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1 A bill to be entitled

2 An act relating to public education; amending ss. 1001.42,
3 1002.415, 1003.02, 1011.60, and 1011.61, F.S.; providing
4 for the operation of schools for a term of 180 days or the
5 equivalent on an hourly basis; providing for 196 days of
6 service or the equivalent on an hourly basis for certain
7 school district personnel; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Paragraph (a) of subsection (12) of section
12 1001.42, Florida Statutes, is amended to read:

13 1001.42 Powers and duties of district school board.--The
14 district school board, acting as a board, shall exercise all
15 powers and perform all duties listed below:

16 (12) FINANCE.--Take steps to assure students adequate
17 educational facilities through the financial procedure
18 authorized in chapters 1010 and 1011 and as prescribed below:

19 (a) Provide for all schools to operate ~~at least~~ 180
20 days.--Provide for the operation of all public schools, both
21 elementary and secondary, as free schools for a term of ~~at least~~
22 180 days or the equivalent on an hourly basis as specified by
23 rules of the State Board of Education; determine district school
24 funds necessary in addition to state funds to operate all
25 schools for such minimum term; and arrange for the levying of
26 district school taxes necessary to provide the amount needed
27 from district sources.

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28 Section 2. Paragraph (b) of subsection (3) of section
29 1002.415, Florida Statutes, is amended to read:

30 1002.415 K-8 Virtual School Program.--Subject to annual
31 legislative appropriation, a kindergarten through grade 8
32 virtual school program is established within the Department of
33 Education for the purpose of making academic instruction
34 available to full-time students in kindergarten through grade 8
35 using online and distance learning technology. The department
36 shall use an application process to select schools to deliver
37 program instruction.

38 (3) PARTICIPATING SCHOOLS.--

39 (b) A school approved to participate in the program is
40 deemed to be an independent virtual school providing, on behalf
41 of the state, a program of instruction that is full time, of 180
42 days' duration or the equivalent on an hourly basis, and an
43 online program of instruction to students in kindergarten
44 through grade 8.

45 Section 3. Paragraph (g) of subsection (1) of section
46 1003.02, Florida Statutes, is amended to read:

47 1003.02 District school board operation and control of
48 public K-12 education within the school district.--As provided
49 in part II of chapter 1001, district school boards are
50 constitutionally and statutorily charged with the operation and
51 control of public K-12 education within their school district.
52 The district school boards must establish, organize, and operate
53 their public K-12 schools and educational programs, employees,
54 and facilities. Their responsibilities include staff
55 development, public K-12 school student education including

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56 education for exceptional students and students in juvenile
57 justice programs, special programs, adult education programs,
58 and career education programs. Additionally, district school
59 boards must:

60 (1) Provide for the proper accounting for all students of
61 school age, for the attendance and control of students at
62 school, and for proper attention to health, safety, and other
63 matters relating to the welfare of students in the following
64 fields:

65 (g) School operation.--

66 1. Provide for the operation of all public schools as free
67 schools for a term of ~~at least~~ 180 days or the equivalent on an
68 hourly basis as specified by rules of the State Board of
69 Education; determine district school funds necessary in addition
70 to state funds to operate all schools for the ~~minimum~~ term; and
71 arrange for the levying of district school taxes necessary to
72 provide the amount needed from district sources.

73 2. Prepare, adopt, and timely submit to the Department of
74 Education, as required by law and by rules of the State Board of
75 Education, the annual school budget, so as to promote the
76 improvement of the district school system.

77 Section 4. Subsection (2) and paragraphs (d) and (f) of
78 subsection (3) of section 1011.60, Florida Statutes, are amended
79 to read:

80 1011.60 Minimum requirements of the Florida Education
81 Finance Program.--Each district which participates in the state
82 appropriations for the Florida Education Finance Program shall
83 provide evidence of its effort to maintain an adequate school

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84 program throughout the district and shall meet at least the
85 following requirements:

86 (2) ~~MINIMUM~~ TERM.--Operate all schools for a term of ~~at~~
87 ~~least~~ 180 actual teaching days or the equivalent on an hourly
88 basis as specified by rules of the State Board of Education each
89 school year. The State Board of Education may prescribe
90 procedures for altering, and, upon written application, may
91 alter, this requirement during a national, state, or local
92 emergency as it may apply to an individual school or schools in
93 any district or districts if, in the opinion of the board, it is
94 not feasible to make up lost days or hours, and the
95 apportionment may, at the discretion of the Commissioner of
96 Education and if the board determines that the reduction of
97 school days or hours is caused by the existence of a bona fide
98 emergency, be reduced for such district or districts in
99 proportion to the decrease in the length of term in any such
100 school or schools. A strike, as defined in s. 447.203(6), by
101 employees of the school district may not be considered an
102 emergency.

103 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
104 appointment, promotion, transfer, suspension, and dismissal of
105 personnel.

106 (d) District school boards may authorize a maximum of six
107 paid legal holidays which shall apply to the 196 days of service
108 or the equivalent on an hourly basis.

109 (f) Such rules must require 12 calendar months of service
110 for such principals as prescribed by rules of the State Board of
111 Education and must require 10 months to include not less than

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112 196 days of service or the equivalent on an hourly basis,
113 excluding Sundays and other holidays, for all members of the
114 instructional staff, with any such service on a 12-month basis
115 to include reasonable allowance for vacation or further study as
116 prescribed by the school board in accordance with rules of the
117 State Board of Education.

118 Section 5. Paragraph (c) of subsection (1) of section
119 1011.61, Florida Statutes, is amended to read:

120 1011.61 Definitions.--Notwithstanding the provisions of s.
121 1000.21, the following terms are defined as follows for the
122 purposes of the Florida Education Finance Program:

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

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

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

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

133 (I) A full-time student, except a postsecondary or adult
134 student or a senior high school student enrolled in adult
135 education when such courses are required for high school
136 graduation, in a combination of programs listed in s.
137 1011.62(1)(c) shall be a fraction of a full-time equivalent
138 membership in each special program equal to the number of net
139 hours per school year for which he or she is a member, divided

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140 by the appropriate number of hours set forth in subparagraph
141 (a)1. or subparagraph (a)2. The difference between that fraction
142 or sum of fractions and the maximum value as set forth in
143 subsection (4) for each full-time student is presumed to be the
144 balance of the student's time not spent in such special
145 education programs and shall be recorded as time in the
146 appropriate basic program.

147 (II) A prekindergarten handicapped student shall meet the
148 requirements specified for kindergarten students.

149 (III) A full-time equivalent student for students in
150 grades K-8 in a school district virtual instruction program as
151 provided in s. 1002.45 shall consist of a student who has
152 successfully completed a basic program listed in s.
153 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade
154 level.

155 (IV) A full-time equivalent student for students in grades
156 9-12 in a school district virtual instruction program as
157 provided in s. 1002.45 shall consist of six full credit
158 completions in programs listed in s. 1011.62(1)(c)1. and 4.
159 Credit completions can be a combination of either full credits
160 or half credits.

161 (V) A Florida Virtual School full-time equivalent student
162 shall consist of six full credit completions in the programs
163 listed in s. 1011.62(1)(c)1. and 4. Credit completions can be a
164 combination of either full credits or half credits.

165 (VI) Each successfully completed credit earned under the
166 alternative high school course credit requirements authorized in
167 s. 1002.375, which is not reported as a portion of the 900 net

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hours of instruction pursuant to subparagraph (1)(a)1., shall be calculated as 1/6 FTE.

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days or the equivalent on an hourly basis is limited to students enrolled in juvenile justice education programs and the Florida Virtual School.

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

Section 6. This act shall take effect July 1, 2009.