsity
462 supplement pursuant to s. 1011.62(7) (a) and (b) ~~1011.62(7)~~ shall
463 provide all enrolled public school students within its
464 boundaries the option of participating in part-time and full-

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465 time virtual instruction programs. Each school district that is
466 not eligible for the sparsity supplement pursuant to s.
467 1011.62(7)(a) and (b) shall provide at least three options for
468 part-time and full-time virtual instruction. All school
469 districts must provide parents with timely written notification
470 of at least one ~~an~~ open enrollment period for full-time students
471 of ~~at least~~ 90 days or more which ~~that~~ ends ~~no later than~~ 30
472 days before ~~prior to~~ the first day of the school year. The
473 purpose of the program is to make quality virtual instruction
474 available to students using online and distance learning
475 technology in the nontraditional classroom. A school district
476 virtual instruction program shall consist of ~~provide~~ the
477 following:

478 1. Full-time virtual instruction for students enrolled in
479 kindergarten through grade 12.

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

483 3. Full-time or part-time virtual instruction for students
484 enrolled in dropout prevention and academic intervention
485 programs under s. 1003.53, Department of Juvenile Justice
486 education programs under s. 1003.52, core-curricula courses to
487 meet class size requirements under s. 1003.03, or Florida
488 College System institutions under this section.

489 (2) PROVIDER QUALIFICATIONS.—

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

493 1. Is nonsectarian in its programs, admission policies,

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494 employment practices, and operations;

495 2. Complies with the antidiscrimination provisions of s.
496 1000.05;

497 3. Locates an administrative office or offices in this
498 state, requires its administrative staff to be state residents,
499 requires all instructional staff to be Florida-certified
500 teachers under chapter 1012, and conducts background screenings
501 for all employees or contracted personnel, as required by s.
502 1012.32, using state and national criminal history records;

503 4. Possesses prior, successful experience offering online
504 courses to elementary, middle, or high school students as
505 demonstrated by quantified student learning gains in each
506 subject area and grade level provided for consideration as an
507 instructional program option;

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

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

514 a. Courses and programs that meet the standards of the
515 International Association for K-12 Online Learning and the
516 Southern Regional Education Board.

517 b. Instructional content and services that align with, and
518 measure student attainment of, student proficiency in the Next
519 Generation Sunshine State Standards.

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

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

527 a. Information and data about the curriculum of each full-
528 time and part-time program.

529 b. School policies and procedures.

530 c. Certification status and physical location of all
531 administrative and instructional personnel.

532 d. Hours and times of availability of instructional
533 personnel.

534 e. Student-teacher ratios.

535 f. Student completion and promotion rates.

536 g. Student, educator, and school performance accountability
537 outcomes; ~~and~~

538 8. If the provider is a Florida College System institution,
539 employs instructors who meet the certification requirements for
540 instructional staff under chapter 1012; and

541 9. Performs an annual financial audit of its accounts and
542 records conducted by an independent certified public accountant
543 which is in accordance with rules adopted by the Auditor
544 General, is conducted in compliance with generally accepted
545 auditing standards, and includes a report on financial
546 statements presented in accordance with generally accepted
547 accounting principles.

548 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
549 FUNDING.—

550 (c) For a student enrolled ~~part-time~~ in a kindergarten
551 ~~grades 6~~ through grade 12 virtual instruction program, a "full-

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552 time equivalent student" has the same meaning as provided in s.
553 1011.61(1)(c)1.b.(III) and (IV) ~~1011.61(1)(c)1.b.(IV)~~.

554 (f) The school district providing virtual instruction ~~in~~
555 ~~which the student resides~~ shall report full-time equivalent
556 students for a virtual instruction program or a virtual charter
557 school to the department in a manner prescribed by the
558 department, and funding shall be provided through the Florida
559 Education Finance Program. ~~Funds received by the school district~~
560 ~~of residence for a student in a virtual instruction program~~
561 ~~provided by another school district under this section shall be~~
562 ~~transferred to the school district providing the virtual~~
563 ~~instruction program.~~

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

566 1002.455 Student eligibility for K-12 virtual instruction.-

567 (2) A student is eligible to participate in virtual
568 instruction if:

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

573 (b) The student is a dependent child of a member of the
574 United States Armed Forces who was transferred within the last
575 12 months to this state from another state or from a foreign
576 country pursuant to a permanent change of station order;

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

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

584 (e) The student is eligible to enter kindergarten or first
585 grade.

586

587 Notwithstanding this subsection, beginning with the 2012-2013
588 school year, a student is eligible to participate in a virtual
589 education program if the student is eligible to enter grades 2
590 through 5. Beginning with the 2013-2014 school year, a student
591 is eligible to participate in a virtual education program if the
592 student is eligible to enter kindergarten through grade 8.

593 Beginning with the 2014-2015 school year, a student is eligible
594 to participate in a virtual education program if the student is
595 eligible to enter kindergarten through grade 12.

596 (3) The virtual instruction options for which this
597 eligibility section applies include:

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

601 (b) Full-time virtual charter school instruction authorized
602 under s. 1002.33.

603 ~~(c) Courses delivered in the traditional school setting by~~
604 ~~personnel providing direct instruction through a virtual~~
605 ~~environment or through a blended virtual and physical environment~~
606 ~~pursuant to s. 1003.498 and as authorized pursuant to s.~~
607 ~~1002.321(4)(c).~~

608 (c) ~~(d)~~ Virtual courses offered in the course code directory
609 to students within the school district or to students in other

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610 school districts throughout the state pursuant to s. 1003.498.

611 Section 6. Paragraph (c) of subsection (2) of section
612 1003.428, Florida Statutes, is amended to read:

613 1003.428 General requirements for high school graduation;
614 revised.—

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

618 (c) Beginning with students entering grade 9 in the 2011-
619 2012 school year, at least one course within the 24 credits
620 required in this subsection must be completed through online
621 learning. A school district may not require a student to take
622 the online course outside the school day or in addition to a
623 student's courses for a given semester. ~~However,~~ An online
624 course taken during grades 6 through 8 fulfills this
625 requirement. This requirement shall be met through an online
626 course offered by the Florida Virtual School, an online course
627 offered by the high school, or an online dual enrollment course
628 ~~offered pursuant to a district interinstitutional articulation~~
629 ~~agreement pursuant to s. 1007.235.~~ A student who is enrolled in
630 a full-time or part-time virtual instruction program under s.
631 1002.45 meets this requirement. This requirement does not apply
632 to a student who has an individual educational plan under s.
633 1003.57 which indicates that an online course would be
634 inappropriate or a student who is enrolled in a Florida high
635 school and has less than 1 academic year remaining in high
636 school.

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

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639 1003.498 School district virtual course offerings.—

640 (1) School districts may deliver courses in the traditional
641 school setting by personnel certified pursuant to s. 1012.55 who
642 provide direct instruction through ~~a virtual instruction~~
643 ~~environment~~ or through ~~though~~ a blended learning courses
644 consisting of both traditional classroom and online
645 instructional techniques ~~virtual and physical environment~~.
646 Students in a blended learning course must be full-time students
647 of the school and receive the online instruction in a classroom
648 setting at the school. The funding, performance, and
649 accountability requirements for blended learning courses are the
650 same as those for traditional courses.

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

653 1003.57 Exceptional students instruction.—

654 (5) Each full-time virtual instruction program under s.
655 1002.37 or s. 1002.45 must fulfill the obligations of a school
656 district under this section for public school exceptional
657 students who are enrolled in a full-time virtual instruction
658 program. A student whose individual educational plan indicates
659 that full-time virtual instruction is appropriate may be
660 enrolled in a full-time virtual instruction program.

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

663 1006.15 Student standards for participation in
664 interscholastic and intrascholastic extracurricular student
665 activities; regulation.—

666 (3)

667 (e) A student enrolled in the Florida Virtual School full-

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668 time program may participate in any interscholastic
669 extracurricular activity at the public school to which the
670 student would be assigned according to district school board
671 attendance area policies or which the student could choose to
672 attend, pursuant to district or interdistrict controlled open
673 enrollment policies, if the student:

674 1. During the period of participation in the
675 interscholastic extracurricular activity, meets the requirements
676 in paragraph (a).

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

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

681 4. Meets the same standards of acceptance, behavior, and
682 performance that are required of other students in
683 extracurricular activities.

684 5. Registers his or her intent to participate in
685 interscholastic extracurricular activities with the school
686 before the beginning date of the season for the activity in
687 which he or she wishes to participate. A Florida Virtual School
688 student must be able to participate in curricular activities if
689 that is a requirement for an extracurricular activity.

690 (f) A student who transfers from the Florida Virtual School
691 full-time program to a traditional public school before or
692 during the first grading period of the school year is
693 academically eligible to participate in interscholastic
694 extracurricular activities during the first grading period if
695 the student has a successful evaluation from the previous school
696 year pursuant to paragraph (a).

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697 (g) A public school or private school student who has been
698 unable to maintain academic eligibility for participation in
699 interscholastic extracurricular activities is ineligible to
700 participate in such activities as a Florida Virtual School
701 student until the student successfully completes one grading
702 period in the Florida Virtual School pursuant to paragraph (a).

703 Section 10. Paragraph (c) of subsection (1) of section
704 1011.61, Florida Statutes, is amended to read:

705 1011.61 Definitions.—Notwithstanding the provisions of s.
706 1000.21, the following terms are defined as follows for the
707 purposes of the Florida Education Finance Program:

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

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

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

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

718 (I) A full-time student in a combination of programs listed
719 in s. 1011.62(1)(c) shall be a fraction of a full-time
720 equivalent membership in each special program equal to the
721 number of net hours per school year for which he or she is a
722 member, divided by the appropriate number of hours set forth in
723 subparagraph (a)1. or subparagraph (a)2. The difference between
724 that fraction or sum of fractions and the maximum value as set
725 forth in subsection (4) for each full-time student is presumed

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726 to be the balance of the student's time not spent in such
727 special education programs and shall be recorded as time in the
728 appropriate basic program.

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

731 (III) A full-time equivalent student for students in
732 kindergarten through grade 12 ~~5~~ in a full-time virtual
733 instruction program under s. 1002.45 or a virtual charter school
734 under s. 1002.33 shall consist of six full credit completions in
735 programs listed in s. 1011.62(1)(c) ~~a student who has~~
736 ~~successfully completed a basic program listed in s.~~
737 ~~1011.62(1)(c)1.a. or b., and who is promoted to a higher grade~~
738 ~~level.~~ Credit completions may be a combination of full-credit
739 courses or half-credit courses. Beginning in the 2014-2015
740 fiscal year, when s. 1008.22(3)(g) is implemented, the reported
741 full-time equivalent students and associated funding of students
742 enrolled in courses requiring passage of an end-of-course
743 assessment shall be adjusted after the student completes the
744 end-of-course assessment.

745 (IV) A full-time equivalent student for students in
746 kindergarten ~~grades 6~~ through grade 12 in a part-time virtual
747 instruction program under s. 1002.45 ~~1002.45(1)(b)1., 2., or 3.~~
748 ~~or a virtual charter school under s. 1002.33~~ shall consist of
749 six full credit completions in programs listed in s.
750 1011.62(1)(c)1. and 3. ~~1011.62(1)(c)1.b. or c. and 3.~~ Credit
751 completions may be a combination of full-credit courses or half-
752 credit courses. Beginning in the 2014-2015 fiscal year, when s.
753 1008.22(3)(g) is implemented, the reported full-time equivalent
754 students and associated funding of students enrolled in courses

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755 requiring passage of an end-of-course assessment shall be
756 adjusted after the student completes the end-of-course
757 assessment.

758 (V) A Florida Virtual School full-time equivalent student
759 shall consist of six full credit completions or the prescribed
760 level of content that counts toward promotion to the next grade
761 in the programs listed in s. 1011.62(1)(c)1. and 3.
762 ~~1011.62(1)(c)1.a. and b.~~ for students participating in
763 kindergarten through grade 12 part-time virtual instruction &
764 and the programs listed in s. 1011.62(1)(c) ~~1011.62(1)(e)1.e.~~
765 for students participating in kindergarten through grade 12
766 full-time virtual instruction ~~grades 9 through 12.~~ Credit
767 completions may be a combination of full-credit courses or half-
768 credit courses. Beginning in the 2014-2015 fiscal year, when s.
769 1008.22(3)(g) is implemented, the reported full-time equivalent
770 students and associated funding of students enrolled in courses
771 requiring passage of an end-of-course assessment shall be
772 adjusted after the student completes the end-of-course
773 assessment.

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

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

782 2. A student in membership in a program scheduled for more
783 or less than 180 school days or the equivalent on an hourly

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784 basis as specified by rules of the State Board of Education is a
785 fraction of a full-time equivalent membership equal to the
786 number of instructional hours in membership divided by the
787 appropriate number of hours set forth in subparagraph (a)1.;
788 however, for the purposes of this subparagraph, membership in
789 programs scheduled for more than 180 days is limited to students
790 enrolled in juvenile justice education programs and the Florida
791 Virtual School.

792
793 The department shall determine and implement an equitable method
794 of equivalent funding for experimental schools and for schools
795 operating under emergency conditions, which schools have been
796 approved by the department to operate for less than the minimum
797 school day.

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

800 1011.62 Funds for operation of schools.—If the annual
801 allocation from the Florida Education Finance Program to each
802 district for operation of schools is not determined in the
803 annual appropriations act or the substantive bill implementing
804 the annual appropriations act, it shall be determined as
805 follows:

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

810 (g) *Education for speakers of other languages.*—A school
811 district or a full-time virtual instruction program is ~~shall be~~
812 eligible to report full-time equivalent student membership in

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813 the ESOL program in the Florida Education Finance Program
814 provided the following conditions are met:

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

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

819 3.a. An eligible student may be reported for funding in the
820 ESOL program for a base period of 3 years. However, a student
821 whose English competency does not meet the criteria for
822 proficiency after 3 years in the ESOL program may be reported
823 for a fourth, fifth, and sixth year of funding, provided his or
824 her limited English proficiency is assessed and properly
825 documented prior to his or her enrollment in each additional
826 year beyond the 3-year base period.

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

833 4. An eligible student may be reported for funding in the
834 ESOL program for membership in ESOL instruction in English and
835 ESOL instruction or home language instruction in the basic
836 subject areas of mathematics, science, social studies, and
837 computer literacy.

838 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
839 annually provide in the Florida Education Finance Program a
840 virtual education contribution. The amount of the virtual
841 education contribution shall be the difference between the

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842 amount per FTE established in the General Appropriations Act for
843 virtual education and the amount per FTE for each district and
844 the Florida Virtual School, which may be calculated by taking
845 the sum of the base FEFP allocation, the discretionary local
846 effort, the state-funded discretionary contribution, the
847 discretionary millage compression supplement, the research-based
848 reading instruction allocation, and the instructional materials
849 allocation, and then dividing by the total unweighted FTE. This
850 difference shall be multiplied by the virtual education
851 unweighted FTE for programs and options identified in s.
852 1002.455(3) ~~1002.455(3)(a), (b), and (d)~~ and the Florida Virtual
853 School and its franchises to equal the virtual education
854 contribution and shall be included as a separate allocation in
855 the funding formula.

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