

By Senator Flores

38-00506A-11

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1                   A bill to be entitled  
2           An act relating to K-12 educational instruction;  
3           amending s. 163.3180, F.S.; conforming cross-  
4           references to changes made by the act; amending s.  
5           1002.20, F.S.; adding statewide virtual providers to  
6           the list of public school choices; amending s.  
7           1002.33, F.S.; authorizing the creation of a virtual  
8           charter school; requiring the virtual charter school  
9           to contract with an approved statewide virtual  
10          provider; providing for funding of the virtual charter  
11          school; providing that specified provisions governing  
12          facilities and transportation do not apply to a  
13          virtual charter school; providing for a blended-  
14          learning charter school; defining the term; exempting  
15          blended-learning charter schools from the application  
16          process required of other institutions that wish to  
17          become statewide or district virtual instruction  
18          program providers; providing for funding; authorizing  
19          the sponsoring district of a virtual charter school to  
20          withhold a specified administrative fee to cover the  
21          cost of oversight; amending s. 1002.34, F.S.;  
22          conforming cross-references to changes made by the  
23          act; amending s. 1002.37, F.S.; redefining the term  
24          "full-time equivalent student" as it applies to the  
25          Florida Virtual School; amending s. 1002.41, F.S.;  
26          providing that home education students may enroll in  
27          certain virtual education courses or courses offered  
28          in the school district in which they reside; amending  
29          s. 1002.45, F.S.; expanding the scope of virtual

38-00506A-11

20111620\_\_

30 education programs; providing legislative findings and  
31 purpose; providing definitions; requiring the  
32 Department of Education to provide an application form  
33 and specifying a timeframe for posting the list of  
34 providers approved to offer virtual education  
35 programs; deleting the requirement that a provider's  
36 administrative office be located in this state;  
37 providing additional criteria that must be met by  
38 providers seeking approval to operate virtual  
39 programs, including requirements for professional  
40 staff, course standards, detailed curriculum plans and  
41 course content, determination of student completion of  
42 graduation requirements, and a parent handbook;  
43 specifying that, beginning in the 2012-2013 school  
44 year, provider approval is for 3 years; providing an  
45 exception for providers approved before that date;  
46 specifying that after a certain date providers must  
47 provide necessary instructional materials and  
48 specified computer equipment and Internet access or  
49 reimbursement for Internet services to certain low-  
50 income students; prohibiting tuition or registration  
51 fees; authorizing school districts to provide eligible  
52 students with the option of participating in a  
53 district virtual instruction program; stating the  
54 purpose of the district program; specifying that the  
55 district program may be offered on a part-time basis  
56 for students in certain grades; authorizing school  
57 districts to enter into contracts with the Florida  
58 Virtual School, approved providers, or a charter

38-00506A-11

20111620\_\_

59 school or to enter into cooperative agreements with  
60 other school districts to provide access to virtual  
61 instruction to students in their district; authorizing  
62 multidistrict contracts that may be executed by  
63 regional consortiums; requiring school district  
64 virtual instruction programs to align course  
65 curriculum and content to certain standards and to  
66 offer courses that meet certain standards; requiring  
67 district programs to provide certain low-income  
68 students with specified computer equipment, Internet  
69 access, or reimbursement for Internet services;  
70 requiring school districts to provide students  
71 enrolled in a virtual program with access to district  
72 testing facilities; specifying minimum criteria for  
73 provider contracts and exempting from those criteria  
74 providers of certain digital or online content or  
75 curriculum who serve students who are not enrolled in  
76 a district program; providing student eligibility and  
77 enrollment criteria; providing for full-time or part-  
78 time enrollment in district programs and programs  
79 offered by an approved statewide virtual provider;  
80 specifying a timeframe for the registration period for  
81 virtual programs; deleting existing enrollment  
82 criteria related to attendance during the previous  
83 year at a public school or in a virtual program,  
84 dependency on a member of the United States Armed  
85 Forces, and sibling enrollment in a virtual program;  
86 providing student participation requirements;  
87 requiring school districts to provide access to

38-00506A-11

20111620\_\_

88 district testing facilities, to provide information to  
89 parents and students about student rights, and to post  
90 certain information on the district's website;  
91 requiring the Department of Education to review the  
92 qualifications of statewide virtual providers and to  
93 approve those who meet qualification standards;  
94 requiring the department to establish a process for  
95 the review and approval of course content and to  
96 develop a process to evaluate the performance of part-  
97 time virtual providers; authorizing the department to  
98 charge reasonable fees to providers to cover the cost  
99 of this review; providing evaluation criteria;  
100 requiring the department to post on its website  
101 information on virtual instruction programs and  
102 approved providers; requiring the development of  
103 disclosure requirements that must be provided to  
104 parents; requiring that the department provide notice  
105 to parents of the enrollment period for full-time  
106 virtual programs; specifying the funding mechanism and  
107 formula for statewide and district virtual education  
108 programs; requiring the department to disqualify and  
109 remove a provider that receives a school grade of "D"  
110 or "F"; providing for a 1-year extension of  
111 eligibility to a provider that receives a school grade  
112 of "D" under certain circumstances; requiring that the  
113 State Board of Education adopt rules related to the  
114 approval process for virtual courses and ensure  
115 student choice of programs and courses; amending s.  
116 1003.02, F.S.; requiring notice to parents of courses

38-00506A-11

20111620\_\_

117 offered through statewide virtual providers, school  
118 district virtual instruction programs, and virtual  
119 charter schools; amending s. 1003.03, F.S.; including  
120 courses from statewide virtual providers and virtual  
121 charter schools in the options a school district must  
122 consider in meeting class size requirements; amending  
123 s. 1003.428, F.S.; requiring that certain students  
124 take an online course beginning in the 2011-2012  
125 school year; creating s. 1003.07, F.S.; creating the  
126 "Digital Learning Now Act"; providing legislative  
127 findings related to the elements to be included in  
128 high-quality digital learning; providing that a public  
129 school, private school, or home education student is  
130 eligible to participate in a state virtual program;  
131 providing for customized and accelerated learning;  
132 providing that students enrolled in a public school  
133 district may register and enroll in an online course  
134 identified in the course code directory offered by  
135 another district and limiting that registration to  
136 courses offered directly by the school districts;  
137 requiring the district that offers the course to  
138 report the student's completion for funding purposes;  
139 providing that online content may be aligned with Next  
140 Generation Sunshine Standards or core curricular  
141 standards; authorizing school districts to use online  
142 instructors who reside outside the district; amending  
143 s. 1008.22, F.S.; requiring that all statewide  
144 assessments be available in an online format by a  
145 certain date; deleting a requirement that the

38-00506A-11

20111620\_\_

146 Commissioner of Education study the cost and student  
147 achievement impact of secondary end-of-course  
148 assessments; amending s. 1011.61, F.S.; redefining the  
149 term "full-time equivalent student" for purposes of  
150 full-time and part-time virtual instruction programs  
151 and the Florida Virtual School; specifying how each  
152 successfully completed credit earned through an online  
153 course delivered by a district other than the one in  
154 which the student resides shall be calculated for the  
155 purpose of full-time equivalency; conforming a cross-  
156 reference; amending s. 1011.68, F.S.; conforming  
157 cross-references to changes made by the act; amending  
158 s. 1012.57, F.S.; revising legislative intent  
159 regarding the issuance of adjunct certificates to  
160 qualified in-state and out-of-state applicants;  
161 providing strategies for the use of adjunct  
162 certificateholders; revising the period during which  
163 an adjunct teaching certificate is valid; requiring  
164 the Office of Program Policy Analysis and Government  
165 Accountability or an independent research organization  
166 selected by the department to evaluate and submit a  
167 report to the Governor and Legislature on the best  
168 methods for implementing part-time virtual education  
169 in kindergarten through grade 5; providing for  
170 severability; amending s. 1013.62, F.S.; conforming  
171 cross-references to changes made by the act; providing  
172 an effective date.

173  
174 Be It Enacted by the Legislature of the State of Florida:

38-00506A-11

20111620\_\_

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176 Section 1. Paragraph (e) of subsection (13) of section  
177 163.3180, Florida Statutes, is amended to read:

178 163.3180 Concurrency.—

179 (13) School concurrency shall be established on a  
180 districtwide basis and shall include all public schools in the  
181 district and all portions of the district, whether located in a  
182 municipality or an unincorporated area unless exempt from the  
183 public school facilities element pursuant to s. 163.3177(12).  
184 The application of school concurrency to development shall be  
185 based upon the adopted comprehensive plan, as amended. All local  
186 governments within a county, except as provided in paragraph  
187 (f), shall adopt and transmit to the state land planning agency  
188 the necessary plan amendments, along with the interlocal  
189 agreement, for a compliance review pursuant to s. 163.3184(7)  
190 and (8). The minimum requirements for school concurrency are the  
191 following:

192 (e) *Availability standard.*—Consistent with the public  
193 welfare, a local government may not deny an application for site  
194 plan, final subdivision approval, or the functional equivalent  
195 for a development or phase of a development authorizing  
196 residential development for failure to achieve and maintain the  
197 level-of-service standard for public school capacity in a local  
198 school concurrency management system where adequate school  
199 facilities will be in place or under actual construction within  
200 3 years after the issuance of final subdivision or site plan  
201 approval, or the functional equivalent. School concurrency is  
202 satisfied if the developer executes a legally binding commitment  
203 to provide mitigation proportionate to the demand for public

38-00506A-11

20111620\_\_

204 school facilities to be created by actual development of the  
205 property, including, but not limited to, the options described  
206 in subparagraph 1. Options for proportionate-share mitigation of  
207 impacts on public school facilities must be established in the  
208 public school facilities element and the interlocal agreement  
209 pursuant to s. 163.31777.

210 1. Appropriate mitigation options include the contribution  
211 of land; the construction, expansion, or payment for land  
212 acquisition or construction of a public school facility; the  
213 construction of a charter school that complies with the  
214 requirements of s. 1002.33(19) ~~1002.33(18)~~; or the creation of  
215 mitigation banking based on the construction of a public school  
216 facility in exchange for the right to sell capacity credits.  
217 Such options must include execution by the applicant and the  
218 local government of a development agreement that constitutes a  
219 legally binding commitment to pay proportionate-share mitigation  
220 for the additional residential units approved by the local  
221 government in a development order and actually developed on the  
222 property, taking into account residential density allowed on the  
223 property prior to the plan amendment that increased the overall  
224 residential density. The district school board must be a party  
225 to such an agreement. As a condition of its entry into such a  
226 development agreement, the local government may require the  
227 landowner to agree to continuing renewal of the agreement upon  
228 its expiration.

229 2. If the education facilities plan and the public  
230 educational facilities element authorize a contribution of land;  
231 the construction, expansion, or payment for land acquisition;  
232 the construction or expansion of a public school facility, or a



38-00506A-11

20111620\_\_

233 portion thereof; or the construction of a charter school that  
234 complies with the requirements of s. 1002.33(19) ~~1002.33(18)~~, as  
235 proportionate-share mitigation, the local government shall  
236 credit such a contribution, construction, expansion, or payment  
237 toward any other impact fee or exaction imposed by local  
238 ordinance for the same need, on a dollar-for-dollar basis at  
239 fair market value.

240 3. Any proportionate-share mitigation must be directed by  
241 the school board toward a school capacity improvement identified  
242 in a financially feasible 5-year district work plan that  
243 satisfies the demands created by the development in accordance  
244 with a binding developer's agreement.

245 4. If a development is precluded from commencing because  
246 there is inadequate classroom capacity to mitigate the impacts  
247 of the development, the development may nevertheless commence if  
248 there are accelerated facilities in an approved capital  
249 improvement element scheduled for construction in year four or  
250 later of such plan which, when built, will mitigate the proposed  
251 development, or if such accelerated facilities will be in the  
252 next annual update of the capital facilities element, the  
253 developer enters into a binding, financially guaranteed  
254 agreement with the school district to construct an accelerated  
255 facility within the first 3 years of an approved capital  
256 improvement plan, and the cost of the school facility is equal  
257 to or greater than the development's proportionate share. When  
258 the completed school facility is conveyed to the school  
259 district, the developer shall receive impact fee credits usable  
260 within the zone where the facility is constructed or any  
261 attendance zone contiguous with or adjacent to the zone where

38-00506A-11

20111620\_\_

262 the facility is constructed.

263 5. This paragraph does not limit the authority of a local  
264 government to deny a development permit or its functional  
265 equivalent pursuant to its home rule regulatory powers, except  
266 as provided in this part.

267 Section 2. Paragraph (a) of subsection (6) of section  
268 1002.20, Florida Statutes, is amended to read:

269 1002.20 K-12 student and parent rights.—Parents of public  
270 school students must receive accurate and timely information  
271 regarding their child's academic progress and must be informed  
272 of ways they can help their child to succeed in school. K-12  
273 students and their parents are afforded numerous statutory  
274 rights including, but not limited to, the following:

275 (6) EDUCATIONAL CHOICE.—

276 (a) *Public school choices*.—Parents of public school  
277 students may seek whatever public school choice options that are  
278 applicable to their students and are available to students in  
279 their school districts. These options may include controlled  
280 open enrollment, single-gender programs, lab schools, school  
281 district virtual instruction programs, statewide virtual  
282 providers, charter schools, charter technical career centers,  
283 magnet schools, alternative schools, special programs, advanced  
284 placement, dual enrollment, International Baccalaureate,  
285 International General Certificate of Secondary Education (pre-  
286 AICE), Advanced International Certificate of Education, early  
287 admissions, credit by examination or demonstration of  
288 competency, the New World School of the Arts, the Florida School  
289 for the Deaf and the Blind, and the Florida Virtual School.  
290 These options may also include the public school choice options

38-00506A-11

20111620\_\_

291 of the Opportunity Scholarship Program and the McKay  
292 Scholarships for Students with Disabilities Program.

293 Section 3. Subsection (1) and paragraph (a) of subsection  
294 (20) of section 1002.33, Florida Statutes, are amended, present  
295 subsections (16) through (26) of that section are renumbered as  
296 subsections (17) through (27), respectively, and a new  
297 subsection (16) is added to that section to read:

298 1002.33 Charter schools.—

299 (1) AUTHORIZATION.—Charter schools shall be part of the  
300 state's program of public education. All charter schools in  
301 Florida are public schools. A charter school may be formed by  
302 creating a new school or converting an existing public school to  
303 charter status. A virtual charter school may be created to  
304 provide full-time online instruction. The virtual charter school  
305 must contract with a statewide virtual provider that is approved  
306 under s. 1002.45. Funding is as prescribed in s. 1002.45(10)(b).  
307 The provider of online instruction for a virtual charter school  
308 must follow the charter application process specified in this  
309 section and serve students in the school district in which the  
310 charter is granted. However, the provisions of subsection (18)  
311 and paragraph (20)(c) do not apply to a virtual charter school.  
312 A public school may not use the term charter in its name unless  
313 it has been approved under this section.

314 (16) BLENDED-LEARNING CHARTER SCHOOLS.—

315 (a) As used in this section, the term "blended-learning  
316 charter school" means a school that combines traditional  
317 classroom and virtual instruction.

318 (b) A blended-learning charter school does not have to  
319 apply to become a statewide or district virtual instruction

38-00506A-11

20111620

320 program provider pursuant to s. 1002.45 and may provide online  
321 instruction only to students enrolled in the charter school.

322 (c) Funding for students in a blended-learning charter  
323 school is calculated as follows:

324 1. Courses taken in a traditional classroom setting are  
325 funded pursuant to s. 1011.61(1)(c)1.b.(I).

326 2 Online courses are funded based upon student completion  
327 of the course as provided in s. 1011.61(1)(c)1.b.(IV).

328 (21) ~~(20)~~ SERVICES.-

329 (a)1. A sponsor shall provide certain administrative and  
330 educational services to charter schools. These services shall  
331 include contract management services; full-time equivalent and  
332 data reporting services; exceptional student education  
333 administration services; services related to eligibility and  
334 reporting duties required to ensure that school lunch services  
335 under the federal lunch program, consistent with the needs of  
336 the charter school, are provided by the school district at the  
337 request of the charter school, that any funds due to the charter  
338 school under the federal lunch program be paid to the charter  
339 school as soon as the charter school begins serving food under  
340 the federal lunch program, and that the charter school is paid  
341 at the same time and in the same manner under the federal lunch  
342 program as other public schools serviced by the sponsor or the  
343 school district; test administration services, including payment  
344 of the costs of state-required or district-required student  
345 assessments; processing of teacher certificate data services;  
346 and information services, including equal access to student  
347 information systems that are used by public schools in the  
348 district in which the charter school is located. Student

38-00506A-11

20111620\_\_

349 performance data for each student in a charter school,  
350 including, but not limited to, FCAT scores, standardized test  
351 scores, previous public school student report cards, and student  
352 performance measures, shall be provided by the sponsor to a  
353 charter school in the same manner provided to other public  
354 schools in the district.

355 2. A total administrative fee for the provision of such  
356 services shall be calculated based upon up to 5 percent of the  
357 available funds defined in paragraph (17)(b) for all students.  
358 However, a sponsor may only withhold up to a 5 percent ~~5-percent~~  
359 administrative fee for enrollment for up to and including 250  
360 students. For charter schools with a population of 251 or more  
361 students, the difference between the total administrative fee  
362 calculation and the amount of the administrative fee withheld  
363 may only be used for capital outlay purposes specified in s.  
364 1013.62(2).

365 3. In addition, a sponsor may withhold only up to a 5  
366 percent ~~5-percent~~ administrative fee for enrollment for up to  
367 and including 500 students within a system of charter schools  
368 which meets all of the following:

- 369 a. Includes both conversion charter schools and  
370 nonconversion charter schools;
- 371 b. Has all schools located in the same county;
- 372 c. Has a total enrollment exceeding the total enrollment of  
373 at least one school district in the state;
- 374 d. Has the same governing board; and
- 375 e. Does not contract with a for-profit service provider for  
376 management of school operations.

377 4. The difference between the total administrative fee

38-00506A-11

20111620

378 calculation and the amount of the administrative fee withheld  
379 pursuant to subparagraph 3. may be used for instructional and  
380 administrative purposes as well as for capital outlay purposes  
381 specified in s. 1013.62(2).

382 5. Each charter school shall receive 100 percent of the  
383 funds awarded to that school pursuant to s. 1012.225. Sponsors  
384 shall not charge charter schools any additional fees or  
385 surcharges for administrative and educational services in  
386 addition to the maximum 5 percent ~~5-percent~~ administrative fee  
387 withheld pursuant to this paragraph.

388 6. The sponsoring district of a virtual charter school may  
389 withhold an administrative fee of up to 2 percent to cover the  
390 cost of oversight.

391 Section 4. Paragraph (c) of subsection (10) and subsection  
392 (13) of section 1002.34, Florida Statutes, are amended to read:  
393 1002.34 Charter technical career centers.—

394 (10) EXEMPTION FROM STATUTES.—

395 (c) A center must comply with the antidiscrimination  
396 provisions in s. 1000.05 and the provisions in s. 1002.33(25)  
397 ~~1002.33(24)~~ which relate to the employment of relatives.

398 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors  
399 of a center may decide matters relating to the operation of the  
400 school, including budgeting, curriculum, and operating  
401 procedures, subject to the center's charter. The board of  
402 directors is responsible for performing the duties provided in  
403 s. 1002.345, including monitoring the corrective action plan.  
404 The board of directors must comply with s. 1002.33(26)  
405 ~~1002.33(25)~~.

406 Section 5. Paragraph (a) of subsection (3) of section

38-00506A-11

20111620\_\_

407 1002.37, Florida Statutes, is amended to read:

408 1002.37 The Florida Virtual School.—

409 (3) Funding for the Florida Virtual School shall be  
410 provided as follows:

411 (a)1. For a student in grades 9 through 12, a "full-time  
412 equivalent student" for the Florida Virtual School is one  
413 student who has successfully completed six full credit courses  
414 credits that shall count toward the minimum number of credits  
415 required for high school graduation. A student who completes  
416 fewer less than six full credit courses is credits shall be a  
417 fraction of a full-time equivalent student. Successful  
418 completion of one semester of course content is equivalent to  
419 one-twelfth of a full-time equivalent student. Half-credit  
420 completions shall be included in determining a full-time  
421 equivalent student. Credit completed by a student in excess of  
422 the minimum required for that student for high school graduation  
423 is not eligible for funding.

424 2. For a student in kindergarten through grade 8, a "full-  
425 time equivalent student" is one student who has successfully  
426 completed six courses or the prescribed level of content that  
427 counts toward promotion to the next grade. A student who  
428 completes fewer than six courses or the prescribed level of  
429 content shall be a fraction of a full-time equivalent student.

430  
431 The Florida Virtual School may enroll students in a full-time  
432 program for students in kindergarten through grade 12. For  
433 purposes of this paragraph, the calculation of "full-time  
434 equivalent student" shall be as prescribed in s. 1002.45(10)(a).

435 Section 6. Present subsections (4) through (9) of section

38-00506A-11

20111620\_\_

436 1002.41, Florida Statutes, are renumbered as subsections (5)  
437 through (10), respectively, and a new subsection (4) is added to  
438 that section, to read:

439 1002.41 Home education programs.—

440 (4) A home education student may enroll in courses offered  
441 by the Florida Virtual School or a franchise of the Florida  
442 Virtual School, courses offered by statewide virtual providers,  
443 or courses offered in the school district in which the student  
444 resides.

445 Section 7. Section 1002.45, Florida Statutes, is amended to  
446 read:

447 1002.45 Virtual education programs ~~School district virtual~~  
448 ~~instruction programs.~~—

449 (1) FINDINGS AND PURPOSE.—

450 (a) The Legislature finds that:

451 1. Virtual education is teacher-led instruction provided in  
452 an interactive, technological learning environment in which  
453 students are separated from their teachers by time or space, or  
454 both, and in which a certified teacher is responsible for  
455 planning instruction, diagnosing learning needs, prescribing  
456 content delivery, assessing student learning, reporting  
457 outcomes, and evaluating the effects of instruction.

458 2. Virtual education is an essential ingredient to a high-  
459 quality, public education system that can help ensure that each  
460 student has access to all types of programs and courses.

461 3. Access to rigorous courses and content, such as Advanced  
462 Placement, International Baccalaureate, foreign language, and  
463 honors courses, must be available to each student regardless of  
464 where the student lives and attends school.



38-00506A-11

20111620\_\_

465 4. Students throughout Florida must have access to as many  
466 high-quality education options as possible.

467 5. The State Board of Education must provide expanded  
468 access to online education options to ensure a uniform system of  
469 high-quality education.

470 (b) The purpose of this section is to:

471 1. Provide quality online education options to each student  
472 in Florida.

473 2. Promote consistency in the qualifications, funding, and  
474 accountability applied to virtual education programs.

475 (2) ~~(1)~~ DEFINITIONS PROGRAM.-

476 ~~(a) As used in For purposes of~~ this section, the term:

477 (a) ~~1.~~ "Approved provider" means a provider that is approved  
478 by the Department of Education under subsection (3) ~~(2)~~, the  
479 Florida Virtual School, a franchise of the Florida Virtual  
480 School, or a community college.

481 (b) "Statewide virtual provider" means an approved provider  
482 of full-time virtual education to a student in kindergarten  
483 through grade 12 or an approved provider of part-time virtual  
484 education to a student in grade 6 through grade 12. The term  
485 does not include a school district that offers a virtual  
486 instruction program.

487 2. "Virtual instruction program" means a program of  
488 instruction provided in an interactive learning environment  
489 created through technology in which students are separated from  
490 their teachers by time or space, or both, and in which a  
491 Florida-certified teacher under chapter 1012 is responsible for  
492 at least:

493 a. Fifty percent of the direct instruction to students in

38-00506A-11

20111620\_\_

494 ~~kindergarten through grade 5; or~~

495 ~~b. Eighty percent of the direct instruction to students in~~  
496 ~~grades 6 through 12.~~

497 ~~(b) Beginning with the 2009-2010 school year, each school~~  
498 ~~district shall provide eligible students within its boundaries~~  
499 ~~the option of participating in a virtual instruction program.~~  
500 ~~The purpose of the program is to make instruction available to~~  
501 ~~students using online and distance learning technology in the~~  
502 ~~nontraditional classroom. The program shall be:~~

503 ~~1. Full-time for students enrolled in kindergarten through~~  
504 ~~grade 12.~~

505 ~~2. Full-time or part-time for students in grades 9 through~~  
506 ~~12 who are enrolled in dropout prevention and academie~~  
507 ~~intervention programs under s. 1003.53, Department of Juvenile~~  
508 ~~Justice education programs under s. 1003.52, core-curricula~~  
509 ~~courses to meet class size requirements under s. 1003.03, or~~  
510 ~~community colleges under this section.~~

511 ~~(c) To provide students with the option of participating in~~  
512 ~~virtual instruction programs as required by paragraph (b), a~~  
513 ~~school district may:~~

514 ~~1. Contract with the Florida Virtual School or establish a~~  
515 ~~franchise of the Florida Virtual School for the provision of a~~  
516 ~~program under paragraph (b). Using this option is subject to the~~  
517 ~~requirements of this section and s. 1011.61(1)(c)1.b.(III) and~~  
518 ~~(IV).~~

519 ~~2. Contract with an approved provider under subsection (2)~~  
520 ~~for the provision of a full-time program under subparagraph~~  
521 ~~(b)1. or a full-time or part-time program under subparagraph~~  
522 ~~(b)2.~~

38-00506A-11

20111620\_\_

523 ~~3. Enter into an agreement with another school district to~~  
524 ~~allow the participation of its students in an approved virtual~~  
525 ~~instruction program provided by the other school district. The~~  
526 ~~agreement must indicate a process for the transfer of funds~~  
527 ~~required by paragraph (7) (b).~~

528  
529 ~~Contracts under subparagraph 1. or subparagraph 2. may include~~  
530 ~~multidistrict contractual arrangements that may be executed by a~~  
531 ~~regional consortium for its member districts. A multidistrict~~  
532 ~~contractual arrangement or an agreement under subparagraph 3. is~~  
533 ~~not subject to s. 1001.42(4)(d) and does not require the~~  
534 ~~participating school districts to be contiguous.~~

535 ~~(d) A charter school may enter into a joint agreement with~~  
536 ~~the school district in which it is located for the charter~~  
537 ~~school's students to participate in the school district's~~  
538 ~~virtual instruction program.~~

539 (3)(2) PROVIDER QUALIFICATIONS.-

540 (a) The department shall provide an application form to a  
541 provider seeking to operate a virtual instruction program. The  
542 application form must be available to a provider of full-time  
543 virtual education by October 31 of each year. By March 1 of each  
544 year, the department shall post annually provide school  
545 districts with a list of providers approved to offer virtual  
546 instruction programs. To be approved by the department, a  
547 provider must document that it:

548 1. Is nonsectarian in its programs, admission policies,  
549 employment practices, and operations;

550 2. Complies with the antidiscrimination provisions of s.  
551 1000.05;

38-00506A-11

20111620\_\_

552           3. ~~Locates an administrative office or offices in this~~  
553 ~~state, requires its administrative staff to be state residents,~~  
554 Requires all instructional staff to be Florida-certified  
555 teachers under chapter 1012, to hold a teaching certificate from  
556 another state, or to hold a National Board Certification or  
557 American Board Certification, and that it conducts background  
558 screenings for all employees or contracted personnel, as  
559 required by s. 1012.32, using state and national criminal  
560 history records;

561           4. Possesses prior, successful experience offering online  
562 courses to elementary, middle, or high school students;

563           5. Is accredited by the Southern Association of Colleges  
564 and Schools Council on Accreditation and School Improvement, the  
565 North Central Association Commission on Accreditation and School  
566 Improvement, the Middle States Association of Colleges and  
567 Schools Commission on Elementary Schools and Commission on  
568 Secondary Schools, the New England Association of Schools and  
569 Colleges, the Northwest Association of Accredited Schools, the  
570 Western Association of Schools and Colleges, or the Commission  
571 on International and Trans-Regional Accreditation; ~~and~~

572           6. Offers courses that meet the standards of the  
573 International Association for K-12 Online Learning and the  
574 Southern Regional Education Board;

575           7. Has a detailed curriculum plan and course content that  
576 align to the Next Generation Sunshine State Standards or core  
577 curricular standards, as appropriate;

578           8. Has a method for determining that a student has  
579 satisfied requirements for graduation under s. 1003.428 or s.  
580 1003.429 if the provider offers a full-time virtual instruction

38-00506A-11

20111620\_\_

581 program to students in grades 9 through 12;

582 9. Has provided to the department a parent handbook that  
583 outlines teacher qualifications and duties, instructional time,  
584 and parental participation and required responsibilities for  
585 participating in the program; and

586 10.6. If the provider is a state ~~community~~ college, employs  
587 instructors who meet the certification requirements for  
588 instructional staff under chapter 1012.

589 (b) Beginning in the 2012-2013 school year, a provider that  
590 is approved under paragraph (a) ~~An approved provider~~ shall  
591 retain its approved status for a period of 3 years after the  
592 date of the department's approval under paragraph (a) as long as  
593 the provider continues to comply with all requirements of this  
594 section.

595 (c) A provider that is approved by the State Board of  
596 Education for the 2011-2012 school year is automatically  
597 approved as a provider for the 2012-2013 school year. After the  
598 2012-2013 school year, the provider is subject to the  
599 application procedure specified in paragraph (a).

600 (d) Each provider must:

601 1. Provide each student enrolled in the program with all  
602 necessary instructional materials.

603 2. Provide, when appropriate, each full-time student  
604 enrolled in the program who meets the eligibility requirements  
605 for free or reduced-priced lunch and who does not have a  
606 computer or Internet access in his or her home with:

607 a. All equipment necessary for participants in the virtual  
608 instruction program, including, but not limited to, a computer,  
609 computer monitor, and printer if a printer is required to

38-00506A-11

20111620\_\_

610 participate in the program; and

611 b. Access to or reimbursement for all Internet services  
612 necessary for online delivery of instruction.

613 3. Not require tuition or student registration fees.

614 (4) SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAMS.—

615 (a) Each school district may provide eligible students the  
616 option of participating in a district virtual instruction  
617 program. The purpose of the program is to make instruction  
618 available to students using online and distance learning  
619 technology in the nontraditional classroom. The program may be:

620 1. Full-time for students in kindergarten through grade 12.

621 2. Part-time for students in grades 6 through 12.

622 (b) To provide students with the option of participating in  
623 virtual instruction programs as authorized by paragraph (a), a  
624 school district may:

625 1. Contract with the Florida Virtual School or establish a  
626 franchise of the Florida Virtual School for the provision of a  
627 program under paragraph (a). This option is subject to the  
628 requirements of this section and s. 1011.61(1)(c)1.b.(III) and  
629 (IV).

630 2. Contract with a provider approved under subsection (3).

631 3. Enter into an agreement with another school district to  
632 allow the participation of its students in an approved virtual  
633 instruction program provided by the other school district. The  
634 agreement must state the process for the transfer of funds.

635  
636 Contracts under subparagraph 1. or subparagraph 2. may include  
637 multidistrict contractual arrangements that may be executed by a  
638 regional consortium for its member districts. A multidistrict

38-00506A-11

20111620\_\_

639 contractual arrangement or an agreement under subparagraph 3. is  
640 not subject to s. 1001.42(4)(d) and does not require the  
641 participating school districts to be contiguous.

642 (c) A charter school may enter into a joint agreement with  
643 the school district in which it is located for the charter  
644 school to be an approved provider or for a charter school's  
645 students to participate in the school district's virtual  
646 instruction program.

647 (d) ~~(3) SCHOOL DISTRICT VIRTUAL INSTRUCTION PROGRAM~~  
648 REQUIREMENTS.—Each school district virtual instruction program  
649 under this section must:

650 1. ~~(a)~~ Align virtual course curriculum and course content to  
651 the Next Generation Sunshine State Standards under s. 1003.41 or  
652 core curricular standards, as appropriate.

653 2. Have courses that meet the standards of the  
654 International Association for K-12 Online Learning and the  
655 Southern Regional Education Board.

656 3. ~~(b)~~ Offer instruction that is designed to enable a  
657 student to gain proficiency in each virtually delivered course  
658 of study.

659 4. ~~(c)~~ Provide each student enrolled in the program with all  
660 the necessary instructional materials.

661 5. ~~(d)~~ Provide, ~~when appropriate,~~ each full-time student  
662 enrolled in the program who meets the eligibility requirements  
663 for free or reduced-price lunch and who does not have a computer  
664 or Internet access in his or her home with:

665 a. ~~1.~~ All equipment necessary for participants in the school  
666 district virtual instruction program, including, but not limited  
667 to, a computer, computer monitor, and printer, if a printer is

38-00506A-11

20111620\_\_

668 required to participate in the program; and

669 b.2. Access to or reimbursement for all Internet services  
670 necessary for online delivery of instruction.

671 6.(e) Not require tuition or student registration fees.

672 7. Provide access to the district's testing facilities to  
673 students enrolled in the virtual instruction program, the  
674 Florida Virtual School, or a franchise of the Florida Virtual  
675 School who are required or who choose to participate in state  
676 assessments.

677 (5)(4) CONTRACT REQUIREMENTS.—Each contract with an  
678 approved provider must, at a minimum:

679 (a) Set forth a detailed curriculum plan that illustrates  
680 how students will be provided services to attain proficiency in  
681 the Sunshine State Standards.

682 (b) Provide a method for determining that a student has  
683 satisfied the requirements for graduation in s. 1003.428, s.  
684 1003.429, or s. 1003.43 if the contract is for the provision of  
685 a full-time virtual instruction program to students in grades 9  
686 through 12.

687 (a)(e) Specify a method for resolving conflicts among the  
688 parties.

689 (b)(d) Specify authorized reasons for termination of the  
690 contract.

691 (c)(e) Require the approved provider to be responsible for  
692 all debts of the school district virtual instruction program if  
693 the contract is not renewed or is terminated.

694 (d)(f) Require the approved provider to comply with all  
695 requirements of this section.

696



38-00506A-11

20111620\_\_

697 A provider of digital or online content or curriculum that is  
698 used to supplement the instruction of students who are not  
699 enrolled in a school district virtual instruction program under  
700 this section is not required to meet the requirements of this  
701 subsection.

702 (6) ~~(5)~~ STUDENT ELIGIBILITY AND ENROLLMENT.-

703 (a) A student who is a resident of this state may enroll  
704 full-time or part-time in:

705 1. A district virtual instruction program provided by the  
706 school district in which he or she resides.

707 2. A virtual instruction program offered by a statewide  
708 virtual provider that is approved by the State Board of  
709 Education under subsection (3).

710 (b) Part-time enrollment in a district virtual instruction  
711 program or a virtual instruction program offered by a statewide  
712 virtual provider may be permitted throughout the school year.

713 (c) The registration period for enrollment in a full-time  
714 district virtual instruction program or a virtual instruction  
715 program that is approved by the State Board of Education must be  
716 at least 90 days and may not end earlier than 30 days before the  
717 first day of each semester of the virtual program. ~~if the~~  
718 student meets at least one of the following conditions:

719 ~~(a) The student has spent the prior school year in~~  
720 ~~attendance at a public school in this state and was enrolled and~~  
721 ~~reported by a public school district for funding during the~~  
722 ~~preceding October and February for purposes of the Florida~~  
723 ~~Education Finance Program surveys.~~

724 ~~(b) The student is a dependent child of a member of the~~  
725 ~~United States Armed Forces who was transferred within the last~~

38-00506A-11

20111620\_\_

726 ~~12 months to this state from another state or from a foreign~~  
727 ~~country pursuant to the parent's permanent change of station~~  
728 ~~orders.~~

729 ~~(c) The student was enrolled during the prior school year~~  
730 ~~in a school district virtual instruction program under this~~  
731 ~~section or a K-8 Virtual School Program under s. 1002.415.~~

732 ~~(d) The student has a sibling who is currently enrolled in~~  
733 ~~a school district virtual instruction program and that sibling~~  
734 ~~was enrolled in such program at the end of the prior school~~  
735 ~~year.~~

736 (7) ~~(6)~~ STUDENT PARTICIPATION REQUIREMENTS.—Each student  
737 enrolled in a full-time ~~school district~~ virtual instruction  
738 program must:

739 (a) Comply with the compulsory attendance requirements of  
740 s. 1003.21. Student attendance must be verified by the school  
741 district.

742 (b) Take state assessment tests within the school district  
743 in which such student resides, which must provide the student  
744 with access to the district's testing facilities.

745 (8) SCHOOL DISTRICT OBLIGATIONS.—Each school district  
746 shall:

747 (a) Provide access to the district's testing facilities to  
748 a student enrolled in a virtual instruction program, a virtual  
749 charter school, the Florida Virtual School, or a franchise of  
750 the Florida Virtual School who is required or chooses to  
751 participate in state assessments.

752 (b) Provide information to parents and students about the  
753 student's right to participate in a school district virtual  
754 instruction program or in courses offered by a statewide virtual

38-00506A-11

20111620\_\_

755 provider under this section and in courses offered by the  
756 Florida Virtual School under s. 1002.37.

757 (c) Post on the district's website information regarding  
758 online instruction opportunities, including a link to the  
759 website of each approved statewide provider, the school district  
760 virtual instruction program, the virtual charter schools, the  
761 Florida Virtual School, or any franchise of the Florida Virtual  
762 School.

763 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—

764 (a)1. The department shall review the qualifications of  
765 each statewide virtual provider as described in subsection (3).

766 2. The State Board of Education must approve each statewide  
767 virtual provider that meets the qualifications under subsection  
768 (3).

769 3. The State Board of Education shall establish a process  
770 to review and approve the content of each individual course for  
771 each provider of part-time statewide virtual education in grades  
772 6 through 12.

773  
774 The department may charge reasonable fees, as approved by the  
775 State Board of Education, to each provider for the  
776 administrative costs of reviewing the qualifications of  
777 providers and the content of the virtual courses. The fees may  
778 not exceed the actual cost of the review.

779 (b) The department shall develop a process to evaluate the  
780 performance of part-time virtual providers. The evaluation must  
781 include, but need not be limited to, the percentage of students:

782 1. Making learning gains;

783 2. Successfully passing the required end-of-course

38-00506A-11

20111620\_\_

784 assessments; and

785 3. Taking and scoring a three or higher on advanced  
786 placement course exams.

787 (c) The department shall disqualify and remove any full-  
788 time statewide virtual provider that receives a "D" or an "F" as  
789 a school grade.

790 (d) The department may develop a standard that indicates  
791 whether or not a part-time virtual provider is successfully  
792 achieving the standards of the program. The department may use  
793 school grades to rate how the part-time virtual provider  
794 achieves the standards.

795 (e) The department must post on its website information on  
796 virtual instruction programs, including the approved statewide  
797 virtual providers, school district virtual instruction programs,  
798 virtual charter schools, the Florida Virtual School, or  
799 franchises of the Florida Virtual School. A set of disclosure  
800 requirements must be developed and provided to all interested  
801 parents for each of the full-time and part-time programs. The  
802 disclosure must include information concerning the curriculum,  
803 parental expectations and responsibilities, school policies, the  
804 number of full-time and part-time teachers, student-teacher  
805 ratios, and course-completion data.

806 (f) The department shall provide notice to all parents of  
807 the enrollment period for full-time virtual programs.

808 (10)-(7)- FUNDING.-

809 (a) Statewide virtual education programs approved under  
810 subsection (3) shall report the number of full-time equivalent  
811 students for funding to the Department of Education in the  
812 manner prescribed by the department and shall be funded through

38-00506A-11

20111620\_\_

813 the Florida Education Finance Program in a method similar to the  
814 Florida Virtual School Program and follow the specifications  
815 delineated in s. 1002.37(3) (e), (f), and (g).

816 1. A "full-time equivalent student" for a student enrolled  
817 in a kindergarten through grade 12 full-time program shall be  
818 calculated and reported as follows:

819 a. Twenty percent for each quarter of delivered  
820 instruction, with an additional 10 percent earned after  
821 successful completion of the first and second quarters.

822 b. After successful completion of all four quarters of  
823 instruction, another 10 percent earned for students in  
824 kindergarten through grade 5 who are promoted to the next grade  
825 level or passage of the course for students in grades 6 through  
826 12.

827 c. A student may not be reported for more than 1.0 full-  
828 time equivalent in any given school year.

829 2. A "full-time equivalent student" for a student enrolled  
830 part-time in a grade 6 through grade 12 program shall have the  
831 same meaning as provided in s. 1011.61(1)(c)1.b.(IV).

832 (b) School district virtual instruction programs authorized  
833 in subsection (4) shall report the number of full-time  
834 equivalent students to the Department of Education in the manner  
835 prescribed by the department and shall be funded through the  
836 Florida Education Finance Program; however, such funds may not  
837 be provided for the purpose of fulfilling the class size  
838 requirements in ss. 1003.03 and 1011.685.

839 1. A "full-time equivalent student" for a student enrolled  
840 in a kindergarten through grade 12 full-time program shall be  
841 calculated and reported as follows:

38-00506A-11

20111620\_\_

842 a. Twenty percent for each quarter of delivered  
843 instruction, with an additional 10 percent after the student's  
844 successful completion of the first and second quarters.

845 b. After successful completion of all four quarters of  
846 instruction, an additional 10 percent for students in  
847 kindergarten through grade 5 who are promoted to the next grade  
848 level or passage of the course for students in grades 6 through  
849 12.

850 2. A "full-time equivalent student" for a student enrolled  
851 part-time in a grade 6 through 12 program shall have the same  
852 meaning as provided in s. 1011.61(1)(c)1.b.(IV).

853 3. A student may not be reported as more than 1.0 full-time  
854 equivalent in any given school year.

855 ~~(a) For purposes of a school district virtual instruction~~  
856 ~~program, "full-time equivalent student" has the same meaning as~~  
857 ~~provided in s. 1011.61(1)(c)1.b.(III) or (IV).~~

858 ~~(b) The school district in which the student resides shall~~  
859 ~~report full-time equivalent students for the school district~~  
860 ~~virtual instruction program to the department in a manner~~  
861 ~~prescribed by the department, and funding shall be provided~~  
862 ~~through the Florida Education Finance Program. Funds received by~~  
863 ~~the school district of residence for a student in a virtual~~  
864 ~~instruction program provided by another school district under~~  
865 ~~this section shall be transferred to the school district~~  
866 ~~providing the virtual instruction program.~~

867 (c) A community college provider may not report students  
868 who are served in a school district virtual instruction program  
869 for funding under the Community College Program Fund.

870 (11)(8) ASSESSMENT AND ACCOUNTABILITY.-

38-00506A-11

20111620\_\_

871 (a) Each statewide virtual provider and each approved  
872 provider contracted under this section must:

873 1. Participate in the statewide assessment program under s.  
874 1008.22 and in the state's education performance accountability  
875 system under s. 1008.31.

876 2. Receive a school grade under s. 1008.34 or a school  
877 improvement rating under s. 1008.341, as applicable. The school  
878 grade or school improvement rating received by each approved  
879 provider shall be based upon the aggregated assessment scores of  
880 all students served by the provider statewide. The department  
881 shall publish the school grade or school improvement rating  
882 received by each approved provider on its Internet website.

883 (b) The performance of part-time students in grades 9  
884 through 12 shall not be included for purposes of school grades  
885 or school improvement ratings under subparagraph (a)2.; however,  
886 their performance shall be included for school grading or school  
887 improvement rating purposes by the nonvirtual school providing  
888 the student's primary instruction.

889 ~~(c) An approved provider that receives a school grade of~~  
890 ~~"D" or "F" under s. 1008.34 or a school improvement rating of~~  
891 ~~"Declining" under s. 1008.341 must file a school improvement~~  
892 ~~plan with the department for consultation to determine the~~  
893 ~~causes for low performance and to develop a plan for correction~~  
894 ~~and improvement.~~

895 (c)(d) An approved provider's contract must be terminated,  
896 and the department shall disqualify and remove a provider from  
897 the list of approved providers, if the provider receives a  
898 school grade of "D" or "F" under s. 1008.34 or a school  
899 improvement rating of "Declining" under s. 1008.341 ~~for 2 years~~

38-00506A-11

20111620\_\_

900 ~~during any consecutive 4-year period. The State Board of~~  
901 ~~Education may extend the eligibility of a provider that receives~~  
902 ~~a school grade of "D" by 1 year if the provider submits a school~~  
903 ~~improvement plan to the department. A disqualified provider is~~  
904 ~~not eligible to resubmit an application for 2 years after the~~  
905 ~~year in which the provider is disqualified. A provider that has~~  
906 ~~a contract terminated under this paragraph may not be an~~  
907 ~~approved provider for a period of at least 1 year after the date~~  
908 ~~upon which the contract was terminated and until the department~~  
909 ~~determines that the provider is in compliance with subsection~~  
910 ~~(2) and has corrected each cause of the provider's low~~  
911 ~~performance.~~

912 ~~(12)(9)~~ EXCEPTIONS.—A provider of digital or online content  
913 or curriculum that is used to supplement the instruction of  
914 students who are not enrolled in a school district virtual  
915 instruction program under this section is not required to meet  
916 the requirements of this section.

917 ~~(10)~~ MARKETING.—Each school district shall provide  
918 information to parents and students about the parent's and  
919 student's right to participate in a school district virtual  
920 instruction program under this section and in courses offered by  
921 the Florida Virtual School under s. 1002.37.

922 ~~(13)(11)~~ RULES.—The State Board of Education shall adopt  
923 rules necessary to administer this section, including rules that  
924 establish the approval process for virtual courses in grades 6  
925 through 12, rules that prescribe school district reporting  
926 requirements under subsection (10), and rules that ensure that  
927 students are able to enroll and participate in the full-time or  
928 part-time virtual program or course of their choice and are not



38-00506A-11

20111620\_\_

929 assigned by their resident district to any virtual program or  
930 course without their consent ~~(7)~~.

931 Section 8. Paragraph (i) of subsection (1) of section  
932 1003.02, Florida Statutes, is amended to read:

933 1003.02 District school board operation and control of  
934 public K-12 education within the school district.—As provided in  
935 part II of chapter 1001, district school boards are  
936 constitutionally and statutorily charged with the operation and  
937 control of public K-12 education within their school district.  
938 The district school boards must establish, organize, and operate  
939 their public K-12 schools and educational programs, employees,  
940 and facilities. Their responsibilities include staff  
941 development, public K-12 school student education including  
942 education for exceptional students and students in juvenile  
943 justice programs, special programs, adult education programs,  
944 and career education programs. Additionally, district school  
945 boards must:

946 (1) Provide for the proper accounting for all students of  
947 school age, for the attendance and control of students at  
948 school, and for proper attention to health, safety, and other  
949 matters relating to the welfare of students in the following  
950 fields:

951 (i) *Parental notification of acceleration mechanisms*.—At  
952 the beginning of each school year, notify parents of students in  
953 or entering high school of the opportunity and benefits of  
954 advanced placement, International Baccalaureate, Advanced  
955 International Certificate of Education, dual enrollment, courses  
956 offered through statewide virtual providers, school district  
957 virtual instruction programs, virtual charter schools, and

38-00506A-11

20111620\_\_

958 Florida Virtual School courses.

959 Section 9. Paragraph (b) of subsection (3) of section  
960 1003.03, Florida Statutes, is amended to read:

961 1003.03 Maximum class size.—

962 (3) IMPLEMENTATION OPTIONS.—District school boards must  
963 consider, but are not limited to, implementing the following  
964 items in order to meet the constitutional class size maximums  
965 described in subsection (1):

966 (b) Adopt policies to encourage students to take courses  
967 from the Florida Virtual School, statewide virtual providers,  
968 virtual charter schools, and school district virtual instruction  
969 programs.

970 Section 10. Subsection (2) of section 1003.428, Florida  
971 Statutes, is amended to read:

972 1003.428 General requirements for high school graduation;  
973 revised.—

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

977 (a) Sixteen core curriculum credits:

978 1. Four credits in English, with major concentration in  
979 composition, reading for information, and literature.

980 2. Four credits in mathematics, one of which must be  
981 Algebra I, a series of courses equivalent to Algebra I, or a  
982 higher-level mathematics course. Beginning with students  
983 entering grade 9 in the 2010-2011 school year, in addition to  
984 the Algebra I credit requirement, one of the four credits in  
985 mathematics must be geometry or a series of courses equivalent  
986 to geometry as approved by the State Board of Education.

38-00506A-11

20111620\_\_

987 Beginning with students entering grade 9 in the 2010-2011 school  
988 year, the end-of-course assessment requirements under s.  
989 1008.22(3)(c)2.a.(I) must be met in order for a student to earn  
990 the required credit in Algebra I. Beginning with students  
991 entering grade 9 in the 2011-2012 school year, the end-of-course  
992 assessment requirements under s. 1008.22(3)(c)2.a.(I) must be  
993 met in order for a student to earn the required credit in  
994 geometry. Beginning with students entering grade 9 in the 2012-  
995 2013 school year, in addition to the Algebra I and geometry  
996 credit requirements, one of the four credits in mathematics must  
997 be Algebra II or a series of courses equivalent to Algebra II as  
998 approved by the State Board of Education.

999       3. Three credits in science, two of which must have a  
1000 laboratory component. Beginning with students entering grade 9  
1001 in the 2011-2012 school year, one of the three credits in  
1002 science must be Biology I or a series of courses equivalent to  
1003 Biology I as approved by the State Board of Education. Beginning  
1004 with students entering grade 9 in the 2011-2012 school year, the  
1005 end-of-course assessment requirements under s.  
1006 1008.22(3)(c)2.a.(II) must be met in order for a student to earn  
1007 the required credit in Biology I. Beginning with students  
1008 entering grade 9 in the 2013-2014 school year, one of the three  
1009 credits must be Biology I or a series of courses equivalent to  
1010 Biology I as approved by the State Board of Education, one  
1011 credit must be chemistry or physics or a series of courses  
1012 equivalent to chemistry or physics as approved by the State  
1013 Board of Education, and one credit must be an equally rigorous  
1014 course, as determined by the State Board of Education.

1015       4. Three credits in social studies as follows: one credit

38-00506A-11

20111620

1016 in United States history; one credit in world history; one-half  
1017 credit in economics; and one-half credit in United States  
1018 government.

1019 5. One credit in fine or performing arts, speech and  
1020 debate, or a practical arts course that incorporates artistic  
1021 content and techniques of creativity, interpretation, and  
1022 imagination. Eligible practical arts courses shall be identified  
1023 through the Course Code Directory.

1024 6. One credit in physical education to include integration  
1025 of health. Participation in an interscholastic sport at the  
1026 junior varsity or varsity level for two full seasons shall  
1027 satisfy the one-credit requirement in physical education if the  
1028 student passes a competency test on personal fitness with a  
1029 score of "C" or better. The competency test on personal fitness  
1030 must be developed by the Department of Education. A district  
1031 school board may not require that the one credit in physical  
1032 education be taken during the 9th grade year. Completion of one  
1033 semester with a grade of "C" or better in a marching band class,  
1034 in a physical activity class that requires participation in  
1035 marching band activities as an extracurricular activity, or in a  
1036 dance class shall satisfy one-half credit in physical education  
1037 or one-half credit in performing arts. This credit may not be  
1038 used to satisfy the personal fitness requirement or the  
1039 requirement for adaptive physical education under an individual  
1040 education plan (IEP) or 504 plan. Completion of 2 years in a  
1041 Reserve Officer Training Corps (R.O.T.C.) class, a significant  
1042 component of which is drills, shall satisfy the one-credit  
1043 requirement in physical education and the one-credit requirement  
1044 in performing arts. This credit may not be used to satisfy the

38-00506A-11

20111620\_\_

1045 personal fitness requirement or the requirement for adaptive  
1046 physical education under an individual education plan (IEP) or  
1047 504 plan.

1048 (b) Eight credits in electives.

1049 1. For each year in which a student scores at Level 1 on  
1050 FCAT Reading, the student must be enrolled in and complete an  
1051 intensive reading course the following year. Placement of Level  
1052 2 readers in either an intensive reading course or a content  
1053 area course in which reading strategies are delivered shall be  
1054 determined by diagnosis of reading needs. The department shall  
1055 provide guidance on appropriate strategies for diagnosing and  
1056 meeting the varying instructional needs of students reading  
1057 below grade level. Reading courses shall be designed and offered  
1058 pursuant to the comprehensive reading plan required by s.  
1059 1011.62(9).

1060 2. For each year in which a student scores at Level 1 or  
1061 Level 2 on FCAT Mathematics, the student must receive  
1062 remediation the following year. These courses may be taught  
1063 through applied, integrated, or combined courses and are subject  
1064 to approval by the department for inclusion in the Course Code  
1065 Directory.

1066  
1067 Beginning with students entering grade 9 in the 2011-2012 school  
1068 year, at least one course must be taken online. However, an  
1069 online course taken during grades 6 through 8 fulfills this  
1070 requirement. A student who is eligible for dual enrollment may  
1071 fulfill this requirement through participation in any online  
1072 course offered by a state college, state university, or an  
1073 independent college or university.

38-00506A-11

20111620

1074 Section 11. Section 1003.07, Florida Statutes, is created  
1075 to read:

1076 1003.07 Digital Learning Now.—There is created the Digital  
1077 Learning Now Act.

1078 (1) ELEMENTS OF HIGH-QUALITY DIGITAL LEARNING.—The  
1079 Legislature finds that each student enrolled as a public school,  
1080 private school, or home education student should have access to  
1081 multiple high-quality digital learning providers that provide  
1082 the following elements, which are essential for a high-quality  
1083 digital learning environment in the state:

1084 (a) Access to digital learning.

1085 (b) Access to high-quality digital content and online  
1086 courses.

1087 (c) Education that is customized to the needs of the  
1088 student using digital content provided by state-approved  
1089 providers.

1090 (d) A means for the student to demonstrate competency in  
1091 completed coursework.

1092 (e) High-quality digital content, instructional materials,  
1093 and online and blended-learning courses.

1094 (f) High-quality digital instruction and teachers.

1095 (g) Content and instruction that are evaluated on the  
1096 metric of student learning.

1097 (h) The use of funding as an incentive for performance,  
1098 options, and innovation.

1099 (i) Infrastructure that supports digital learning.

1100 (j) Online administration of state assessments.

1101 (2) STUDENT ELIGIBILITY AND ACCESS.—Each student,  
1102 regardless of whether he or she is enrolled in a public school

38-00506A-11

20111620\_\_

1103 or private school or is a home education student, is eligible to  
1104 participate in full-time or part-time state virtual programs  
1105 through:

1106 (a) The Florida Virtual School established in s.  
1107 1002.37(1) (b) .

1108 (b) Virtual education programs established in s. 1002.45.

1109 (c) Virtual charter schools as authorized in s. 1002.33.

1110 (3) DIGITAL PREPARATION.—Each student must graduate from  
1111 high school having had experience in taking an online course as  
1112 provided in s. 1003.428.

1113 (4) CUSTOMIZED AND ACCELERATED LEARNING.—Any student who is  
1114 enrolled in a public school district may register and enroll in  
1115 an online course identified in the course code directory offered  
1116 by any other district in the state. The student may register and  
1117 enroll only in those courses offered directly by the school  
1118 district and may not enroll in courses offered through district  
1119 virtual instruction programs. The district that offers the  
1120 course and in which the student completes the course shall  
1121 report the student's completion in the course for funding  
1122 pursuant to s. 1011.61(1)(c)1.b.(VI) .

1123 (5) ONLINE CONTENT AND INSTRUCTION.—

1124 (a) A district may offer online content that is aligned  
1125 with Next Generation Sunshine Standards or core curricular  
1126 standards, as appropriate.

1127 (b) A district may use an online instructor who resides  
1128 within or outside the district in a full-time capacity or as an  
1129 adjunct educator pursuant to s. 1012.57.

1130 Section 12. Paragraph (g) of subsection (3) of section  
1131 1008.22, Florida Statutes, is amended to read:

38-00506A-11

20111620\_\_

1132 1008.22 Student assessment program for public schools.—  
1133 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
1134 design and implement a statewide program of educational  
1135 assessment that provides information for the improvement of the  
1136 operation and management of the public schools, including  
1137 schools operating for the purpose of providing educational  
1138 services to youth in Department of Juvenile Justice programs.  
1139 The commissioner may enter into contracts for the continued  
1140 administration of the assessment, testing, and evaluation  
1141 programs authorized and funded by the Legislature. Contracts may  
1142 be initiated in 1 fiscal year and continue into the next and may  
1143 be paid from the appropriations of either or both fiscal years.  
1144 The commissioner is authorized to negotiate for the sale or  
1145 lease of tests, scoring protocols, test scoring services, and  
1146 related materials developed pursuant to law. Pursuant to the  
1147 statewide assessment program, the commissioner shall:

1148 (g) Beginning in 2014-2015 school year, administer all  
1149 statewide assessment, including end-of-course assessments, in an  
1150 online format. Study the cost and student achievement impact of  
1151 secondary end-of-course assessments, including web-based and  
1152 performance formats, and report to the Legislature prior to  
1153 implementation.

1154 Section 13. Paragraph (c) of subsection (1) of section  
1155 1011.61, Florida Statutes, is amended to read:

1156 1011.61 Definitions.—Notwithstanding the provisions of s.  
1157 1000.21, the following terms are defined as follows for the  
1158 purposes of the Florida Education Finance Program:

1159 (1) A "full-time equivalent student" in each program of the  
1160 district is defined in terms of full-time students and part-time



38-00506A-11

20111620\_\_

1161 students as follows:

1162 (c)1. A "full-time equivalent student" is:

1163 a. A full-time student in any one of the programs listed in  
1164 s. 1011.62(1)(c); or

1165 b. A combination of full-time or part-time students in any  
1166 one of the programs listed in s. 1011.62(1)(c) which is the  
1167 equivalent of one full-time student based on the following  
1168 calculations:

1169 (I) A full-time student, except a postsecondary or adult  
1170 student or a senior high school student enrolled in adult  
1171 education when such courses are required for high school  
1172 graduation, in a combination of programs listed in s.  
1173 1011.62(1)(c) shall be a fraction of a full-time equivalent  
1174 membership in each special program equal to the number of net  
1175 hours per school year for which he or she is a member, divided  
1176 by the appropriate number of hours set forth in subparagraph  
1177 (a)1. or subparagraph (a)2. The difference between that fraction  
1178 or sum of fractions and the maximum value as set forth in  
1179 subsection (4) for each full-time student is presumed to be the  
1180 balance of the student's time not spent in such special  
1181 education programs and shall be recorded as time in the  
1182 appropriate basic program.

1183 (II) A prekindergarten handicapped student shall meet the  
1184 requirements specified for kindergarten students.

1185 (III) A full-time equivalent student for students in  
1186 kindergarten through grade 12 ~~5~~ in a full-time school district  
1187 virtual instruction program under s. 1002.45 shall consist of a  
1188 student who has successfully completed a basic program listed in  
1189 s. 1011.62(1)(c)1. or 3., as prescribed in s. 1002.45 ~~s.~~

38-00506A-11

20111620\_\_

1190 ~~1011.62(1)(c)1.a. or b., and who is promoted to a higher grade~~  
1191 ~~level.~~

1192 (IV) A full-time equivalent student for students in grades  
1193 6 through 12 in a part-time school district virtual instruction  
1194 program under s. 1002.45(1)(b)1. and 2. shall consist of six  
1195 full credit course completions in programs listed in s.  
1196 1011.62(1)(c)1.b. or c. and 3. Course Credit completions may ~~can~~  
1197 be a combination of full-credit courses or half-credit courses  
1198 ~~either full credits or half credits.~~

1199 (V) A Florida Virtual School full-time equivalent student  
1200 shall consist of six full credit course completions or the  
1201 prescribed level of content that counts toward promotion to the  
1202 next grade in the programs listed in s. 1011.62(1)(c)1.a. and b.  
1203 for kindergarten ~~grades 6~~ through grade 8 and the programs  
1204 listed in s. 1011.62(1)(c)1.c. and 3. for grades 9 through 12.  
1205 Course Credit completions may ~~can~~ be a combination of full-  
1206 credit courses or half-credit courses ~~either full credits or~~  
1207 ~~half credits.~~

1208 (VI) Each successfully completed credit earned though an  
1209 online course delivered by a district other than the district in  
1210 which the student resides shall be calculated as 1/6 FTE.

1211 (VII) ~~(VI)~~ Each successfully completed credit earned under  
1212 the alternative high school course credit requirements  
1213 authorized in s. 1002.375, which is not reported as a portion of  
1214 the 900 net hours of instruction pursuant to subparagraph  
1215 (1)(a)1., shall be calculated as 1/6 FTE.

1216 2. A student in membership in a program scheduled for more  
1217 or less than 180 school days or the equivalent on an hourly  
1218 basis as specified by rules of the State Board of Education is a

38-00506A-11

20111620\_\_

1219 fraction of a full-time equivalent membership equal to the  
1220 number of instructional hours in membership divided by the  
1221 appropriate number of hours set forth in subparagraph (a)1.;  
1222 however, for the purposes of this subparagraph, membership in  
1223 programs scheduled for more than 180 days is limited to students  
1224 enrolled in juvenile justice education programs and the Florida  
1225 Virtual School.

1226

1227 The department shall determine and implement an equitable method  
1228 of equivalent funding for experimental schools and for schools  
1229 operating under emergency conditions, which schools have been  
1230 approved by the department to operate for less than the minimum  
1231 school day.

1232 Section 14. Section 1011.68, Florida Statutes, is amended  
1233 to read:

1234 1011.68 Funds for student transportation.—The annual  
1235 allocation to each district for transportation to public school  
1236 programs, including charter schools as provided in s.

1237 1002.33(18)(b) ~~1002.33(17)(b)~~, of students in membership in  
1238 kindergarten through grade 12 and in migrant and exceptional  
1239 student programs below kindergarten shall be determined as  
1240 follows:

1241 (1) Subject to the rules of the State Board of Education,  
1242 each district shall determine the membership of students who are  
1243 transported:

1244 (a) By reason of living 2 miles or more from school.

1245 (b) By reason of being students with disabilities or  
1246 enrolled in a teenage parent program, regardless of distance to  
1247 school.

38-00506A-11

20111620

1248 (c) By reason of being in a state prekindergarten program,  
1249 regardless of distance from school.

1250 (d) By reason of being career, dual enrollment, or students  
1251 with disabilities transported from one school center to another  
1252 to participate in an instructional program or service; or  
1253 students with disabilities, transported from one designation to  
1254 another in the state, provided one designation is a school  
1255 center and provided the student's individual educational plan  
1256 (IEP) identifies the need for the instructional program or  
1257 service and transportation to be provided by the school  
1258 district. A "school center" is defined as a public school  
1259 center, community college, state university, or other facility  
1260 rented, leased, or owned and operated by the school district or  
1261 another public agency. A "dual enrollment student" is defined as  
1262 a public school student in membership in both a public secondary  
1263 school program and a community college or a state university  
1264 program under a written agreement to partially fulfill ss.  
1265 1003.435 and 1007.23 and earning full-time equivalent membership  
1266 under s. 1011.62(1)(i).

1267 (e) With respect to elementary school students whose grade  
1268 level does not exceed grade 6, by reason of being subjected to  
1269 hazardous walking conditions en route to or from school as  
1270 provided in s. 1006.23. Such rules shall, when appropriate,  
1271 provide for the determination of membership under this paragraph  
1272 for less than 1 year to accommodate the needs of students who  
1273 require transportation only until such hazardous conditions are  
1274 corrected.

1275 (f) By reason of being a pregnant student or student  
1276 parent, and the child of a student parent as provided in s.

38-00506A-11

20111620\_\_

1277 1003.54, regardless of distance from school.

1278 (2) The allocation for each district shall be calculated  
1279 annually in accordance with the following formula:

1280

1281  $T = B + EX$ . The elements of this formula are defined as follows:

1282 T is the total dollar allocation for transportation. B is the  
1283 base transportation dollar allocation prorated by an adjusted  
1284 student membership count. The adjusted membership count shall be  
1285 derived from a multiplicative index function in which the base  
1286 student membership is adjusted by multiplying it by index  
1287 numbers that individually account for the impact of the price  
1288 level index, average bus occupancy, and the extent of rural  
1289 population in the district. EX is the base transportation dollar  
1290 allocation for disabled students prorated by an adjusted  
1291 disabled student membership count. The base transportation  
1292 dollar allocation for disabled students is the total state base  
1293 disabled student membership count weighted for increased costs  
1294 associated with transporting disabled students and multiplying  
1295 it by an average per student cost for transportation as  
1296 determined by the Legislature. The adjusted disabled student  
1297 membership count shall be derived from a multiplicative index  
1298 function in which the weighted base disabled student membership  
1299 is adjusted by multiplying it by index numbers that individually  
1300 account for the impact of the price level index, average bus  
1301 occupancy, and the extent of rural population in the district.  
1302 Each adjustment factor shall be designed to affect the base  
1303 allocation by no more or less than 10 percent.

1304 (3) The total allocation to each district for  
1305 transportation of students shall be the sum of the amounts

38-00506A-11

20111620

1306 determined in subsection (2). If the funds appropriated for the  
1307 purpose of implementing this section are not sufficient to pay  
1308 the base transportation allocation and the base transportation  
1309 allocation for disabled students, the Department of Education  
1310 shall prorate the available funds on a percentage basis. If the  
1311 funds appropriated for the purpose of implementing this section  
1312 exceed the sum of the base transportation allocation and the  
1313 base transportation allocation for disabled students, the base  
1314 transportation allocation for disabled students shall be limited  
1315 to the amount calculated in subsection (2), and the remaining  
1316 balance shall be added to the base transportation allocation.

1317 (4) No district shall use funds to purchase transportation  
1318 equipment and supplies at prices which exceed those determined  
1319 by the department to be the lowest which can be obtained, as  
1320 prescribed in s. 1006.27(1).

1321 (5) Funds allocated or apportioned for the payment of  
1322 student transportation services may be used to pay for  
1323 transportation of students to and from school on local general  
1324 purpose transportation systems. Student transportation funds may  
1325 also be used to pay for transportation of students to and from  
1326 school in private passenger cars and boats when the  
1327 transportation is for isolated students, or students with  
1328 disabilities as defined by rule. Subject to the rules of the  
1329 State Board of Education, each school district shall determine  
1330 and report the number of assigned students using general purpose  
1331 transportation private passenger cars and boats. The allocation  
1332 per student must be equal to the allocation per student riding a  
1333 school bus.

1334 (6) Notwithstanding other provisions of this section, in no

38-00506A-11

20111620\_\_

1335 case shall any student or students be counted for transportation  
1336 funding more than once per day. This provision includes counting  
1337 students for funding pursuant to trips in school buses,  
1338 passenger cars, or boats or general purpose transportation.

1339 Section 15. Section 1012.57, Florida Statutes, is amended  
1340 to read:

1341 1012.57 Certification of adjunct educators.—

1342 (1) Notwithstanding the provisions of ss. 1012.32, 1012.55,  
1343 and 1012.56, or any other provision of law or rule to the  
1344 contrary, district school boards shall adopt rules to allow for  
1345 the issuance of an adjunct teaching certificate to any applicant  
1346 who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10)  
1347 and who has expertise in the subject area to be taught. An  
1348 applicant shall be considered to have expertise in the subject  
1349 area to be taught if the applicant demonstrates sufficient  
1350 subject area mastery through passage of a subject area test. The  
1351 adjunct teaching certificate shall be used for part-time  
1352 teaching positions.

1353 (2) The Legislature intends that this section ~~The intent of~~  
1354 ~~this provision is to allow:~~

1355 (a) School districts to tap the wealth of talent and  
1356 expertise represented in Florida's citizens who may wish to  
1357 teach part-time in a Florida public school by permitting school  
1358 districts to issue adjunct certificates to qualified applicants.

1359 (b) School districts to use the expertise of individuals in  
1360 this state or other states who wish to provide online  
1361 instruction to Florida students by permitting school districts  
1362 to issue adjunct certificates to qualified applicants.

1363 (3) Adjunct certificateholders should be used as a strategy

38-00506A-11

20111620\_\_

1364 to enhance the diversity of course offerings offered to all  
1365 Florida students. ~~reduce the teacher shortage; thus, adjunct~~  
1366 ~~certificatetholders should supplement a school's instructional~~  
1367 ~~staff, not supplant it. Each school principal shall assign an~~  
1368 ~~experienced peer mentor to assist the adjunct teaching~~  
1369 ~~certificatetholder during the certificatetholder's first year of~~  
1370 ~~teaching, and an adjunct certificatetholder may participate in a~~  
1371 ~~district's new teacher training program. District school boards~~  
1372 ~~shall provide the adjunct teaching certificatetholder an~~  
1373 ~~orientation in classroom management prior to assigning the~~  
1374 ~~certificatetholder to a school.~~

1375 (4) Each adjunct teaching certificate is valid through the  
1376 term of the contract between the educator and the school  
1377 district for 5 school years and is ~~renewable if the applicant~~  
1378 ~~has received satisfactory performance evaluations during each~~  
1379 ~~year of teaching under adjunct teaching certification.~~

1380 (2) ~~Individuals who are certified and employed under this~~  
1381 ~~section shall have the same rights and protection of laws as~~  
1382 ~~teachers certified under s. 1012.56.~~

1383 Section 16. Paragraphs (a) and (e) of subsection (1) and  
1384 paragraph (h) of subsection (2) of section 1013.62, Florida  
1385 Statutes, are amended to read:

1386 1013.62 Charter schools capital outlay funding.—

1387 (1) In each year in which funds are appropriated for  
1388 charter school capital outlay purposes, the Commissioner of  
1389 Education shall allocate the funds among eligible charter  
1390 schools.

1391 (a) To be eligible for a funding allocation, a charter  
1392 school must:



38-00506A-11

20111620\_\_

- 1393           1.a. Have been in operation for 3 or more years;
- 1394           b. Be governed by a governing board established in the
- 1395 state for 3 or more years which operates both charter schools
- 1396 and conversion charter schools within the state;
- 1397           c. Be an expanded feeder chain of a charter school within
- 1398 the same school district that is currently receiving charter
- 1399 school capital outlay funds;
- 1400           d. Have been accredited by the Commission on Schools of the
- 1401 Southern Association of Colleges and Schools; or
- 1402           e. Serve students in facilities that are provided by a
- 1403 business partner for a charter school-in-the-workplace pursuant
- 1404 to s. 1002.33(16)(b) ~~1002.33(15)(b)~~.
- 1405           2. Have financial stability for future operation as a
- 1406 charter school.
- 1407           3. Have satisfactory student achievement based on state
- 1408 accountability standards applicable to the charter school.
- 1409           4. Have received final approval from its sponsor pursuant
- 1410 to s. 1002.33 for operation during that fiscal year.
- 1411           5. Serve students in facilities that are not provided by
- 1412 the charter school's sponsor.
- 1413           (e) Unless otherwise provided in the General Appropriations
- 1414 Act, the funding allocation for each eligible charter school is
- 1415 determined by multiplying the school's projected student
- 1416 enrollment by one-fifteenth of the cost-per-student station
- 1417 specified in s. 1013.64(6)(b) for an elementary, middle, or high
- 1418 school, as appropriate. If the funds appropriated are not
- 1419 sufficient, the commissioner shall prorate the available funds
- 1420 among eligible charter schools. However, a charter school or
- 1421 charter lab school may not receive state charter school capital

38-00506A-11

20111620\_\_

1422 outlay funds greater than the one-fifteenth cost per student  
1423 station formula if the charter school's combination of state  
1424 charter school capital outlay funds, capital outlay funds  
1425 calculated through the reduction in the administrative fee  
1426 provided in s. 1002.33(21) ~~1002.33(20)~~, and capital outlay funds  
1427 allowed in s. 1002.32(9)(e) and (h) exceeds the one-fifteenth  
1428 cost per student station formula.

1429 (2) A charter school's governing body may use charter  
1430 school capital outlay funds for the following purposes:

1431 (h) Purchase, lease-purchase, or lease of driver's  
1432 education vehicles; motor vehicles used for the maintenance or  
1433 operation of plants and equipment; security vehicles; or  
1434 vehicles used in storing or distributing materials and  
1435 equipment.

1436  
1437 Conversion charter schools may use capital outlay funds received  
1438 through the reduction in the administrative fee provided in s.  
1439 1002.33(21) ~~1002.33(20)~~ for renovation, repair, and maintenance  
1440 of school facilities that are owned by the sponsor.

1441 Section 17. By December 1, 2011, the Office of Program  
1442 Policy Analysis and Government Accountability, or an independent  
1443 research organization selected by the department, shall submit a  
1444 report to the Governor, the President of the Senate, and the  
1445 Speaker of the House of Representatives which evaluates the best  
1446 methods for implementing part-time virtual education in  
1447 kindergarten through grade 5.

1448 Section 18. If any provision of this act or its application  
1449 to any person or circumstance is held invalid, the invalidity  
1450 does not affect other provisions or applications of the act

38-00506A-11

20111620\_\_

1451 which can be given effect without the invalid provision or  
1452 application, and to this end the provisions of this act are  
1453 severable.

1454 Section 19. This act shall take effect upon becoming a law.