

By the Committee on Education; and 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 client of
4 the Division of Blind Services is considered an
5 employee of the state for workers' compensation
6 coverage; creating s. 413.209, F.S.; providing that a
7 specified client of the Division of Vocational
8 Rehabilitation is considered an employee of the state
9 for workers' compensation coverage; amending s.
10 1002.31, F.S.; revising available controlled open
11 enrollment options to include virtual charter schools
12 and district virtual programs; amending ss. 1002.37
13 and 1002.45, F.S.; revising student eligibility
14 requirements for the Florida Virtual School and
15 virtual instruction programs; repealing s. 1002.455,
16 F.S., relating to student eligibility for K-12 virtual
17 instruction; amending s. 1003.4282, F.S.; specifying
18 diploma designation and work experience options
19 available for a student with a disability; amending s.
20 1003.52, F.S.; revising the type of programs and
21 participants served in Department of Juvenile Justice
22 education programs; amending s. 1004.015, F.S.;
23 revising the membership of the Higher Education
24 Coordinating Council; amending s. 1004.04, F.S.;
25 requiring an institution that seeks initial approval
26 after a specified date to offer a graduate-level
27 teacher preparation program to offer students certain
28 options; amending s. 1007.27, F.S.; requiring Advanced
29 International Certificate of Education Program and

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

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

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

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

51 (2) PROGRAM OF SERVICES.—

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

58 (b) A client of the division who is participating in on-

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59 the-job training shall be deemed an employee of the state for
60 purposes of workers' compensation coverage.

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

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

69 Section 3. Paragraph (a) of subsection (2) of section
70 1002.31, Florida Statutes, is amended to read:

71 1002.31 Controlled open enrollment; Public school parental
72 choice.—

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

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88 school district's or charter school's funding pursuant to the
89 Florida Education Finance Program. A school district or charter
90 school may provide transportation to students described under
91 this section.

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

94 1002.37 The Florida Virtual School.—

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

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

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

108 1002.45 Virtual instruction programs.—

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

115 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student
116 enrolled in a virtual instruction program or virtual charter

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117 school must:

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

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

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

126 1003.4282 Requirements for a standard high school diploma.—

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

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

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

144 1. For a student with a disability for whom the IEP team
145 has determined that the Florida Alternate Assessment is the most

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146 appropriate measure of the student's skills:

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

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

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

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

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

170 ~~b.c.~~ Documented successful employment for the number of
171 hours per week specified in the student's employment transition
172 plan, for the equivalent of 1 semester, and payment of a minimum
173 wage in compliance with the requirements of the federal Fair
174 Labor Standards Act or documented work experience in a

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175 structured work-study, internship, or preapprenticeship program
176 for the number of hours per week specified in the student's
177 employment transition plan, for the equivalent of 1 semester.

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

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

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

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

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

193 3. Any change to the high school graduation option
194 specified in the student's IEP must be approved by the parent
195 and is subject to verification for appropriateness by an
196 independent reviewer selected by the parent as provided in s.
197 1003.572.

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

201 1. Has an individual education plan that prescribes special
202 education, transition planning, transition services, or related
203 services through age 21; and

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204 2. Is enrolled in accelerated college credit instruction
205 pursuant to s. 1007.27, industry certification courses that lead
206 to college credit, a collegiate high school program, courses
207 necessary to satisfy the Scholar designation requirements, or a
208 structured work-study, internship, or preapprenticeship program.
209

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

216 Section 8. Subsections (5) and (7) of section 1003.52,
217 Florida Statutes, are amended to read:

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

220 (5) The educational program must ~~shall~~ provide instruction
221 based on each student's individualized transition plan, assessed
222 educational needs, and the education programs available in the
223 school district in which the student will return. Depending on
224 the student's needs, educational programming may consist of
225 remedial courses, academic courses required for grade
226 advancement, CAPE courses, high school equivalency examination
227 preparation, or exceptional student education curricula and
228 related services which support the transition goals and reentry
229 and which may lead to completion of the requirements for receipt
230 of a high school diploma or its equivalent. Prevention and day
231 treatment juvenile justice education programs, at a minimum,
232 shall provide career readiness and exploration opportunities as

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233 well as truancy and dropout prevention intervention services.
234 Residential juvenile justice education programs with a
235 contracted minimum length of stay of 9 months shall provide CAPE
236 courses that lead to preapprentice certifications and industry
237 certifications. Programs with contracted lengths of stay of less
238 than 9 months may provide career education courses that lead to
239 preapprentice certifications and CAPE industry certifications.
240 If the duration of a detention program is less than 40 days, the
241 educational component may be limited to tutorial remediation
242 activities, career employability skills instruction, education
243 counseling, and transition services that prepare students for a
244 return to school, the community, and their home settings based
245 on the students' needs.

246 (7) An individualized progress monitoring plan shall be
247 developed for all students ~~not classified as exceptional~~
248 ~~education students~~ upon entry in a juvenile justice education
249 program and upon reentry in the school district. These plans
250 shall address academic, literacy, and career and technical
251 skills and shall include provisions for intensive remedial
252 instruction in the areas of weakness.

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

257 1004.015 Higher Education Coordinating Council.—

258 (2) Members of the council shall include:

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

260 Section 10. Present paragraph (c) of subsection (3) of
261 section 1004.04, Florida Statutes, is redesignated as paragraph

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262 (d), and a new paragraph (c) is added to that subsection, to
263 read:

264 1004.04 Public accountability and state approval for
265 teacher preparation programs.—

266 (3) INITIAL STATE PROGRAM APPROVAL.—

267 (c) Beginning July 1, 2017, an institution that seeks
268 initial approval to offer only a graduate-level teacher
269 preparation program in an educator certification area that does
270 not require a graduate-level degree shall provide students an
271 option to complete the initial preparation program at the
272 bachelor's level. An existing state-approved program must also
273 meet this requirement when it seeks continued approval pursuant
274 to subsection (4).

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

277 1007.27 Articulated acceleration mechanisms.—

278 (8) The Advanced International Certificate of Education
279 Program and the International General Certificate of Secondary
280 Education (pre-AICE) Program shall be the curricula in which
281 eligible secondary students are enrolled in programs of study
282 offered through the Advanced International Certificate of
283 Education Program or the International General Certificate of
284 Secondary Education (pre-AICE) Program administered by the
285 University of Cambridge Local Examinations Syndicate. The State
286 Board of Education and the Board of Governors shall specify in
287 the statewide articulation agreement required by s. 1007.23(1)
288 the cutoff scores and Advanced International Certificate of
289 Education examinations which will be used to grant postsecondary
290 credit at Florida College System institutions and universities.

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291 Any changes to the cutoff scores, which changes have the effect
292 of raising the required cutoff score or of changing the Advanced
293 International Certification of Education examinations which will
294 be used to grant postsecondary credit, shall apply to students
295 taking Advanced International Certificate of Education
296 examinations after such changes are adopted by the State Board
297 of Education and the Board of Governors. Students shall be
298 awarded a maximum of 30 semester credit hours pursuant to this
299 subsection. The specific course for which a student may receive
300 such credit shall be specified in the statewide articulation
301 agreement required by s. 1007.23(1) ~~determined by the Florida~~
302 ~~College System institution or university that accepts the~~
303 ~~student for admission~~. Students enrolled in either program of
304 study pursuant to this subsection shall be exempt from the
305 payment of any fees for administration of the examinations
306 regardless of whether the student achieves a passing score on
307 the examination.

308 Section 12. Subsections (1), (7), and (12) of section
309 1007.271, Florida Statutes, are amended, and subsection (26) is
310 added to that section, to read:

311 1007.271 Dual enrollment programs.—

312 (1) The dual enrollment program is the enrollment of an
313 eligible secondary student or home education student in a
314 postsecondary course creditable toward high school completion
315 and a career certificate leading to an industry certification or
316 an associate or baccalaureate degree as specified by State Board
317 of Education rule. A student who is enrolled in postsecondary
318 instruction that is not creditable toward a high school diploma
319 may not be classified as a dual enrollment student.

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320 (7) Career dual enrollment shall be provided as a
321 curricular option for secondary students to pursue in order to
322 earn career certificates leading to industry certifications
323 adopted pursuant to s. 1008.44, which count as credits toward
324 the high school diploma. ~~Career dual enrollment shall be~~
325 ~~available for secondary students seeking a degree and industry~~
326 ~~certification through a career education program or course.~~

327 (12) The State Board of Education shall adopt rules
328 necessary to administer this section, including rules related to
329 student eligibility and participation, courses and programs,
330 funding, and articulation agreements ~~for any dual enrollment~~
331 ~~programs involving requirements for high school graduation.~~

332 (26) The Commissioner of Education may approve a statewide
333 dual enrollment articulation agreement for the Florida Virtual
334 School to enroll Florida Virtual School full-time students at a
335 postsecondary institution eligible to participate in the dual
336 enrollment program pursuant to s. 1011.62(1)(i).

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

339 1002.33 Charter schools.—

340 (1) AUTHORIZATION.—Charter schools shall be part of the
341 state's program of public education. All charter schools in
342 Florida are public schools. A charter school may be formed by
343 creating a new school or converting an existing public school to
344 charter status. A charter school may operate a virtual charter
345 school pursuant to s. 1002.45(1)(d) to provide full-time online
346 instruction to eligible students, ~~pursuant to s. 1002.455,~~ in
347 kindergarten through grade 12. An existing charter school that
348 is seeking to become a virtual charter school must amend its

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349 charter or submit a new application pursuant to subsection (6)
350 to become a virtual charter school. A virtual charter school is
351 subject to the requirements of this section; however, a virtual
352 charter school is exempt from subsections (18) and (19),
353 subparagraphs (20) (a) 2., 4., 5., and 7., paragraph (20) (c), and
354 s. 1003.03. A public school may not use the term charter in its
355 name unless it has been approved under this section.

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

358 1003.498 School district virtual course offerings.—

359 (2) School districts may offer virtual courses for students
360 enrolled in the school district. These courses must be
361 identified in the course code directory. ~~Students who meet the~~
362 ~~eligibility requirements of s. 1002.455 may participate in these~~
363 ~~virtual course offerings.~~

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

367 (b) 1. Any eligible student who is enrolled in a school
368 district may register and enroll in an online course offered by
369 any other school district in the state. The school district in
370 which the student completes the course shall report the
371 student's completion of that course for funding pursuant to s.
372 1011.61(1)(c)1.b.(VI), and the home school district may ~~shall~~
373 not report the student for funding for that course.

374 2. The full-time equivalent student membership calculated
375 under this subsection is subject to the requirements in s.
376 1011.61(4). The Department of Education shall establish
377 procedures to enable interdistrict coordination for the delivery

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378 and funding of this online option.

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

381 1011.62 Funds for operation of schools.—If the annual
382 allocation from the Florida Education Finance Program to each
383 district for operation of schools is not determined in the
384 annual appropriations act or the substantive bill implementing
385 the annual appropriations act, it shall be determined as
386 follows:

387 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
388 annually provide in the Florida Education Finance Program a
389 virtual education contribution. The amount of the virtual
390 education contribution shall be the difference between the
391 amount per FTE established in the General Appropriations Act for
392 virtual education and the amount per FTE for each district and
393 the Florida Virtual School, which may be calculated by taking
394 the sum of the base FEFP allocation, the discretionary local
395 effort, the state-funded discretionary contribution, the
396 discretionary millage compression supplement, the research-based
397 reading instruction allocation, and the instructional materials
398 allocation, and then dividing by the total unweighted FTE. This
399 difference shall be multiplied by the virtual education
400 unweighted FTE for school district-operated part-time and full-
401 time virtual instruction programs, full-time virtual charter
402 school programs, virtual courses offered, ~~programs and options~~
403 ~~identified in s. 1002.455(3)~~ and the Florida Virtual School and
404 its franchises to equal the virtual education contribution and
405 shall be included as a separate allocation in the funding
406 formula.

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