

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

29 provisions to changes made by the act; amending s.
30 1002.455, F.S.; revising provisions relating to
31 eligibility requirements for virtual instruction and
32 virtual instruction options; 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

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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,

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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

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. Subsections (2) and (3) of section 1002.455,
 240 Florida Statutes, are amended to read:

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

243 (2) A student is eligible to participate in virtual
 244 instruction if:

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

249 (b) The student is a dependent child of a member of the
 250 United States Armed Forces who was transferred within the last
 251 12 months to this state from another state or from a foreign
 252 country pursuant to a permanent change of station order;

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

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

260 (e) The student is eligible to enter kindergarten or first
 261 grade; or

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

266 (3) The virtual instruction options for which this
 267 eligibility section applies include:

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

271 (b) Full-time virtual charter school instruction
 272 authorized under s. 1002.33.

273 ~~(c) Courses delivered in the traditional school setting by~~
 274 ~~personnel providing direct instruction through a virtual~~
 275 ~~environment or through a blended virtual and physical environment~~
 276 ~~pursuant to s. 1003.498 and as authorized pursuant to s.~~
 277 ~~1002.321(4) (e).~~

278 (c) ~~(d)~~ Virtual courses offered in the course code
 279 directory to students within the school district or to students
 280 in other school districts throughout the state pursuant to s.

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281 1003.498.

282 Section 6. Paragraph (c) of subsection (2) of section
 283 1003.428, Florida Statutes, is amended to read:

284 1003.428 General requirements for high school graduation;
 285 revised.—

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

289 (c) Beginning with students entering grade 9 in the 2011-
 290 2012 school year, at least one course within the 24 credits
 291 required in this subsection must be completed through online
 292 learning. A school district may not require a student to take
 293 the online course outside the school day or in addition to a
 294 student's courses for a given semester. ~~However,~~ An online
 295 course taken during grades 6 through 8 fulfills this
 296 requirement. This requirement shall be met through an online
 297 course offered by the Florida Virtual School, an online course
 298 offered by the high school, or an online dual enrollment course
 299 ~~offered pursuant to a district interinstitutional articulation~~
 300 ~~agreement pursuant to s. 1007.235.~~ A student who is enrolled in
 301 a full-time or part-time virtual instruction program under s.
 302 1002.45 meets this requirement. This requirement does not apply
 303 to a student who has an individual educational plan under s.
 304 1003.57 which indicates that an online course would be
 305 inappropriate or a student who is enrolled in a Florida high
 306 school and has less than 1 academic year remaining in high
 307 school.

308 Section 7. Subsection (1) of section 1003.498, Florida

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309 Statutes, is amended to read:

310 1003.498 School district virtual course offerings.—

311 (1) School districts may deliver courses in the
312 traditional school setting by personnel certified pursuant to s.
313 1012.55 who provide direct instruction through ~~a virtual~~
314 instruction environment or through ~~through a blended learning~~
315 courses consisting of both traditional classroom and online
316 instructional techniques ~~virtual and physical environment~~.
317 Students in a blended learning course must be full-time students
318 of the school and receive the online instruction in a classroom
319 setting at the school. The funding, performance, and
320 accountability requirements for blended learning courses are the
321 same as those for traditional courses.

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

324 1003.57 Exceptional students instruction.—

325 (5) Each full-time virtual instruction program under s.
326 1002.37 or s. 1002.45 must fulfill the obligations of a school
327 district under this section for public school exceptional
328 students who are enrolled in a full-time virtual instruction
329 program. A student whose individual educational plan indicates
330 that full-time virtual instruction is appropriate may be
331 enrolled in a full-time virtual instruction program.

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

334 1006.15 Student standards for participation in
335 interscholastic and intrascholastic extracurricular student
336 activities; regulation.—

337 (3)

338 (e) A student of the Florida Virtual School full-time
339 program may participate in any interscholastic extracurricular
340 activity at the public school to which the student would be
341 assigned according to district school board attendance area
342 policies or which the student could choose to attend, pursuant
343 to district or interdistrict controlled open enrollment
344 policies, if the student:

345 1. During the period of participation in the
346 interscholastic extracurricular activity, meets the requirements
347 in paragraph (a).

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

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

352 4. Meets the same standards of acceptance, behavior, and
353 performance that are required of other students in
354 extracurricular activities.

355 5. Registers his or her intent to participate in
356 interscholastic extracurricular activities with the school
357 before the beginning date of the season for the activity in
358 which he or she wishes to participate. A Florida Virtual School
359 student must be able to participate in curricular activities if
360 that is a requirement for an extracurricular activity.

361 (f) A student who transfers from the Florida Virtual
362 School full-time program to a traditional public school before
363 or during the first grading period of the school year is
364 academically eligible to participate in interscholastic

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365 extracurricular activities during the first grading period if
366 the student has a successful evaluation from the previous school
367 year pursuant to paragraph (a).

368 (g) A public school or private school student who has been
369 unable to maintain academic eligibility for participation in
370 interscholastic extracurricular activities is ineligible to
371 participate in such activities as a Florida Virtual School
372 student until the student successfully completes one grading
373 period in the Florida Virtual School pursuant to paragraph (a).

374 Section 10. Paragraph (c) of subsection (1) of section
375 1011.61, Florida Statutes, is amended to read:

376 1011.61 Definitions.—Notwithstanding the provisions of s.
377 1000.21, the following terms are defined as follows for the
378 purposes of the Florida Education Finance Program:

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

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

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

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

389 (I) A full-time student in a combination of programs
390 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
391 equivalent membership in each special program equal to the
392 number of net hours per school year for which he or she is a

393 member, divided by the appropriate number of hours set forth in
 394 subparagraph (a)1. or subparagraph (a)2. The difference between
 395 that fraction or sum of fractions and the maximum value as set
 396 forth in subsection (4) for each full-time student is presumed
 397 to be the balance of the student's time not spent in such
 398 special education programs and shall be recorded as time in the
 399 appropriate basic program.

400 (II) A prekindergarten ~~handicapped~~ student with a
 401 disability shall meet the requirements specified for
 402 kindergarten students.

403 (III) A full-time equivalent student for students in
 404 kindergarten through grade 12 ~~5~~ in a full-time virtual
 405 instruction program under s. 1002.45 or a virtual charter school
 406 under s. 1002.33 shall consist of six full credit completions or
 407 the prescribed level of content that counts toward promotion to
 408 the next grade in programs listed in s. 1011.62(1)(c) a student
 409 who has successfully completed a basic program listed in s.
 410 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade
 411 level. Credit completions may be a combination of full-credit
 412 courses or half-credit courses. Beginning in the 2014-2015
 413 fiscal year, when s. 1008.22(3)(g) is implemented, the reported
 414 full-time equivalent students and associated funding of students
 415 enrolled in courses requiring passage of an end-of-course
 416 assessment shall be adjusted after the student completes the
 417 end-of-course assessment.

418 (IV) A full-time equivalent student for students in
 419 kindergarten ~~grades 6~~ through grade 12 in a part-time virtual
 420 instruction program under s. 1002.45 ~~1002.45(1)(b)1., 2., or 3.~~

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421 ~~or a virtual charter school under s. 1002.33~~ shall consist of
422 six full credit completions in programs listed in s.
423 1011.62(1)(c)1. and 3. ~~1011.62(1)(e)1.b. or c. and 3.~~ Credit
424 completions may be a combination of full-credit courses or half-
425 credit courses. Beginning in the 2014-2015 fiscal year, when s.
426 1008.22(3)(g) is implemented, the reported full-time equivalent
427 students and associated funding of students enrolled in courses
428 requiring passage of an end-of-course assessment shall be
429 adjusted after the student completes the end-of-course
430 assessment.

431 (V) A Florida Virtual School full-time equivalent student
432 shall consist of six full credit completions or the prescribed
433 level of content that counts toward promotion to the next grade
434 in the programs listed in s. 1011.62(1)(c)1. and 3.
435 ~~1011.62(1)(e)1.a. and b.~~ for students participating in
436 kindergarten through grade 12 part-time virtual instruction &
437 and the programs listed in s. 1011.62(1)(c) ~~1011.62(1)(e)1.e.~~
438 for students participating in kindergarten through grade 12
439 full-time virtual instruction ~~grades 9 through 12.~~ Credit
440 completions may be a combination of full-credit courses or half-
441 credit courses. Beginning in the 2014-2015 fiscal year, when s.
442 1008.22(3)(g) is implemented, the reported full-time equivalent
443 students and associated funding of students enrolled in courses
444 requiring passage of an end-of-course assessment shall be
445 adjusted after the student completes the end-of-course
446 assessment.

447 (VI) Each successfully completed full-credit course earned
448 through an online course delivered by a district other than the

449 one in which the student resides shall be calculated as 1/6 FTE.

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

455 2. A student in membership in a program scheduled for more
456 or less than 180 school days or the equivalent on an hourly
457 basis as specified by rules of the State Board of Education is a
458 fraction of a full-time equivalent membership equal to the
459 number of instructional hours in membership divided by the
460 appropriate number of hours set forth in subparagraph (a)1.;
461 however, for the purposes of this subparagraph, membership in
462 programs scheduled for more than 180 days is limited to students
463 enrolled in juvenile justice education programs and the Florida
464 Virtual School.

465
466 The department shall determine and implement an equitable method
467 of equivalent funding for experimental schools and for schools
468 operating under emergency conditions, which schools have been
469 approved by the department to operate for less than the minimum
470 school day.

471 Section 11. Paragraphs (e) and (g) of subsection (1) and
472 subsection (11) of section 1011.62, Florida Statutes, are
473 amended to read:

474 1011.62 Funds for operation of schools.—If the annual
475 allocation from the Florida Education Finance Program to each
476 district for operation of schools is not determined in the

477 | annual appropriations act or the substantive bill implementing
478 | the annual appropriations act, it shall be determined as
479 | follows:

480 | (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
481 | OPERATION.—The following procedure shall be followed in
482 | determining the annual allocation to each district for
483 | operation:

484 | (e) Funding model for exceptional student education
485 | programs.—

486 | 1.a. The funding model uses basic, at-risk, support levels
487 | IV and V for exceptional students and career Florida Education
488 | Finance Program cost factors, and a guaranteed allocation for
489 | exceptional student education programs. Exceptional education
490 | cost factors are determined by using a matrix of services to
491 | document the services that each exceptional student will
492 | receive. The nature and intensity of the services indicated on
493 | the matrix shall be consistent with the services described in
494 | each exceptional student's individual educational plan. The
495 | Department of Education shall review and revise the descriptions
496 | of the services and supports included in the matrix of services
497 | for exceptional students and shall implement those revisions
498 | before the beginning of the 2012-2013 school year.

499 | b. In order to generate funds using one of the two
500 | weighted cost factors, a matrix of services must be completed at
501 | the time of the student's initial placement into an exceptional
502 | student education program and at least once every 3 years by
503 | personnel who have received approved training. Nothing listed in
504 | the matrix shall be construed as limiting the services a school

505 district must provide in order to ensure that exceptional
506 students are provided a free, appropriate public education.

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

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

515 2. For students identified as exceptional who do not have
516 a matrix of services and students who are gifted in grades K
517 through 8, there is created a guaranteed allocation to provide
518 these students with a free appropriate public education, in
519 accordance with s. 1001.42(4)(1) ~~1001.42(4)(m)~~ and rules of the
520 State Board of Education, which shall be allocated annually to
521 each school district in the amount provided in the General
522 Appropriations Act. These funds shall be in addition to the
523 funds appropriated on the basis of FTE student membership in the
524 Florida Education Finance Program, and the amount allocated for
525 each school district shall not be recalculated during the year.
526 These funds shall be used to provide special education and
527 related services for exceptional students and students who are
528 gifted in grades K through 8. Beginning with the 2007-2008
529 fiscal year, a district's expenditure of funds from the
530 guaranteed allocation for students in grades 9 through 12 who
531 are gifted may not be greater than the amount expended during
532 the 2006-2007 fiscal year for gifted students in grades 9

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533 through 12.

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

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

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

544 3.a. An eligible student may be reported for funding in
545 the ESOL program for a base period of 3 years. However, a
546 student whose English competency does not meet the criteria for
547 proficiency after 3 years in the ESOL program may be reported
548 for a fourth, fifth, and sixth year of funding, provided his or
549 her limited English proficiency is assessed and properly
550 documented prior to his or her enrollment in each additional
551 year beyond the 3-year base period.

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

558 4. An eligible student may be reported for funding in the
559 ESOL program for membership in ESOL instruction in English and
560 ESOL instruction or home language instruction in the basic

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561 subject areas of mathematics, science, social studies, and
562 computer literacy.

563 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
564 annually provide in the Florida Education Finance Program a
565 virtual education contribution. The amount of the virtual
566 education contribution shall be the difference between the
567 amount per FTE established in the General Appropriations Act for
568 virtual education and the amount per FTE for each district and
569 the Florida Virtual School, which may be calculated by taking
570 the sum of the base FEEP allocation, the discretionary local
571 effort, the state-funded discretionary contribution, the
572 discretionary millage compression supplement, the research-based
573 reading instruction allocation, and the instructional materials
574 allocation, and then dividing by the total unweighted FTE. This
575 difference shall be multiplied by the virtual education
576 unweighted FTE for programs and options identified in s.
577 1002.455(3) ~~1002.455(3)(a), (b), and (d)~~ and the Florida Virtual
578 School and its franchises to equal the virtual education
579 contribution and shall be included as a separate allocation in
580 the funding formula.

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