

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; providing requirements  
12          for a virtual charter school governing board; providing  
13          funding for a virtual charter school; establishing  
14          administrative fees for a virtual charter school; amending  
15          s. 1002.37, F.S.; redefining the term "full-time  
16          equivalent student" as it applies to the Florida Virtual  
17          School; providing instruction, funding, assessment, and  
18          accountability requirements; amending s. 1002.45, F.S.;  
19          requiring school districts to provide all public school  
20          students the opportunity to participate in virtual  
21          instruction programs; requiring school districts to  
22          provide full-time and part-time virtual instruction  
23          program options; authorizing a school district to enter  
24          into an agreement with a virtual charter school to provide  
25          virtual instruction to district students; authorizing  
26          virtual charter school contracts; providing additional  
27          provider qualifications relating to curriculum, student  
28          performance accountability, and disclosure; revising

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

52  
53 Be It Enacted by the Legislature of the State of Florida:

54  
55 Section 1. Section 1002.321, Florida Statutes, is created  
56 to read:

57 |       1002.321 Digital learning.—  
 58 |       (1) DIGITAL LEARNING NOW ACT.—There is created the Digital  
 59 | Learning Now Act.  
 60 |       (2) ELEMENTS OF HIGH-QUALITY DIGITAL LEARNING.—The  
 61 | Legislature finds that each student should have access to a  
 62 | high-quality digital learning environment that provides:  
 63 |       (a) Access to digital learning.  
 64 |       (b) Access to high-quality digital content and online  
 65 | courses.  
 66 |       (c) Education that is customized to the needs of the  
 67 | student using digital content.  
 68 |       (d) A means for the student to demonstrate competency in  
 69 | completed coursework.  
 70 |       (e) High-quality digital content, instructional materials,  
 71 | and online and blended learning courses.  
 72 |       (f) High-quality digital instruction and teachers.  
 73 |       (g) Content and instruction that are evaluated on the  
 74 | metric of student learning.  
 75 |       (h) The use of funding as an incentive for performance,  
 76 | options, and innovation.  
 77 |       (i) Infrastructure that supports digital learning.  
 78 |       (j) Online administration of state assessments.  
 79 |       (3) DIGITAL PREPARATION.—Each student must graduate from  
 80 | high school having taken at least one online course, as provided  
 81 | in s. 1003.428.  
 82 |       (4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district  
 83 | must establish multiple opportunities for student participation  
 84 | in part-time and full-time kindergarten through grade 12 virtual

85 instruction. Options include, but are not limited to:

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

91 (b) Florida Virtual School instructional services  
 92 authorized under s. 1002.37.

93 (c) Blended learning instruction provided by charter  
 94 schools authorized under s. 1002.33.

95 (d) Full-time virtual charter school instruction  
 96 authorized under s. 1002.33.

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

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

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

108 1002.33 Charter schools.—

109 (1) AUTHORIZATION.—Charter schools shall be part of the  
 110 state's program of public education. All charter schools in  
 111 Florida are public schools. A charter school may be formed by  
 112 creating a new school or converting an existing public school to

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

124 | (6) APPLICATION PROCESS AND REVIEW.—Charter school  
125 | applications are subject to the following requirements:

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

129 | 1. Demonstrates how the school will use the guiding  
130 | principles and meet the statutorily defined purpose of a charter  
131 | school.

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

135 | 3. Contains goals and objectives for improving student  
136 | learning and measuring that improvement. These goals and  
137 | objectives must indicate how much academic improvement students  
138 | are expected to show each year, how success will be evaluated,  
139 | and the specific results to be attained through instruction.

140 | 4. Describes the reading curriculum and differentiated

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

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

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

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

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

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

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

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

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

183           b. In order to provide students with access to diverse  
184 instructional delivery models, to facilitate the integration of  
185 technology within traditional classroom instruction, and to  
186 provide students with the skills they need to compete in the  
187 21st century economy, the Legislature encourages instructional  
188 methods for blended learning courses consisting of both  
189 traditional classroom and online instructional techniques.  
190 Charter schools may implement blended learning courses which  
191 combine traditional classroom instruction and virtual  
192 instruction. Students in a blended learning course must be full-  
193 time students of the charter school and receive the online  
194 instruction in a classroom setting at the charter school.  
195 Instructional personnel certified pursuant to s. 1012.55 who  
196 provide virtual instruction for blended learning courses may be

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

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

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

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

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

216

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

222 4. The methods used to identify the educational strengths  
223 and needs of students and how well educational goals and  
224 performance standards are met by students attending the charter



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

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

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

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

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

242 9. The financial and administrative management of the  
243 school, including a reasonable demonstration of the professional  
244 experience or competence of those individuals or organizations  
245 applying to operate the charter school or those hired or  
246 retained to perform such professional services and the  
247 description of clearly delineated responsibilities and the  
248 policies and practices needed to effectively manage the charter  
249 school. A description of internal audit procedures and  
250 establishment of controls to ensure that financial resources are  
251 properly managed must be included. Both public sector and  
252 private sector professional experience shall be equally valid in

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253 such a consideration.

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

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

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

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

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

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

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

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

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

308 18. Full disclosure of the identity of all relatives

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

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

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

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337 subsection (8).

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

342 (d) A school district may require that up to 50 percent of  
343 a virtual charter school's governing board members reside in the  
344 school district in which the virtual charter school is  
345 sponsored. Each virtual charter school's governing board must  
346 annually hold at least three public meetings in the school  
347 district. Such meetings must be open and accessible to the  
348 public, and attendees must be provided an opportunity to receive  
349 information and provide input regarding the charter school's  
350 affairs. A quorum of the governing board members must be  
351 physically present at each meeting.

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

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

359 (20) SERVICES.—

360 (a)1. A sponsor shall provide certain administrative and  
361 educational services to charter schools. These services shall  
362 include contract management services; full-time equivalent and  
363 data reporting services; exceptional student education  
364 administration services; services related to eligibility and

365 reporting duties required to ensure that school lunch services  
366 under the federal lunch program, consistent with the needs of  
367 the charter school, are provided by the school district at the  
368 request of the charter school, that any funds due to the charter  
369 school under the federal lunch program be paid to the charter  
370 school as soon as the charter school begins serving food under  
371 the federal lunch program, and that the charter school is paid  
372 at the same time and in the same manner under the federal lunch  
373 program as other public schools serviced by the sponsor or the  
374 school district; test administration services, including payment  
375 of the costs of state-required or district-required student  
376 assessments; processing of teacher certificate data services;  
377 and information services, including equal access to student  
378 information systems that are used by public schools in the  
379 district in which the charter school is located. Student  
380 performance data for each student in a charter school,  
381 including, but not limited to, FCAT scores, standardized test  
382 scores, previous public school student report cards, and student  
383 performance measures, shall be provided by the sponsor to a  
384 charter school in the same manner provided to other public  
385 schools in the district.

386 2. A total administrative fee for the provision of such  
387 services shall be calculated based upon up to 5 percent of the  
388 available funds defined in paragraph (17)(b) for all students.  
389 However, a sponsor may only withhold up to a 5-percent  
390 administrative fee for enrollment for up to and including 250  
391 students. For charter schools with a population of 251 or more  
392 students, the difference between the total administrative fee

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393 calculation and the amount of the administrative fee withheld  
394 may only be used for capital outlay purposes specified in s.  
395 1013.62(2).

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

- 400 a. Includes both conversion charter schools and  
401 nonconversion charter schools;
- 402 b. Has all schools located in the same county;
- 403 c. Has a total enrollment exceeding the total enrollment  
404 of at least one school district in the state;
- 405 d. Has the same governing board; and
- 406 e. Does not contract with a for-profit service provider  
407 for management of school operations.

408 4. The difference between the total administrative fee  
409 calculation and the amount of the administrative fee withheld  
410 pursuant to subparagraph 3. may be used for instructional and  
411 administrative purposes as well as for capital outlay purposes  
412 specified in s. 1013.62(2).

413 5. Each charter school shall receive 100 percent of the  
414 funds awarded to that school pursuant to s. 1012.225. Sponsors  
415 shall not charge charter schools any additional fees or  
416 surcharges for administrative and educational services in  
417 addition to the maximum 5-percent administrative fee withheld  
418 pursuant to this paragraph.

419 6. The sponsor of a virtual charter school may withhold a  
420 fee of up to 5 percent. The funds shall be used to cover the

421 cost of services provided under subparagraph 1. and for the  
 422 school district's local instructional improvement system  
 423 pursuant to s. 1006.281 or other technological tools that are  
 424 required to access electronic and digital instructional  
 425 materials.

426 Section 3. Paragraph (a) of subsection (3) of section  
 427 1002.37, Florida Statutes, is amended, and subsections (8), (9),  
 428 (10), and (11) are added to that section, to read:

429 1002.37 The Florida Virtual School.—

430 (3) Funding for the Florida Virtual School shall be  
 431 provided as follows:

432 (a)1. For a student in grades 9 through 12, a "full-time  
 433 equivalent student" for the Florida Virtual School is one  
 434 student who has successfully completed six full-credit courses  
 435 credits that shall count toward the minimum number of credits  
 436 required for high school graduation. A student who completes  
 437 fewer less than six full-credit courses is credits shall be a  
 438 fraction of a full-time equivalent student. Half-credit course  
 439 completions shall be included in determining a full-time  
 440 equivalent student. Credit completed by a student in excess of  
 441 the minimum required for that student for high school graduation  
 442 is not eligible for funding.

443 2. For a student in kindergarten through grade 8, a "full-  
 444 time equivalent student" is one student who has successfully  
 445 completed six courses or the prescribed level of content that  
 446 counts toward promotion to the next grade. A student who  
 447 completes fewer than six courses or the prescribed level of  
 448 content shall be a fraction of a full-time equivalent student.



449 3. Beginning in the 2014-2015 fiscal year, when s.  
450 1008.22(3)(g) is implemented, the reported full-time equivalent  
451 students and associated funding of students enrolled in courses  
452 requiring passage of an end-of-course assessment shall be  
453 adjusted after the student completes the end-of-course  
454 assessment. However, no adjustment shall be made for home  
455 education program students who choose not to take an end-of-  
456 course assessment.

457  
458 For purposes of this paragraph, the calculation of "full-time  
459 equivalent student" shall be as prescribed in s.  
460 1011.61(1)(c)1.b.(V).

461 (8)(a) The Florida Virtual School may provide full-time  
462 instruction for students in kindergarten through grade 12 and  
463 part-time instruction for students in grades 4 through 12. Part-  
464 time instruction for grades 4 and 5 may be provided only to  
465 public school students taking grade 6 through grade 8 courses.

466 (b) For students receiving part-time instruction in grades  
467 4 and 5 and students receiving full-time instruction in  
468 kindergarten through grade 12 from the Florida Virtual School,  
469 the combined total of all FTE reported by both the school  
470 district and the Florida Virtual School may not exceed 1.0 FTE.

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

475 (10)(a) Public school students receiving full-time  
476 instruction in kindergarten through grade 12 by the Florida

477 Virtual School must take all statewide assessments required  
 478 pursuant to s. 1008.22.

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

483 (c) All statewide assessments must be taken within the  
 484 school district in which the student resides. A school district  
 485 must provide the student with access to the district's testing  
 486 facilities.

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

490 Section 4. Section 1002.45, Florida Statutes, is amended  
 491 to read:

492 1002.45 ~~School district~~ Virtual instruction programs.—

493 (1) PROGRAM.—

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

495 1. "Approved provider" means a provider that is approved  
 496 by the Department of Education under subsection (2), the Florida  
 497 Virtual School, a franchise of the Florida Virtual School, or a  
 498 community college.

499 2. "Virtual instruction program" means a program of  
 500 instruction provided in an interactive learning environment  
 501 created through technology in which students are separated from  
 502 their teachers by time or space, or both, ~~and in which a~~  
 503 ~~Florida-certified teacher under chapter 1012 is responsible for~~  
 504 ~~at least:~~

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- 505        ~~a. Fifty percent of the direct instruction to students in~~  
506 ~~kindergarten through grade 5; or~~
- 507        ~~b. Eighty percent of the direct instruction to students in~~  
508 ~~grades 6 through 12.~~
- 509        ~~(b) Beginning with the 2009-2010 school year, Each school~~  
510 ~~district shall provide all enrolled public school eligible~~  
511 ~~students within its boundaries multiple opportunities for~~  
512 ~~participation the option of participating in part-time and full-~~  
513 ~~time a virtual instruction program options. Each school district~~  
514 ~~must provide at least three virtual instruction program options~~  
515 ~~and provide parents with timely written notification of an open~~  
516 ~~enrollment period for full-time students of at least 90 days~~  
517 ~~that ends no later than 30 days prior to the first day of the~~  
518 ~~school year. The purpose of the program is to make quality~~  
519 ~~virtual instruction available to students using online and~~  
520 ~~distance learning technology in the nontraditional classroom. A~~  
521 ~~school district virtual instruction The program shall provide~~  
522 ~~the following be:~~
- 523            1. Full-time virtual instruction for students enrolled in  
524 kindergarten through grade 12.
- 525            2. ~~Full-time or~~ Part-time virtual instruction for students  
526 enrolled in grades 9 through 12 courses that are measured  
527 pursuant to subparagraph (8) (a)2.
- 528            3. Full-time or part-time virtual instruction for students  
529 ~~who are~~ enrolled in dropout prevention and academic intervention  
530 programs under s. 1003.53, Department of Juvenile Justice  
531 education programs under s. 1003.52, core-curricula courses to  
532 meet class size requirements under s. 1003.03, or community

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533 colleges under this section.

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

537 1. Contract with the Florida Virtual School or establish a  
538 franchise of the Florida Virtual School for the provision of a  
539 program under paragraph (b). Using this option is subject to the  
540 requirements of this section and s. 1011.61(1)(c)1.b.(III) and  
541 (IV).

542 2. Contract with an approved provider under subsection (2)  
543 for the provision of a full-time program under subparagraph  
544 (b)1. or subparagraph (b)3. or a ~~full-time or part-time~~ program  
545 under subparagraph (b)2. or subparagraph (b)3.

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

551 4. Establish school district operated part-time or full-  
552 time kindergarten through grade 12 virtual instruction programs  
553 under paragraph (b) for students enrolled in the school  
554 district. A full-time program shall operate under its own Master  
555 School Identification Number.

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

558

559 Contracts under subparagraph 1. or subparagraph 2. may include  
560 multidistrict contractual arrangements that may be executed by a

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561 regional consortium for its member districts. A multidistrict  
562 contractual arrangement or an agreement under subparagraph 3. is  
563 not subject to s. 1001.42(4)(d) and does not require the  
564 participating school districts to be contiguous. These  
565 arrangements may be used to fulfill the requirements of  
566 paragraph (b).

567 (d) A virtual charter school may provide full-time virtual  
568 instruction for students in kindergarten through grade 12 if the  
569 virtual charter school has a charter approved pursuant to s.  
570 1002.33 authorizing full-time virtual instruction. A virtual  
571 charter school may:

572 1. Contract with the Florida Virtual School.

573 2. Contract with an approved provider under subsection  
574 (2).

575 3. Enter into an ~~a joint~~ agreement with the school  
576 districts to allow the participation of its students ~~district in~~  
577 which it is located for the charter school's students to  
578 participate in a ~~the school district's~~ virtual instruction  
579 program. The agreement must indicate a process for reporting of  
580 student enrollment and the transfer of funds required by  
581 paragraph (7)(f).

582 (e) Each school district shall:

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

587 2. Expend the difference in funds provided for a student  
588 participating in the school district virtual instruction program

589 pursuant to subsection (7) and the price paid for contracted  
 590 services procured pursuant to subparagraphs (c)1. and 2. for the  
 591 district's local instructional improvement system pursuant to s.  
 592 1006.281 or other technological tools that are required to  
 593 access electronic and digital instructional materials.

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

597 (2) PROVIDER QUALIFICATIONS.—

598 (a) The department shall annually publish online ~~provide~~  
 599 ~~school districts with~~ a list of providers approved to offer  
 600 virtual instruction programs. To be approved by the department,  
 601 a provider must document that it:

602 1. Is nonsectarian in its programs, admission policies,  
 603 employment practices, and operations;

604 2. Complies with the antidiscrimination provisions of s.  
 605 1000.05;

606 3. Locates an administrative office or offices in this  
 607 state, requires its administrative staff to be state residents,  
 608 requires all instructional staff to be Florida-certified  
 609 teachers under chapter 1012, and conducts background screenings  
 610 for all employees or contracted personnel, as required by s.  
 611 1012.32, using state and national criminal history records;

612 4. Possesses prior, successful experience offering online  
 613 courses to elementary, middle, or high school students as  
 614 demonstrated by quantified student learning gains in each  
 615 subject area and grade level provided for consideration as an  
 616 instructional program option;

617           5. Is accredited by a regional accrediting association as  
 618 defined by State Board of Education rule; ~~the Southern~~  
 619 ~~Association of Colleges and Schools Council on Accreditation and~~  
 620 ~~School Improvement, the North Central Association Commission on~~  
 621 ~~Accreditation and School Improvement, the Middle States~~  
 622 ~~Association of Colleges and Schools Commission on Elementary~~  
 623 ~~Schools and Commission on Secondary Schools, the New England~~  
 624 ~~Association of Schools and Colleges, the Northwest Association~~  
 625 ~~of Accredited Schools, the Western Association of Schools and~~  
 626 ~~Colleges, or the Commission on International and Trans-Regional~~  
 627 ~~Accreditation; and~~

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

632           a. Courses and programs that meet the standards of the  
 633 International Association for K-12 Online Learning and the  
 634 Southern Regional Education Board.

635           b. Instructional content and services that align with, and  
 636 measure student attainment of, student proficiency in the Next  
 637 Generation Sunshine State Standards.

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

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

645 a. Information and data about the curriculum of each full-  
 646 time and part-time program.

647 b. School policies and procedures.

648 c. Certification status and physical location of all  
 649 administrative and instructional personnel.

650 d. Hours and times of availability of instructional  
 651 personnel.

652 e. Student-teacher ratios.

653 f. Student completion and promotion rates.

654 g. Student, educator, and school performance  
 655 accountability outcomes; and

656 8.6. If the provider is a community college, employs  
 657 instructors who meet the certification requirements for  
 658 instructional staff under chapter 1012.

659 (b) An approved provider shall retain its approved status  
 660 for a period of 3 years after the date of the department's  
 661 approval under paragraph (a) as long as the provider continues  
 662 to comply with all requirements of this section. However, each  
 663 provider approved by the department for the 2011-2012 school  
 664 year must reapply for approval to provide a part-time program  
 665 for students in grades 9 through 12.

666 (3) ~~SCHOOL-DISTRICT~~ VIRTUAL INSTRUCTION PROGRAM  
 667 REQUIREMENTS.—Each ~~school-district~~ virtual instruction program  
 668 under this section must:

669 (a) Align virtual course curriculum and course content to  
 670 the Sunshine State Standards under s. 1003.41.

671 (b) Offer instruction that is designed to enable a student  
 672 to gain proficiency in each virtually delivered course of study.



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673 (c) Provide each student enrolled in the program with all  
674 the necessary instructional materials.

675 (d) Provide, ~~when appropriate,~~ each full-time student  
676 enrolled in the program who qualifies for free or reduced-price  
677 school lunches under the National School Lunch Act, or who is on  
678 the direct certification list, and who does not have a computer  
679 or Internet access in his or her home with:

680 1. All equipment necessary for participants in the ~~school~~  
681 ~~district~~ virtual instruction program, including, but not limited  
682 to, a computer, computer monitor, and printer, if a printer is  
683 necessary to participate in the program; and

684 2. Access to or reimbursement for all Internet services  
685 necessary for online delivery of instruction.

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

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

689 (a) Set forth a detailed curriculum plan that illustrates  
690 how students will be provided services and be measured for  
691 attainment of ~~to attain~~ proficiency in the Next Generation  
692 Sunshine State Standards for each grade level and subject.

693 (b) Provide a method for determining that a student has  
694 satisfied the requirements for graduation in s. 1003.428, s.  
695 1003.429, or s. 1003.43 if the contract is for the provision of  
696 a full-time virtual instruction program to students in grades 9  
697 through 12.

698 (c) Specify a method for resolving conflicts among the  
699 parties.

700 (d) Specify authorized reasons for termination of the

701 contract.

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

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

707 (5) STUDENT ELIGIBILITY.—A student may enroll in a virtual  
 708 instruction program provided by the school district or by a  
 709 virtual charter school operated in the district in which he or  
 710 she resides if the student meets eligibility requirements for  
 711 virtual instruction pursuant to s. 1002.455. ~~at least one of the~~  
 712 ~~following conditions:~~

713 ~~(a) The student has spent the prior school year in~~  
 714 ~~attendance at a public school in this state and was enrolled and~~  
 715 ~~reported by a public school district for funding during the~~  
 716 ~~preceding October and February for purposes of the Florida~~  
 717 ~~Education Finance Program surveys.~~

718 ~~(b) The student is a dependent child of a member of the~~  
 719 ~~United States Armed Forces who was transferred within the last~~  
 720 ~~12 months to this state from another state or from a foreign~~  
 721 ~~country pursuant to the parent's permanent change of station~~  
 722 ~~orders.~~

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

726 ~~(d) The student has a sibling who is currently enrolled in~~  
 727 ~~a school district virtual instruction program and that sibling~~  
 728 ~~was enrolled in such program at the end of the prior school~~

729 ~~year.~~

730 (6) STUDENT PARTICIPATION REQUIREMENTS.—Each student  
 731 enrolled in a ~~school district~~ virtual instruction program or  
 732 virtual charter school must:

733 (a) Comply with the compulsory attendance requirements of  
 734 s. 1003.21. Student attendance must be verified by the school  
 735 district.

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

739 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL  
 740 FUNDING.—

741 (a) Students enrolled in a virtual instruction program or  
 742 a virtual charter school shall be funded through the Florida  
 743 Education Finance Program as provided in the General  
 744 Appropriations Act. However, such funds may not be provided for  
 745 the purpose of fulfilling the class size requirements in ss.  
 746 1003.03 and 1011.685.

747 (b) For purposes of a ~~school district~~ virtual instruction  
 748 program or a virtual charter school, "full-time equivalent  
 749 student" has the same meaning as provided in s.  
 750 1011.61(1)(c)1.b.(III) or (IV).

751 (c) For a student enrolled part-time in a grades 6 through  
 752 12 program, a "full-time equivalent student" has the same  
 753 meaning as provided in s. 1011.61(1)(c)1.b.(IV).

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

756 (e) Beginning in the 2014-2015 fiscal year, when s.

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757 1008.22(3)(g) is implemented, the reported full-time equivalent  
 758 students and associated funding of students enrolled in courses  
 759 requiring passage of an end-of-course assessment shall be  
 760 adjusted after the student completes the end-of-course  
 761 assessment.

762 (f) ~~(b)~~ The school district in which the student resides  
 763 shall report full-time equivalent students for a ~~the school~~  
 764 ~~district~~ virtual instruction program or a virtual charter school  
 765 to the department in a manner prescribed by the department, and  
 766 funding shall be provided through the Florida Education Finance  
 767 Program. Funds received by the school district of residence for  
 768 a student in a virtual instruction program provided by another  
 769 school district under this section shall be transferred to the  
 770 school district providing the virtual instruction program.

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

774 (8) ASSESSMENT AND ACCOUNTABILITY.—

775 (a) Each approved provider contracted under this section  
 776 must:

777 1. Participate in the statewide assessment program under  
 778 s. 1008.22 and in the state's education performance  
 779 accountability system under s. 1008.31.

780 2. Receive a school grade under s. 1008.34 or a school  
 781 improvement rating under s. 1008.341, as applicable. The school  
 782 grade or school improvement rating received by each approved  
 783 provider shall be based upon the aggregated assessment scores of  
 784 all students served by the provider statewide. The department

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785 shall publish the school grade or school improvement rating  
786 received by each approved provider on its Internet website. The  
787 department shall develop an evaluation method for providers of  
788 part-time programs which includes the percentage of students  
789 making learning gains, the percentage of students successfully  
790 passing any required end-of-course assessment, the percentage of  
791 students taking Advanced Placement examinations, and the  
792 percentage of students scoring 3 or higher on an Advanced  
793 Placement examination.

794 (b) The performance of part-time students in grades 9  
795 through 12 shall not be included for purposes of school grades  
796 or school improvement ratings under subparagraph (a)2.; however,  
797 their performance shall be included for school grading or school  
798 improvement rating purposes by the nonvirtual school providing  
799 the student's primary instruction.

800 (c) An approved provider that receives a school grade of  
801 "D" or "F" under s. 1008.34 or a school improvement rating of  
802 "Declining" under s. 1008.341 must file a school improvement  
803 plan with the department for consultation to determine the  
804 causes for low performance and to develop a plan for correction  
805 and improvement.

806 (d) An approved provider's contract must be terminated if  
807 the provider receives a school grade of "D" or "F" under s.  
808 1008.34 or a school improvement rating of "Declining" under s.  
809 1008.341 for 2 years during any consecutive 4-year period or has  
810 violated any qualification requirement pursuant to subsection  
811 (2). A provider that has a contract terminated under this  
812 paragraph may not be an approved provider for a period of at

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813 | least 1 year after the date upon which the contract was  
 814 | terminated and until the department determines that the provider  
 815 | is in compliance with subsection (2) and has corrected each  
 816 | cause of the provider's low performance.

817 | (9) EXCEPTIONS.—A provider of digital or online content or  
 818 | curriculum that is used to supplement the instruction of  
 819 | students who are not enrolled in a ~~school district~~ virtual  
 820 | instruction program under this section is not required to meet  
 821 | the requirements of this section.

822 | (10) MARKETING.—Each school district shall provide  
 823 | information to parents and students about the parent's and  
 824 | student's right to participate in a ~~school district~~ virtual  
 825 | instruction program under this section and in courses offered by  
 826 | the Florida Virtual School under s. 1002.37.

827 | (11) RULES.—The State Board of Education shall adopt rules  
 828 | necessary to administer this section, including rules that  
 829 | prescribe disclosure requirements under subsection (2) and  
 830 | school district reporting requirements under subsection (7).

831 | Section 5. Section 1002.455, Florida Statutes, is created  
 832 | to read:

833 | 1002.455 Student eligibility for K-12 virtual  
 834 | instruction.—

835 | (1) A student may enroll in virtual instruction in the  
 836 | school district in which he or she resides if the student meets  
 837 | at least one of the following conditions:

838 | (a) The student spent the prior school year in attendance  
 839 | at a public school in the state and was enrolled and reported by  
 840 | the school district for funding during October and February for

841 purposes of the Florida Education Finance Program surveys;

842 (b) The student is a dependent child of a member of the  
843 United States Armed Forces who was transferred within the last  
844 12 months to this state from another state or from a foreign  
845 country pursuant to a permanent change of station order;

846 (c) The student was enrolled during the prior school year  
847 in a virtual instruction program under s. 1002.45 or a K-8  
848 Virtual School Program under s. 1002.415;

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

852 (e) The student is eligible to enter kindergarten or first  
853 grade.

854 (2) The virtual instruction options for which this  
855 eligibility section applies include:

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

859 (b) Full-time virtual charter school instruction  
860 authorized under s. 1002.33.

861 (c) Courses delivered in the traditional school setting by  
862 personnel providing direct instruction through a virtual  
863 environment or through a blended virtual and physical environment  
864 pursuant to s. 1003.498 and as authorized pursuant to s.  
865 1002.321(4)(e).

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

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

871 1003.428 General requirements for high school graduation;  
 872 revised.—

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

876 (c) Beginning with students entering grade 9 in the 2011-  
 877 2012 school year, at least one course within the 24 credits  
 878 required in this subsection must be completed through online  
 879 learning. However, an online course taken during grades 6  
 880 through 8 fulfills this requirement. This requirement shall be  
 881 met through an online course offered by the Florida Virtual  
 882 School, an online course offered by the high school, or an  
 883 online dual enrollment course offered pursuant to a district  
 884 interinstitutional articulation agreement pursuant to s.  
 885 1007.235. A student who is enrolled in a full-time or part-time  
 886 virtual instruction program under s. 1002.45 meets this  
 887 requirement.

888 Section 7. Section 1003.498, Florida Statutes, is created  
 889 to read:

890 1003.498 School district virtual course offerings.—

891 (1) School districts may deliver courses in the  
 892 traditional school setting by personnel certified pursuant to s.  
 893 1012.55 who provide direct instruction through a virtual  
 894 environment or through a blended virtual and physical  
 895 environment.



896       (2) School districts may offer virtual courses for  
 897 students enrolled in the school district. These courses must be  
 898 identified in the course code directory. Students who meet the  
 899 eligibility requirements of s. 1002.455 may participate in these  
 900 virtual course offerings.

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

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

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

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

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

914               b. The course is offered in the school in which the  
 915 student is enrolled. However, a student may enroll in an online  
 916 course offered by another school district if the school in which  
 917 the student is enrolled offers the course but the student is  
 918 unable to schedule the course in his or her school.

919           3. The school district in which the student completes the  
 920 course shall report the student's completion of that course for  
 921 funding pursuant to s. 1011.61(1)(c)b.(VI) and the home school  
 922 district shall not report the student for funding for that  
 923 course.

924  
 925 For purposes of this paragraph, the combined total of all school  
 926 district reported FTE may not be reported as more than 1.0 full-  
 927 time equivalent student in any given school year. The Department  
 928 of Education shall establish procedures to enable interdistrict  
 929 coordination for the delivery and funding of this online option.

930 Section 8. Paragraph (g) of subsection (3) of section  
 931 1008.22, Florida Statutes, is amended to read:

932 1008.22 Student assessment program for public schools.—

933 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall  
 934 design and implement a statewide program of educational  
 935 assessment that provides information for the improvement of the  
 936 operation and management of the public schools, including  
 937 schools operating for the purpose of providing educational  
 938 services to youth in Department of Juvenile Justice programs.  
 939 The commissioner may enter into contracts for the continued  
 940 administration of the assessment, testing, and evaluation  
 941 programs authorized and funded by the Legislature. Contracts may  
 942 be initiated in 1 fiscal year and continue into the next and may  
 943 be paid from the appropriations of either or both fiscal years.  
 944 The commissioner is authorized to negotiate for the sale or  
 945 lease of tests, scoring protocols, test scoring services, and  
 946 related materials developed pursuant to law. Pursuant to the  
 947 statewide assessment program, the commissioner shall:

948 (g) Beginning with the 2014-2015 school year, all  
 949 statewide end-of-course assessments shall be administered  
 950 online. ~~Study the cost and student achievement impact of~~  
 951 ~~secondary end-of-course assessments, including web-based and~~

952 ~~performance formats, and report to the Legislature prior to~~  
 953 ~~implementation.~~

954 Section 9. Paragraph (c) of subsection (1) of section  
 955 1011.61, Florida Statutes, is amended to read:

956 1011.61 Definitions.—Notwithstanding the provisions of s.  
 957 1000.21, the following terms are defined as follows for the  
 958 purposes of the Florida Education Finance Program:

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

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

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

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

969 (I) A full-time student, except a postsecondary or adult  
 970 student or a senior high school student enrolled in adult  
 971 education when such courses are required for high school  
 972 graduation, in a combination of programs listed in s.  
 973 1011.62(1)(c) shall be a fraction of a full-time equivalent  
 974 membership in each special program equal to the number of net  
 975 hours per school year for which he or she is a member, divided  
 976 by the appropriate number of hours set forth in subparagraph  
 977 (a)1. or subparagraph (a)2. The difference between that fraction  
 978 or sum of fractions and the maximum value as set forth in  
 979 subsection (4) for each full-time student is presumed to be the

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980 balance of the student's time not spent in such special  
981 education programs and shall be recorded as time in the  
982 appropriate basic program.

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

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

991 (IV) A full-time equivalent student for students in grades  
992 6 through 12 in a ~~school district~~ virtual instruction program  
993 under s. 1002.45(1)(b)1., ~~and 2.,~~ or 3. or a virtual charter  
994 school under s. 1002.33 shall consist of six full credit  
995 completions in programs listed in s. 1011.62(1)(c)1.b. or c. and  
996 3. Credit completions may ~~can~~ be a combination of full-credit  
997 courses or half-credit courses ~~either full credits or half~~  
998 ~~credits.~~ Beginning in the 2014-2015 fiscal year, when s.  
999 1008.22(3)(g) is implemented, the reported full-time equivalent  
1000 students and associated funding of students enrolled in courses  
1001 requiring passage of an end-of-course assessment shall be  
1002 adjusted after the student completes the end-of-course  
1003 assessment.

1004 (V) A Florida Virtual School full-time equivalent student  
1005 shall consist of six full credit completions or the prescribed  
1006 level of content that counts toward promotion to the next grade  
1007 in the programs listed in s. 1011.62(1)(c)1.a. and b. for

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1008 | kindergarten ~~grades 6~~ through grade 8 and the programs listed in  
 1009 | s. 1011.62(1)(c)1.c. for grades 9 through 12. Credit completions  
 1010 | may ~~can~~ be a combination of full-credit courses or half-credit  
 1011 | courses ~~either full credits or half credits~~. Beginning in the  
 1012 | 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the  
 1013 | reported full-time equivalent students and associated funding of  
 1014 | students enrolled in courses requiring passage of an end-of-  
 1015 | course assessment shall be adjusted after the student completes  
 1016 | the end-of-course assessment.

1017 |       (VI) Each successfully completed full-credit course earned  
 1018 | through an online course delivered by a district other than the  
 1019 | one in which the student resides shall be calculated as 1/6 FTE.

1020 |       (VII) ~~(VI)~~ Each successfully completed credit earned under  
 1021 | the alternative high school course credit requirements  
 1022 | authorized in s. 1002.375, which is not reported as a portion of  
 1023 | the 900 net hours of instruction pursuant to subparagraph  
 1024 | (1)(a)1., shall be calculated as 1/6 FTE.

1025 |       2. A student in membership in a program scheduled for more  
 1026 | or less than 180 school days or the equivalent on an hourly  
 1027 | basis as specified by rules of the State Board of Education is a  
 1028 | fraction of a full-time equivalent membership equal to the  
 1029 | number of instructional hours in membership divided by the  
 1030 | appropriate number of hours set forth in subparagraph (a)1.;  
 1031 | however, for the purposes of this subparagraph, membership in  
 1032 | programs scheduled for more than 180 days is limited to students  
 1033 | enrolled in juvenile justice education programs and the Florida  
 1034 | Virtual School.

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1036 The department shall determine and implement an equitable method  
 1037 of equivalent funding for experimental schools and for schools  
 1038 operating under emergency conditions, which schools have been  
 1039 approved by the department to operate for less than the minimum  
 1040 school day.

1041 Section 10. Section 1012.57, Florida Statutes, is amended  
 1042 to read:

1043 1012.57 Certification of adjunct educators.—

1044 (1) Notwithstanding the provisions of ss. 1012.32,  
 1045 1012.55, and 1012.56, or any other provision of law or rule to  
 1046 the contrary, district school boards shall adopt rules to allow  
 1047 for the issuance of an adjunct teaching certificate to any  
 1048 applicant who fulfills the requirements of s. 1012.56(2)(a)-(f)  
 1049 and (10) and who has expertise in the subject area to be taught.  
 1050 An applicant shall be considered to have expertise in the  
 1051 subject area to be taught if the applicant demonstrates  
 1052 sufficient subject area mastery through passage of a subject  
 1053 area test. The adjunct teaching certificate shall be used for  
 1054 part-time teaching positions.

1055 (2) The Legislature intends that this section ~~intent of~~  
 1056 ~~this provision is to~~ allow school districts to tap the wealth of  
 1057 talent and expertise represented in Florida's citizens who may  
 1058 wish to teach part-time in a Florida public school by permitting  
 1059 school districts to issue adjunct certificates to qualified  
 1060 applicants.

1061 (3) Adjunct certificateholders should be used as a  
 1062 strategy to enhance the diversity of course offerings offered to  
 1063 all students. School districts may use the expertise of

1064 individuals in the state who wish to provide online instruction  
 1065 to students by issuing adjunct certificates to qualified  
 1066 applicants ~~reduce the teacher shortage; thus, adjunct~~  
 1067 ~~certificateholders should supplement a school's instructional~~  
 1068 ~~staff, not supplant it. Each school principal shall assign an~~  
 1069 ~~experienced peer mentor to assist the adjunct teaching~~  
 1070 ~~certificateholder during the certificateholder's first year of~~  
 1071 ~~teaching, and an adjunct certificateholder may participate in a~~  
 1072 ~~district's new teacher training program. District school boards~~  
 1073 ~~shall provide the adjunct teaching certificateholder an~~  
 1074 ~~orientation in classroom management prior to assigning the~~  
 1075 ~~certificateholder to a school.~~

1076 (4) Each adjunct teaching certificate is valid through the  
 1077 term of the annual contract between the educator and the school  
 1078 district. Additional annual certifications and annual contracts  
 1079 may be awarded by the district at the district's discretion but  
 1080 only for 5 school years and is renewable if the applicant is  
 1081 rated effective or highly effective under s. 1012.34 ~~has~~  
 1082 ~~received satisfactory performance evaluations during each year~~  
 1083 ~~of teaching under adjunct teaching certification.~~

1084 (5) ~~(2)~~ Individuals who are certified and employed under  
 1085 this section shall have the same rights and protection of laws  
 1086 as teachers certified under s. 1012.56.

1087 Section 11. Subsection (1) of section 1000.04, Florida  
 1088 Statutes, is amended to read:

1089 1000.04 Components for the delivery of public education  
 1090 within the Florida K-20 education system.—Florida's K-20  
 1091 education system provides for the delivery of public education

1092 through publicly supported and controlled K-12 schools,  
 1093 community colleges, state universities and other postsecondary  
 1094 educational institutions, other educational institutions, and  
 1095 other educational services as provided or authorized by the  
 1096 Constitution and laws of the state.

1097 (1) PUBLIC K-12 SCHOOLS.—The public K-12 schools include  
 1098 charter schools and consist of kindergarten classes; elementary,  
 1099 middle, and high school grades and special classes; ~~school~~  
 1100 ~~district~~ virtual instruction programs; workforce education;  
 1101 career centers; adult, part-time, and evening schools, courses,  
 1102 or classes, as authorized by law to be operated under the  
 1103 control of district school boards; and lab schools operated  
 1104 under the control of state universities.

1105 Section 12. Paragraph (a) of subsection (6) of section  
 1106 1002.20, Florida Statutes, is amended to read:

1107 1002.20 K-12 student and parent rights.—Parents of public  
 1108 school students must receive accurate and timely information  
 1109 regarding their child's academic progress and must be informed  
 1110 of ways they can help their child to succeed in school. K-12  
 1111 students and their parents are afforded numerous statutory  
 1112 rights including, but not limited to, the following:

1113 (6) EDUCATIONAL CHOICE.—

1114 (a) Public school choices.—Parents of public school  
 1115 students may seek whatever public school choice options that are  
 1116 applicable to their students and are available to students in  
 1117 their school districts. These options may include controlled  
 1118 open enrollment, single-gender programs, lab schools, ~~school~~  
 1119 ~~district~~ virtual instruction programs, charter schools, charter



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1120 technical career centers, magnet schools, alternative schools,  
 1121 special programs, advanced placement, dual enrollment,  
 1122 International Baccalaureate, International General Certificate  
 1123 of Secondary Education (pre-AICE), Advanced International  
 1124 Certificate of Education, early admissions, credit by  
 1125 examination or demonstration of competency, the New World School  
 1126 of the Arts, the Florida School for the Deaf and the Blind, and  
 1127 the Florida Virtual School. These options may also include the  
 1128 public school choice options of the Opportunity Scholarship  
 1129 Program and the McKay Scholarships for Students with  
 1130 Disabilities Program.

1131 Section 13. Paragraph (b) of subsection (3) of section  
 1132 1003.03, Florida Statutes, is amended to read:

1133 1003.03 Maximum class size.—

1134 (3) IMPLEMENTATION OPTIONS.—District school boards must  
 1135 consider, but are not limited to, implementing the following  
 1136 items in order to meet the constitutional class size maximums  
 1137 described in subsection (1):

1138 (b) Adopt policies to encourage students to take courses  
 1139 from the Florida Virtual School and other ~~school-district~~  
 1140 virtual instruction options under s. 1002.45 ~~programs~~.

1141 Section 14. By December 1, 2011, the Department of  
 1142 Education shall submit a report to the Governor, the President  
 1143 of the Senate, and the Speaker of the House of Representatives  
 1144 which identifies and explains the best methods and strategies by  
 1145 which the department can assist district school boards in  
 1146 acquiring digital learning at the most reasonable prices  
 1147 possible and provides a plan under which district school boards

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1148 may voluntarily pool their bids for such purchases. The report  
1149 shall identify criteria that will enable district school boards  
1150 to differentiate between the level of service and pricing based  
1151 upon factors such as the level of student support, the frequency  
1152 of teacher-student communications, instructional accountability  
1153 standards, and academic integrity. The report shall also include  
1154 ways to increase student access to digital learning, including  
1155 identification and analysis of the best methods and strategies  
1156 for implementing part-time virtual education in kindergarten  
1157 through grade 5.

1158 Section 15. This act shall take effect July 1, 2011.