

By the Committee on Education; and Senator Brandes

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1 A bill to be entitled
2 An act relating to virtual learning; amending s.
3 1002.37, F.S.; revising the purpose of the Florida
4 Virtual School to provide for the development and
5 delivery of online distance and blended learning;
6 requiring the Florida Virtual School to give priority
7 to students enrolled in certain Department of
8 Corrections education programs; conforming a reporting
9 requirement to changes made by the act; deleting
10 authorization for the board of trustees of the Florida
11 Virtual School to adopt procedures; revising the
12 requirements of a report that the board of trustees of
13 the Florida Virtual School must annually submit to
14 certain entities, beginning with a specified school
15 year; requiring students enrolled in the Florida
16 Virtual School Justice Education Program to take
17 specified examinations and assessments at institutions
18 or facilities operated by, or under the supervision
19 of, the Department of Corrections; providing for the
20 determination of Florida Virtual School performance
21 related to the Justice Education Program; creating s.
22 1002.371, F.S.; requiring the Florida Virtual School
23 to establish the Florida Virtual School Justice
24 Education Program, beginning with a specified school
25 year; providing the purpose of the program; specifying
26 criteria for course delivery; requiring the Florida
27 Virtual School to report program students separately
28 from other students for funding purposes; providing
29 for funding of students enrolled in the program;

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30 authorizing students who turn 22 years of age while
31 enrolled in the program to remain enrolled under
32 certain circumstances; prohibiting funding for such a
33 student from being reported through the Florida
34 Education Finance Program; requiring the Department of
35 Education, with assistance from specified entities, to
36 select a common student assessment instrument and
37 protocol for measuring student learning gains and
38 progression; requiring specified entities to jointly
39 review such assessment instrument and protocol and
40 implement changes as necessary; authorizing students
41 to appeal removal from the Florida Virtual School
42 Justice Education Program, subject to a final
43 determination on the appeal by the Commissioner of
44 Education; requiring the Florida Virtual School to
45 negotiate by a specified date and annually thereafter
46 a cooperative agreement with the Department of
47 Corrections to implement the Florida Virtual School
48 Justice Education Program for the delivery of
49 educational services to students under the
50 jurisdiction of the Department of Corrections;
51 providing requirements for such agreement; providing
52 construction; requiring the state board and the
53 Department of Corrections to adopt rules; amending s.
54 1011.61, F.S.; revising the definition of the term
55 "full-time equivalent student"; amending s. 1011.62,
56 F.S.; conforming a provision to changes made by the
57 act; providing an effective date.

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59 Be It Enacted by the Legislature of the State of Florida:

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61 Section 1. Paragraphs (a) and (b) of subsection (1) and
62 subsections (2), (7), and (11) of section 1002.37, Florida
63 Statutes, are amended, and paragraph (e) is added to subsection
64 (10) of that section, to read:

65 1002.37 The Florida Virtual School.—

66 (1) (a) The Florida Virtual School is established for the
67 development and delivery of online ~~and~~ distance and blended
68 learning education. The Commissioner of Education shall monitor
69 the school's performance and report its performance to the State
70 Board of Education and the Legislature.

71 (b) The mission of the Florida Virtual School is to provide
72 students with technology-based educational opportunities to gain
73 the knowledge and skills necessary to succeed. The school shall
74 serve any student in this ~~the~~ state who meets the profile for
75 success in this educational delivery context and shall give
76 priority to:

77 1. Students who need expanded access to courses in order to
78 meet their educational goals, such as home education students
79 and students in inner-city and rural high schools who do not
80 have access to higher-level courses.

81 2. Students seeking accelerated access in order to obtain a
82 high school diploma at least one semester early.

83 3. Students who are children of an active duty member of
84 the United States Armed Forces who is not stationed in this
85 state whose home of record or state of legal residence is
86 Florida.

87 4. Students enrolled in the Florida Virtual School Justice

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88 Education Program pursuant to s. 1002.371.

89

90 The board of trustees of the Florida Virtual School shall
91 identify appropriate performance measures and standards based on
92 student achievement that reflect the school's statutory mission
93 and priorities, and shall implement an accountability system for
94 the school that includes assessment of its effectiveness and
95 efficiency in providing quality services that encourage high
96 student achievement, seamless articulation, and maximum access.

97 (2) The Florida Virtual School shall be governed by a board
98 of trustees comprised of seven members appointed by the Governor
99 to 4-year staggered terms. The board of trustees shall be a
100 public agency entitled to sovereign immunity pursuant to s.
101 768.28, and board members shall be public officers who shall
102 bear fiduciary responsibility for the Florida Virtual School.
103 The board of trustees shall have the following powers and
104 duties:

105 (a)1. The board of trustees shall meet at least 4 times
106 each year, upon the call of the chair, or at the request of a
107 majority of the membership.

108 2. The fiscal year for the Florida Virtual School shall be
109 the state fiscal year as provided in s. 216.011(1)(o).

110 (b) The board of trustees shall be responsible for the
111 Florida Virtual School's development of a state-of-the-art
112 technology-based education delivery system that is cost-
113 effective, educationally sound, marketable, and capable of
114 sustaining a self-sufficient delivery system through the Florida
115 Education Finance Program.

116 (c) The board of trustees shall aggressively seek avenues

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117 to generate revenue to support its future endeavors, and shall
118 enter into agreements with online distance and blended learning
119 providers. The board of trustees may acquire, enjoy, use, and
120 dispose of patents, copyrights, and trademarks and any licenses
121 and other rights or interests thereunder or therein. Ownership
122 of all such patents, copyrights, trademarks, licenses, and
123 rights or interests thereunder or therein shall vest in the
124 state, with the board of trustees having full right of use and
125 full right to retain the revenues derived therefrom. Any funds
126 realized from patents, copyrights, trademarks, or licenses are
127 ~~shall be~~ considered internal funds as provided in s. 1011.07.
128 Such funds shall be used to support the school's marketing and
129 research and development activities in order to improve
130 courseware and services to its students.

131 (d) The board of trustees shall be responsible for the
132 administration and control of all local school funds derived
133 from all activities or sources and shall prescribe the
134 principles and procedures to be followed in administering these
135 funds.

136 (e) The Florida Virtual School may accrue supplemental
137 revenue from supplemental support organizations, which include,
138 but are not limited to, alumni associations, foundations,
139 parent-teacher associations, and booster associations. The
140 governing body of each supplemental support organization shall
141 recommend the expenditure of moneys collected by the
142 organization for the benefit of the school. Such expenditures
143 shall be contingent upon the review of the executive director.
144 The executive director may override any proposed expenditure of
145 the organization that would violate Florida law or breach sound

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146 educational management.

147 (f) In accordance with law and rules of the State Board of
148 Education, the board of trustees shall administer and maintain
149 personnel programs for all employees of the board of trustees
150 and the Florida Virtual School. The board of trustees may adopt
151 rules, policies, and procedures related to the appointment,
152 employment, and removal of personnel.

153 1. The board of trustees shall determine the compensation,
154 including salaries and fringe benefits, and other conditions of
155 employment for such personnel.

156 2. The board of trustees may establish and maintain a
157 personnel loan or exchange program by which persons employed by
158 the board of trustees for the Florida Virtual School as academic
159 administrative and instructional staff may be loaned to, or
160 exchanged with persons employed in like capacities by, public
161 agencies either within or without this state, or by private
162 industry. With respect to public agency employees, the program
163 authorized by this subparagraph shall be consistent with the
164 requirements of part II of chapter 112. The salary and benefits
165 of board of trustees personnel participating in the loan or
166 exchange program shall be continued during the period of time
167 they participate in a loan or exchange program, and such
168 personnel shall be deemed to have no break in creditable or
169 continuous service or employment during such time. The salary
170 and benefits of persons participating in the personnel loan or
171 exchange program who are employed by public agencies or private
172 industry shall be paid by the originating employers of those
173 participants, and such personnel shall be deemed to have no
174 break in creditable or continuous service or employment during

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175 such time.

176 3. The employment of all Florida Virtual School academic
177 administrative and instructional personnel shall be subject to
178 rejection for cause by the board of trustees, and shall be
179 subject to policies of the board of trustees relative to
180 certification, tenure, leaves of absence, sabbaticals,
181 remuneration, and such other conditions of employment as the
182 board of trustees deems necessary and proper, not inconsistent
183 with law.

184 4. Each person employed by the board of trustees in an
185 academic administrative or instructional capacity with the
186 Florida Virtual School shall be entitled to a contract as
187 provided by rules of the board of trustees.

188 5. All employees except temporary, seasonal, and student
189 employees may be state employees for the purpose of being
190 eligible to participate in the Florida Retirement System and
191 receive benefits. The classification and pay plan, including
192 terminal leave and other benefits, and any amendments thereto,
193 shall be subject to review and approval by the Department of
194 Management Services and the Executive Office of the Governor
195 prior to adoption.

196 (g) The board of trustees shall establish priorities for
197 admission of students in accordance with paragraph (1)(b).

198 (h) The board of trustees shall establish and distribute to
199 all school districts and high schools in the state procedures
200 for enrollment of students in courses offered by the Florida
201 Virtual School.

202 (i) The board of trustees shall establish criteria defining
203 the elements of an approved franchise. The board of trustees may

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204 enter into franchise agreements with Florida district school
205 boards and may establish the terms and conditions governing such
206 agreements. The board of trustees shall establish the
207 performance and accountability measures and report the
208 performance of each school district franchise to the
209 Commissioner of Education.

210 (j) The board of trustees shall submit to the State Board
211 of Education both forecasted and actual enrollments and credit
212 completions for the Florida Virtual School, according to
213 procedures established by the State Board of Education. At a
214 minimum, such procedures must include the number of public,
215 private, and home education students served, by program and by
216 county of residence, and the number of students enrolled in the
217 Florida Virtual School Justice Education Program pursuant to s.
218 1002.371.

219 (k) The board of trustees shall provide for the content and
220 custody of student and employee personnel records. Student
221 records shall be subject to the provisions of s. 1002.22.
222 Employee records shall be subject to the provisions of s.
223 1012.31.

224 (l) The financial records and accounts of the Florida
225 Virtual School shall be maintained under the direction of the
226 board of trustees and under rules adopted by the State Board of
227 Education for the uniform system of financial records and
228 accounts for the schools of the state.

229
230 The Governor shall designate the initial chair of the board of
231 trustees to serve a term of 4 years. Members of the board of
232 trustees shall serve without compensation, but may be reimbursed

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233 for per diem and travel expenses pursuant to s. 112.061. The
234 board of trustees shall be a body corporate with all the powers
235 of a body corporate and such authority as is needed for the
236 proper operation and improvement of the Florida Virtual School.
237 The board of trustees is specifically authorized to adopt rules
238 and, policies, ~~and procedures~~, consistent with law and rules of
239 the State Board of Education related to governance, personnel,
240 budget and finance, administration, programs, curriculum and
241 instruction, travel and purchasing, technology, students,
242 contracts and grants, and property as necessary for optimal,
243 efficient operation of the Florida Virtual School. Tangible
244 personal property owned by the board of trustees shall be
245 subject to the provisions of chapter 273.

246 (7) The board of trustees shall annually submit to the
247 Governor, the Legislature, the Commissioner of Education, and
248 the State Board of Education the audit report prepared pursuant
249 to subsection (6) and a complete and detailed report setting
250 forth:

251 (a) The operations and accomplishments of the Florida
252 Virtual School within this ~~the~~ state and those occurring outside
253 this ~~the~~ state as Florida Virtual School Global and, beginning
254 with the 2022-2023 school year, the Florida Virtual School
255 Justice Education Program established under s. 1002.371.

256 (b) The marketing and operational plan for the Florida
257 Virtual School, ~~and~~ Florida Virtual School Global, and,
258 beginning with the 2022-2023 school year, the Florida Virtual
259 School Justice Education Program established under s. 1002.371,
260 including recommendations regarding methods for improving the
261 delivery of education through the Internet and other distance

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262 learning technology.

263 (c) The assets and liabilities of the Florida Virtual
264 School and Florida Virtual School Global at the end of the
265 fiscal year.

266 (d) Recommendations regarding the unit cost of providing
267 services to students through the Florida Virtual School, ~~and~~
268 Florida Virtual School Global, and, beginning with the 2022-2023
269 school year, the Florida Virtual School Justice Education
270 Program established under s. 1002.371. In order to most
271 effectively develop public policy regarding any future funding
272 of the Florida Virtual School, it is imperative that the cost of
273 the program is accurately identified. The identified cost of the
274 program must be based on reliable data.

275 (e) Recommendations regarding an accountability mechanism
276 to assess the effectiveness of the services provided by the
277 Florida Virtual School, ~~and~~ Florida Virtual School Global, ~~and,~~
278 beginning with the 2022-2023 school year, the Florida Virtual
279 School Justice Education Program established under s. 1002.371.

280 (10)

281 (e) Students enrolled in the Florida Virtual School Justice
282 Education Program pursuant to s. 1002.371 must take all industry
283 certification examinations, national assessments, and statewide,
284 standardized assessments at the institution or facility operated
285 by, or under the supervision of, the Department of Corrections.

286 (11) The Florida Virtual School shall receive a school
287 grade pursuant to s. 1008.34 for students receiving full-time
288 instruction pursuant to this section. School performance for the
289 Florida Virtual School as it relates to the Justice Education
290 Program must be assessed based on student learning gains and

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291 student progression as demonstrated by the student assessment
292 instrument and protocol selected pursuant to s. 1002.371(6).

293 Section 2. Section 1002.371, Florida Statutes, is created
294 to read:

295 1002.371 Florida Virtual School Justice Education Program.—

296 (1) Beginning with the 2022-2023 school year, the Florida
297 Virtual School shall establish the Florida Virtual School
298 Justice Education Program to offer inmates younger than 22 years
299 of age housed in institutions and facilities operated by, or
300 under the supervision of, the Department of Corrections the
301 opportunity to earn a standard high school diploma pursuant to
302 s. 1003.4282. Courses must be delivered in an educational
303 setting under the supervision of the Department of Corrections
304 by Florida Virtual School personnel certified pursuant to s.
305 1012.55 who provide instruction through online courses pursuant
306 to s. 1002.37 or through blended learning courses consisting of
307 both traditional classroom and online instructional techniques.
308 Students in blended learning courses must be full-time students
309 of the school as provided in s. 1011.61(1)(a)1. The funding,
310 performance, and accountability requirements for blended
311 learning courses are the same as those for traditional classroom
312 courses.

313 (2) The Florida Virtual School shall separately report all
314 students enrolled in the program for purposes of the Florida
315 Education Finance Program.

316 (3) The Florida Virtual School shall receive state funds
317 for operating purposes as provided in the General Appropriations
318 Act for students enrolled in the program. The calculation to
319 determine the amount of state funds shall be as prescribed in s.

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320 1002.37(3)(f).

321 (4) The program must include and receive funding for a
322 summer school period that must begin on the day immediately
323 following the end of the regular school year and end on the day
324 immediately preceding the subsequent regular school year.
325 Students may not be funded for more than 25 hours per week of
326 instruction.

327 (5) A student who turns 22 years of age while enrolled in
328 the program may remain enrolled if his or her continued
329 enrollment is approved by the Florida Virtual School and the
330 Department of Corrections; however, funding for such a student
331 may not be reported through the Florida Education Finance
332 Program.

333 (6) The Department of Education, with the assistance of the
334 Florida Virtual School and the Department of Corrections, shall
335 select a common student assessment instrument and protocol for
336 measuring student learning gains and student progression for
337 students receiving full-time instruction pursuant to this
338 section. The Department of Education, the Florida Virtual
339 School, and the Department of Corrections, jointly, shall review
340 the effectiveness of such assessment instrument and protocol and
341 implement changes as necessary.

342 (7) A student who is removed from the program may appeal to
343 the Department of Education to seek reinstatement, subject to a
344 final determination on the appeal by the Commissioner of
345 Education.

346 (8) By July 1, 2023, and annually thereafter, the Florida
347 Virtual School shall negotiate a cooperative agreement with the
348 Department of Corrections for the delivery of educational

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349 services to students under the jurisdiction of the Department of
350 Corrections to implement the program. Such agreement must
351 provide for, but is not limited to:

352 (a) Roles and responsibilities of the Florida Virtual
353 School and the Department of Corrections, including the roles
354 and responsibilities of contract providers.

355 (b) Resolution of administrative issues, including
356 procedures for sharing information.

357 (c) Allocation of resources, including the maximization of
358 state and federal funding.

359 (d) Procedures for educational evaluation for exceptional
360 education students and those with special needs.

361 (e) Procedures for individualized progress monitoring plans
362 developed for all students not classified upon entry to the
363 program as exceptional education students. These plans must
364 address academic, literacy, career, and technical skills and
365 must include provisions for intensive remedial instruction in
366 areas of weakness.

367 (f) Curriculum and delivery of instruction, including
368 resources required for delivery of instruction through
369 technological means.

370 (g) Procedures for assessments, including, but not limited
371 to, industry certification examinations, national assessments,
372 and statewide, standardized assessments administered pursuant to
373 s. 1008.22 at an institution or facility operated by the
374 Department of Corrections.

375 (h) Classroom management procedures and attendance
376 policies.

377 (i) Procedures for provision of qualified personnel,

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378 whether supplied by the Florida Virtual School or the Department
379 of Corrections, and for the performance of their duties in a
380 Department of Corrections setting.

381 (j) Provisions for improving skills in teaching and working
382 with students in the program.

383 (k) Transition plans for students moving into and out of
384 the program, including graduates transitioning to postsecondary
385 education or into the workforce.

386 (l) Procedures and timelines for the timely documentation
387 of credits earned and the transfer of student records.

388 (m) Methods and procedures for dispute resolution.

389 (n) Provisions for ensuring the safety of education
390 personnel and support for the agreed-upon education program.

391 (9) This section and the cooperative agreement required
392 under subsection (8) do not require the Florida Virtual School
393 to provide more services than can be supported by the funds
394 generated by students participating in the program.

395 (10) This section does not prohibit a student from
396 participating in the Correctional Education Program pursuant to
397 s. 944.801.

398 (11) The State Board of Education and the Department of
399 Corrections shall adopt rules to administer this section.

400 Section 3. Paragraph (c) of subsection (1) of section
401 1011.61, Florida Statutes, is amended to read:

402 1011.61 Definitions.—Notwithstanding the provisions of s.
403 1000.21, the following terms are defined as follows for the
404 purposes of the Florida Education Finance Program:

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

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407 students as follows:

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

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

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

415 (I) A full-time student in a combination of programs listed
416 in s. 1011.62(1)(c) shall be a fraction of a full-time
417 equivalent membership in each special program equal to the
418 number of net hours per school year for which he or she is a
419 member, divided by the appropriate number of hours set forth in
420 subparagraph (a)1. The difference between that fraction or sum
421 of fractions and the maximum value as set forth in subsection
422 (4) for each full-time student is presumed to be the balance of
423 the student's time not spent in a special program and shall be
424 recorded as time in the appropriate basic program.

425 (II) A prekindergarten student with a disability shall meet
426 the requirements specified for kindergarten students.

427 (III) A full-time equivalent student for students in
428 kindergarten through grade 12 in a full-time virtual instruction
429 program under s. 1002.45 or a virtual charter school under s.
430 1002.33 shall consist of six full-credit completions or the
431 prescribed level of content that counts toward promotion to the
432 next grade in programs listed in s. 1011.62(1)(c). Credit
433 completions may be a combination of full-credit courses or half-
434 credit courses.

435 (IV) A full-time equivalent student for students in

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436 kindergarten through grade 12 in a part-time virtual instruction
437 program under s. 1002.45 shall consist of six full-credit
438 completions in programs listed in s. 1011.62(1)(c)1. and 3.
439 Credit completions may be a combination of full-credit courses
440 or half-credit courses.

441 (V) A Florida Virtual School full-time equivalent student
442 in an online program shall consist of six full-credit
443 completions or the prescribed level of content that counts
444 toward promotion to the next grade in the programs listed in s.
445 1011.62(1)(c)1. and 3. for students participating in
446 kindergarten through grade 12 part-time virtual instruction and
447 the programs listed in s. 1011.62(1)(c) for students
448 participating in kindergarten through grade 12 full-time virtual
449 instruction. Credit completions may be a combination of full-
450 credit courses or half-credit courses.

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

454 (VII) A full-time equivalent student for courses requiring
455 passage of a statewide, standardized end-of-course assessment
456 under s. 1003.4282 to earn a standard high school diploma shall
457 be defined and reported based on the number of instructional
458 hours as provided in this subsection.

459 (VIII) For students enrolled in a school district as a
460 full-time student, the district may report 1/6 FTE for each
461 student who passes a statewide, standardized end-of-course
462 assessment without being enrolled in the corresponding course.

463 2. A student in membership in a program scheduled for more
464 or less than 180 school days or the equivalent on an hourly

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465 basis as specified by rules of the State Board of Education is a
466 fraction of a full-time equivalent membership equal to the
467 number of instructional hours in membership divided by the
468 appropriate number of hours set forth in subparagraph (a)1.;
469 however, for the purposes of this subparagraph, membership in
470 programs scheduled for more than 180 days is limited to students
471 enrolled in:

- 472 a. Juvenile justice education programs.
- 473 b. The Florida Virtual School.
- 474 c. Virtual instruction programs and virtual charter schools
475 for the purpose of course completion and credit recovery
476 pursuant to ss. 1002.45 and 1003.498. Course completion applies
477 only to a student who is reported during the second or third
478 membership surveys and who does not complete a virtual education
479 course by the end of the regular school year. The course must be
480 completed no later than the deadline for amending the final
481 student enrollment survey for that year. Credit recovery applies
482 only to a student who has unsuccessfully completed a traditional
483 or virtual education course during the regular school year and
484 must retake the course in order to be eligible to graduate with
485 the student's class.

486

487 The full-time equivalent student enrollment calculated under
488 this subsection is subject to the requirements in subsection
489 (4).

490

491 The department shall determine and implement an equitable method
492 of equivalent funding for schools operating under emergency
493 conditions, which schools have been approved by the department

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494 to operate for less than the minimum term as provided in s.
495 1011.60(2).

496 Section 4. Paragraph (f) of subsection (1) of section
497 1011.62, Florida Statutes, is amended to read:

498 1011.62 Funds for operation of schools.—If the annual
499 allocation from the Florida Education Finance Program to each
500 district for operation of schools is not determined in the
501 annual appropriations act or the substantive bill implementing
502 the annual appropriations act, it shall be determined as
503 follows:

504 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
505 OPERATION.—The following procedure shall be followed in
506 determining the annual allocation to each district for
507 operation:

508 (f) *Supplemental academic instruction allocation.*—

509 1. There is created the supplemental academic instruction
510 allocation to provide supplemental academic instruction to
511 students in kindergarten through grade 12.

512 2. The supplemental academic instruction allocation shall
513 be provided annually in the Florida Education Finance Program as
514 specified in the General Appropriations Act. These funds are in
515 addition to the funds appropriated on the basis of FTE student
516 membership in the Florida Education Finance Program and shall be
517 included in the total potential funds of each district.

518 Beginning with the 2018-2019 fiscal year, each school district
519 that has a school earning a grade of "D" or "F" pursuant to s.
520 1008.34 must use that school's portion of the supplemental
521 academic instruction allocation to implement intervention and
522 support strategies for school improvement pursuant to s. 1008.33

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523 and for salary incentives pursuant to s. 1012.2315(3) or salary
524 supplements pursuant to s. 1012.22(1)(c)5.c. that are provided
525 through a memorandum of understanding between the collective
526 bargaining agent and the school board that addresses the
527 selection, placement, and expectations of instructional
528 personnel and school administrators. For all other schools, the
529 school district's use of the supplemental academic instruction
530 allocation may include, but is not limited to, the use of a
531 modified curriculum; reading instruction; after-school
532 instruction; tutoring; mentoring; a reduction in class size;
533 extended school year; intensive skills development in summer
534 school; dropout prevention programs as defined in ss. 1003.52
535 and 1003.53(1)(a), (b), and (c); and other methods of improving
536 student achievement. Supplemental academic instruction may be
537 provided to a student in any manner and at any time during or
538 beyond the regular 180-day term identified by the school as
539 being the most effective and efficient way to best help that
540 student progress from grade to grade and to graduate.

541 3. The supplemental academic instruction allocation shall
542 consist of a base amount that has a workload adjustment based on
543 changes in unweighted FTE. The supplemental academic instruction
544 allocation shall be recalculated during the fiscal year. Upon
545 recalculation of funding for the supplemental academic
546 instruction allocation, if the total allocation is greater than
547 the amount provided in the General Appropriations Act, the
548 allocation shall be prorated to the level provided to support
549 the appropriation, based on each district's share of the total.

550 4. Funding on the basis of FTE membership beyond the 180-
551 day regular term shall be provided in the FEFP only for students

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552 enrolled in juvenile justice education programs, the Florida
553 Virtual School Justice Education Program pursuant to s.
554 1002.371, or in education programs for juveniles placed in
555 secure facilities or programs under s. 985.19. Funding for
556 instruction beyond the regular 180-day school year for all other
557 K-12 students shall be provided through the supplemental
558 academic instruction allocation and other state, federal, and
559 local fund sources with ample flexibility for schools to provide
560 supplemental instruction to assist students in progressing from
561 grade to grade and graduating.

562 Section 5. This act shall take effect July 1, 2022.