

By Senator Baxley

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1 A bill to be entitled
2 An act relating to educational options and services;
3 amending s. 413.011, F.S.; providing that a
4 participant in an adult or youth work experience
5 activity in the Division of Blind Services is
6 considered an employee of the state for workers'
7 compensation coverage; creating s. 413.209, F.S.;
8 providing that a participant in an adult or youth work
9 experience activity in vocational rehabilitation
10 programs is considered an employee of the state for
11 workers' compensation coverage; amending ss. 1002.37
12 and 1002.45, F.S.; revising student eligibility
13 requirements for the Florida Virtual School and
14 virtual instruction programs; repealing s. 1002.455,
15 F.S., relating to student eligibility for K-12 virtual
16 instruction; amending s. 1003.4282, F.S.; specifying
17 diploma designation and work experience options
18 available for a student with a disability; amending s.
19 1003.52, F.S.; revising the type of programs and
20 participants served in Department of Juvenile Justice
21 education programs; amending s. 1004.015, F.S.;
22 revising the membership of the Higher Education
23 Coordinating Council; amending s. 1004.04, F.S.;
24 requiring an institution that seeks initial approval
25 after a specified date to offer a graduate-level
26 teacher preparation program to offer students certain
27 options; amending s. 1007.27, F.S.; requiring Advanced
28 International Certificate of Education Program and
29 International General Certificate of Secondary
30 Education Program courses that a student may receive
31 credit for to be specified in the statewide
32 articulation agreement; amending s. 1007.271, F.S.;

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33 specifying that career dual enrollment is an option
34 for students to earn career certificates leading to
35 industry certifications; expanding the rulemaking
36 authority of the State Board of Education; authorizing
37 the Commissioner of Education to approve a statewide
38 dual enrollment articulation agreement for the Florida
39 Virtual School; amending ss. 1002.33, 1003.498, and
40 1011.62, F.S.; conforming provisions to changes made
41 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.

57 (b) A participant in an adult or youth work experience
58 activity that is administered under this section shall be deemed
59 an employee of the state for purposes of workers' compensation
60 coverage. In determining the average weekly wage, all
61 remuneration received from the employer must be considered a

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62 gratuity, and the participant is not entitled to any benefits
63 otherwise payable under s. 440.15, regardless of whether the
64 participant may be receiving wages and remuneration from other
65 employment with another employer and regardless of his or her
66 future wage-earning capacity.

67 Section 2. Section 413.209, Florida Statutes, is created to
68 read:

69 413.209 Workers' compensation coverage for customers in an
70 adult or youth work experience.—A participant in an adult or
71 youth work experience activity that is administered under this
72 part shall be deemed an employee of the state for purposes of
73 workers' compensation coverage. In determining the average
74 weekly wage, all remuneration received from the employer must be
75 considered a gratuity, and the participant is not entitled to
76 any benefits otherwise payable under s. 440.15, regardless of
77 whether the participant may be receiving wages and remuneration
78 from other employment with another employer and regardless of
79 his or her future wage-earning capacity.

80 Section 3. Subsection (8) of section 1002.37, Florida
81 Statutes, is amended to read:

82 1002.37 The Florida Virtual School.—

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

88 (b) For students receiving part-time instruction ~~in~~
89 ~~kindergarten through grade 5~~ and students receiving full-time
90 instruction ~~in kindergarten through grade 12~~ from the Florida

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91 Virtual School, the full-time equivalent student enrollment
92 calculated under this subsection is subject to the requirements
93 in s. 1011.61(4).

94 Section 4. Subsection (5) of section 1002.45, Florida
95 Statutes, is amended to read:

96 1002.45 Virtual instruction programs.—

97 (5) STUDENT ELIGIBILITY.—A student may enroll in a full-
98 time or part-time virtual instruction program in kindergarten
99 through grade 12 which is provided by the school district or by
100 a virtual charter school operated in the district in which he or
101 she resides ~~if the student meets eligibility requirements for~~
102 ~~virtual instruction pursuant to s. 1002.455.~~

103 Section 5. Section 1002.455, Florida Statutes, is repealed.

104 Section 6. Paragraphs (a), (b), and (c) of subsection (10)
105 of section 1003.4282, Florida Statutes, are amended to read:

106 1003.4282 Requirements for a standard high school diploma.—

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

110 (a) A parent of the student with a disability shall, in
111 collaboration with the individual education plan (IEP) team
112 during the transition planning process pursuant to s. 1003.5716,
113 declare an intent for the student to graduate from high school
114 with ~~either~~ a standard high school diploma. The student must
115 also be offered the option to pursue a scholar or merit
116 designation pursuant to s. 1003.4285 ~~or a certificate of~~
117 ~~completion. A student with a disability who does not satisfy the~~
118 ~~standard high school diploma requirements pursuant to this~~
119 ~~section shall be awarded a certificate of completion.~~

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

124 1. For a student with a disability for whom the IEP team
125 has determined that the Florida Alternate Assessment is the most
126 appropriate measure of the student's skills:

127 a. A combination of course substitutions, assessments,
128 industry certifications, other acceleration options, or
129 occupational completion points appropriate to the student's
130 unique skills and abilities that meet the criteria established
131 by State Board of Education rule.

132 b. A portfolio of quantifiable evidence that documents a
133 student's mastery of academic standards through rigorous metrics
134 established by State Board of Education rule. A portfolio may
135 include, but is not limited to, documentation of work
136 experience, internships, community service, and postsecondary
137 credit.

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

142 a. Documented completion of the minimum high school
143 graduation requirements, including the number of course credits
144 prescribed by rules of the State Board of Education.

145 ~~b. Documented achievement of all annual goals and short-~~
146 ~~term objectives for academic and employment competencies,~~
147 ~~industry certifications, and occupational completion points~~
148 ~~specified in the student's transition plan. The documentation~~

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149 ~~must be verified by the IEP team.~~

150 ~~b.e.~~ Documented successful employment for the number of
151 hours per week specified in the student's employment transition
152 plan, for the equivalent of 1 semester, and payment of a minimum
153 wage in compliance with the requirements of the federal Fair
154 Labor Standards Act or documented work experience in a
155 structured work-study, internship, or preapprenticeship program
156 for the number of hours per week specified in the student's
157 employment transition plan, for the equivalent of 1 semester.

158 ~~c.d.~~ Documented mastery of the academic and employment
159 competencies, industry certifications, and occupational
160 completion points specified in the student's transition plan.
161 The documentation must be verified by the IEP team, the
162 employer, and the teacher. The transition plan must be developed
163 and signed by the student, parent, teacher, and employer before
164 placement in employment and must identify the following:

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

167 (II) The criteria for determining and certifying mastery of
168 the competencies;

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

171 (IV) A description of the supervision to be provided by the
172 school district.

173 3. Any change to the high school graduation option
174 specified in the student's IEP must be approved by the parent
175 and is subject to verification for appropriateness by an
176 independent reviewer selected by the parent as provided in s.
177 1003.572.

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

181 1. Has an individual education plan that prescribes special
182 education, transition planning, transition services, or related
183 services through age 21; and

184 2. Is enrolled in accelerated college credit instruction
185 pursuant to s. 1007.27, industry certification courses that lead
186 to college credit, a collegiate high school program, courses
187 necessary to satisfy the Scholar designation requirements, or a
188 structured work-study, internship, or preapprenticeship program.

189

190 The State Board of Education shall adopt rules under ss.
191 120.536(1) and 120.54 to implement this subsection, including
192 rules that establish the minimum requirements for students
193 described in this subsection to earn a standard high school
194 diploma. The State Board of Education shall adopt emergency
195 rules pursuant to ss. 120.536(1) and 120.54.

196 Section 7. Subsections (5) and (7) of section 1003.52,
197 Florida Statutes, are amended to read:

198 1003.52 Educational services in Department of Juvenile
199 Justice programs.—

200 (5) The educational program must ~~shall~~ provide instruction
201 based on each student's individualized transition plan, assessed
202 educational needs, and the education programs available in the
203 school district in which the student will return. Depending on
204 the student's needs, educational programming may consist of
205 remedial courses, academic courses required for grade
206 advancement, CAPE courses, high school equivalency examination

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207 preparation, or exceptional student education curricula and
208 related services which support the transition goals and reentry
209 and which may lead to completion of the requirements for receipt
210 of a high school diploma or its equivalent. Prevention and day
211 treatment juvenile justice education programs, at a minimum,
212 shall provide career readiness and exploration opportunities as
213 well as truancy and dropout prevention intervention services.
214 Residential juvenile justice education programs with a
215 contracted minimum length of stay of 9 months shall provide CAPE
216 courses that lead to preapprentice certifications and industry
217 certifications. Programs with contracted lengths of stay of less
218 than 9 months may provide career education courses that lead to
219 preapprentice certifications and CAPE industry certifications.
220 If the duration of a detention program is less than 40 days, the
221 educational component may be limited to tutorial remediation
222 activities, career employability skills instruction, education
223 counseling, and transition services that prepare students for a
224 return to school, the community, and their home settings based
225 on the students' needs.

226 (7) An individualized progress monitoring plan shall be
227 developed for all students ~~not classified as exceptional~~
228 ~~education students~~ upon entry in a juvenile justice education
229 program and upon reentry in the school district. These plans
230 shall address academic, literacy, and career and technical
231 skills and shall include provisions for intensive remedial
232 instruction in the areas of weakness.

233 Section 8. Present paragraphs (d) through (i) of subsection
234 (2) of section 1004.015, Florida Statutes, are redesignated as
235 paragraphs (e) through (j), respectively, and a new paragraph

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236 (d) is added to that subsection, to read:

237 1004.015 Higher Education Coordinating Council.—

238 (2) Members of the council shall include:

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

240 Section 9. Present paragraph (c) of subsection (3) of
241 section 1004.04, Florida Statutes, is redesignated as paragraph
242 (d), and a new paragraph (c) is added to that subsection, to
243 read:

244 1004.04 Public accountability and state approval for
245 teacher preparation programs.—

246 (3) INITIAL STATE PROGRAM APPROVAL.—

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

255 Section 10. Subsection (8) of section 1007.27, Florida
256 Statutes, is amended to read:

257 1007.27 Articulated acceleration mechanisms.—

258 (8) The Advanced International Certificate of Education
259 Program and the International General Certificate of Secondary
260 Education (pre-AICE) Program shall be the curricula in which
261 eligible secondary students are enrolled in programs of study
262 offered through the Advanced International Certificate of
263 Education Program or the International General Certificate of
264 Secondary Education (pre-AICE) Program administered by the

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

288 Section 11. Subsections (1), (7), and (12) of section
289 1007.271, Florida Statutes, are amended, and subsection (26) is
290 added to that section, to read:

291 1007.271 Dual enrollment programs.—

292 (1) The dual enrollment program is the enrollment of an
293 eligible secondary student or home education student in a

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294 postsecondary course creditable toward high school completion
295 and a career certificate leading to an industry certification or
296 an associate or baccalaureate degree as specified by State Board
297 of Education rule. A student who is enrolled in postsecondary
298 instruction that is not creditable toward a high school diploma
299 may not be classified as a dual enrollment student.

300 (7) Career dual enrollment shall be provided as a
301 curricular option for secondary students to pursue in order to
302 earn career certificates leading to industry certifications
303 adopted pursuant to s. 1008.44, which count as credits toward
304 the high school diploma. ~~Career dual enrollment shall be~~
305 ~~available for secondary students seeking a degree and industry~~
306 ~~certification through a career education program or course.~~

307 (12) The State Board of Education shall adopt rules
308 necessary to administer this section, including rules related to
309 student eligibility and participation, courses and programs,
310 funding, and articulation agreements ~~for any dual enrollment~~
311 ~~programs involving requirements for high school graduation.~~

312 (26) The Commissioner of Education may approve a statewide
313 dual enrollment articulation agreement for the Florida Virtual
314 School to enroll Florida Virtual School full-time students at a
315 postsecondary institution eligible to participate in the dual
316 enrollment program pursuant to s. 1011.62(1)(i).

317 Section 12. Subsection (1) of section 1002.33, Florida
318 Statutes, is amended to read:

319 1002.33 Charter schools.—

320 (1) AUTHORIZATION.—Charter schools shall be part of the
321 state's program of public education. All charter schools in
322 Florida are public schools. A charter school may be formed by

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

336 Section 13. Subsection (2) of section 1003.498, Florida
337 Statutes, is amended to read:

338 1003.498 School district virtual course offerings.—

339 (2) School districts may offer virtual courses for students
340 enrolled in the school district. These courses must be
341 identified in the course code directory. ~~Students who meet the~~
342 ~~eligibility requirements of s. 1002.455 may participate in these~~
343 ~~virtual course offerings.~~

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

347 (b)1. Any eligible student who is enrolled in a school
348 district may register and enroll in an online course offered by
349 any other school district in the state. The school district in
350 which the student completes the course shall report the
351 student's completion of that course for funding pursuant to s.

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352 1011.61(1)(c)1.b.(VI), and the home school district may ~~shall~~
353 not report the student for funding for that course.

354 2. The full-time equivalent student membership calculated
355 under this subsection is subject to the requirements in s.
356 1011.61(4). The Department of Education shall establish
357 procedures to enable interdistrict coordination for the delivery
358 and funding of this online option.

359 Section 14. Subsection (11) of section 1011.62, Florida
360 Statutes, is amended to read:

361 1011.62 Funds for operation of schools.—If the annual
362 allocation from the Florida Education Finance Program to each
363 district for operation of schools is not determined in the
364 annual appropriations act or the substantive bill implementing
365 the annual appropriations act, it shall be determined as
366 follows:

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

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381 time virtual instruction programs, full-time virtual charter
382 school programs, virtual courses offered, ~~programs and options~~
383 ~~identified in s. 1002.455(3)~~ and the Florida Virtual School and
384 its franchises to equal the virtual education contribution and
385 shall be included as a separate allocation in the funding
386 formula.

387 Section 15. This act shall take effect July 1, 2017.