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576-04048-17

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Pre-K - 12 Education)

A bill to be entitled

An act relating to educational options and services;
amending s. 413.011, F.S.; providing that a client of
the Division of Blind Services is considered an
employee of the state for workers' compensation
coverage; creating s. 413.209, F.S.; providing that a
specified client of the Division of Vocational
Rehabilitation is considered an employee of the state
for workers' compensation coverage; amending s.
1002.31, F.S.; revising available controlled open
enrollment options to include virtual charter schools
and district virtual programs; amending ss. 1002.37
and 1002.45, F.S.; revising student eligibility
requirements for the Florida Virtual School and
virtual instruction programs; repealing s. 1002.455,
F.S., relating to student eligibility for K-12 virtual
instruction; amending s. 1003.4282, F.S.; specifying
diploma designation and work experience options
available for a student with a disability; amending s.
1003.52, F.S.; revising the participants served in
Department of Juvenile Justice education programs;
amending s. 1004.015, F.S.; revising the membership of
the Higher Education Coordinating Council; amending s.
1004.04, F.S.; requiring an institution that seeks
initial approval after a specified date to offer a
graduate-level teacher preparation program to offer
students certain options; amending s. 1007.27, F.S.;



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28 requiring Advanced International Certificate of
29 Education Program and International General
30 Certificate of Secondary Education Program courses
31 that a student may receive credit for to be specified
32 in the statewide articulation agreement; amending s.
33 1007.271, F.S.; specifying that career dual enrollment
34 is an option for students to earn career certificates
35 leading to industry certifications; expanding the
36 rulemaking authority of the State Board of Education;
37 authorizing the Commissioner of Education to approve a
38 statewide dual enrollment articulation agreement for
39 the Florida Virtual School; amending ss. 1002.33,
40 1003.498, and 1011.62, F.S.; conforming provisions to
41 changes made by the act; providing an effective date.
42

43 Be It Enacted by the Legislature of the State of Florida:
44

45 Section 1. Subsection (2) of section 413.011, Florida
46 Statutes, is amended to read:

47 413.011 Division of Blind Services, legislative policy,
48 intent; internal organizational structure and powers;
49 Rehabilitation Council for the Blind.—

50 (2) PROGRAM OF SERVICES.—

51 (a) It is the intent of the Legislature to establish a
52 coordinated program of services which will be available to
53 individuals throughout this state who are blind. The program
54 must be designed to maximize employment opportunities for such
55 individuals and to increase their independence and self-
56 sufficiency.



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57 (b) A client of the division who is participating in on-
58 the-job training shall be deemed an employee of the state for
59 purposes of workers' compensation coverage.

60 Section 2. Section 413.209, Florida Statutes, is created to
61 read:

62 413.209 Workers' compensation coverage for clients in on-
63 the-job training.-A client of the Division of Vocational
64 Rehabilitation of the Department of Education who is
65 participating in on-the-job training as a vocational
66 rehabilitation service shall be deemed an employee of the state
67 for purposes of workers' compensation coverage.

68 Section 3. Paragraph (a) of subsection (2) of section
69 1002.31, Florida Statutes, is amended to read:

70 1002.31 Controlled open enrollment; Public school parental
71 choice.-

72 (2) (a) Beginning by the 2017-2018 school year, as part of a
73 school district's or charter school's controlled open enrollment
74 process, and in addition to the existing public school choice
75 programs provided in s. 1002.20(6)(a), each district school
76 board or charter school shall allow a parent from any school
77 district in the state whose child is not subject to a current
78 expulsion or suspension to enroll his or her child in and
79 transport his or her child to any public school, including
80 charter schools, virtual charter schools, and district virtual
81 programs, that have ~~has~~ not reached capacity in the district,
82 subject to the maximum class size pursuant to s. 1003.03 and s.
83 1, Art. IX of the State Constitution, if applicable. The school
84 district or charter school shall accept the student, pursuant to
85 that school district's or charter school's controlled open



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86 enrollment process, and report the student for purposes of the
87 school district's or charter school's funding pursuant to the
88 Florida Education Finance Program. A school district or charter
89 school may provide transportation to students described under
90 this section.

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

93 1002.37 The Florida Virtual School.—

94 (8) (a) The Florida Virtual School may provide full-time and
95 part-time instruction for students in kindergarten through grade
96 12. ~~To receive part-time instruction in kindergarten through~~
97 ~~grade 5, a student must meet at least one of the eligibility~~
98 ~~criteria in s. 1002.455(2).~~

99 (b) For students receiving part-time instruction ~~in~~
100 ~~kindergarten through grade 5~~ and students receiving full-time
101 ~~instruction in kindergarten through grade 12~~ from the Florida
102 Virtual School, the full-time equivalent student enrollment
103 calculated under this subsection is subject to the requirements
104 in s. 1011.61(4).

105 Section 5. Subsection (5) and paragraph (b) of subsection
106 (6) of section 1002.45, Florida Statutes, are amended to read:

107 1002.45 Virtual instruction programs.—

108 (5) STUDENT ELIGIBILITY.—A student may enroll in a full-
109 time or part-time virtual instruction program in kindergarten
110 through grade 12 which is provided by a ~~the~~ school district or
111 by a virtual charter school ~~operated in the district in which he~~
112 ~~or she resides if the student meets eligibility requirements for~~
113 ~~virtual instruction pursuant to s. 1002.455.~~

114 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student



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115 enrolled in a virtual instruction program or virtual charter
116 school must:

117 (b) Take state assessment tests within the school district
118 in which such student resides or enrolls, as contractually
119 specified. If requested by the provider, the district of
120 residence ~~which~~ must provide the student with access to the
121 district's testing facilities.

122 Section 6. Section 1002.455, Florida Statutes, is repealed.

123 Section 7. Paragraphs (a), (b), and (c) of subsection (10)
124 of section 1003.4282, Florida Statutes, are amended to read:

125 1003.4282 Requirements for a standard high school diploma.-

126 (10) STUDENTS WITH DISABILITIES.-Beginning with students
127 entering grade 9 in the 2014-2015 school year, this subsection
128 applies to a student with a disability.

129 (a) A parent of the student with a disability shall, in
130 collaboration with the individual education plan (IEP) team
131 during the transition planning process pursuant to s. 1003.5716,
132 declare an intent for the student to graduate from high school
133 with ~~either~~ a standard high school diploma. The student must
134 also be offered the option to pursue a scholar or merit
135 designation pursuant to s. 1003.4285 ~~or a certificate of~~
136 ~~completion. A student with a disability who does not satisfy the~~
137 ~~standard high school diploma requirements pursuant to this~~
138 ~~section shall be awarded a certificate of completion.~~

139 (b) The following options, in addition to the other options
140 specified in this section, may be used to satisfy the standard
141 high school diploma requirements, as specified in the student's
142 individual education plan:

143 1. For a student with a disability for whom the IEP team



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144 has determined that the Florida Alternate Assessment is the most
145 appropriate measure of the student's skills:

146 a. A combination of course substitutions, assessments,
147 industry certifications, other acceleration options, or
148 occupational completion points appropriate to the student's
149 unique skills and abilities that meet the criteria established
150 by State Board of Education rule.

151 b. A portfolio of quantifiable evidence that documents a
152 student's mastery of academic standards through rigorous metrics
153 established by State Board of Education rule. A portfolio may
154 include, but is not limited to, documentation of work
155 experience, internships, community service, and postsecondary
156 credit.

157 2. For a student with a disability for whom the IEP team
158 has determined that mastery of academic and employment
159 competencies is the most appropriate way for a student to
160 demonstrate his or her skills:

161 a. Documented completion of the minimum high school
162 graduation requirements, including the number of course credits
163 prescribed by rules of the State Board of Education.

164 ~~b. Documented achievement of all annual goals and short-~~
165 ~~term objectives for academic and employment competencies,~~
166 ~~industry certifications, and occupational completion points~~
167 ~~specified in the student's transition plan. The documentation~~
168 ~~must be verified by the IEP team.~~

169 ~~b.e.~~ Documented successful employment for the number of
170 hours per week specified in the student's employment transition
171 plan, for the equivalent of 1 semester, and payment of a minimum
172 wage in compliance with the requirements of the federal Fair



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173 Labor Standards Act or documented work experience in a
174 structured work-study, internship, or preapprenticeship program
175 for the number of hours per week specified in the student's
176 employment transition plan, for the equivalent of 1 semester.

177 ~~c.d.~~ Documented mastery of the academic and employment
178 competencies, industry certifications, and occupational
179 completion points specified in the student's transition plan.
180 The documentation must be verified by the IEP team, the
181 employer, and the teacher. The transition plan must be developed
182 and signed by the student, parent, teacher, and employer before
183 placement in employment and must identify the following:

184 (I) The expected academic and employment competencies,
185 industry certifications, and occupational completion points;

186 (II) The criteria for determining and certifying mastery of
187 the competencies;

188 (III) The work schedule and the minimum number of hours to
189 be worked per week; and

190 (IV) A description of the supervision to be provided by the
191 school district.

192 3. Any change to the high school graduation option
193 specified in the student's IEP must be approved by the parent
194 and is subject to verification for appropriateness by an
195 independent reviewer selected by the parent as provided in s.
196 1003.572.

197 (c) A student with a disability who meets the standard high
198 school diploma requirements in this subsection ~~section~~ may defer
199 the receipt of a standard high school diploma if the student:

200 1. Has an individual education plan that prescribes special
201 education, transition planning, transition services, or related



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202 services through age 21; and

203 2. Is enrolled in accelerated college credit instruction
204 pursuant to s. 1007.27, industry certification courses that lead
205 to college credit, a collegiate high school program, courses
206 necessary to satisfy the Scholar designation requirements, or a
207 structured work-study, internship, or preapprenticeship program.

208

209 The State Board of Education shall adopt rules under ss.
210 120.536(1) and 120.54 to implement this subsection, including
211 rules that establish the minimum requirements for students
212 described in this subsection to earn a standard high school
213 diploma. The State Board of Education shall adopt emergency
214 rules pursuant to ss. 120.536(1) and 120.54.

215 Section 8. Subsection (7) of section 1003.52, Florida
216 Statutes, is amended to read:

217 1003.52 Educational services in Department of Juvenile
218 Justice programs.—

219 (7) An individualized progress monitoring plan shall be
220 developed for all students ~~not classified as exceptional~~
221 ~~education students~~ upon entry in a juvenile justice education
222 program and upon reentry in the school district. These plans
223 shall address academic, literacy, and career and technical
224 skills and shall include provisions for intensive remedial
225 instruction in the areas of weakness.

226 Section 9. Present paragraphs (d) through (i) of subsection
227 (2) of section 1004.015, Florida Statutes, are redesignated as
228 paragraphs (e) through (j), respectively, and a new paragraph
229 (d) is added to that subsection, to read:

230 1004.015 Higher Education Coordinating Council.—



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231 (2) Members of the council shall include:

232 (d) The Chancellor of Career and Adult Education.

233 Section 10. Present paragraph (c) of subsection (3) of
234 section 1004.04, Florida Statutes, is redesignated as paragraph
235 (d), and a new paragraph (c) is added to that subsection, to
236 read:

237 1004.04 Public accountability and state approval for
238 teacher preparation programs.—

239 (3) INITIAL STATE PROGRAM APPROVAL.—

240 (c) Beginning July 1, 2017, an institution that seeks
241 initial approval to offer only a graduate-level teacher
242 preparation program in an educator certification area that does
243 not require a graduate-level degree shall provide students an
244 option to complete the initial preparation program at the
245 bachelor's level. An existing state-approved program must also
246 meet this requirement when it seeks continued approval pursuant
247 to subsection (4).

248 Section 11. Subsection (8) of section 1007.27, Florida
249 Statutes, is amended to read:

250 1007.27 Articulated acceleration mechanisms.—

251 (8) The Advanced International Certificate of Education
252 Program and the International General Certificate of Secondary
253 Education (pre-AICE) Program shall be the curricula in which
254 eligible secondary students are enrolled in programs of study
255 offered through the Advanced International Certificate of
256 Education Program or the International General Certificate of
257 Secondary Education (pre-AICE) Program administered by the
258 University of Cambridge Local Examinations Syndicate. The State
259 Board of Education and the Board of Governors shall specify in



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260 the statewide articulation agreement required by s. 1007.23(1)
261 the cutoff scores and Advanced International Certificate of
262 Education examinations which will be used to grant postsecondary
263 credit at Florida College System institutions and universities.
264 Any changes to the cutoff scores, which changes have the effect
265 of raising the required cutoff score or of changing the Advanced
266 International Certification of Education examinations which will
267 be used to grant postsecondary credit, shall apply to students
268 taking Advanced International Certificate of Education
269 examinations after such changes are adopted by the State Board
270 of Education and the Board of Governors. Students shall be
271 awarded a maximum of 30 semester credit hours pursuant to this
272 subsection. The specific course for which a student may receive
273 such credit shall be specified in the statewide articulation
274 agreement required by s. 1007.23(1) ~~determined by the Florida~~
275 ~~College System institution or university that accepts the~~
276 ~~student for admission~~. Students enrolled in either program of
277 study pursuant to this subsection shall be exempt from the
278 payment of any fees for administration of the examinations
279 regardless of whether the student achieves a passing score on
280 the examination.

281 Section 12. Subsections (1), (7), and (12) of section
282 1007.271, Florida Statutes, are amended, and subsection (26) is
283 added to that section, to read:

284 1007.271 Dual enrollment programs.—

285 (1) The dual enrollment program is the enrollment of an
286 eligible secondary student or home education student in a
287 postsecondary course creditable toward high school completion
288 and a career certificate leading to an industry certification or



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289 an associate or baccalaureate degree as specified by State Board
290 of Education rule. A student who is enrolled in postsecondary
291 instruction that is not creditable toward a high school diploma
292 may not be classified as a dual enrollment student.

293 (7) Career dual enrollment shall be provided as a
294 curricular option for secondary students to pursue in order to
295 earn career certificates leading to industry certifications
296 adopted pursuant to s. 1008.44, which count as credits toward
297 the high school diploma. ~~Career dual enrollment shall be~~
298 ~~available for secondary students seeking a degree and industry~~
299 ~~certification through a career education program or course.~~

300 (12) The State Board of Education shall adopt rules
301 necessary to administer this section, including rules related to
302 student eligibility and participation, courses and programs,
303 funding, and articulation agreements ~~for any dual enrollment~~
304 ~~programs involving requirements for high school graduation.~~

305 (26) The Commissioner of Education may approve a statewide
306 dual enrollment articulation agreement for the Florida Virtual
307 School to enroll Florida Virtual School full-time students at a
308 postsecondary institution eligible to participate in the dual
309 enrollment program pursuant to s. 1011.62(1)(i).

310 Section 13. Subsection (1) of section 1002.33, Florida
311 Statutes, is amended to read:

312 1002.33 Charter schools.—

313 (1) AUTHORIZATION.—Charter schools shall be part of the
314 state's program of public education. All charter schools in
315 Florida are public schools. A charter school may be formed by
316 creating a new school or converting an existing public school to
317 charter status. A charter school may operate a virtual charter



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318 school pursuant to s. 1002.45(1)(d) to provide full-time online
319 instruction to eligible students, ~~pursuant to s. 1002.455,~~ in
320 kindergarten through grade 12. An existing charter school that
321 is seeking to become a virtual charter school must amend its
322 charter or submit a new application pursuant to subsection (6)
323 to become a virtual charter school. A virtual charter school is
324 subject to the requirements of this section; however, a virtual
325 charter school is exempt from subsections (18) and (19),
326 subparagraphs (20)(a)2., 4., 5., and 7., paragraph (20)(c), and
327 s. 1003.03. A public school may not use the term charter in its
328 name unless it has been approved under this section.

329 Section 14. Subsection (2) of section 1003.498, Florida
330 Statutes, is amended to read:

331 1003.498 School district virtual course offerings.—

332 (2) School districts may offer virtual courses for students
333 enrolled in the school district. These courses must be
334 identified in the course code directory. ~~Students who meet the~~
335 ~~eligibility requirements of s. 1002.455 may participate in these~~
336 ~~virtual course offerings.~~

337 (a) Any eligible student who is enrolled in a school
338 district may register and enroll in an online course offered by
339 his or her school district.

340 (b)1. Any eligible student who is enrolled in a school
341 district may register and enroll in an online course offered by
342 any other school district in the state. The school district in
343 which the student completes the course shall report the
344 student's completion of that course for funding pursuant to s.
345 1011.61(1)(c)1.b.(VI), and the home school district may ~~shall~~
346 not report the student for funding for that course.



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347 2. The full-time equivalent student membership calculated
348 under this subsection is subject to the requirements in s.
349 1011.61(4). The Department of Education shall establish
350 procedures to enable interdistrict coordination for the delivery
351 and funding of this online option.

352 Section 15. Subsection (11) of section 1011.62, Florida
353 Statutes, is amended to read:

354 1011.62 Funds for operation of schools.—If the annual
355 allocation from the Florida Education Finance Program to each
356 district for operation of schools is not determined in the
357 annual appropriations act or the substantive bill implementing
358 the annual appropriations act, it shall be determined as
359 follows:

360 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
361 annually provide in the Florida Education Finance Program a
362 virtual education contribution. The amount of the virtual
363 education contribution shall be the difference between the
364 amount per FTE established in the General Appropriations Act for
365 virtual education and the amount per FTE for each district and
366 the Florida Virtual School, which may be calculated by taking
367 the sum of the base FEFP allocation, the discretionary local
368 effort, the state-funded discretionary contribution, the
369 discretionary millage compression supplement, the research-based
370 reading instruction allocation, and the instructional materials
371 allocation, and then dividing by the total unweighted FTE. This
372 difference shall be multiplied by the virtual education
373 unweighted FTE for school district-operated part-time and full-
374 time virtual instruction programs, full-time virtual charter
375 school programs, virtual courses offered, ~~programs and options~~



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376 ~~identified in s. 1002.455(3)~~ and the Florida Virtual School and
377 its franchises to equal the virtual education contribution and
378 shall be included as a separate allocation in the funding
379 formula.

380 Section 16. This act shall take effect July 1, 2017.