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1 A bill to be entitled
2 An act relating to digital learning; amending s.
3 1002.20, F.S.; providing student and parent rights
4 relating to the eligibility of Florida Virtual School
5 full-time students to participate in interscholastic
6 extracurricular activities at certain public schools;
7 amending s. 1002.321, F.S.; revising provisions
8 relating to virtual instruction through blended
9 learning courses; prohibiting any person from taking
10 an online course or examination on behalf of another
11 person; providing a penalty; amending s. 1002.37,
12 F.S.; providing that the Florida Virtual School may
13 provide part-time instruction for students in
14 kindergarten through grade 12; providing student
15 eligibility requirements for part-time instruction in
16 kindergarten through grade 5; deleting a requirement
17 that an elementary school principal provide certain
18 notification to parents; revising the location where
19 statewide assessments must be taken; amending s.
20 1002.45, F.S.; revising provisions relating to school
21 district options for providing full-time and part-time
22 virtual instruction programs and the open enrollment
23 period for participation; providing that a part-time
24 virtual instruction program offers instruction for
25 students enrolled in kindergarten through grade 12
26 courses; requiring an additional qualification for a
27 virtual instruction program provider to obtain
28 Department of Education approval; conforming funding

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

29 provisions to changes made by the act; amending s.
 30 1002.455, F.S.; revising provisions relating to
 31 virtual instruction options for which students in the
 32 school district are eligible; amending s. 1003.428,
 33 F.S.; placing restrictions on the online course
 34 requirement for high school graduation; amending s.
 35 1003.498, F.S.; providing requirements for blended
 36 learning courses; amending s. 1003.57, F.S.; providing
 37 responsibilities and requirements for the enrollment
 38 of exceptional students in a full-time virtual
 39 instruction program; amending s. 1006.15, F.S.;
 40 providing conditions for eligibility for a Florida
 41 Virtual School full-time student and certain students
 42 who transfer to or from the Florida Virtual School to
 43 participate in interscholastic extracurricular
 44 activities; amending s. 1011.61, F.S.; revising and
 45 conforming provisions relating to the definition of a
 46 full-time equivalent student in full-time and part-
 47 time virtual instruction programs; amending s.
 48 1011.62, F.S.; correcting and conforming cross-
 49 references; providing that full-time virtual
 50 instruction programs are eligible to report student
 51 membership in the ESOL program for funding purposes;
 52 providing an effective date.

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

56 Section 1. Paragraph (d) of subsection (18) of section

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57 | 1002.20, Florida Statutes, is redesignated as paragraph (e), and
 58 | a new paragraph (d) is added to that subsection to read:

59 | 1002.20 K-12 student and parent rights.—Parents of public
 60 | school students must receive accurate and timely information
 61 | regarding their child's academic progress and must be informed
 62 | of ways they can help their child to succeed in school. K-12
 63 | students and their parents are afforded numerous statutory
 64 | rights including, but not limited to, the following:

65 | (18) EXTRACURRICULAR ACTIVITIES.—In accordance with the
 66 | provisions of s. 1006.15:

67 | (d) Florida Virtual School full-time students.—Florida
 68 | Virtual School full-time students who meet specified academic
 69 | and conduct requirements are eligible to participate in
 70 | extracurricular activities at the public school to which the
 71 | student would be assigned or could choose to attend according to
 72 | district school board policies.

73 | Section 2. Paragraph (e) of subsection (4) of section
 74 | 1002.321, Florida Statutes, is amended, and subsection (5) is
 75 | added to that section, to read:

76 | 1002.321 Digital learning.—

77 | (4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district
 78 | must establish multiple opportunities for student participation
 79 | in part-time and full-time kindergarten through grade 12 virtual
 80 | instruction. Options include, but are not limited to:

81 | (e) Courses delivered in the traditional school setting by
 82 | personnel providing direct instruction through a virtual
 83 | instruction environment or through ~~though~~ a blended learning
 84 | courses consisting of both traditional classroom and online

85 instructional techniques ~~virtual and physical environment~~
 86 pursuant to s. 1003.498.

87 (5) INTEGRITY OF ONLINE COURSES.—It is unlawful for any
 88 person to knowingly and willfully take an online course or
 89 examination on behalf of another person. Any person who violates
 90 this subsection commits a misdemeanor of the first degree,
 91 punishable as provided in s. 775.082 or s. 775.083.

92 Section 3. Subsections (8), (9), (10), and (11) of section
 93 1002.37, Florida Statutes, are amended to read:

94 1002.37 The Florida Virtual School.—

95 (8) (a) The Florida Virtual School may provide full-time
 96 and part-time instruction for students in kindergarten through
 97 grade 12 ~~and part-time instruction for students in grades 4~~
 98 ~~through 12. To receive part-time instruction in kindergarten~~
 99 through grade 5 ~~full-time instruction in grades 2 through 5, a~~
 100 student must meet at least one of the eligibility criteria in s.
 101 1002.455(2). ~~Part-time instruction for grades 4 and 5 may be~~
 102 ~~provided only to public school students taking grade 6 through~~
 103 ~~grade 8 courses.~~

104 (b) For students receiving part-time instruction in
 105 kindergarten through grade ~~grades 4 and 5~~ and students receiving
 106 full-time instruction in kindergarten through grade 12 from the
 107 Florida Virtual School, the combined total of all FTE reported
 108 by both the school district and the Florida Virtual School may
 109 not exceed 1.0 FTE.

110 ~~(9) Each elementary school principal must notify the~~
 111 ~~parent of each student who scores at Level 4 or Level 5 on FCAT~~
 112 ~~Reading or FCAT Mathematics of the option for the student to~~

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113 ~~take accelerated courses through the Florida Virtual School.~~

114 (9)~~(10)~~ (a) Public school students receiving full-time
 115 instruction in kindergarten through grade 12 by the Florida
 116 Virtual School must take all statewide assessments required
 117 pursuant to s. 1008.22.

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

122 (c) All statewide assessments must be taken at the school
 123 to which the student would be assigned according to district
 124 school board attendance areas ~~within the school district in~~
 125 ~~which the student resides~~. A school district must provide the
 126 student with access to the school's ~~district's~~ testing
 127 facilities.

128 (10)~~(11)~~ The Florida Virtual School shall receive a school
 129 grade pursuant to s. 1008.34 for students receiving full-time
 130 instruction.

131 Section 4. Paragraph (b) of subsection (1), paragraph (a)
 132 of subsection (2), and paragraphs (c) and (f) of subsection (7)
 133 of section 1002.45, Florida Statutes, are amended to read:

134 1002.45 Virtual instruction programs.—

135 (1) PROGRAM.—

136 (b) Each school district that is eligible for the sparsity
 137 supplement pursuant to s. 1011.62(7)(a) and (b) ~~1011.62(7)~~ shall
 138 provide all enrolled public school students within its
 139 boundaries the option of participating in part-time and full-
 140 time virtual instruction programs. Each school district that is

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141 not eligible for the sparsity supplement pursuant to s.
 142 1011.62(7)(a) and (b) shall provide at least three options for
 143 part-time and full-time virtual instruction. All school
 144 districts must provide parents with timely written notification
 145 of at least one ~~an~~ open enrollment period for full-time students
 146 of ~~at least~~ 90 days or more which ~~that~~ ends ~~no later than~~ 30
 147 days before ~~prior to~~ the first day of the school year. The
 148 purpose of the program is to make quality virtual instruction
 149 available to students using online and distance learning
 150 technology in the nontraditional classroom. A school district
 151 virtual instruction program shall consist of ~~provide~~ the
 152 following:

153 1. Full-time virtual instruction for students enrolled in
 154 kindergarten through grade 12.

155 2. Part-time virtual instruction for students enrolled in
 156 kindergarten ~~grades 9~~ through grade 12 courses that are measured
 157 pursuant to subparagraph (8)(a)2.

158 3. Full-time or part-time virtual instruction for students
 159 enrolled in dropout prevention and academic intervention
 160 programs under s. 1003.53, Department of Juvenile Justice
 161 education programs under s. 1003.52, core-curricula courses to
 162 meet class size requirements under s. 1003.03, or Florida
 163 College System institutions under this section.

164 (2) PROVIDER QUALIFICATIONS.—

165 (a) The department shall annually publish online a list of
 166 providers approved to offer virtual instruction programs. To be
 167 approved by the department, a provider must document that it:

168 1. Is nonsectarian in its programs, admission policies,

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169 employment practices, and operations;
 170 2. Complies with the antidiscrimination provisions of s.
 171 1000.05;
 172 3. Locates an administrative office or offices in this
 173 state, requires its administrative staff to be state residents,
 174 requires all instructional staff to be Florida-certified
 175 teachers under chapter 1012, and conducts background screenings
 176 for all employees or contracted personnel, as required by s.
 177 1012.32, using state and national criminal history records;
 178 4. Possesses prior, successful experience offering online
 179 courses to elementary, middle, or high school students as
 180 demonstrated by quantified student learning gains in each
 181 subject area and grade level provided for consideration as an
 182 instructional program option;
 183 5. Is accredited by a regional accrediting association as
 184 defined by State Board of Education rule;
 185 6. Ensures instructional and curricular quality through a
 186 detailed curriculum and student performance accountability plan
 187 that addresses every subject and grade level it intends to
 188 provide through contract with the school district, including:
 189 a. Courses and programs that meet the standards of the
 190 International Association for K-12 Online Learning and the
 191 Southern Regional Education Board.
 192 b. Instructional content and services that align with, and
 193 measure student attainment of, student proficiency in the Next
 194 Generation Sunshine State Standards.
 195 c. Mechanisms that determine and ensure that a student has
 196 satisfied requirements for grade level promotion and high school

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197 graduation with a standard diploma, as appropriate;

198 7. Publishes for the general public, in accordance with

199 disclosure requirements adopted in rule by the State Board of

200 Education, as part of its application as a provider and in all

201 contracts negotiated pursuant to this section:

202 a. Information and data about the curriculum of each full-

203 time and part-time program.

204 b. School policies and procedures.

205 c. Certification status and physical location of all

206 administrative and instructional personnel.

207 d. Hours and times of availability of instructional

208 personnel.

209 e. Student-teacher ratios.

210 f. Student completion and promotion rates.

211 g. Student, educator, and school performance

212 accountability outcomes; ~~and~~

213 8. If the provider is a Florida College System

214 institution, employs instructors who meet the certification

215 requirements for instructional staff under chapter 1012; and

216 9. Performs an annual financial audit of its accounts and

217 records conducted by an independent certified public accountant

218 which is in accordance with rules adopted by the Auditor

219 General, is conducted in compliance with generally accepted

220 auditing standards, and includes a report on financial

221 statements presented in accordance with generally accepted

222 accounting principles.

223 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL

224 FUNDING.—

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225 (c) For a student enrolled ~~part-time~~ in a kindergarten
 226 ~~grades 6~~ through grade 12 virtual instruction program, a "full-
 227 time equivalent student" has the same meaning as provided in s.
 228 1011.61(1)(c)1.b.(III) and (IV) ~~1011.61(1)(e)1.b.(IV)~~.

229 (f) The school district providing virtual instruction ~~in~~
 230 ~~which the student resides~~ shall report full-time equivalent
 231 students for a virtual instruction program or a virtual charter
 232 school to the department in a manner prescribed by the
 233 department, and funding shall be provided through the Florida
 234 Education Finance Program. ~~Funds received by the school district~~
 235 ~~of residence for a student in a virtual instruction program~~
 236 ~~provided by another school district under this section shall be~~
 237 ~~transferred to the school district providing the virtual~~
 238 ~~instruction program.~~

239 Section 5. Subsection (3) of section 1002.455, Florida
 240 Statutes, is amended to read:

241 1002.455 Student eligibility for K-12 virtual
 242 instruction.-

243 (3) The virtual instruction options for which this
 244 eligibility section applies include:

245 (a) School district operated ~~part-time or full-time~~
 246 kindergarten through grade 12 and full-time grades 6 through 12
 247 virtual instruction programs under s. 1002.45(1)(b) for students
 248 enrolled in the school district.

249 (b) Full-time virtual charter school instruction for
 250 grades 6 through 12 authorized under s. 1002.33.

251 ~~(c) Courses delivered in the traditional school setting by~~
 252 ~~personnel providing direct instruction through a virtual~~

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253 ~~environment or through a blended virtual and physical environment~~
 254 ~~pursuant to s. 1003.498 and as authorized pursuant to s.~~
 255 ~~1002.321(4)(e).~~

256 (c)~~(d)~~ Virtual courses offered in the course code
 257 directory to students within the school district or to students
 258 in other school districts throughout the state pursuant to s.
 259 1003.498.

260 Section 6. Paragraph (c) of subsection (2) of section
 261 1003.428, Florida Statutes, is amended to read:

262 1003.428 General requirements for high school graduation;
 263 revised.—

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

267 (c) Beginning with students entering grade 9 in the 2011-
 268 2012 school year, at least one course within the 24 credits
 269 required in this subsection must be completed through online
 270 learning. A school district may not require a student to take
 271 the online course outside the school day or in addition to a
 272 student's courses for a given semester. ~~However,~~ An online
 273 course taken during grades 6 through 8 fulfills this
 274 requirement. This requirement shall be met through an online
 275 course offered by the Florida Virtual School, an online course
 276 offered by the high school, or an online dual enrollment course
 277 ~~offered pursuant to a district interinstitutional articulation~~
 278 ~~agreement pursuant to s. 1007.235.~~ A student who is enrolled in
 279 a full-time or part-time virtual instruction program under s.
 280 1002.45 meets this requirement. This requirement does not apply

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281 to a student who has an individual educational plan under s.
 282 1003.57 which indicates that an online course would be
 283 inappropriate or a student who is enrolled in a Florida high
 284 school and has less than 1 academic year remaining in high
 285 school.

286 Section 7. Subsection (1) of section 1003.498, Florida
 287 Statutes, is amended to read:

288 1003.498 School district virtual course offerings.—

289 (1) School districts may deliver courses in the
 290 traditional school setting by personnel certified pursuant to s.
 291 1012.55 who provide direct instruction through ~~a virtual~~
 292 instruction environment or through ~~though a blended learning~~
 293 courses consisting of both traditional classroom and online
 294 instructional techniques ~~virtual and physical environment.~~
 295 Students in a blended learning course must be full-time students
 296 of the school and receive the online instruction in a classroom
 297 setting at the school. The funding, performance, and
 298 accountability requirements for blended learning courses are the
 299 same as those for traditional courses.

300 Section 8. Subsection (5) is added to section 1003.57,
 301 Florida Statutes, to read:

302 1003.57 Exceptional students instruction.—

303 (5) Each full-time virtual instruction program under s.
 304 1002.37 or s. 1002.45 must fulfill the obligations of a school
 305 district under this section for public school exceptional
 306 students who are enrolled in a full-time virtual instruction
 307 program. A student whose individual educational plan indicates
 308 that full-time virtual instruction is appropriate may be

309 enrolled in a full-time virtual instruction program.

310 Section 9. Paragraphs (e), (f), and (g) are added to
 311 subsection (3) of section 1006.15, Florida Statutes, to read:

312 1006.15 Student standards for participation in
 313 interscholastic and intrascholastic extracurricular student
 314 activities; regulation.-

315 (3)

316 (e) A student of the Florida Virtual School full-time
 317 program may participate in any interscholastic extracurricular
 318 activity at the public school to which the student would be
 319 assigned according to district school board attendance area
 320 policies or which the student could choose to attend, pursuant
 321 to district or interdistrict controlled open enrollment
 322 policies, if the student:

323 1. During the period of participation in the
 324 interscholastic extracurricular activity, meets the requirements
 325 in paragraph (a).

326 2. Meets any additional requirements as determined by the
 327 board of trustees of the Florida Virtual School.

328 3. Meets the same residency requirements as other students
 329 in the school at which he or she participates.

330 4. Meets the same standards of acceptance, behavior, and
 331 performance that are required of other students in
 332 extracurricular activities.

333 5. Registers his or her intent to participate in
 334 interscholastic extracurricular activities with the school
 335 before the beginning date of the season for the activity in
 336 which he or she wishes to participate. A Florida Virtual School

337 student must be able to participate in curricular activities if
 338 that is a requirement for an extracurricular activity.

339 (f) A student who transfers from the Florida Virtual
 340 School full-time program to a traditional public school before
 341 or during the first grading period of the school year is
 342 academically eligible to participate in interscholastic
 343 extracurricular activities during the first grading period if
 344 the student has a successful evaluation from the previous school
 345 year pursuant to paragraph (a).

346 (g) A public school or private school student who has been
 347 unable to maintain academic eligibility for participation in
 348 interscholastic extracurricular activities is ineligible to
 349 participate in such activities as a Florida Virtual School
 350 student until the student successfully completes one grading
 351 period in the Florida Virtual School pursuant to paragraph (a).

352 Section 10. Paragraph (c) of subsection (1) of section
 353 1011.61, Florida Statutes, is amended to read:

354 1011.61 Definitions.—Notwithstanding the provisions of s.
 355 1000.21, the following terms are defined as follows for the
 356 purposes of the Florida Education Finance Program:

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

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

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

363 b. A combination of full-time or part-time students in any
 364 one of the programs listed in s. 1011.62(1)(c) which is the

365 equivalent of one full-time student based on the following
 366 calculations:

367 (I) A full-time student in a combination of programs
 368 listed in s. 1011.62(1)(c) shall be a fraction of a full-time
 369 equivalent membership in each special program equal to the
 370 number of net hours per school year for which he or she is a
 371 member, divided by the appropriate number of hours set forth in
 372 subparagraph (a)1. or subparagraph (a)2. The difference between
 373 that fraction or sum of fractions and the maximum value as set
 374 forth in subsection (4) for each full-time student is presumed
 375 to be the balance of the student's time not spent in such
 376 special education programs and shall be recorded as time in the
 377 appropriate basic program.

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

380 (III) A full-time equivalent student for students in
 381 kindergarten through grade 12 ~~5~~ in a full-time virtual
 382 instruction program under s. 1002.45 or a virtual charter school
 383 under s. 1002.33 shall consist of six full credit completions in
 384 programs listed in s. 1011.62(1)(c) ~~a student who has~~
 385 ~~successfully completed a basic program listed in s.~~
 386 ~~1011.62(1)(c)1.a. or b., and who is promoted to a higher grade~~
 387 ~~level.~~ Credit completions may be a combination of full-credit
 388 courses or half-credit courses. Beginning in the 2014-2015
 389 fiscal year, when s. 1008.22(3)(g) is implemented, the reported
 390 full-time equivalent students and associated funding of students
 391 enrolled in courses requiring passage of an end-of-course
 392 assessment shall be adjusted after the student completes the

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393 end-of-course assessment.

394 (IV) A full-time equivalent student for students in
 395 kindergarten grades 6 through grade 12 in a part-time virtual
 396 instruction program under s. 1002.45 ~~1002.45(1)(b)1., 2., or 3.~~
 397 ~~or a virtual charter school under s. 1002.33~~ shall consist of
 398 six full credit completions in programs listed in s.
 399 1011.62(1)(c)1. and 3. ~~1011.62(1)(e)1.b. or c. and 3.~~ Credit
 400 completions may be a combination of full-credit courses or half-
 401 credit courses. Beginning in the 2014-2015 fiscal year, when s.
 402 1008.22(3)(g) is implemented, the reported full-time equivalent
 403 students and associated funding of students enrolled in courses
 404 requiring passage of an end-of-course assessment shall be
 405 adjusted after the student completes the end-of-course
 406 assessment.

407 (V) A Florida Virtual School full-time equivalent student
 408 shall consist of six full credit completions or the prescribed
 409 level of content that counts toward promotion to the next grade
 410 in the programs listed in s. 1011.62(1)(c)1. and 3.
 411 ~~1011.62(1)(e)1.a. and b.~~ for students participating in
 412 kindergarten through grade 12 part-time virtual instruction &
 413 and the programs listed in s. 1011.62(1)(c) ~~1011.62(1)(e)1.c.~~
 414 for students participating in kindergarten through grade 12
 415 full-time virtual instruction ~~grades 9 through 12~~. Credit
 416 completions may be a combination of full-credit courses or half-
 417 credit courses. Beginning in the 2014-2015 fiscal year, when s.
 418 1008.22(3)(g) is implemented, the reported full-time equivalent
 419 students and associated funding of students enrolled in courses
 420 requiring passage of an end-of-course assessment shall be

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421 adjusted after the student completes the end-of-course
 422 assessment.

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

426 (VII) Each successfully completed credit earned under the
 427 alternative high school course credit requirements authorized in
 428 s. 1002.375, which is not reported as a portion of the 900 net
 429 hours of instruction pursuant to subparagraph (1)(a)1., shall be
 430 calculated as 1/6 FTE.

431 2. A student in membership in a program scheduled for more
 432 or less than 180 school days or the equivalent on an hourly
 433 basis as specified by rules of the State Board of Education is a
 434 fraction of a full-time equivalent membership equal to the
 435 number of instructional hours in membership divided by the
 436 appropriate number of hours set forth in subparagraph (a)1.;
 437 however, for the purposes of this subparagraph, membership in
 438 programs scheduled for more than 180 days is limited to students
 439 enrolled in juvenile justice education programs and the Florida
 440 Virtual School.

441
 442 The department shall determine and implement an equitable method
 443 of equivalent funding for experimental schools and for schools
 444 operating under emergency conditions, which schools have been
 445 approved by the department to operate for less than the minimum
 446 school day.

447 Section 11. Paragraphs (e) and (g) of subsection (1) and
 448 subsection (11) of section 1011.62, Florida Statutes, are

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449 amended to read:

450 1011.62 Funds for operation of schools.—If the annual
 451 allocation from the Florida Education Finance Program to each
 452 district for operation of schools is not determined in the
 453 annual appropriations act or the substantive bill implementing
 454 the annual appropriations act, it shall be determined as
 455 follows:

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

460 (e) Funding model for exceptional student education
 461 programs.—

462 1.a. The funding model uses basic, at-risk, support levels
 463 IV and V for exceptional students and career Florida Education
 464 Finance Program cost factors, and a guaranteed allocation for
 465 exceptional student education programs. Exceptional education
 466 cost factors are determined by using a matrix of services to
 467 document the services that each exceptional student will
 468 receive. The nature and intensity of the services indicated on
 469 the matrix shall be consistent with the services described in
 470 each exceptional student's individual educational plan. The
 471 Department of Education shall review and revise the descriptions
 472 of the services and supports included in the matrix of services
 473 for exceptional students and shall implement those revisions
 474 before the beginning of the 2012-2013 school year.

475 b. In order to generate funds using one of the two
 476 weighted cost factors, a matrix of services must be completed at

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477 the time of the student's initial placement into an exceptional
478 student education program and at least once every 3 years by
479 personnel who have received approved training. Nothing listed in
480 the matrix shall be construed as limiting the services a school
481 district must provide in order to ensure that exceptional
482 students are provided a free, appropriate public education.

483 c. Students identified as exceptional, in accordance with
484 chapter 6A-6, Florida Administrative Code, who do not have a
485 matrix of services as specified in sub-subparagraph b. shall
486 generate funds on the basis of full-time-equivalent student
487 membership in the Florida Education Finance Program at the same
488 funding level per student as provided for basic students.

489 Additional funds for these exceptional students will be provided
490 through the guaranteed allocation designated in subparagraph 2.

491 2. For students identified as exceptional who do not have
492 a matrix of services and students who are gifted in grades K
493 through 8, there is created a guaranteed allocation to provide
494 these students with a free appropriate public education, in
495 accordance with s. 1001.42(4)(1) ~~1001.42(4)(m)~~ and rules of the
496 State Board of Education, which shall be allocated annually to
497 each school district in the amount provided in the General
498 Appropriations Act. These funds shall be in addition to the
499 funds appropriated on the basis of FTE student membership in the
500 Florida Education Finance Program, and the amount allocated for
501 each school district shall not be recalculated during the year.
502 These funds shall be used to provide special education and
503 related services for exceptional students and students who are
504 gifted in grades K through 8. Beginning with the 2007-2008

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505 fiscal year, a district's expenditure of funds from the
506 guaranteed allocation for students in grades 9 through 12 who
507 are gifted may not be greater than the amount expended during
508 the 2006-2007 fiscal year for gifted students in grades 9
509 through 12.

510 (g) Education for speakers of other languages.—A school
511 district or a full-time virtual instruction program is ~~shall be~~
512 eligible to report full-time equivalent student membership in
513 the ESOL program in the Florida Education Finance Program
514 provided the following conditions are met:

515 1. The school district or the full-time virtual
516 instruction program has a plan approved by the Department of
517 Education.

518 2. The eligible student is identified and assessed as
519 limited English proficient based on assessment criteria.

520 3.a. An eligible student may be reported for funding in
521 the ESOL program for a base period of 3 years. However, a
522 student whose English competency does not meet the criteria for
523 proficiency after 3 years in the ESOL program may be reported
524 for a fourth, fifth, and sixth year of funding, provided his or
525 her limited English proficiency is assessed and properly
526 documented prior to his or her enrollment in each additional
527 year beyond the 3-year base period.

528 b. If a student exits the program and is later
529 reclassified as limited English proficient, the student may be
530 reported in the ESOL program for funding for an additional year,
531 or extended annually for a period not to exceed a total of 6
532 years pursuant to this paragraph, based on an annual evaluation

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533 of the student's status.

534 4. An eligible student may be reported for funding in the
535 ESOL program for membership in ESOL instruction in English and
536 ESOL instruction or home language instruction in the basic
537 subject areas of mathematics, science, social studies, and
538 computer literacy.

539 (11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may
540 annually provide in the Florida Education Finance Program a
541 virtual education contribution. The amount of the virtual
542 education contribution shall be the difference between the
543 amount per FTE established in the General Appropriations Act for
544 virtual education and the amount per FTE for each district and
545 the Florida Virtual School, which may be calculated by taking
546 the sum of the base FEFP allocation, the discretionary local
547 effort, the state-funded discretionary contribution, the
548 discretionary millage compression supplement, the research-based
549 reading instruction allocation, and the instructional materials
550 allocation, and then dividing by the total unweighted FTE. This
551 difference shall be multiplied by the virtual education
552 unweighted FTE for programs and options identified in s.
553 1002.455(3) ~~1002.455(3)(a), (b), and (d)~~ and the Florida Virtual
554 School and its franchises to equal the virtual education
555 contribution and shall be included as a separate allocation in
556 the funding formula.

557 Section 12. This act shall take effect July 1, 2012.