

By the Committees on Budget Subcommittee on Education Pre-K - 12 Appropriations; and 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 amending s. 1002.45, F.S.; revising provisions
24 relating to school district options for providing
25 full-time and part-time virtual instruction programs
26 and the open enrollment period for participation;
27 providing that a part-time virtual instruction program
28 offer instruction for students enrolled in
29 kindergarten through grade 12 courses; requiring an

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30 additional qualification for a virtual instruction
31 program provider to obtain approval by the Department
32 of Education; requiring that each virtual instruction
33 program provide courses in accessible formats for
34 students with disabilities and ensure that such
35 courses are tailored to the individual education plans
36 of such students; revising provisions relating to the
37 funding of virtual instruction programs and virtual
38 charter schools to conform to changes made by the act;
39 amending s. 1002.455, F.S.; revising provisions
40 relating to the eligibility of students to participate
41 in virtual instruction programs; deleting provisions
42 relating to virtual instruction options for which
43 students in the school district are eligible; amending
44 s. 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.; correcting a cross-reference; providing that
63 full-time virtual instruction programs are eligible to
64 report student membership in the English for Speakers
65 of Other Languages program for funding purposes;
66 conforming a cross-reference; providing an effective
67 date.

68
69 Be It Enacted by the Legislature of the State of Florida:
70

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

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

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

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

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88 district school board policies.

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

92 1002.321 Digital learning.—

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

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

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

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

110 1002.37 The Florida Virtual School.—

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

116 (b) The mission of the Florida Virtual School is to provide

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117 students with technology-based educational opportunities to gain
118 the knowledge and skills necessary to succeed. The school shall
119 serve any student in the state who meets the profile for success
120 in this educational delivery context and shall give priority to:

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

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

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

132

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

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

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146 The board of trustees shall have the following powers and
147 duties:

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

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

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

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

174 (d) The board of trustees shall be responsible for the

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175 administration and control of all local school funds derived
176 from all activities or sources and shall prescribe the
177 principles and procedures to be followed in administering these
178 funds.

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

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

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

199 2. The board of trustees may establish and maintain a
200 personnel loan or exchange program by which persons employed by
201 the board of trustees for the Florida Virtual School as academic
202 administrative and instructional staff may be loaned to, or
203 exchanged with persons employed in like capacities by, public

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204 agencies either within or without this state, or by private
205 industry. With respect to public agency employees, the program
206 authorized by this subparagraph shall be consistent with the
207 requirements of part II of chapter 112. The salary and benefits
208 of board of trustees personnel participating in the loan or
209 exchange program shall be continued during the period of time
210 they participate in a loan or exchange program, and such
211 personnel shall be deemed to have no break in creditable or
212 continuous service or employment during such time. The salary
213 and benefits of persons participating in the personnel loan or
214 exchange program who are employed by public agencies or private
215 industry shall be paid by the originating employers of those
216 participants, and such personnel shall be deemed to have no
217 break in creditable or continuous service or employment during
218 such time.

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

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

231 5. All employees except temporary, seasonal, and student
232 employees may be state employees for the purpose of being

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

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

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

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

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

260 (k) The board of trustees shall provide for the content and
261 custody of student and employee personnel records. Student

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262 records shall be subject to the provisions of s. 1002.22.
263 Employee records shall be subject to the provisions of s.
264 1012.31.

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

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

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

289 (a)1. For a student in grades 9 through 12, a "full-time
290 equivalent student" is one student who has successfully

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

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

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

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

316 1011.61(1)(c)1.b.(V).

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

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320 the manner prescribed by the department and shall be funded
321 through the Florida Education Finance Program.

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

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

329 (e) The district cost differential as provided in s.
330 1011.62(2) shall be established as 1.000.

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

342 (g) The Florida Virtual School shall receive additional
343 state funds as may be provided in the General Appropriations
344 Act; however, such funds may not be provided for the purpose of
345 fulfilling the class size requirements in ss. 1003.03 and
346 1011.685.

347 (h) In addition to the funds provided in the General
348 Appropriations Act, the Florida Virtual School may receive other

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349 funds from grants and donations.

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

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

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

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

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

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

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

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

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378 accurately identified. The identified cost of the program must
379 be based on reliable data.

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

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

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

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

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

405 (9) ~~(10)~~ (a) Public school students receiving full-time
406 instruction in kindergarten through grade 12 by the Florida

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407 Virtual School must take all statewide assessments required
408 pursuant to s. 1008.22.

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

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

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

422 Section 4. Paragraph (b) of subsection (1), paragraph (a)
423 of subsection (2), and paragraphs (c) and (f) of subsection (7)
424 of section 1002.45, Florida Statutes, are amended, and paragraph
425 (f) is added to subsection (3) of that section, to read:

426 1002.45 Virtual instruction programs.—

427 (1) PROGRAM.—

428 (b) Each school district that is eligible for the sparsity
429 supplement pursuant to s. 1011.62(7)(a) and (b) ~~1011.62(7)~~ shall
430 provide all enrolled public school students within its
431 boundaries the option of participating in part-time and full-
432 time virtual instruction programs. Each school district that is
433 not eligible for the sparsity supplement pursuant to s.
434 1011.62(7)(a) and (b) shall provide at least three options for
435 part-time and full-time virtual instruction. All school

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436 districts must provide parents with timely written notification
437 of at least one ~~an~~ open enrollment period for full-time students
438 of ~~at least~~ 90 days or more which ~~that~~ ends ~~no later than~~ 30
439 days before ~~prior to~~ the first day of the school year. The
440 purpose of the program is to make quality virtual instruction
441 available to students using online and distance learning
442 technology in the nontraditional classroom. A school district
443 virtual instruction program shall consist of ~~provide~~ the
444 following:

445 1. Full-time virtual instruction for students enrolled in
446 kindergarten through grade 12.

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

450 3. Full-time or part-time virtual instruction for students
451 enrolled in dropout prevention and academic intervention
452 programs under s. 1003.53, Department of Juvenile Justice
453 education programs under s. 1003.52, core-curricula courses to
454 meet class size requirements under s. 1003.03, or Florida
455 College System institutions under this section.

456 (2) PROVIDER QUALIFICATIONS.—

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

460 1. Is nonsectarian in its programs, admission policies,
461 employment practices, and operations;

462 2. Complies with the antidiscrimination provisions of s.
463 1000.05;

464 3. Locates an administrative office or offices in this

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465 state, requires its administrative staff to be state residents,
466 requires all instructional staff to be Florida-certified
467 teachers under chapter 1012, and conducts background screenings
468 for all employees or contracted personnel, as required by s.
469 1012.32, using state and national criminal history records;

470 4. Possesses prior, ~~successful~~ experience offering online
471 courses to elementary, middle, or high school students and as
472 ~~demonstrated by~~ quantified student learning gains in online or
473 traditional courses in each subject area and grade level
474 provided for consideration as an instructional program option;

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

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

481 a. Courses and programs that meet the standards of the
482 International Association for K-12 Online Learning and the
483 Southern Regional Education Board.

484 b. Instructional content and services that align with, and
485 measure student attainment of, student proficiency in the Next
486 Generation Sunshine State Standards.

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

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

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- 494 a. Information and data about the curriculum of each full-
495 time and part-time program.
- 496 b. School policies and procedures.
- 497 c. Certification status and physical location of all
498 administrative and instructional personnel.
- 499 d. Hours and times of availability of instructional
500 personnel.
- 501 e. Student-teacher ratios.
- 502 f. Student completion and promotion rates.
- 503 g. Student, educator, and school performance accountability
504 outcomes; ~~and~~
- 505 8. If the provider is a Florida College System institution,
506 employs instructors who meet the certification requirements for
507 instructional staff under chapter 1012; and
- 508 9. Performs an annual financial audit of its accounts and
509 records conducted by an independent certified public accountant
510 which is in accordance with rules adopted by the Auditor
511 General, is conducted in compliance with generally accepted
512 auditing standards, and includes a report on financial
513 statements presented in accordance with generally accepted
514 accounting principles.
- 515 (3) VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each virtual
516 instruction program under this section must:
- 517 (f) Provide virtual courses in accessible formats for
518 students with disabilities, including, but not limited to,
519 students who are visually impaired, learning disabled, or
520 physically disabled, and ensure that such courses are tailored
521 to the individual education plans of such students.
- 522 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL

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523 FUNDING.—

524 (c) For a student enrolled ~~part-time~~ in a kindergarten
525 ~~grades 6~~ through grade 12 virtual instruction program, a “full-
526 time equivalent student” has the same meaning as provided in s.
527 1011.61(1)(c)1.b.(III) and (IV) ~~1011.61(1)(c)1.b.(IV)~~.

528 (f) The school district providing virtual instruction ~~in~~
529 ~~which the student resides~~ shall report full-time equivalent
530 students for a virtual instruction program or a virtual charter
531 school to the department in a manner prescribed by the
532 department, and funding shall be provided through the Florida
533 Education Finance Program. ~~Funds received by the school district~~
534 ~~of residence for a student in a virtual instruction program~~
535 ~~provided by another school district under this section shall be~~
536 ~~transferred to the school district providing the virtual~~
537 ~~instruction program.~~

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

540 1002.455 Student eligibility for K-12 virtual instruction.—

541 (2) A student is eligible to participate in virtual
542 instruction if:

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

547 (b) The student is a dependent child of a member of the
548 United States Armed Forces who was transferred within the last
549 12 months to this state from another state or from a foreign
550 country pursuant to a permanent change of station order;

551 (c) The student was enrolled during the prior school year

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552 in a virtual instruction program under s. 1002.45, the K-8
553 Virtual School Program under s. 1002.415, or a full-time Florida
554 Virtual School program under s. 1002.37(8) (a);

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

558 (e) The student is eligible to enter kindergarten or first
559 grade; or-

560 (f) The student is eligible to enter grades 2 through 5 and
561 is enrolled full-time in a school district virtual instruction
562 program, a virtual charter school, or the Florida Virtual
563 School.

564 (3) The virtual instruction options for which this
565 eligibility section applies include:

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

569 (b) Full-time virtual charter school instruction authorized
570 under s. 1002.33.

571 ~~(c) Courses delivered in the traditional school setting by~~
572 ~~personnel providing direct instruction through a virtual~~
573 ~~environment or through a blended virtual and physical environment~~
574 ~~pursuant to s. 1003.498 and as authorized pursuant to s.~~
575 ~~1002.321(4) (e).~~

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

579 Section 6. Paragraph (c) of subsection (2) of section
580 1003.428, Florida Statutes, is amended to read:

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581 1003.428 General requirements for high school graduation;
582 revised.—

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

586 (c) Beginning with students entering grade 9 in the 2011-
587 2012 school year, at least one course within the 24 credits
588 required in this subsection must be completed through online
589 learning. A school district may not require a student to take
590 the online course outside the school day or in addition to a
591 student's courses for a given semester. ~~However,~~ An online
592 course taken during grades 6 through 8 fulfills this
593 requirement. This requirement shall be met through an online
594 course offered by the Florida Virtual School, an online course
595 offered by the high school, or an online dual enrollment course
596 ~~offered pursuant to a district interinstitutional articulation~~
597 ~~agreement pursuant to s. 1007.235.~~ A student who is enrolled in
598 a full-time or part-time virtual instruction program under s.
599 1002.45 meets this requirement. This requirement does not apply
600 to a student who has an individual educational plan under s.
601 1003.57 which indicates that an online course would be
602 inappropriate or a student who is enrolled in a Florida high
603 school and has less than 1 academic year remaining in high
604 school.

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

607 1003.498 School district virtual course offerings.—

608 (1) School districts may deliver courses in the traditional
609 school setting by personnel certified pursuant to s. 1012.55 who

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610 provide direct instruction through ~~a virtual instruction~~
611 ~~environment~~ or through ~~though~~ a blended learning courses
612 consisting of both traditional classroom and online
613 instructional techniques ~~virtual and physical environment.~~
614 Students in a blended learning course must be full-time students
615 of the school and receive the online instruction in a classroom
616 setting at the school. The funding, performance, and
617 accountability requirements for blended learning courses are the
618 same as those for traditional courses.

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

621 1003.57 Exceptional students instruction.-

622 (5) Each full-time virtual instruction program under s.
623 1002.37 or s. 1002.45 must fulfill the obligations of a school
624 district under this section for public school exceptional
625 students who are enrolled in a full-time virtual instruction
626 program. A student whose individual educational plan indicates
627 that full-time virtual instruction is appropriate may be
628 enrolled in a full-time virtual instruction program.

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

631 1006.15 Student standards for participation in
632 interscholastic and intrascholastic extracurricular student
633 activities; regulation.-

634 (3)

635 (e) A student enrolled in the Florida Virtual School full-
636 time program may participate in any interscholastic
637 extracurricular activity at the public school to which the
638 student would be assigned according to district school board

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639 attendance area policies or which the student could choose to
640 attend, pursuant to district or interdistrict controlled open
641 enrollment policies, if the student:

642 1. During the period of participation in the
643 interscholastic extracurricular activity, meets the requirements
644 in paragraph (a).

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

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

649 4. Meets the same standards of acceptance, behavior, and
650 performance that are required of other students in
651 extracurricular activities.

652 5. Registers his or her intent to participate in
653 interscholastic extracurricular activities with the school
654 before the beginning date of the season for the activity in
655 which he or she wishes to participate. A Florida Virtual School
656 student must be able to participate in curricular activities if
657 that is a requirement for an extracurricular activity.

658 (f) A student who transfers from the Florida Virtual School
659 full-time program to a traditional public school before or
660 during the first grading period of the school year is
661 academically eligible to participate in interscholastic
662 extracurricular activities during the first grading period if
663 the student has a successful evaluation from the previous school
664 year pursuant to paragraph (a).

665 (g) A public school or private school student who has been
666 unable to maintain academic eligibility for participation in
667 interscholastic extracurricular activities is ineligible to

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668 participate in such activities as a Florida Virtual School
669 student until the student successfully completes one grading
670 period in the Florida Virtual School pursuant to paragraph (a).

671 Section 10. Paragraph (c) of subsection (1) of section
672 1011.61, Florida Statutes, is amended to read:

673 1011.61 Definitions.—Notwithstanding the provisions of s.
674 1000.21, the following terms are defined as follows for the
675 purposes of the Florida Education Finance Program:

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

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

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

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

686 (I) A full-time student in a combination of programs listed
687 in s. 1011.62(1)(c) shall be a fraction of a full-time
688 equivalent membership in each special program equal to the
689 number of net hours per school year for which he or she is a
690 member, divided by the appropriate number of hours set forth in
691 subparagraph (a)1. or subparagraph (a)2. The difference between
692 that fraction or sum of fractions and the maximum value as set
693 forth in subsection (4) for each full-time student is presumed
694 to be the balance of the student’s time not spent in such
695 special education programs and shall be recorded as time in the
696 appropriate basic program.

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

699 (III) A full-time equivalent student for students in
700 kindergarten through grade 12 ~~5~~ in a full-time virtual
701 instruction program under s. 1002.45 or a virtual charter school
702 under s. 1002.33 shall consist of six full credit completions or
703 the prescribed level of content that counts toward promotion to
704 the next grade in programs listed in s. 1011.62(1)(c) ~~a student~~
705 ~~who has successfully completed a basic program listed in s.~~
706 ~~1011.62(1)(c)1.a. or b., and who is promoted to a higher grade~~
707 ~~level.~~ Credit completions may be a combination of full-credit
708 courses or half-credit courses. Beginning in the 2014-2015
709 fiscal year, when s. 1008.22(3)(g) is implemented, the reported
710 full-time equivalent students and associated funding of students
711 enrolled in courses requiring passage of an end-of-course
712 assessment shall be adjusted after the student completes the
713 end-of-course assessment.

714 (IV) A full-time equivalent student for students in
715 kindergarten ~~grades 6~~ through grade 12 in a part-time virtual
716 instruction program under s. 1002.45 ~~1002.45(1)(b)1., 2., or 3.~~
717 ~~or a virtual charter school under s. 1002.33~~ shall consist of
718 six full credit completions in programs listed in s.
719 1011.62(1)(c)1. and 3. ~~1011.62(1)(c)1.b. or c. and 3.~~ Credit
720 completions may be a combination of full-credit courses or half-
721 credit courses. Beginning in the 2014-2015 fiscal year, when s.
722 1008.22(3)(g) is implemented, the reported full-time equivalent
723 students and associated funding of students enrolled in courses
724 requiring passage of an end-of-course assessment shall be
725 adjusted after the student completes the end-of-course

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726 assessment.

727 (V) A Florida Virtual School full-time equivalent student
728 shall consist of six full credit completions or the prescribed
729 level of content that counts toward promotion to the next grade
730 in the programs listed in s. 1011.62(1)(c)1. and 3.
731 ~~1011.62(1)(c)1.a. and b.~~ for students participating in
732 kindergarten through grade 12 part-time virtual instruction &
733 and the programs listed in s. 1011.62(1)(c) ~~1011.62(1)(c)1.c.~~
734 for students participating in kindergarten through grade 12
735 full-time virtual instruction ~~grades 9 through 12.~~ Credit
736 completions may be a combination of full-credit courses or half-
737 credit courses. Beginning in the 2014-2015 fiscal year, when s.
738 1008.22(3)(g) is implemented, the reported full-time equivalent
739 students and associated funding of students enrolled in courses
740 requiring passage of an end-of-course assessment shall be
741 adjusted after the student completes the end-of-course
742 assessment.

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

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

751 2. A student in membership in a program scheduled for more
752 or less than 180 school days or the equivalent on an hourly
753 basis as specified by rules of the State Board of Education is a
754 fraction of a full-time equivalent membership equal to the

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755 number of instructional hours in membership divided by the
756 appropriate number of hours set forth in subparagraph (a)1.;
757 however, for the purposes of this subparagraph, membership in
758 programs scheduled for more than 180 days is limited to students
759 enrolled in juvenile justice education programs and the Florida
760 Virtual School.

761
762 The department shall determine and implement an equitable method
763 of equivalent funding for experimental schools and for schools
764 operating under emergency conditions, which schools have been
765 approved by the department to operate for less than the minimum
766 school day.

767 Section 11. Paragraphs (e) and (g) of subsection (1) and
768 subsection (11) of section 1011.62, Florida Statutes, are
769 amended to read:

770 1011.62 Funds for operation of schools.—If the annual
771 allocation from the Florida Education Finance Program to each
772 district for operation of schools is not determined in the
773 annual appropriations act or the substantive bill implementing
774 the annual appropriations act, it shall be determined as
775 follows:

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

780 (e) *Funding model for exceptional student education*
781 *programs.*—

782 1.a. The funding model uses basic, at-risk, support levels
783 IV and V for exceptional students and career Florida Education

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784 Finance Program cost factors, and a guaranteed allocation for
785 exceptional student education programs. Exceptional education
786 cost factors are determined by using a matrix of services to
787 document the services that each exceptional student will
788 receive. The nature and intensity of the services indicated on
789 the matrix shall be consistent with the services described in
790 each exceptional student's individual educational plan. The
791 Department of Education shall review and revise the descriptions
792 of the services and supports included in the matrix of services
793 for exceptional students and shall implement those revisions
794 before the beginning of the 2012-2013 school year.

795 b. In order to generate funds using one of the two weighted
796 cost factors, a matrix of services must be completed at the time
797 of the student's initial placement into an exceptional student
798 education program and at least once every 3 years by personnel
799 who have received approved training. Nothing listed in the
800 matrix shall be construed as limiting the services a school
801 district must provide in order to ensure that exceptional
802 students are provided a free, appropriate public education.

803 c. Students identified as exceptional, in accordance with
804 chapter 6A-6, Florida Administrative Code, who do not have a
805 matrix of services as specified in sub-subparagraph b. shall
806 generate funds on the basis of full-time-equivalent student
807 membership in the Florida Education Finance Program at the same
808 funding level per student as provided for basic students.
809 Additional funds for these exceptional students will be provided
810 through the guaranteed allocation designated in subparagraph 2.

811 2. For students identified as exceptional who do not have a
812 matrix of services and students who are gifted in grades K

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813 through 8, there is created a guaranteed allocation to provide
814 these students with a free appropriate public education, in
815 accordance with s. 1001.42(4)(1) ~~1001.42(4)(m)~~ and rules of the
816 State Board of Education, which shall be allocated annually to
817 each school district in the amount provided in the General
818 Appropriations Act. These funds shall be in addition to the
819 funds appropriated on the basis of FTE student membership in the
820 Florida Education Finance Program, and the amount allocated for
821 each school district shall not be recalculated during the year.
822 These funds shall be used to provide special education and
823 related services for exceptional students and students who are
824 gifted in grades K through 8. Beginning with the 2007-2008
825 fiscal year, a district's expenditure of funds from the
826 guaranteed allocation for students in grades 9 through 12 who
827 are gifted may not be greater than the amount expended during
828 the 2006-2007 fiscal year for gifted students in grades 9
829 through 12.

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

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

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

839 3.a. An eligible student may be reported for funding in the
840 ESOL program for a base period of 3 years. However, a student
841 whose English competency does not meet the criteria for

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842 proficiency after 3 years in the ESOL program may be reported
843 for a fourth, fifth, and sixth year of funding, provided his or
844 her limited English proficiency is assessed and properly
845 documented prior to his or her enrollment in each additional
846 year beyond the 3-year base period.

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

853 4. An eligible student may be reported for funding in the
854 ESOL program for membership in ESOL instruction in English and
855 ESOL instruction or home language instruction in the basic
856 subject areas of mathematics, science, social studies, and
857 computer literacy.

858 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
859 annually provide in the Florida Education Finance Program a
860 virtual education contribution. The amount of the virtual
861 education contribution shall be the difference between the
862 amount per FTE established in the General Appropriations Act for
863 virtual education and the amount per FTE for each district and
864 the Florida Virtual School, which may be calculated by taking
865 the sum of the base FEFP allocation, the discretionary local
866 effort, the state-funded discretionary contribution, the
867 discretionary millage compression supplement, the research-based
868 reading instruction allocation, and the instructional materials
869 allocation, and then dividing by the total unweighted FTE. This
870 difference shall be multiplied by the virtual education

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871 unweighted FTE for programs and options identified in s.
872 1002.455(3) ~~1002.455(3)(a), (b), and (d)~~ and the Florida Virtual
873 School and its franchises to equal the virtual education
874 contribution and shall be included as a separate allocation in
875 the funding formula.

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