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2011 Legislature

1 A bill to be entitled
2 An act relating to digital learning; creating s. 1002.321,
3 F.S.; creating the Digital Learning Now Act; providing
4 legislative findings related to the elements to be
5 included in high-quality digital learning; providing
6 digital preparation requirements; providing for customized
7 and accelerated learning; amending s. 1002.33, F.S.;
8 authorizing the establishment of virtual charter schools;
9 providing application requirements for establishment of a
10 virtual charter school; authorizing a charter school to
11 implement blended learning courses; requiring each charter
12 school governing board to appoint a representative and
13 specifying duties; requiring each governing board to hold
14 two public meetings per school year; providing funding for
15 a virtual charter school; establishing administrative fees
16 for a virtual charter school; amending s. 1002.37, F.S.;
17 redefining the term "full-time equivalent student" as it
18 applies to the Florida Virtual School; providing
19 instruction, eligibility, funding, assessment, and
20 accountability requirements; amending s. 1002.45, F.S.;
21 revising the definition of the term "virtual instruction
22 program"; revising school district requirements for
23 providing virtual instruction programs; requiring full-
24 time and part-time virtual instruction program options;
25 authorizing a school district to enter into an agreement
26 with a virtual charter school to provide virtual
27 instruction to district students; authorizing virtual
28 charter school contracts; providing additional provider

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29 | qualifications relating to curriculum, student performance
30 | accountability, and disclosure; revising student
31 | eligibility requirements; providing funding and
32 | accountability requirements; creating s. 1002.455, F.S.;
33 | establishing student eligibility requirements for K-12
34 | virtual instruction; amending s. 1003.428, F.S.; requiring
35 | at least one course required for high school graduation to
36 | be completed through online learning; creating s.
37 | 1003.498, F.S.; authorizing school districts to offer
38 | virtual courses and blended learning courses; amending s.
39 | 1008.22, F.S.; requiring all statewide end-of-course
40 | assessments to be administrated online beginning with the
41 | 2014-2015 school year; amending s. 1011.61, F.S.;
42 | redefining the term "full-time equivalent student" for
43 | purposes of virtual instruction; amending s. 1012.57,
44 | F.S.; authorizing school districts to issue adjunct
45 | teaching certificates to qualified applicants to provide
46 | online instruction; revising requirements for adjunct
47 | teaching certificateholders; providing for annual
48 | contracts; amending ss. 1000.04, 1002.20, and 1003.03,
49 | F.S.; conforming provisions to changes made by the act;
50 | requiring the Department of Education to submit a report
51 | to the Governor and the Legislature relating to school
52 | district offering of, and student access to, digital
53 | learning; providing an effective date.

54 |
55 | Be It Enacted by the Legislature of the State of Florida:
56 |

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57 Section 1. Section 1002.321, Florida Statutes, is created
58 to read:
59 1002.321 Digital learning.—
60 (1) DIGITAL LEARNING NOW ACT.—There is created the Digital
61 Learning Now Act.
62 (2) ELEMENTS OF HIGH-QUALITY DIGITAL LEARNING.—The
63 Legislature finds that each student should have access to a
64 high-quality digital learning environment that provides:
65 (a) Access to digital learning.
66 (b) Access to high-quality digital content and online
67 courses.
68 (c) Education that is customized to the needs of the
69 student using digital content.
70 (d) A means for the student to demonstrate competency in
71 completed coursework.
72 (e) High-quality digital content, instructional materials,
73 and online and blended learning courses.
74 (f) High-quality digital instruction and teachers.
75 (g) Content and instruction that are evaluated on the
76 metric of student learning.
77 (h) The use of funding as an incentive for performance,
78 options, and innovation.
79 (i) Infrastructure that supports digital learning.
80 (j) Online administration of state assessments.
81 (3) DIGITAL PREPARATION.—Each student must graduate from
82 high school having taken at least one online course, as provided
83 in s. 1003.428.
84 (4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district

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85 must establish multiple opportunities for student participation
86 in part-time and full-time kindergarten through grade 12 virtual
87 instruction. Options include, but are not limited to:

88 (a) School district operated part-time or full-time
89 virtual instruction programs under s. 1002.45(1)(b) for
90 kindergarten through grade 12 students enrolled in the school
91 district. A full-time program shall operate under its own Master
92 School Identification Number.

93 (b) Florida Virtual School instructional services
94 authorized under s. 1002.37.

95 (c) Blended learning instruction provided by charter
96 schools authorized under s. 1002.33.

97 (d) Full-time virtual charter school instruction
98 authorized under s. 1002.33.

99 (e) Courses delivered in the traditional school setting by
100 personnel providing direct instruction through a virtual
101 environment or through a blended virtual and physical environment
102 pursuant to s. 1003.498.

103 (f) Virtual courses offered in the course code directory
104 to students within the school district or to students in other
105 school districts throughout the state pursuant to s. 1003.498.

106 Section 2. Subsection (1), paragraph (a) of subsection
107 (6), subsection (7), and paragraph (a) of subsection (20) of
108 section 1002.33, Florida Statutes, are amended, and paragraph
109 (f) is added to subsection (17) of that section, to read:

110 1002.33 Charter schools.—

111 (1) AUTHORIZATION.—Charter schools shall be part of the
112 state's program of public education. All charter schools in

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113 Florida are public schools. A charter school may be formed by
114 creating a new school or converting an existing public school to
115 charter status. A charter school may operate a virtual charter
116 school pursuant to s. 1002.45(1)(d) to provide full-time online
117 instruction to eligible students, pursuant to s. 1002.455, in
118 kindergarten through grade 12. A charter school must amend its
119 charter or submit a new application pursuant to subsection (6)
120 to become a virtual charter school. A virtual charter school is
121 subject to the requirements of this section; however, a virtual
122 charter school is exempt from subsections (18) and (19),
123 subparagraphs (20)(a)2.-5., paragraph (20)(c), and s. 1003.03. A
124 public school may not use the term charter in its name unless it
125 has been approved under this section.

126 (6) APPLICATION PROCESS AND REVIEW.—Charter school
127 applications are subject to the following requirements:

128 (a) A person or entity wishing to open a charter school
129 shall prepare and submit an application on a model application
130 form prepared by the Department of Education which:

131 1. Demonstrates how the school will use the guiding
132 principles and meet the statutorily defined purpose of a charter
133 school.

134 2. Provides a detailed curriculum plan that illustrates
135 how students will be provided services to attain the Sunshine
136 State Standards.

137 3. Contains goals and objectives for improving student
138 learning and measuring that improvement. These goals and
139 objectives must indicate how much academic improvement students
140 are expected to show each year, how success will be evaluated,

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141 and the specific results to be attained through instruction.

142 4. Describes the reading curriculum and differentiated
143 strategies that will be used for students reading at grade level
144 or higher and a separate curriculum and strategies for students
145 who are reading below grade level. A sponsor shall deny a
146 charter if the school does not propose a reading curriculum that
147 is consistent with effective teaching strategies that are
148 grounded in scientifically based reading research.

149 5. Contains an annual financial plan for each year
150 requested by the charter for operation of the school for up to 5
151 years. This plan must contain anticipated fund balances based on
152 revenue projections, a spending plan based on projected revenues
153 and expenses, and a description of controls that will safeguard
154 finances and projected enrollment trends.

155 6. Documents that the applicant has participated in the
156 training required in subparagraph (f)2. A sponsor may require an
157 applicant to provide additional information as an addendum to
158 the charter school application described in this paragraph.

159 7. For the establishment of a virtual charter school,
160 documents that the applicant has contracted with a provider of
161 virtual instruction services pursuant to s. 1002.45(1)(d).

162 (7) CHARTER.—The major issues involving the operation of a
163 charter school shall be considered in advance and written into
164 the charter. The charter shall be signed by the governing board
165 ~~body~~ of the charter school and the sponsor, following a public
166 hearing to ensure community input.

167 (a) The charter shall address and criteria for approval of
168 the charter shall be based on:

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169 1. The school's mission, the students to be served, and
170 the ages and grades to be included.

171 2. The focus of the curriculum, the instructional methods
172 to be used, any distinctive instructional techniques to be
173 employed, and identification and acquisition of appropriate
174 technologies needed to improve educational and administrative
175 performance which include a means for promoting safe, ethical,
176 and appropriate uses of technology which comply with legal and
177 professional standards.

178 a. The charter shall ensure that reading is a primary
179 focus of the curriculum and that resources are provided to
180 identify and provide specialized instruction for students who
181 are reading below grade level. The curriculum and instructional
182 strategies for reading must be consistent with the Sunshine
183 State Standards and grounded in scientifically based reading
184 research.

185 b. In order to provide students with access to diverse
186 instructional delivery models, to facilitate the integration of
187 technology within traditional classroom instruction, and to
188 provide students with the skills they need to compete in the
189 21st century economy, the Legislature encourages instructional
190 methods for blended learning courses consisting of both
191 traditional classroom and online instructional techniques.
192 Charter schools may implement blended learning courses which
193 combine traditional classroom instruction and virtual
194 instruction. Students in a blended learning course must be full-
195 time students of the charter school and receive the online
196 instruction in a classroom setting at the charter school.

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197 Instructional personnel certified pursuant to s. 1012.55 who
198 provide virtual instruction for blended learning courses may be
199 employees of the charter school or may be under contract to
200 provide instructional services to charter school students. At a
201 minimum, such instructional personnel must hold an active state
202 or school district adjunct certification under s. 1012.57 for
203 the subject area of the blended learning course. The funding and
204 performance accountability requirements for blended learning
205 courses are the same as those for traditional courses.

206 3. The current incoming baseline standard of student
207 academic achievement, the outcomes to be achieved, and the
208 method of measurement that will be used. The criteria listed in
209 this subparagraph shall include a detailed description of:

210 a. How the baseline student academic achievement levels
211 and prior rates of academic progress will be established.

212 b. How these baseline rates will be compared to rates of
213 academic progress achieved by these same students while
214 attending the charter school.

215 c. To the extent possible, how these rates of progress
216 will be evaluated and compared with rates of progress of other
217 closely comparable student populations.

218
219 The district school board is required to provide academic
220 student performance data to charter schools for each of their
221 students coming from the district school system, as well as
222 rates of academic progress of comparable student populations in
223 the district school system.

224 4. The methods used to identify the educational strengths

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225 and needs of students and how well educational goals and
226 performance standards are met by students attending the charter
227 school. The methods shall provide a means for the charter school
228 to ensure accountability to its constituents by analyzing
229 student performance data and by evaluating the effectiveness and
230 efficiency of its major educational programs. Students in
231 charter schools shall, at a minimum, participate in the
232 statewide assessment program created under s. 1008.22.

233 5. In secondary charter schools, a method for determining
234 that a student has satisfied the requirements for graduation in
235 s. 1003.43.

236 6. A method for resolving conflicts between the governing
237 board ~~body~~ of the charter school and the sponsor.

238 7. The admissions procedures and dismissal procedures,
239 including the school's code of student conduct.

240 8. The ways by which the school will achieve a
241 racial/ethnic balance reflective of the community it serves or
242 within the racial/ethnic range of other public schools in the
243 same school district.

244 9. The financial and administrative management of the
245 school, including a reasonable demonstration of the professional
246 experience or competence of those individuals or organizations
247 applying to operate the charter school or those hired or
248 retained to perform such professional services and the
249 description of clearly delineated responsibilities and the
250 policies and practices needed to effectively manage the charter
251 school. A description of internal audit procedures and
252 establishment of controls to ensure that financial resources are

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253 properly managed must be included. Both public sector and
254 private sector professional experience shall be equally valid in
255 such a consideration.

256 10. The asset and liability projections required in the
257 application which are incorporated into the charter and shall be
258 compared with information provided in the annual report of the
259 charter school.

260 11. A description of procedures that identify various
261 risks and provide for a comprehensive approach to reduce the
262 impact of losses; plans to ensure the safety and security of
263 students and staff; plans to identify, minimize, and protect
264 others from violent or disruptive student behavior; and the
265 manner in which the school will be insured, including whether or
266 not the school will be required to have liability insurance,
267 and, if so, the terms and conditions thereof and the amounts of
268 coverage.

269 12. The term of the charter which shall provide for
270 cancellation of the charter if insufficient progress has been
271 made in attaining the student achievement objectives of the
272 charter and if it is not likely that such objectives can be
273 achieved before expiration of the charter. The initial term of a
274 charter shall be for 4 or 5 years. In order to facilitate access
275 to long-term financial resources for charter school
276 construction, charter schools that are operated by a
277 municipality or other public entity as provided by law are
278 eligible for up to a 15-year charter, subject to approval by the
279 district school board. A charter lab school is eligible for a
280 charter for a term of up to 15 years. In addition, to facilitate

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281 access to long-term financial resources for charter school
282 construction, charter schools that are operated by a private,
283 not-for-profit, s. 501(c)(3) status corporation are eligible for
284 up to a 15-year charter, subject to approval by the district
285 school board. Such long-term charters remain subject to annual
286 review and may be terminated during the term of the charter, but
287 only according to the provisions set forth in subsection (8).

288 13. The facilities to be used and their location.

289 14. The qualifications to be required of the teachers and
290 the potential strategies used to recruit, hire, train, and
291 retain qualified staff to achieve best value.

292 15. The governance structure of the school, including the
293 status of the charter school as a public or private employer as
294 required in paragraph (12)(i).

295 16. A timetable for implementing the charter which
296 addresses the implementation of each element thereof and the
297 date by which the charter shall be awarded in order to meet this
298 timetable.

299 17. In the case of an existing public school that is being
300 converted to charter status, alternative arrangements for
301 current students who choose not to attend the charter school and
302 for current teachers who choose not to teach in the charter
303 school after conversion in accordance with the existing
304 collective bargaining agreement or district school board rule in
305 the absence of a collective bargaining agreement. However,
306 alternative arrangements shall not be required for current
307 teachers who choose not to teach in a charter lab school, except
308 as authorized by the employment policies of the state university

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309 which grants the charter to the lab school.

310 18. Full disclosure of the identity of all relatives
311 employed by the charter school who are related to the charter
312 school owner, president, chairperson of the governing board of
313 directors, superintendent, governing board member, principal,
314 assistant principal, or any other person employed by the charter
315 school who has equivalent decisionmaking authority. For the
316 purpose of this subparagraph, the term "relative" means father,
317 mother, son, daughter, brother, sister, uncle, aunt, first
318 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
319 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
320 stepfather, stepmother, stepson, stepdaughter, stepbrother,
321 stepsister, half brother, or half sister.

322 (b)1. A charter may be renewed provided that a program
323 review demonstrates that the criteria in paragraph (a) have been
324 successfully accomplished and that none of the grounds for
325 nonrenewal established by paragraph (8) (a) has been documented.
326 In order to facilitate long-term financing for charter school
327 construction, charter schools operating for a minimum of 3 years
328 and demonstrating exemplary academic programming and fiscal
329 management are eligible for a 15-year charter renewal. Such
330 long-term charter is subject to annual review and may be
331 terminated during the term of the charter.

332 2. The 15-year charter renewal that may be granted
333 pursuant to subparagraph 1. shall be granted to a charter school
334 that has received a school grade of "A" or "B" pursuant to s.
335 1008.34 in 3 of the past 4 years and is not in a state of
336 financial emergency or deficit position as defined by this

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337 section. Such long-term charter is subject to annual review and
338 may be terminated during the term of the charter pursuant to
339 subsection (8).

340 (c) A charter may be modified during its initial term or
341 any renewal term upon the recommendation of the sponsor or the
342 charter school's ~~school~~ governing board and the approval of both
343 parties to the agreement.

344 (d)1. Each charter school's governing board must appoint a
345 representative to facilitate parental involvement, provide
346 access to information, assist parents and others with questions
347 and concerns, and resolve disputes. The representative must
348 reside in the school district in which the charter school is
349 located and may be a governing board member, charter school
350 employee, or individual contracted to represent the governing
351 board. If the governing board oversees multiple charter schools
352 in the same school district, a single representative may be
353 appointed to serve all such schools. The representative's
354 contact information must be provided annually in writing to
355 parents and posted prominently on the charter school's website
356 if a website is maintained by the school. The sponsor may not
357 require that governing board members of the charter school
358 reside in the school district in which the charter school is
359 located if the charter school complies with this paragraph.

360 2. Each charter school's governing board must hold at
361 least two public meetings per school year in the school
362 district. The meetings must be noticed, open, and accessible to
363 the public, and attendees must be provided an opportunity to
364 receive information and provide input regarding the charter

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365 school's operations. The appointed representative and charter
 366 school principal or director, or his or her equivalent, must be
 367 physically present at each meeting.

368 (17) FUNDING.—Students enrolled in a charter school,
 369 regardless of the sponsorship, shall be funded as if they are in
 370 a basic program or a special program, the same as students
 371 enrolled in other public schools in the school district. Funding
 372 for a charter lab school shall be as provided in s. 1002.32.

373 (f) Funding for a virtual charter school shall be as
 374 provided in s. 1002.45(7).

375 (20) SERVICES.—

376 (a)1. A sponsor shall provide certain administrative and
 377 educational services to charter schools. These services shall
 378 include contract management services; full-time equivalent and
 379 data reporting services; exceptional student education
 380 administration services; services related to eligibility and
 381 reporting duties required to ensure that school lunch services
 382 under the federal lunch program, consistent with the needs of
 383 the charter school, are provided by the school district at the
 384 request of the charter school, that any funds due to the charter
 385 school under the federal lunch program be paid to the charter
 386 school as soon as the charter school begins serving food under
 387 the federal lunch program, and that the charter school is paid
 388 at the same time and in the same manner under the federal lunch
 389 program as other public schools serviced by the sponsor or the
 390 school district; test administration services, including payment
 391 of the costs of state-required or district-required student
 392 assessments; processing of teacher certificate data services;

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393 and information services, including equal access to student
394 information systems that are used by public schools in the
395 district in which the charter school is located. Student
396 performance data for each student in a charter school,
397 including, but not limited to, FCAT scores, standardized test
398 scores, previous public school student report cards, and student
399 performance measures, shall be provided by the sponsor to a
400 charter school in the same manner provided to other public
401 schools in the district.

402 2. A total administrative fee for the provision of such
403 services shall be calculated based upon up to 5 percent of the
404 available funds defined in paragraph (17)(b) for all students.
405 However, a sponsor may only withhold up to a 5-percent
406 administrative fee for enrollment for up to and including 250
407 students. For charter schools with a population of 251 or more
408 students, the difference between the total administrative fee
409 calculation and the amount of the administrative fee withheld
410 may only be used for capital outlay purposes specified in s.
411 1013.62(2).

412 3. In addition, a sponsor may withhold only up to a 5-
413 percent administrative fee for enrollment for up to and
414 including 500 students within a system of charter schools which
415 meets all of the following:

- 416 a. Includes both conversion charter schools and
417 nonconversion charter schools;
- 418 b. Has all schools located in the same county;
- 419 c. Has a total enrollment exceeding the total enrollment
420 of at least one school district in the state;

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421 d. Has the same governing board; and
422 e. Does not contract with a for-profit service provider
423 for management of school operations.

424 4. The difference between the total administrative fee
425 calculation and the amount of the administrative fee withheld
426 pursuant to subparagraph 3. may be used for instructional and
427 administrative purposes as well as for capital outlay purposes
428 specified in s. 1013.62(2).

429 5. Each charter school shall receive 100 percent of the
430 funds awarded to that school pursuant to s. 1012.225. Sponsors
431 shall not charge charter schools any additional fees or
432 surcharges for administrative and educational services in
433 addition to the maximum 5-percent administrative fee withheld
434 pursuant to this paragraph.

435 6. The sponsor of a virtual charter school may withhold a
436 fee of up to 5 percent. The funds shall be used to cover the
437 cost of services provided under subparagraph 1. and for the
438 school district's local instructional improvement system
439 pursuant to s. 1006.281 or other technological tools that are
440 required to access electronic and digital instructional
441 materials.

442 Section 3. Paragraph (a) of subsection (3) of section
443 1002.37, Florida Statutes, is amended, and subsections (8), (9),
444 (10), and (11) are added to that section, to read:

445 1002.37 The Florida Virtual School.—

446 (3) Funding for the Florida Virtual School shall be
447 provided as follows:

448 (a) 1. For a student in grades 9 through 12, a "full-time

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449 equivalent student" ~~for the Florida Virtual School~~ is one
450 student who has successfully completed six full-credit courses
451 ~~credits~~ that ~~shall~~ count toward the minimum number of credits
452 required for high school graduation. A student who completes
453 fewer less than six full-credit courses ~~is credits shall be~~ a
454 fraction of a full-time equivalent student. Half-credit course
455 completions shall be included in determining a full-time
456 equivalent student. Credit completed by a student in excess of
457 the minimum required for that student for high school graduation
458 is not eligible for funding.

459 2. For a student in kindergarten through grade 8, a "full-
460 time equivalent student" is one student who has successfully
461 completed six courses or the prescribed level of content that
462 counts toward promotion to the next grade. A student who
463 completes fewer than six courses or the prescribed level of
464 content shall be a fraction of a full-time equivalent student.

465 3. Beginning in the 2014-2015 fiscal year, when s.
466 1008.22(3)(g) is implemented, the reported full-time equivalent
467 students and associated funding of students enrolled in courses
468 requiring passage of an end-of-course assessment shall be
469 adjusted after the student completes the end-of-course
470 assessment. However, no adjustment shall be made for home
471 education program students who choose not to take an end-of-
472 course assessment.

473
474 For purposes of this paragraph, the calculation of "full-time
475 equivalent student" shall be as prescribed in s.
476 1011.61(1)(c)1.b.(V).

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477 (8) (a) The Florida Virtual School may provide full-time
 478 instruction for students in kindergarten through grade 12 and
 479 part-time instruction for students in grades 4 through 12. To
 480 receive full-time instruction in grades 2 through 5, a student
 481 must meet at least one of the eligibility criteria in s.
 482 1002.455(2). Part-time instruction for grades 4 and 5 may be
 483 provided only to public school students taking grade 6 through
 484 grade 8 courses.

485 (b) For students receiving part-time instruction in grades
 486 4 and 5 and students receiving full-time instruction in
 487 kindergarten through grade 12 from the Florida Virtual School,
 488 the combined total of all FTE reported by both the school
 489 district and the Florida Virtual School may not exceed 1.0 FTE.

490 (9) Each elementary school principal must notify the
 491 parent of each student who scores at Level 4 or Level 5 on FCAT
 492 Reading or FCAT Mathematics of the option for the student to
 493 take accelerated courses through the Florida Virtual School.

494 (10) (a) Public school students receiving full-time
 495 instruction in kindergarten through grade 12 by the Florida
 496 Virtual School must take all statewide assessments required
 497 pursuant to s. 1008.22.

498 (b) Public school students receiving part-time instruction
 499 by the Florida Virtual School in courses requiring statewide
 500 end-of-course assessments must take all statewide end-of-course
 501 assessments required pursuant to s. 1008.22(3)(c)2.

502 (c) All statewide assessments must be taken within the
 503 school district in which the student resides. A school district
 504 must provide the student with access to the district's testing

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505 facilities.

506 (11) The Florida Virtual School shall receive a school
507 grade pursuant to s. 1008.34 for students receiving full-time
508 instruction.

509 Section 4. Section 1002.45, Florida Statutes, is amended
510 to read:

511 1002.45 ~~School district~~ Virtual instruction programs.—

512 (1) PROGRAM.—

513 (a) For purposes of this section, the term:

514 1. "Approved provider" means a provider that is approved
515 by the Department of Education under subsection (2), the Florida
516 Virtual School, a franchise of the Florida Virtual School, or a
517 community college.

518 2. "Virtual instruction program" means a program of
519 instruction provided in an interactive learning environment
520 created through technology in which students are separated from
521 their teachers by time or space, or both, ~~and in which a~~
522 ~~Florida-certified teacher under chapter 1012 is responsible for~~
523 ~~at least:~~

524 ~~a. Fifty percent of the direct instruction to students in~~
525 ~~kindergarten through grade 5; or~~

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

528 (b) ~~Beginning with the 2009-2010 school year,~~ Each school
529 district that is eligible for the sparsity supplement pursuant
530 to s. 1011.62(7) shall provide all enrolled public school
531 eligible students within its boundaries the option of
532 participating in part-time and full-time a virtual instruction

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533 programs. Each school district that is not eligible for the
534 sparsity supplement shall provide at least three options for
535 part-time and full-time virtual instruction. All school
536 districts must provide parents with timely written notification
537 of an open enrollment period for full-time students of at least
538 90 days that ends no later than 30 days prior to the first day
539 of the school year program. The purpose of the program is to
540 make quality virtual instruction available to students using
541 online and distance learning technology in the nontraditional
542 classroom. A school district virtual instruction ~~The program~~
543 shall provide the following ~~be~~:

544 1. Full-time virtual instruction for students enrolled in
545 kindergarten through grade 12.

546 2. ~~Full-time or~~ Part-time virtual instruction for students
547 enrolled in grades 9 through 12 courses that are measured
548 pursuant to subparagraph (8)(a)2.

549 3. Full-time or part-time virtual instruction for students
550 ~~who are~~ enrolled in dropout prevention and academic intervention
551 programs under s. 1003.53, Department of Juvenile Justice
552 education programs under s. 1003.52, core-curricula courses to
553 meet class size requirements under s. 1003.03, or community
554 colleges under this section.

555 (c) To provide students with the option of participating
556 in virtual instruction programs as required by paragraph (b), a
557 school district may:

558 1. Contract with the Florida Virtual School or establish a
559 franchise of the Florida Virtual School for the provision of a
560 program under paragraph (b). Using this option is subject to the

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561 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
562 (IV).

563 2. Contract with an approved provider under subsection (2)
564 for the provision of a full-time program under subparagraph
565 (b)1. or subparagraph (b)3. or a ~~full-time or~~ part-time program
566 under subparagraph (b)2. or subparagraph (b)3.

567 3. Enter into an agreement with other ~~another~~ school
568 districts ~~district~~ to allow the participation of its students in
569 an approved virtual instruction program provided by the other
570 school district. The agreement must indicate a process for the
571 transfer of funds required by paragraph (7) (f) ~~(b)~~.

572 4. Establish school district operated part-time or full-
573 time kindergarten through grade 12 virtual instruction programs
574 under paragraph (b) for students enrolled in the school
575 district. A full-time program shall operate under its own Master
576 School Identification Number.

577 5. Enter into an agreement with a virtual charter school
578 authorized by the school district under s. 1002.33.

579
580 Contracts under subparagraph 1. or subparagraph 2. may include
581 multidistrict contractual arrangements that may be executed by a
582 regional consortium for its member districts. A multidistrict
583 contractual arrangement or an agreement under subparagraph 3. is
584 not subject to s. 1001.42(4)(d) and does not require the
585 participating school districts to be contiguous. These
586 arrangements may be used to fulfill the requirements of
587 paragraph (b).

588 (d) A virtual charter school may provide full-time virtual

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589 instruction for students in kindergarten through grade 12 if the
590 virtual charter school has a charter approved pursuant to s.
591 1002.33 authorizing full-time virtual instruction. A virtual
592 charter school may:

593 1. Contract with the Florida Virtual School.

594 2. Contract with an approved provider under subsection
595 (2).

596 3. Enter into an ~~a joint~~ agreement with ~~a~~ the school
597 district to allow the participation of ~~in which it is located~~
598 ~~for~~ the virtual charter school's students to participate in the
599 school district's virtual instruction program. The agreement
600 must indicate a process for reporting of student enrollment and
601 the transfer of funds required by paragraph (7) (f).

602 (e) Each school district shall:

603 1. Provide to the department by October 1, 2011, and by
604 each October 1 thereafter, a copy of each contract and the
605 amounts paid per unweighted full-time equivalent student for
606 services procured pursuant to subparagraphs (c)1. and 2.

607 2. Expend the difference in funds provided for a student
608 participating in the school district virtual instruction program
609 pursuant to subsection (7) and the price paid for contracted
610 services procured pursuant to subparagraphs (c)1. and 2. for the
611 district's local instructional improvement system pursuant to s.
612 1006.281 or other technological tools that are required to
613 access electronic and digital instructional materials.

614 3. At the end of each fiscal year, but no later than
615 September 1, report to the department an itemized list of the
616 technological tools purchased with these funds.

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617 (2) PROVIDER QUALIFICATIONS.—
 618 (a) The department shall annually publish online ~~provide~~
 619 ~~school districts with~~ a list of providers approved to offer
 620 virtual instruction programs. To be approved by the department,
 621 a provider must document that it:

- 622 1. Is nonsectarian in its programs, admission policies,
 623 employment practices, and operations;
- 624 2. Complies with the antidiscrimination provisions of s.
 625 1000.05;
- 626 3. Locates an administrative office or offices in this
 627 state, requires its administrative staff to be state residents,
 628 requires all instructional staff to be Florida-certified
 629 teachers under chapter 1012, and conducts background screenings
 630 for all employees or contracted personnel, as required by s.
 631 1012.32, using state and national criminal history records;
- 632 4. Possesses prior, successful experience offering online
 633 courses to elementary, middle, or high school students as
 634 demonstrated by quantified student learning gains in each
 635 subject area and grade level provided for consideration as an
 636 instructional program option;
- 637 5. Is accredited by a regional accrediting association as
 638 defined by State Board of Education rule; ~~the Southern~~
 639 ~~Association of Colleges and Schools Council on Accreditation and~~
 640 ~~School Improvement, the North Central Association Commission on~~
 641 ~~Accreditation and School Improvement, the Middle States~~
 642 ~~Association of Colleges and Schools Commission on Elementary~~
 643 ~~Schools and Commission on Secondary Schools, the New England~~
 644 ~~Association of Schools and Colleges, the Northwest Association~~

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645 ~~of Accredited Schools, the Western Association of Schools and~~
646 ~~Colleges, or the Commission on International and Trans-Regional~~
647 ~~Accreditation; and~~

648 6. Ensures instructional and curricular quality through a
649 detailed curriculum and student performance accountability plan
650 that addresses every subject and grade level it intends to
651 provide through contract with the school district, including:

652 a. Courses and programs that meet the standards of the
653 International Association for K-12 Online Learning and the
654 Southern Regional Education Board.

655 b. Instructional content and services that align with, and
656 measure student attainment of, student proficiency in the Next
657 Generation Sunshine State Standards.

658 c. Mechanisms that determine and ensure that a student has
659 satisfied requirements for grade level promotion and high school
660 graduation with a standard diploma, as appropriate;

661 7. Publishes for the general public, in accordance with
662 disclosure requirements adopted in rule by the State Board of
663 Education, as part of its application as a provider and in all
664 contracts negotiated pursuant to this section:

665 a. Information and data about the curriculum of each full-
666 time and part-time program.

667 b. School policies and procedures.

668 c. Certification status and physical location of all
669 administrative and instructional personnel.

670 d. Hours and times of availability of instructional
671 personnel.

672 e. Student-teacher ratios.

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673 f. Student completion and promotion rates.
 674 g. Student, educator, and school performance
 675 accountability outcomes; and
 676 ~~8.6.~~ If the provider is a community college, employs
 677 instructors who meet the certification requirements for
 678 instructional staff under chapter 1012.
 679 (b) An approved provider shall retain its approved status
 680 during the ~~for a period of~~ 3 school years after the date of the
 681 department's approval under paragraph (a) as long as the
 682 provider continues to comply with all requirements of this
 683 section. However, each provider approved by the department for
 684 the 2011-2012 school year must reapply for approval to provide a
 685 part-time program for students in grades 9 through 12.
 686 (3) ~~SCHOOL-DISTRICT~~ VIRTUAL INSTRUCTION PROGRAM
 687 REQUIREMENTS.—Each ~~school-district~~ virtual instruction program
 688 under this section must:
 689 (a) Align virtual course curriculum and course content to
 690 the Sunshine State Standards under s. 1003.41.
 691 (b) Offer instruction that is designed to enable a student
 692 to gain proficiency in each virtually delivered course of study.
 693 (c) Provide each student enrolled in the program with all
 694 the necessary instructional materials.
 695 (d) Provide, ~~when appropriate,~~ each full-time student
 696 enrolled in the program who qualifies for free or reduced-price
 697 school lunches under the National School Lunch Act, or who is on
 698 the direct certification list, and who does not have a computer
 699 or Internet access in his or her home with:
 700 1. All equipment necessary for participants in the ~~school~~

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701 ~~district~~ virtual instruction program, including, but not limited
702 to, a computer, computer monitor, and printer, if a printer is
703 necessary to participate in the program; and

704 2. Access to or reimbursement for all Internet services
705 necessary for online delivery of instruction.

706 (e) Not require tuition or student registration fees.

707 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
708 provider must at minimum:

709 (a) Set forth a detailed curriculum plan that illustrates
710 how students will be provided services and be measured for
711 attainment of to-attain proficiency in the Next Generation
712 Sunshine State Standards for each grade level and subject.

713 (b) Provide a method for determining that a student has
714 satisfied the requirements for graduation in s. 1003.428, s.
715 1003.429, or s. 1003.43 if the contract is for the provision of
716 a full-time virtual instruction program to students in grades 9
717 through 12.

718 (c) Specify a method for resolving conflicts among the
719 parties.

720 (d) Specify authorized reasons for termination of the
721 contract.

722 (e) Require the approved provider to be responsible for
723 all debts of the ~~school-district~~ virtual instruction program if
724 the contract is not renewed or is terminated.

725 (f) Require the approved provider to comply with all
726 requirements of this section.

727 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual
728 instruction program provided by the school district or by a

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729 virtual charter school operated in the district in which he or
730 she resides if the student meets eligibility requirements for
731 virtual instruction pursuant to s. 1002.455. ~~at least one of the~~
732 ~~following conditions:~~

733 ~~(a) The student has spent the prior school year in~~
734 ~~attendance at a public school in this state and was enrolled and~~
735 ~~reported by a public school district for funding during the~~
736 ~~preceding October and February for purposes of the Florida~~
737 ~~Education Finance Program surveys.~~

738 ~~(b) The student is a dependent child of a member of the~~
739 ~~United States Armed Forces who was transferred within the last~~
740 ~~12 months to this state from another state or from a foreign~~
741 ~~country pursuant to the parent's permanent change of station~~
742 ~~orders.~~

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

746 ~~(d) The student has a sibling who is currently enrolled in~~
747 ~~a school district virtual instruction program and that sibling~~
748 ~~was enrolled in such program at the end of the prior school~~
749 ~~year.~~

750 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student
751 enrolled in a ~~school district~~ virtual instruction program or
752 virtual charter school must:

753 (a) Comply with the compulsory attendance requirements of
754 s. 1003.21. Student attendance must be verified by the school
755 district.

756 (b) Take state assessment tests within the school district

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757 in which such student resides, which must provide the student
758 with access to the district's testing facilities.

759 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL
760 FUNDING.—

761 (a) Students enrolled in a virtual instruction program or
762 a virtual charter school shall be funded through the Florida
763 Education Finance Program as provided in the General
764 Appropriations Act. However, such funds may not be provided for
765 the purpose of fulfilling the class size requirements in ss.
766 1003.03 and 1011.685.

767 (b) For purposes of a ~~school district~~ virtual instruction
768 program or a virtual charter school, "full-time equivalent
769 student" has the same meaning as provided in s.
770 1011.61(1)(c)1.b.(III) or (IV).

771 (c) For a student enrolled part-time in a grades 6 through
772 12 program, a "full-time equivalent student" has the same
773 meaning as provided in s. 1011.61(1)(c)1.b.(IV).

774 (d) A student may not be reported as more than 1.0 full-
775 time equivalent student in any given school year.

776 (e) Beginning in the 2014-2015 fiscal year, when s.
777 1008.22(3)(g) is implemented, the reported full-time equivalent
778 students and associated funding of students enrolled in courses
779 requiring passage of an end-of-course assessment shall be
780 adjusted after the student completes the end-of-course
781 assessment.

782 (f) ~~(b)~~ The school district in which the student resides
783 shall report full-time equivalent students for a ~~the school~~
784 ~~district~~ virtual instruction program or a virtual charter school

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785 to the department in a manner prescribed by the department, and
786 funding shall be provided through the Florida Education Finance
787 Program. Funds received by the school district of residence for
788 a student in a virtual instruction program provided by another
789 school district under this section shall be transferred to the
790 school district providing the virtual instruction program.

791 (g) ~~(e)~~ A community college provider may not report
792 students who are served in a ~~school district~~ virtual instruction
793 program for funding under the Community College Program Fund.

794 (8) ASSESSMENT AND ACCOUNTABILITY.—

795 (a) Each approved provider contracted under this section
796 must:

797 1. Participate in the statewide assessment program under
798 s. 1008.22 and in the state's education performance
799 accountability system under s. 1008.31.

800 2. Receive a school grade under s. 1008.34 or a school
801 improvement rating under s. 1008.341, as applicable. The school
802 grade or school improvement rating received by each approved
803 provider shall be based upon the aggregated assessment scores of
804 all students served by the provider statewide. The department
805 shall publish the school grade or school improvement rating
806 received by each approved provider on its Internet website. The
807 department shall develop an evaluation method for providers of
808 part-time programs which includes the percentage of students
809 making learning gains, the percentage of students successfully
810 passing any required end-of-course assessment, the percentage of
811 students taking Advanced Placement examinations, and the
812 percentage of students scoring 3 or higher on an Advanced

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813 Placement examination.

814 (b) The performance of part-time students in grades 9
815 through 12 shall not be included for purposes of school grades
816 or school improvement ratings under subparagraph (a)2.; however,
817 their performance shall be included for school grading or school
818 improvement rating purposes by the nonvirtual school providing
819 the student's primary instruction.

820 (c) An approved provider that receives a school grade of
821 "D" or "F" under s. 1008.34 or a school improvement rating of
822 "Declining" under s. 1008.341 must file a school improvement
823 plan with the department for consultation to determine the
824 causes for low performance and to develop a plan for correction
825 and improvement.

826 (d) An approved provider's contract must be terminated if
827 the provider receives a school grade of "D" or "F" under s.
828 1008.34 or a school improvement rating of "Declining" under s.
829 1008.341 for 2 years during any consecutive 4-year period or has
830 violated any qualification requirement pursuant to subsection
831 (2). A provider that has a contract terminated under this
832 paragraph may not be an approved provider for a period of at
833 least 1 year after the date upon which the contract was
834 terminated and until the department determines that the provider
835 is in compliance with subsection (2) and has corrected each
836 cause of the provider's low performance.

837 (9) EXCEPTIONS.—A provider of digital or online content or
838 curriculum that is used to supplement the instruction of
839 students who are not enrolled in a ~~school district~~ virtual
840 instruction program under this section is not required to meet

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841 the requirements of this section.

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

847 (11) RULES.—The State Board of Education shall adopt rules
848 necessary to administer this section, including rules that
849 prescribe disclosure requirements under subsection (2) and
850 school district reporting requirements under subsection (7).

851 Section 5. Section 1002.455, Florida Statutes, is created
852 to read:

853 1002.455 Student eligibility for K-12 virtual
854 instruction.—

855 (1) A student may participate in virtual instruction in
856 the school district in which he or she resides if the student
857 meets the eligibility criteria in subsection (2).

858 (2) A student is eligible to participate in virtual
859 instruction if:

860 (a) The student spent the prior school year in attendance
861 at a public school in the state and was enrolled and reported by
862 the school district for funding during October and February for
863 purposes of the Florida Education Finance Program surveys;

864 (b) The student is a dependent child of a member of the
865 United States Armed Forces who was transferred within the last
866 12 months to this state from another state or from a foreign
867 country pursuant to a permanent change of station order;

868 (c) The student was enrolled during the prior school year

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869 in a virtual instruction program under s. 1002.45, the K-8
870 Virtual School Program under s. 1002.415, or a full-time Florida
871 Virtual School program under s. 1002.37(8) (a);

872 (d) The student has a sibling who is currently enrolled in
873 a virtual instruction program and the sibling was enrolled in
874 that program at the end of the prior school year; or

875 (e) The student is eligible to enter kindergarten or first
876 grade.

877 (3) The virtual instruction options for which this
878 eligibility section applies include:

879 (a) School district operated part-time or full-time
880 kindergarten through grade 12 virtual instruction programs under
881 s. 1002.45(1) (b) for students enrolled in the school district.

882 (b) Full-time virtual charter school instruction
883 authorized under s. 1002.33.

884 (c) Courses delivered in the traditional school setting by
885 personnel providing direct instruction through a virtual
886 environment or through a blended virtual and physical environment
887 pursuant to s. 1003.498 and as authorized pursuant to s.
888 1002.321(4) (e).

889 (d) Virtual courses offered in the course code directory
890 to students within the school district or to students in other
891 school districts throughout the state pursuant to s. 1003.498.

892 Section 6. Paragraph (c) is added to subsection (2) of
893 section 1003.428, Florida Statutes, to read:

894 1003.428 General requirements for high school graduation;
895 revised.—

896 (2) The 24 credits may be earned through applied,

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897 integrated, and combined courses approved by the Department of
898 Education. The 24 credits shall be distributed as follows:

899 (c) Beginning with students entering grade 9 in the 2011-
900 2012 school year, at least one course within the 24 credits
901 required in this subsection must be completed through online
902 learning. However, an online course taken during grades 6
903 through 8 fulfills this requirement. This requirement shall be
904 met through an online course offered by the Florida Virtual
905 School, an online course offered by the high school, or an
906 online dual enrollment course offered pursuant to a district
907 interinstitutional articulation agreement pursuant to s.
908 1007.235. A student who is enrolled in a full-time or part-time
909 virtual instruction program under s. 1002.45 meets this
910 requirement.

911 Section 7. Section 1003.498, Florida Statutes, is created
912 to read:

913 1003.498 School district virtual course offerings.-

914 (1) School districts may deliver courses in the
915 traditional school setting by personnel certified pursuant to s.
916 1012.55 who provide direct instruction through a virtual
917 environment or through a blended virtual and physical
918 environment.

919 (2) School districts may offer virtual courses for
920 students enrolled in the school district. These courses must be
921 identified in the course code directory. Students who meet the
922 eligibility requirements of s. 1002.455 may participate in these
923 virtual course offerings.

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

927 (b) Any eligible student who is enrolled in a school
928 district may register and enroll in an online course offered by
929 any other school district in the state, except as limited by the
930 following:

931 1. A student may not enroll in a course offered through a
932 virtual instruction program provided pursuant to s. 1002.45.

933 2. A student may not enroll in a virtual course offered by
934 another school district if:

935 a. The course is offered online by the school district in
936 which the student resides; or

937 b. The course is offered in the school in which the
938 student is enrolled. However, a student may enroll in an online
939 course offered by another school district if the school in which
940 the student is enrolled offers the course but the student is
941 unable to schedule the course in his or her school.

942 3. The school district in which the student completes the
943 course shall report the student's completion of that course for
944 funding pursuant to s. 1011.61(1)(c)b.(VI) and the home school
945 district shall not report the student for funding for that
946 course.

947
948 For purposes of this paragraph, the combined total of all school
949 district reported FTE may not be reported as more than 1.0 full-
950 time equivalent student in any given school year. The Department

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951 of Education shall establish procedures to enable interdistrict
952 coordination for the delivery and funding of this online option.

953 Section 8. Paragraph (g) of subsection (3) of section
954 1008.22, Florida Statutes, is amended to read:

955 1008.22 Student assessment program for public schools.—

956 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
957 design and implement a statewide program of educational
958 assessment that provides information for the improvement of the
959 operation and management of the public schools, including
960 schools operating for the purpose of providing educational
961 services to youth in Department of Juvenile Justice programs.
962 The commissioner may enter into contracts for the continued
963 administration of the assessment, testing, and evaluation
964 programs authorized and funded by the Legislature. Contracts may
965 be initiated in 1 fiscal year and continue into the next and may
966 be paid from the appropriations of either or both fiscal years.
967 The commissioner is authorized to negotiate for the sale or
968 lease of tests, scoring protocols, test scoring services, and
969 related materials developed pursuant to law. Pursuant to the
970 statewide assessment program, the commissioner shall:

971 (g) Beginning with the 2014-2015 school year, all
972 statewide end-of-course assessments shall be administered
973 online. ~~Study the cost and student achievement impact of~~
974 ~~secondary end-of-course assessments, including web-based and~~
975 ~~performance formats, and report to the Legislature prior to~~
976 ~~implementation.~~

977 Section 9. Paragraph (c) of subsection (1) of section
978 1011.61, Florida Statutes, is amended to read:

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979 1011.61 Definitions.—Notwithstanding the provisions of s.
980 1000.21, the following terms are defined as follows for the
981 purposes of the Florida Education Finance Program:

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

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

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

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

992 (I) A full-time student, except a postsecondary or adult
993 student or a senior high school student enrolled in adult
994 education when such courses are required for high school
995 graduation, in a combination of programs listed in s.

996 1011.62(1)(c) shall be a fraction of a full-time equivalent
997 membership in each special program equal to the number of net
998 hours per school year for which he or she is a member, divided
999 by the appropriate number of hours set forth in subparagraph
1000 (a)1. or subparagraph (a)2. The difference between that fraction
1001 or sum of fractions and the maximum value as set forth in
1002 subsection (4) for each full-time student is presumed to be the
1003 balance of the student's time not spent in such special
1004 education programs and shall be recorded as time in the
1005 appropriate basic program.

1006 (II) A prekindergarten handicapped student shall meet the

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1007 requirements specified for kindergarten students.

1008 (III) A full-time equivalent student for students in
1009 kindergarten through grade 5 in a ~~school district~~ virtual
1010 instruction program under s. 1002.45 or a virtual charter school
1011 under s. 1002.33 shall consist of a student who has successfully
1012 completed a basic program listed in s. 1011.62(1)(c)1.a. or b.,
1013 and who is promoted to a higher grade level.

1014 (IV) A full-time equivalent student for students in grades
1015 6 through 12 in a ~~school district~~ virtual instruction program
1016 under s. 1002.45(1)(b)1., ~~and 2.,~~ or 3. or a virtual charter
1017 school under s. 1002.33 shall consist of six full credit
1018 completions in programs listed in s. 1011.62(1)(c)1.b. or c. and
1019 3. Credit completions may ~~can~~ be a combination of full-credit
1020 courses or half-credit courses ~~either full credits or half~~
1021 ~~credits.~~ Beginning in the 2014-2015 fiscal year, when s.
1022 1008.22(3)(g) is implemented, the reported full-time equivalent
1023 students and associated funding of students enrolled in courses
1024 requiring passage of an end-of-course assessment shall be
1025 adjusted after the student completes the end-of-course
1026 assessment.

1027 (V) A Florida Virtual School full-time equivalent student
1028 shall consist of six full credit completions or the prescribed
1029 level of content that counts toward promotion to the next grade
1030 in the programs listed in s. 1011.62(1)(c)1.a. and b. for
1031 kindergarten ~~grades 6~~ through grade 8 and the programs listed in
1032 s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions
1033 may ~~can~~ be a combination of full-credit courses or half-credit
1034 courses ~~either full credits or half credits.~~ Beginning in the

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1035 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the
 1036 reported full-time equivalent students and associated funding of
 1037 students enrolled in courses requiring passage of an end-of-
 1038 course assessment shall be adjusted after the student completes
 1039 the end-of-course assessment.

1040 (VI) Each successfully completed full-credit course earned
 1041 through an online course delivered by a district other than the
 1042 one in which the student resides shall be calculated as 1/6 FTE.

1043 (VII)~~(VI)~~ Each successfully completed credit earned under
 1044 the alternative high school course credit requirements
 1045 authorized in s. 1002.375, which is not reported as a portion of
 1046 the 900 net hours of instruction pursuant to subparagraph
 1047 (1)(a)1., shall be calculated as 1/6 FTE.

1048 2. A student in membership in a program scheduled for more
 1049 or less than 180 school days or the equivalent on an hourly
 1050 basis as specified by rules of the State Board of Education is a
 1051 fraction of a full-time equivalent membership equal to the
 1052 number of instructional hours in membership divided by the
 1053 appropriate number of hours set forth in subparagraph (a)1.;

1054 however, for the purposes of this subparagraph, membership in
 1055 programs scheduled for more than 180 days is limited to students
 1056 enrolled in juvenile justice education programs and the Florida
 1057 Virtual School.

1058
 1059 The department shall determine and implement an equitable method
 1060 of equivalent funding for experimental schools and for schools
 1061 operating under emergency conditions, which schools have been
 1062 approved by the department to operate for less than the minimum

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1063 school day.

1064 Section 10. Section 1012.57, Florida Statutes, is amended
1065 to read:

1066 1012.57 Certification of adjunct educators.—

1067 (1) Notwithstanding the provisions of ss. 1012.32,
1068 1012.55, and 1012.56, or any other provision of law or rule to
1069 the contrary, district school boards shall adopt rules to allow
1070 for the issuance of an adjunct teaching certificate to any
1071 applicant who fulfills the requirements of s. 1012.56(2)(a)-(f)
1072 and (10) and who has expertise in the subject area to be taught.
1073 An applicant shall be considered to have expertise in the
1074 subject area to be taught if the applicant demonstrates
1075 sufficient subject area mastery through passage of a subject
1076 area test. The adjunct teaching certificate shall be used for
1077 part-time teaching positions.

1078 (2) The Legislature intends that this section ~~intent of~~
1079 ~~this provision is to~~ allow school districts to tap the wealth of
1080 talent and expertise represented in Florida's citizens who may
1081 wish to teach part-time in a Florida public school by permitting
1082 school districts to issue adjunct certificates to qualified
1083 applicants.

1084 (3) Adjunct certificateholders should be used as a
1085 strategy to enhance the diversity of course offerings offered to
1086 all students. School districts may use the expertise of
1087 individuals in the state who wish to provide online instruction
1088 to students by issuing adjunct certificates to qualified
1089 applicants ~~reduce the teacher shortage; thus, adjunct~~
1090 ~~certificateholders should supplement a school's instructional~~

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1091 ~~staff, not supplant it. Each school principal shall assign an~~
 1092 ~~experienced peer mentor to assist the adjunct teaching~~
 1093 ~~certificat holder during the certificat holder's first year of~~
 1094 ~~teaching, and an adjunct certificat holder may participate in a~~
 1095 ~~district's new teacher training program. District school boards~~
 1096 ~~shall provide the adjunct teaching certificat holder an~~
 1097 ~~orientation in classroom management prior to assigning the~~
 1098 ~~certificat holder to a school.~~

1099 (4) Each adjunct teaching certificate is valid through the
 1100 term of the annual contract between the educator and the school
 1101 district. An additional annual certification and an additional
 1102 annual contract may be awarded by the district at the district's
 1103 discretion but only for 5 school years and is renewable if the
 1104 applicant is rated effective or highly effective under s.
 1105 1012.34 ~~has received satisfactory performance evaluations~~ during
 1106 each year of teaching under adjunct teaching certification.

1107 (5) ~~(2)~~ Individuals who are certified and employed under
 1108 this section shall have the same rights and protection of laws
 1109 as teachers certified under s. 1012.56.

1110 Section 11. Subsection (1) of section 1000.04, Florida
 1111 Statutes, is amended to read:

1112 1000.04 Components for the delivery of public education
 1113 within the Florida K-20 education system.—Florida's K-20
 1114 education system provides for the delivery of public education
 1115 through publicly supported and controlled K-12 schools,
 1116 community colleges, state universities and other postsecondary
 1117 educational institutions, other educational institutions, and
 1118 other educational services as provided or authorized by the

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1119 Constitution and laws of the state.

1120 (1) PUBLIC K-12 SCHOOLS.—The public K-12 schools include
1121 charter schools and consist of kindergarten classes; elementary,
1122 middle, and high school grades and special classes; ~~school~~
1123 ~~district~~ virtual instruction programs; workforce education;
1124 career centers; adult, part-time, and evening schools, courses,
1125 or classes, as authorized by law to be operated under the
1126 control of district school boards; and lab schools operated
1127 under the control of state universities.

1128 Section 12. Paragraph (a) of subsection (6) of section
1129 1002.20, Florida Statutes, is amended to read:

1130 1002.20 K-12 student and parent rights.—Parents of public
1131 school students must receive accurate and timely information
1132 regarding their child's academic progress and must be informed
1133 of ways they can help their child to succeed in school. K-12
1134 students and their parents are afforded numerous statutory
1135 rights including, but not limited to, the following:

1136 (6) EDUCATIONAL CHOICE.—

1137 (a) Public school choices.—Parents of public school
1138 students may seek whatever public school choice options that are
1139 applicable to their students and are available to students in
1140 their school districts. These options may include controlled
1141 open enrollment, single-gender programs, lab schools, ~~school~~
1142 ~~district~~ virtual instruction programs, charter schools, charter
1143 technical career centers, magnet schools, alternative schools,
1144 special programs, advanced placement, dual enrollment,
1145 International Baccalaureate, International General Certificate
1146 of Secondary Education (pre-AICE), Advanced International

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1147 Certificate of Education, early admissions, credit by
1148 examination or demonstration of competency, the New World School
1149 of the Arts, the Florida School for the Deaf and the Blind, and
1150 the Florida Virtual School. These options may also include the
1151 public school choice options of the Opportunity Scholarship
1152 Program and the McKay Scholarships for Students with
1153 Disabilities Program.

1154 Section 13. Paragraph (b) of subsection (3) of section
1155 1003.03, Florida Statutes, is amended to read:

1156 1003.03 Maximum class size.—

1157 (3) IMPLEMENTATION OPTIONS.—District school boards must
1158 consider, but are not limited to, implementing the following
1159 items in order to meet the constitutional class size maximums
1160 described in subsection (1):

1161 (b) Adopt policies to encourage students to take courses
1162 from the Florida Virtual School and other school-district
1163 virtual instruction options under s. 1002.45 programs.

1164 Section 14. By December 1, 2011, the Department of
1165 Education shall submit a report to the Governor, the President
1166 of the Senate, and the Speaker of the House of Representatives
1167 which identifies and explains the best methods and strategies by
1168 which the department can assist district school boards in
1169 acquiring digital learning at the most reasonable prices
1170 possible and provides a plan under which district school boards
1171 may voluntarily pool their bids for such purchases. The report
1172 shall identify criteria that will enable district school boards
1173 to differentiate between the level of service and pricing based
1174 upon factors such as the level of student support, the frequency

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1175 of teacher-student communications, instructional accountability
1176 standards, and academic integrity. The report shall also include
1177 ways to increase student access to digital learning, including
1178 identification and analysis of the best methods and strategies
1179 for implementing part-time virtual education in kindergarten
1180 through grade 5.

1181 Section 15. This act shall take effect July 1, 2011.