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

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

53

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

55

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

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

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

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

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

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

1002.321 Digital learning.— 76

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

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

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

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

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Reading or FCAT Mathematics of the option for the student to 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 .

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time virtual instruction programs. Each school district that is 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 ·

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

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satisfied requirements for grade level promotion and high school  
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 ·

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FUNDING.— 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)(c)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. Subsections (2) and (3) of section 1002.455, 240 Florida Statutes, are amended to read: 241

1002.455 Student eligibility for K-12 virtual 242 instruction.— 243

(2) A student is eligible to participate in virtual 244 instruction if: 245

(a) The student spent the prior school year in attendance 246 at a public school in the state and was enrolled and reported by 247 the school district for funding during October and February for 248 purposes of the Florida Education Finance Program surveys; 249

(b) The student is a dependent child of a member of the 250 United States Armed Forces who was transferred within the last 251 12 months to this state from another state or from a foreign 252 .

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country pursuant to a permanent change of station order; 253  
(c) The student was enrolled during the prior school year 254 in a virtual instruction program under s. 1002.45, the K-8 255 Virtual School Program under s. 1002.415, or a full-time Florida 256 Virtual School program under s. 1002.37(8) (a); 257  
(d) The student has a sibling who is currently enrolled in 258 a virtual instruction program and the sibling was enrolled in 259 that program at the end of the prior school year; or 260  
(e) The student is eligible to enter kindergarten or first 261 grade; or 262  
(f) The student is eligible to enter grades 2 through 5 263 and is enrolled full-time in a school district virtual 264 instruction program, virtual charter school, or the Florida 265 Virtual School. 266  
(3) The virtual instruction options for which this 267 eligibility section applies include: 268  
(a) School district operated part-time or full-time 269 kindergarten through grade 12 virtual instruction programs under 270 s. 1002.45(1) (b) for students enrolled in the school district. 271  
(b) Full-time virtual charter school instruction 272 authorized under s. 1002.33. 273  
(c) Courses delivered in the traditional school setting by 274 personnel providing direct instruction through a virtual 275 environment or through a blended virtual and physical environment 276 pursuant to s. 1003.498 and as authorized pursuant to s. 277 1002.321(4) (e). 278  
(c)(d) Virtual courses offered in the course code 279 directory to students within the school district or to students 280 .

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in other school districts throughout the state pursuant to s. 281  
1003.498. 282

Section 6. Paragraph (c) of subsection (2) of section 283 1003.428,  
Florida Statutes, is amended to read: 284

1003.428 General requirements for high school graduation; 285  
revised.— 286

(2) The 24 credits may be earned through applied, 287 integrated,  
and combined courses approved by the Department of 288 Education.  
The 24 credits shall be distributed as follows: 289

(c) Beginning with students entering grade 9 in the 2011-290 2012  
school year, at least one course within the 24 credits 291 required  
in this subsection must be completed through online 292 learning. A  
school district may not require a student to take 293 the online  
course outside the school day or in addition to a 294 student's  
courses for a given semester. However, An online 295 course taken  
during grades 6 through 8 fulfills this 296 requirement. This  
requirement shall be met through an online 297 course offered by  
the Florida Virtual School, an online course 298 offered by the  
high school, or an online dual enrollment course 299 offered  
pursuant to a district interinstitutional articulation 300  
agreement pursuant to s. 1007.235. A student who is enrolled in 301  
a full-time or part-time virtual instruction program under s. 302  
1002.45 meets this requirement. This requirement does not apply 303  
to a student who has an individual educational plan under s. 304  
1003.57 which indicates that an online course would be 305  
inappropriate or a student who is enrolled in a Florida high 306  
school and has less than 1 academic year remaining in high 307

school. 308 · **ENROLLED CS/CS/HB 7063 2012 Legislature CODING: Words**

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

1003.498 School district virtual course offerings.—

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

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

1003.57 Exceptional students instruction.—

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

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

1006.15 Student standards for participation in interscholastic and intrascholastic extracurricular student • **ENROLLED**

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activities; regulation.- 337

(3) 338

(e) A student of the Florida Virtual School full-time 339 program may participate in any interscholastic extracurricular 340 activity at the public school to which the student would be 341 assigned according to district school board attendance area 342 policies or which the student could choose to attend, pursuant 343 to district or interdistrict controlled open enrollment 344 policies, if the student: 345

1. During the period of participation in the 346 interscholastic extracurricular activity, meets the requirements 347 in paragraph (a). 348

2. Meets any additional requirements as determined by the 349 board of trustees of the Florida Virtual School. 350

3. Meets the same residency requirements as other students 351 in the school at which he or she participates. 352

4. Meets the same standards of acceptance, behavior, and 353 performance that are required of other students in 354 extracurricular activities. 355

5. Registers his or her intent to participate in 356 interscholastic extracurricular activities with the school 357 before the beginning date of the season for the activity in 358 which he or she wishes to participate. A Florida Virtual School 359 student must be able to participate in curricular activities if 360 that is a requirement for an extracurricular activity. 361

(f) A student who transfers from the Florida Virtual 362 School full-time program to a traditional public school before 363 or during the first grading period of the school year is 364 .

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academically eligible to participate in interscholastic 365  
extracurricular activities during the first grading period if 366  
the student has a successful evaluation from the previous school  
367 year pursuant to paragraph (a). 368

(g) A public school or private school student who has been 369  
unable to maintain academic eligibility for participation in 370  
interscholastic extracurricular activities is ineligible to 371  
participate in such activities as a Florida Virtual School 372  
student until the student successfully completes one grading 373  
period in the Florida Virtual School pursuant to paragraph (a). 374  
Section 10. Paragraph (c) of subsection (1) of section 375 1011.61,  
Florida Statutes, is amended to read: 376

1011.61 Definitions.—Notwithstanding the provisions of s. 377  
1000.21, the following terms are defined as follows for the 378  
purposes of the Florida Education Finance Program: 379

(1) A "full-time equivalent student" in each program of 380 the  
district is defined in terms of full-time students and part-381  
time students as follows: 382

(c)1. A "full-time equivalent student" is: 383

a. A full-time student in any one of the programs listed 384 in s.  
1011.62(1)(c); or 385

b. A combination of full-time or part-time students in any 386 one  
of the programs listed in s. 1011.62(1)(c) which is the 387  
equivalent of one full-time student based on the following 388  
calculations: 389

(I) A full-time student in a combination of programs 390 listed in  
s. 1011.62(1)(c) shall be a fraction of a full-time 391 equivalent  
membership in each special program equal to the 392 • **ENROLLED**

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

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

(III) A full-time equivalent student for students in kindergarten through grade 12 in a full-time virtual instruction program under s. 1002.45 or a virtual charter school under s. 1002.33 shall consist of six full credit completions or the prescribed level of content that counts toward promotion to the next grade in programs listed in s. 1011.62(1)(c) a student who has successfully completed a basic program listed in s. 1011.62(1)(c)1.a. or b., and who is promoted to a higher grade level. Credit completions may be a combination of full-credit courses or half-credit courses. Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is implemented, the reported full-time equivalent students and associated funding of students enrolled in courses requiring passage of an end-of-course assessment shall be adjusted after the student completes the end-of-course assessment.

(IV) A full-time equivalent student for students in kindergarten grades 6 through grade 12 in a part-time virtual

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instruction program under s. 1002.45 1002.45(1)(b)1., 2., or 3. 421  
or a virtual charter school under s. 1002.33 shall consist of 422  
six full credit completions in programs listed in s. 423  
1011.62(1)(c)1. and 3. 1011.62(1)(c)1.b. or c. and 3. Credit 424  
completions may be a combination of full-credit courses or half-425  
credit courses. Beginning in the 2014-2015 fiscal year, when s. 426  
1008.22(3)(g) is implemented, the reported full-time equivalent 427  
students and associated funding of students enrolled in courses 428  
requiring passage of an end-of-course assessment shall be 429  
adjusted after the student completes the end-of-course 430  
assessment. 431

(V) A Florida Virtual School full-time equivalent student 432 shall  
consist of six full credit completions or the prescribed 433 level  
of content that counts toward promotion to the next grade 434 in  
the programs listed in s. 1011.62(1)(c)1. and 3. 435  
1011.62(1)(c)1.a. and b. for students participating in 436  
kindergarten through grade 12 part-time virtual instruction 8 437  
and the programs listed in s. 1011.62(1)(c) 1011.62(1)(c)1.c. 438  
for students participating in kindergarten through grade 12 439  
full-time virtual instruction grades 9 through 12. Credit 440  
completions may be a combination of full-credit courses or half-441  
credit courses. Beginning in the 2014-2015 fiscal year, when s. 442  
1008.22(3)(g) is implemented, the reported full-time equivalent 443  
students and associated funding of students enrolled in courses 444  
requiring passage of an end-of-course assessment shall be 445  
adjusted after the student completes the end-of-course 446  
assessment. 447

(VI) Each successfully completed full-credit course earned 448 ·

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through an online course delivered by a district other than the 449  
one in which the student resides shall be calculated as 1/6 FTE.  
450

(VII) Each successfully completed credit earned under the 451  
alternative high school course credit requirements authorized in  
452 s. 1002.375, which is not reported as a portion of the 900 net  
453 hours of instruction pursuant to subparagraph (1)(a)1., shall  
be 454 calculated as 1/6 FTE. 455

2. A student in membership in a program scheduled for more 456 or  
less than 180 school days or the equivalent on an hourly 457 basis  
as specified by rules of the State Board of Education is a 458  
fraction of a full-time equivalent membership equal to the 459  
number of instructional hours in membership divided by the 460  
appropriate number of hours set forth in subparagraph (a)1.; 461  
however, for the purposes of this subparagraph, membership in 462  
programs scheduled for more than 180 days is limited to students  
463 enrolled in juvenile justice education programs and the Florida  
464 Virtual School. 465

#### 466

The department shall determine and implement an equitable method  
467 of equivalent funding for experimental schools and for schools  
468 operating under emergency conditions, which schools have been  
469 approved by the department to operate for less than the minimum  
470 school day. 471

Section 11. Paragraphs (e) and (g) of subsection (1) and 472  
subsection (11) of section 1011.62, Florida Statutes, are 473  
amended to read: 474

1011.62 Funds for operation of schools.—If the annual 475

allocation from the Florida Education Finance Program to each 476 ·

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district for operation of schools is not determined in the 477  
annual appropriations act or the substantive bill implementing 478  
the annual appropriations act, it shall be determined as 479  
follows: 480

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR 481  
OPERATION.—The following procedure shall be followed in 482  
determining the annual allocation to each district for 483  
operation: 484

(e) Funding model for exceptional student education 485 programs.—  
486

1.a. The funding model uses basic, at-risk, support levels 487 IV  
and V for exceptional students and career Florida Education 488  
Finance Program cost factors, and a guaranteed allocation for 489  
exceptional student education programs. Exceptional education 490  
cost factors are determined by using a matrix of services to 491  
document the services that each exceptional student will 492  
receive. The nature and intensity of the services indicated on 493  
the matrix shall be consistent with the services described in 494  
each exceptional student's individual educational plan. The 495  
Department of Education shall review and revise the descriptions  
496 of the services and supports included in the matrix of services  
497 for exceptional students and shall implement those revisions  
498 before the beginning of the 2012-2013 school year. 499

b. In order to generate funds using one of the two 500 weighted  
cost factors, a matrix of services must be completed at 501 the  
time of the student's initial placement into an exceptional 502  
student education program and at least once every 3 years by 503  
personnel who have received approved training. Nothing listed in

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the matrix shall be construed as limiting the services a school 505 district must provide in order to ensure that exceptional 506 students are provided a free, appropriate public education. 507 c. Students identified as exceptional, in accordance with 508 chapter 6A-6, Florida Administrative Code, who do not have a 509 matrix of services as specified in sub-subparagraph b. shall 510 generate funds on the basis of full-time-equivalent student 511 membership in the Florida Education Finance Program at the same 512 funding level per student as provided for basic students. 513 Additional funds for these exceptional students will be provided 514 through the guaranteed allocation designated in subparagraph 2. 515

2. For students identified as exceptional who do not have 516 a matrix of services and students who are gifted in grades K 517 through 8, there is created a guaranteed allocation to provide 518 these students with a free appropriate public education, in 519 accordance with s. 1001.42(4)(l) 1001.42(4)(m) and rules of the 520 State Board of Education, which shall be allocated annually to 521 each school district in the amount provided in the General 522 Appropriations Act. These funds shall be in addition to the 523 funds appropriated on the basis of FTE student membership in the 524 Florida Education Finance Program, and the amount allocated for 525 each school district shall not be recalculated during the year. 526 These funds shall be used to provide special education and 527 related services for exceptional students and students who are 528 gifted in grades K through 8. Beginning with the 2007-2008 529 fiscal year, a district's expenditure of funds from the 530 guaranteed allocation for students in grades 9 through 12 who 531 are gifted may not be greater than the amount expended during 532 .

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the 2006-2007 fiscal year for gifted students in grades 9 533  
through 12. 534

(g) Education for speakers of other languages.—A school 535  
district or a full-time virtual instruction program is shall be 536  
eligible to report full-time equivalent student membership in 537  
the ESOL program in the Florida Education Finance Program 538  
provided the following conditions are met: 539

1. The school district or the full-time virtual 540 instruction  
program has a plan approved by the Department of 541 Education. 542

2. The eligible student is identified and assessed as 543 limited  
English proficient based on assessment criteria. 544

3.a. An eligible student may be reported for funding in 545 the  
ESOL program for a base period of 3 years. However, a 546 student  
whose English competency does not meet the criteria for 547  
proficiency after 3 years in the ESOL program may be reported 548  
for a fourth, fifth, and sixth year of funding, provided his or 549  
her limited English proficiency is assessed and properly 550  
documented prior to his or her enrollment in each additional 551  
year beyond the 3-year base period. 552

b. If a student exits the program and is later 553 reclassified as  
limited English proficient, the student may be 554 reported in the  
ESOL program for funding for an additional year, 555 or extended  
annually for a period not to exceed a total of 6 556 years pursuant  
to this paragraph, based on an annual evaluation 557 of the  
student's status. 558

4. An eligible student may be reported for funding in the 559 ESOL  
program for membership in ESOL instruction in English and 560 .

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ESOL instruction or home language instruction in the basic 561  
subject areas of mathematics, science, social studies, and 562  
computer literacy. 563

(11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may 564  
annually provide in the Florida Education Finance Program a 565  
virtual education contribution. The amount of the virtual 566  
education contribution shall be the difference between the 567  
amount per FTE established in the General Appropriations Act for  
568 virtual education and the amount per FTE for each district and  
569 the Florida Virtual School, which may be calculated by taking  
570 the sum of the base FEFP allocation, the discretionary local  
571 effort, the state-funded discretionary contribution, the 572  
discretionary millage compression supplement, the research-based  
573 reading instruction allocation, and the instructional materials  
574 allocation, and then dividing by the total unweighted FTE. This  
575 difference shall be multiplied by the virtual education 576  
unweighted FTE for programs and options identified in s. 577  
1002.455(3) 1002.455(3) (a), (b), and (d) and the Florida Virtual  
578 School and its franchises to equal the virtual education 579  
contribution and shall be included as a separate allocation in 580  
the funding formula. 581

Section 12. This act shall take effect July 1, 2012. 582