

1 A bill to be entitled  
2 An act relating to digital learning; amending s.  
3 1002.20, F.S.; providing student and parent rights  
4 relating to the eligibility of Florida Virtual School  
5 full-time students to participate in interscholastic  
6 extracurricular activities at certain public schools;  
7 amending s. 1002.321, F.S.; revising provisions  
8 relating to virtual instruction through blended  
9 learning courses; prohibiting any person from taking  
10 an online course or examination on behalf of another  
11 person; providing a penalty; amending s. 1002.37,  
12 F.S.; providing that the Florida Virtual School may  
13 provide part-time instruction for students in  
14 kindergarten through grade 12; providing student  
15 eligibility requirements for part-time instruction in  
16 kindergarten through grade 5; deleting a requirement  
17 that an elementary school principal provide certain  
18 notification to parents; revising the location where  
19 statewide assessments must be taken; amending s.  
20 1002.45, F.S.; revising provisions relating to school  
21 district options for providing full-time and part-time  
22 virtual instruction programs and the open enrollment  
23 period for participation; providing that a part-time  
24 virtual instruction program offers instruction for  
25 students enrolled in kindergarten through grade 12  
26 courses; requiring an additional qualification for a  
27 virtual instruction program provider to obtain  
28 Department of Education approval; conforming funding

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29 provisions to changes made by the act; amending s.  
30 1002.455, F.S.; revising provisions relating to  
31 virtual instruction options for which students in the  
32 school district are eligible; amending s. 1003.428,  
33 F.S.; placing restrictions on the online course  
34 requirement for high school graduation; amending s.  
35 1003.498, F.S.; providing requirements for blended  
36 learning courses; amending s. 1003.57, F.S.; providing  
37 responsibilities and requirements for the enrollment  
38 of exceptional students in a full-time virtual  
39 instruction program; amending s. 1006.15, F.S.;  
40 providing conditions for eligibility for a Florida  
41 Virtual School full-time student and certain students  
42 who transfer to or from the Florida Virtual School to  
43 participate in interscholastic extracurricular  
44 activities; amending s. 1011.61, F.S.; revising and  
45 conforming provisions relating to the definition of a  
46 full-time equivalent student in full-time and part-  
47 time virtual instruction programs; amending s.  
48 1011.62, F.S.; correcting and conforming cross-  
49 references; providing that full-time virtual  
50 instruction programs are eligible to report student  
51 membership in the ESOL program for funding purposes;  
52 providing an effective date.

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

55  
56 Section 1. Paragraph (d) of subsection (18) of section

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57 | 1002.20, Florida Statutes, is redesignated as paragraph (e), and  
 58 | a new paragraph (d) is added to that subsection to read:

59 |       1002.20 K-12 student and parent rights.—Parents of public  
 60 | school students must receive accurate and timely information  
 61 | regarding their child's academic progress and must be informed  
 62 | of ways they can help their child to succeed in school. K-12  
 63 | students and their parents are afforded numerous statutory  
 64 | rights including, but not limited to, the following:

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

67 |       (d) Florida Virtual School full-time students.—Florida  
 68 | Virtual School full-time students who meet specified academic  
 69 | and conduct requirements are eligible to participate in  
 70 | extracurricular activities at the public school to which the  
 71 | student would be assigned or could choose to attend according to  
 72 | district school board policies.

73 |       Section 2. Paragraph (e) of subsection (4) of section  
 74 | 1002.321, Florida Statutes, is amended, and subsection (5) is  
 75 | added to that section, to read:

76 |       1002.321 Digital learning.—

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

81 |       (e) Courses delivered in the traditional school setting by  
 82 | personnel providing direct instruction through a virtual  
 83 | instruction environment or through ~~though~~ a blended learning  
 84 | courses consisting of both traditional classroom and online

85 instructional techniques ~~virtual and physical environment~~  
 86 pursuant to s. 1003.498.

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

92 Section 3. Subsections (8), (9), (10), and (11) of section  
 93 1002.37, Florida Statutes, are amended to read:

94 1002.37 The Florida Virtual School.—

95 (8) (a) The Florida Virtual School may provide full-time  
 96 and part-time instruction for students in kindergarten through  
 97 grade 12 ~~and part-time instruction for students in grades 4~~  
 98 ~~through 12.~~ To receive part-time instruction in kindergarten  
 99 through grade 5 ~~full-time instruction in grades 2 through 5,~~ a  
 100 student must meet at least one of the eligibility criteria in s.  
 101 1002.455(2). ~~Part-time instruction for grades 4 and 5 may be~~  
 102 ~~provided only to public school students taking grade 6 through~~  
 103 ~~grade 8 courses.~~

104 (b) For students receiving part-time instruction in  
 105 kindergarten through grade ~~grades 4 and 5~~ and students receiving  
 106 full-time instruction in kindergarten through grade 12 from the  
 107 Florida Virtual School, the combined total of all FTE reported  
 108 by both the school district and the Florida Virtual School may  
 109 not exceed 1.0 FTE.

110 ~~(9) Each elementary school principal must notify the~~  
 111 ~~parent of each student who scores at Level 4 or Level 5 on FCAT~~  
 112 ~~Reading or FCAT Mathematics of the option for the student to~~

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113 ~~take accelerated courses through the Florida Virtual School.~~

114 (9)~~(10)~~(a) Public school students receiving full-time  
 115 instruction in kindergarten through grade 12 by the Florida  
 116 Virtual School must take all statewide assessments required  
 117 pursuant to s. 1008.22.

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

122 (c) All statewide assessments must be taken at the school  
 123 to which the student would be assigned according to district  
 124 school board attendance areas ~~within the school district in~~  
 125 ~~which the student resides~~. A school district must provide the  
 126 student with access to the school's ~~district's~~ testing  
 127 facilities.

128 (10)~~(11)~~ The Florida Virtual School shall receive a school  
 129 grade pursuant to s. 1008.34 for students receiving full-time  
 130 instruction.

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

134 1002.45 Virtual instruction programs.—

135 (1) PROGRAM.—

136 (b) Each school district that is eligible for the sparsity  
 137 supplement pursuant to s. 1011.62(7)(a) and (b) ~~1011.62(7)~~ shall  
 138 provide all enrolled public school students within its  
 139 boundaries the option of participating in part-time and full-  
 140 time virtual instruction programs. Each school district that is

141 not eligible for the sparsity supplement pursuant to s.  
 142 1011.62(7)(a) and (b) shall provide at least three options for  
 143 part-time and full-time virtual instruction. All school  
 144 districts must provide parents with timely written notification  
 145 of at least one ~~an~~ open enrollment period for full-time students  
 146 of ~~at least~~ 90 days or more which ~~that~~ ends ~~no later than~~ 30  
 147 days before ~~prior to~~ the first day of the school year. The  
 148 purpose of the program is to make quality virtual instruction  
 149 available to students using online and distance learning  
 150 technology in the nontraditional classroom. A school district  
 151 virtual instruction program shall consist of ~~provide~~ the  
 152 following:

153 1. Full-time virtual instruction for students enrolled in  
 154 kindergarten through grade 12.

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

158 3. Full-time or part-time virtual instruction for students  
 159 enrolled in dropout prevention and academic intervention  
 160 programs under s. 1003.53, Department of Juvenile Justice  
 161 education programs under s. 1003.52, core-curricula courses to  
 162 meet class size requirements under s. 1003.03, or Florida  
 163 College System institutions under this section.

164 (2) PROVIDER QUALIFICATIONS.—

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

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

169 employment practices, and operations;

170 2. Complies with the antidiscrimination provisions of s.  
171 1000.05;

172 3. Locates an administrative office or offices in this  
173 state, requires its administrative staff to be state residents,  
174 requires all instructional staff to be Florida-certified  
175 teachers under chapter 1012, and conducts background screenings  
176 for all employees or contracted personnel, as required by s.  
177 1012.32, using state and national criminal history records;

178 4. Possesses prior, successful experience offering online  
179 courses to elementary, middle, or high school students as  
180 demonstrated by quantified student learning gains in each  
181 subject area and grade level provided for consideration as an  
182 instructional program option;

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

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

189 a. Courses and programs that meet the standards of the  
190 International Association for K-12 Online Learning and the  
191 Southern Regional Education Board.

192 b. Instructional content and services that align with, and  
193 measure student attainment of, student proficiency in the Next  
194 Generation Sunshine State Standards.

195 c. Mechanisms that determine and ensure that a student has  
196 satisfied requirements for grade level promotion and high school

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197 graduation with a standard diploma, as appropriate;

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

202 a. Information and data about the curriculum of each full-  
 203 time and part-time program.

204 b. School policies and procedures.

205 c. Certification status and physical location of all  
 206 administrative and instructional personnel.

207 d. Hours and times of availability of instructional  
 208 personnel.

209 e. Student-teacher ratios.

210 f. Student completion and promotion rates.

211 g. Student, educator, and school performance  
 212 accountability outcomes; ~~and~~

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

216 9. Performs an annual financial audit of its accounts and  
 217 records conducted by an independent certified public accountant  
 218 which is in accordance with rules adopted by the Auditor  
 219 General, is conducted in compliance with generally accepted  
 220 auditing standards, and includes a report on financial  
 221 statements presented in accordance with generally accepted  
 222 accounting principles.

223 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL  
 224 FUNDING.—



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225 (c) For a student enrolled ~~part-time~~ in a kindergarten  
 226 ~~grades 6~~ through grade 12 virtual instruction program, a "full-  
 227 time equivalent student" has the same meaning as provided in s.  
 228 1011.61(1)(c)1.b.(III) and (IV) ~~1011.61(1)(c)1.b.(IV)~~.

229 (f) The school district providing virtual instruction ~~in~~  
 230 ~~which the student resides~~ shall report full-time equivalent  
 231 students for a virtual instruction program or a virtual charter  
 232 school to the department in a manner prescribed by the  
 233 department, and funding shall be provided through the Florida  
 234 Education Finance Program. ~~Funds received by the school district~~  
 235 ~~of residence for a student in a virtual instruction program~~  
 236 ~~provided by another school district under this section shall be~~  
 237 ~~transferred to the school district providing the virtual~~  
 238 ~~instruction program.~~

239 Section 5. Subsection (3) of section 1002.455, Florida  
 240 Statutes, is amended to read:

241 1002.455 Student eligibility for K-12 virtual  
 242 instruction.-

243 (3) The virtual instruction options for which this  
 244 eligibility section applies include:

245 (a) School district operated ~~part-time or full-time~~  
 246 kindergarten through grade 12 and full-time grades 6 through 12  
 247 virtual instruction programs under s. 1002.45(1)(b) for students  
 248 enrolled in the school district.

249 (b) Full-time virtual charter school instruction for  
 250 grades 6 through 12 authorized under s. 1002.33.

251 ~~(c) Courses delivered in the traditional school setting by~~  
 252 ~~personnel providing direct instruction through a virtual~~

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253 ~~environment or through a blended virtual and physical environment~~  
 254 ~~pursuant to s. 1003.498 and as authorized pursuant to s.~~  
 255 ~~1002.321(4)(e).~~

256 (c)~~(d)~~ Virtual courses offered in the course code  
 257 directory to students within the school district or to students  
 258 in other school districts throughout the state pursuant to s.  
 259 1003.498.

260 Section 6. Paragraph (c) of subsection (2) of section  
 261 1003.428, Florida Statutes, is amended to read:

262 1003.428 General requirements for high school graduation;  
 263 revised.—

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

267 (c) Beginning with students entering grade 9 in the 2011-  
 268 2012 school year, at least one course within the 24 credits  
 269 required in this subsection must be completed through online  
 270 learning. A school district may not require a student to take  
 271 the online course outside the school day or in addition to a  
 272 student's courses for a given semester. ~~However,~~ An online  
 273 course taken during grades 6 through 8 fulfills this  
 274 requirement. This requirement shall be met through an online  
 275 course offered by the Florida Virtual School, an online course  
 276 offered by the high school, or an online dual enrollment course  
 277 ~~offered pursuant to a district interinstitutional articulation~~  
 278 ~~agreement pursuant to s. 1007.235.~~ A student who is enrolled in  
 279 a full-time or part-time virtual instruction program under s.  
 280 1002.45 meets this requirement. This requirement does not apply

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281 to a student who has an individual educational plan under s.  
 282 1003.57 which indicates that an online course would be  
 283 inappropriate or a student who is enrolled in a Florida high  
 284 school and has less than 1 academic year remaining in high  
 285 school.

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

288 1003.498 School district virtual course offerings.—

289 (1) School districts may deliver courses in the  
 290 traditional school setting by personnel certified pursuant to s.  
 291 1012.55 who provide direct instruction through ~~a~~ virtual  
 292 instruction environment or through ~~though~~ a blended learning  
 293 courses consisting of both traditional classroom and online  
 294 instructional techniques ~~virtual and physical environment.~~  
 295 Students in a blended learning course must be full-time students  
 296 of the school and receive the online instruction in a classroom  
 297 setting at the school. The funding, performance, and  
 298 accountability requirements for blended learning courses are the  
 299 same as those for traditional courses.

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

302 1003.57 Exceptional students instruction.—

303 (5) Each full-time virtual instruction program under s.  
 304 1002.37 or s. 1002.45 must fulfill the obligations of a school  
 305 district under this section for public school exceptional  
 306 students who are enrolled in a full-time virtual instruction  
 307 program. A student whose individual educational plan indicates  
 308 that full-time virtual instruction is appropriate may be

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309 enrolled in a full-time virtual instruction program.

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

312 1006.15 Student standards for participation in  
313 interscholastic and intrascholastic extracurricular student  
314 activities; regulation.—

315 (3)

316 (e) A student of the Florida Virtual School full-time  
317 program may participate in any interscholastic extracurricular  
318 activity at the public school to which the student would be  
319 assigned according to district school board attendance area  
320 policies or which the student could choose to attend, pursuant  
321 to district or interdistrict controlled open enrollment  
322 policies, if the student:

323 1. During the period of participation in the  
324 interscholastic extracurricular activity, meets the requirements  
325 in paragraph (a).

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

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

330 4. Meets the same standards of acceptance, behavior, and  
331 performance that are required of other students in  
332 extracurricular activities.

333 5. Registers his or her intent to participate in  
334 interscholastic extracurricular activities with the school  
335 before the beginning date of the season for the activity in  
336 which he or she wishes to participate. A Florida Virtual School

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337 student must be able to participate in curricular activities if  
338 that is a requirement for an extracurricular activity.

339 (f) A student who transfers from the Florida Virtual  
340 School full-time program to a traditional public school before  
341 or during the first grading period of the school year is  
342 academically eligible to participate in interscholastic  
343 extracurricular activities during the first grading period if  
344 the student has a successful evaluation from the previous school  
345 year pursuant to paragraph (a).

346 (g) A public school or private school student who has been  
347 unable to maintain academic eligibility for participation in  
348 interscholastic extracurricular activities is ineligible to  
349 participate in such activities as a Florida Virtual School  
350 student until the student successfully completes one grading  
351 period in the Florida Virtual School pursuant to paragraph (a).

352 Section 10. Paragraph (c) of subsection (1) of section  
353 1011.61, Florida Statutes, is amended to read:

354 1011.61 Definitions.—Notwithstanding the provisions of s.  
355 1000.21, the following terms are defined as follows for the  
356 purposes of the Florida Education Finance Program:

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

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

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

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

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365 equivalent of one full-time student based on the following  
366 calculations:

367 (I) A full-time student in a combination of programs  
368 listed in s. 1011.62(1)(c) shall be a fraction of a full-time  
369 equivalent membership in each special program equal to the  
370 number of net hours per school year for which he or she is a  
371 member, divided by the appropriate number of hours set forth in  
372 subparagraph (a)1. or subparagraph (a)2. The difference between  
373 that fraction or sum of fractions and the maximum value as set  
374 forth in subsection (4) for each full-time student is presumed  
375 to be the balance of the student's time not spent in such  
376 special education programs and shall be recorded as time in the  
377 appropriate basic program.

378 (II) A prekindergarten ~~handicapped~~ student with a  
379 disability shall meet the requirements specified for  
380 kindergarten students.

381 (III) A full-time equivalent student for students in  
382 kindergarten through grade 12 ~~5~~ in a full-time virtual  
383 instruction program under s. 1002.45 or a virtual charter school  
384 under s. 1002.33 shall consist of six full credit completions in  
385 programs listed in s. 1011.62(1)(c) ~~a student who has~~  
386 ~~successfully completed a basic program listed in s.~~  
387 ~~1011.62(1)(c)1.a. or b., and who is promoted to a higher grade~~  
388 ~~level.~~ Credit completions may be a combination of full-credit  
389 courses or half-credit courses. Beginning in the 2014-2015  
390 fiscal year, when s. 1008.22(3)(g) is implemented, the reported  
391 full-time equivalent students and associated funding of students  
392 enrolled in courses requiring passage of an end-of-course

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393 assessment shall be adjusted after the student completes the  
394 end-of-course assessment.

395 (IV) A full-time equivalent student for students in  
396 kindergarten ~~grades 6~~ through grade 12 in a part-time virtual  
397 instruction program under s. 1002.45 ~~1002.45(1)(b)1., 2., or 3.~~  
398 ~~or a virtual charter school under s. 1002.33~~ shall consist of  
399 six full credit completions in programs listed in s.  
400 1011.62(1)(c)1. and 3. ~~1011.62(1)(c)1.b. or c. and 3.~~ Credit  
401 completions may be a combination of full-credit courses or half-  
402 credit courses. Beginning in the 2014-2015 fiscal year, when s.  
403 1008.22(3)(g) is implemented, the reported full-time equivalent  
404 students and associated funding of students enrolled in courses  
405 requiring passage of an end-of-course assessment shall be  
406 adjusted after the student completes the end-of-course  
407 assessment.

408 (V) A Florida Virtual School full-time equivalent student  
409 shall consist of six full credit completions or the prescribed  
410 level of content that counts toward promotion to the next grade  
411 in the programs listed in s. 1011.62(1)(c)1. and 3.  
412 ~~1011.62(1)(c)1.a. and b.~~ for students participating in  
413 kindergarten through grade 12 part-time virtual instruction &  
414 and the programs listed in s. 1011.62(1)(c) ~~1011.62(1)(c)1.e.~~  
415 for students participating in kindergarten through grade 12  
416 full-time virtual instruction ~~grades 9 through 12~~. Credit  
417 completions may be a combination of full-credit courses or half-  
418 credit courses. Beginning in the 2014-2015 fiscal year, when s.  
419 1008.22(3)(g) is implemented, the reported full-time equivalent  
420 students and associated funding of students enrolled in courses

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421 requiring passage of an end-of-course assessment shall be  
422 adjusted after the student completes the end-of-course  
423 assessment.

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

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

432 2. A student in membership in a program scheduled for more  
433 or less than 180 school days or the equivalent on an hourly  
434 basis as specified by rules of the State Board of Education is a  
435 fraction of a full-time equivalent membership equal to the  
436 number of instructional hours in membership divided by the  
437 appropriate number of hours set forth in subparagraph (a)1.;  
438 however, for the purposes of this subparagraph, membership in  
439 programs scheduled for more than 180 days is limited to students  
440 enrolled in juvenile justice education programs and the Florida  
441 Virtual School.

442  
443 The department shall determine and implement an equitable method  
444 of equivalent funding for experimental schools and for schools  
445 operating under emergency conditions, which schools have been  
446 approved by the department to operate for less than the minimum  
447 school day.

448 Section 11. Paragraphs (e) and (g) of subsection (1) and



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449 subsection (11) of section 1011.62, Florida Statutes, are  
450 amended to read:

451 1011.62 Funds for operation of schools.—If the annual  
452 allocation from the Florida Education Finance Program to each  
453 district for operation of schools is not determined in the  
454 annual appropriations act or the substantive bill implementing  
455 the annual appropriations act, it shall be determined as  
456 follows:

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

461 (e) Funding model for exceptional student education  
462 programs.—

463 1.a. The funding model uses basic, at-risk, support levels  
464 IV and V for exceptional students and career Florida Education  
465 Finance Program cost factors, and a guaranteed allocation for  
466 exceptional student education programs. Exceptional education  
467 cost factors are determined by using a matrix of services to  
468 document the services that each exceptional student will  
469 receive. The nature and intensity of the services indicated on  
470 the matrix shall be consistent with the services described in  
471 each exceptional student's individual educational plan. The  
472 Department of Education shall review and revise the descriptions  
473 of the services and supports included in the matrix of services  
474 for exceptional students and shall implement those revisions  
475 before the beginning of the 2012-2013 school year.

476 b. In order to generate funds using one of the two

477 weighted cost factors, a matrix of services must be completed at  
 478 the time of the student's initial placement into an exceptional  
 479 student education program and at least once every 3 years by  
 480 personnel who have received approved training. Nothing listed in  
 481 the matrix shall be construed as limiting the services a school  
 482 district must provide in order to ensure that exceptional  
 483 students are provided a free, appropriate public education.

484 c. Students identified as exceptional, in accordance with  
 485 chapter 6A-6, Florida Administrative Code, who do not have a  
 486 matrix of services as specified in sub-subparagraph b. shall  
 487 generate funds on the basis of full-time-equivalent student  
 488 membership in the Florida Education Finance Program at the same  
 489 funding level per student as provided for basic students.

490 Additional funds for these exceptional students will be provided  
 491 through the guaranteed allocation designated in subparagraph 2.

492 2. For students identified as exceptional who do not have  
 493 a matrix of services and students who are gifted in grades K  
 494 through 8, there is created a guaranteed allocation to provide  
 495 these students with a free appropriate public education, in  
 496 accordance with s. 1001.42(4)(1) ~~1001.42(4)(m)~~ and rules of the  
 497 State Board of Education, which shall be allocated annually to  
 498 each school district in the amount provided in the General  
 499 Appropriations Act. These funds shall be in addition to the  
 500 funds appropriated on the basis of FTE student membership in the  
 501 Florida Education Finance Program, and the amount allocated for  
 502 each school district shall not be recalculated during the year.  
 503 These funds shall be used to provide special education and  
 504 related services for exceptional students and students who are

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505 | gifted in grades K through 8. Beginning with the 2007-2008  
506 | fiscal year, a district's expenditure of funds from the  
507 | guaranteed allocation for students in grades 9 through 12 who  
508 | are gifted may not be greater than the amount expended during  
509 | the 2006-2007 fiscal year for gifted students in grades 9  
510 | through 12.

511 | (g) Education for speakers of other languages.—A school  
512 | district or a full-time virtual instruction program is ~~shall be~~  
513 | eligible to report full-time equivalent student membership in  
514 | the ESOL program in the Florida Education Finance Program  
515 | provided the following conditions are met:

516 | 1. The school district or the full-time virtual  
517 | instruction program has a plan approved by the Department of  
518 | Education.

519 | 2. The eligible student is identified and assessed as  
520 | limited English proficient based on assessment criteria.

521 | 3.a. An eligible student may be reported for funding in  
522 | the ESOL program for a base period of 3 years. However, a  
523 | student whose English competency does not meet the criteria for  
524 | proficiency after 3 years in the ESOL program may be reported  
525 | for a fourth, fifth, and sixth year of funding, provided his or  
526 | her limited English proficiency is assessed and properly  
527 | documented prior to his or her enrollment in each additional  
528 | year beyond the 3-year base period.

529 | b. If a student exits the program and is later  
530 | reclassified as limited English proficient, the student may be  
531 | reported in the ESOL program for funding for an additional year,  
532 | or extended annually for a period not to exceed a total of 6

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533 years pursuant to this paragraph, based on an annual evaluation  
534 of the student's status.

535 4. An eligible student may be reported for funding in the  
536 ESOL program for membership in ESOL instruction in English and  
537 ESOL instruction or home language instruction in the basic  
538 subject areas of mathematics, science, social studies, and  
539 computer literacy.

540 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may  
541 annually provide in the Florida Education Finance Program a  
542 virtual education contribution. The amount of the virtual  
543 education contribution shall be the difference between the  
544 amount per FTE established in the General Appropriations Act for  
545 virtual education and the amount per FTE for each district and  
546 the Florida Virtual School, which may be calculated by taking  
547 the sum of the base FEFP allocation, the discretionary local  
548 effort, the state-funded discretionary contribution, the  
549 discretionary millage compression supplement, the research-based  
550 reading instruction allocation, and the instructional materials  
551 allocation, and then dividing by the total unweighted FTE. This  
552 difference shall be multiplied by the virtual education  
553 unweighted FTE for programs and options identified in s.  
554 1002.455(3) ~~1002.455(3)(a), (b), and (d)~~ and the Florida Virtual  
555 School and its franchises to equal the virtual education  
556 contribution and shall be included as a separate allocation in  
557 the funding formula.

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