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CS/CS/HB 7063

2012 Legislature

1
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 for compensation; providing a penalty; amending
12 s. 1002.37, F.S.; providing that the Florida Virtual
13 School may provide part-time instruction for students
14 in 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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29 provisions to changes made by the act; amending s.
30 1002.455, F.S.; revising provisions relating to
31 eligibility requirements for virtual instruction and
32 virtual instruction options; 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.

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

55
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

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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 for compensation. Any
90 person who violates this subsection commits a misdemeanor of the
91 second degree, punishable as provided in s. 775.082 or s.
92 775.083.

93 Section 3. Subsections (8), (9), (10), and (11) of section
94 1002.37, Florida Statutes, are amended to read:

95 1002.37 The Florida Virtual School.—

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

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

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

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113 ~~Reading or FCAT Mathematics of the option for the student to~~
114 ~~take accelerated courses through the Florida Virtual School.~~

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

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

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

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

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

135 1002.45 Virtual instruction programs.—

136 (1) PROGRAM.—

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

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

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

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

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

165 (2) PROVIDER QUALIFICATIONS.—

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

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

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197 satisfied requirements for grade level promotion and high school
198 graduation with a standard diploma, as appropriate;

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

203 a. Information and data about the curriculum of each full-
204 time and part-time program.

205 b. School policies and procedures.

206 c. Certification status and physical location of all
207 administrative and instructional personnel.

208 d. Hours and times of availability of instructional
209 personnel.

210 e. Student-teacher ratios.

211 f. Student completion and promotion rates.

212 g. Student, educator, and school performance

213 accountability outcomes; ~~and~~

214 8. If the provider is a Florida College System
215 institution, employs instructors who meet the certification
216 requirements for instructional staff under chapter 1012; and

217 9. Performs an annual financial audit of its accounts and
218 records conducted by an independent certified public accountant
219 which is in accordance with rules adopted by the Auditor
220 General, is conducted in compliance with generally accepted
221 auditing standards, and includes a report on financial
222 statements presented in accordance with generally accepted
223 accounting principles.

224 (7) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL

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225 FUNDING.—

226 (c) For a student enrolled ~~part-time~~ in a kindergarten
227 ~~grades 6~~ through grade 12 virtual instruction program, a "full-
228 time equivalent student" has the same meaning as provided in s.
229 1011.61(1)(c)1.b.(III) and (IV) ~~1011.61(1)(c)1.b.(IV)~~.

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

240 Section 5. Subsections (2) and (3) of section 1002.455,
241 Florida Statutes, are amended to read:

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

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

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

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

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253 country pursuant to a permanent change of station order;

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

255 in a virtual instruction program under s. 1002.45, the K-8

256 Virtual School Program under s. 1002.415, or a full-time Florida

257 Virtual School program under s. 1002.37(8)(a);

258 (d) The student has a sibling who is currently enrolled in

259 a virtual instruction program and the sibling was enrolled in

260 that program at the end of the prior school year; ~~or~~

261 (e) The student is eligible to enter kindergarten or first

262 grade; or

263 (f) The student is eligible to enter grades 2 through 5

264 and is enrolled full-time in a school district virtual

265 instruction program, virtual charter school, or the Florida

266 Virtual School.

267 (3) The virtual instruction options for which this

268 eligibility section applies include:

269 (a) School district operated part-time or full-time

270 kindergarten through grade 12 virtual instruction programs under

271 s. 1002.45(1)(b) for students enrolled in the school district.

272 (b) Full-time virtual charter school instruction

273 authorized under s. 1002.33.

274 ~~(c) Courses delivered in the traditional school setting by~~

275 ~~personnel providing direct instruction through a virtual~~

276 ~~environment or through a blended virtual and physical environment~~

277 ~~pursuant to s. 1003.498 and as authorized pursuant to s.~~

278 ~~1002.321(4)(c).~~

279 (c) ~~(d)~~ Virtual courses offered in the course code

280 directory to students within the school district or to students

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

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

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

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

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

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

311 1003.498 School district virtual course offerings.—

312 (1) School districts may deliver courses in the
313 traditional school setting by personnel certified pursuant to s.
314 1012.55 who provide direct instruction through ~~a virtual~~
315 instruction environment or through ~~though a blended learning~~
316 courses consisting of both traditional classroom and online
317 instructional techniques ~~virtual and physical environment~~.
318 Students in a blended learning course must be full-time students
319 of the school and receive the online instruction in a classroom
320 setting at the school. The funding, performance, and
321 accountability requirements for blended learning courses are the
322 same as those for traditional courses.

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

325 1003.57 Exceptional students instruction.—

326 (5) Each full-time virtual instruction program under s.
327 1002.37 or s. 1002.45 must fulfill the obligations of a school
328 district under this section for public school exceptional
329 students who are enrolled in a full-time virtual instruction
330 program. A student whose individual educational plan indicates
331 that full-time virtual instruction is appropriate may be
332 enrolled in a full-time virtual instruction program.

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

335 1006.15 Student standards for participation in
336 interscholastic and intrascholastic extracurricular student

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337 | activities; regulation.—

338 | (3)

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

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

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

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

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

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

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

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

369 (g) A public school or private school student who has been
 370 unable to maintain academic eligibility for participation in
 371 interscholastic extracurricular activities is ineligible to
 372 participate in such activities as a Florida Virtual School
 373 student until the student successfully completes one grading
 374 period in the Florida Virtual School pursuant to paragraph (a).

375 Section 10. Paragraph (c) of subsection (1) of section
 376 1011.61, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

404 (III) A full-time equivalent student for students in
405 kindergarten through grade 12 ~~5~~ in a full-time virtual
406 instruction program under s. 1002.45 or a virtual charter school
407 under s. 1002.33 shall consist of six full credit completions or
408 the prescribed level of content that counts toward promotion to
409 the next grade in programs listed in s. 1011.62(1)(c) a student
410 ~~who has successfully completed a basic program listed in s.~~
411 ~~1011.62(1)(c)1.a. or b., and who is promoted to a higher grade~~
412 ~~level.~~ Credit completions may be a combination of full-credit
413 courses or half-credit courses. Beginning in the 2014-2015
414 fiscal year, when s. 1008.22(3)(g) is implemented, the reported
415 full-time equivalent students and associated funding of students
416 enrolled in courses requiring passage of an end-of-course
417 assessment shall be adjusted after the student completes the
418 end-of-course assessment.

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

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

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

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

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

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

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

466
467 The department shall determine and implement an equitable method
468 of equivalent funding for experimental schools and for schools
469 operating under emergency conditions, which schools have been
470 approved by the department to operate for less than the minimum
471 school day.

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

475 1011.62 Funds for operation of schools.—If the annual
476 allocation from the Florida Education Finance Program to each

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

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

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

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

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

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505 the matrix shall be construed as limiting the services a school
506 district must provide in order to ensure that exceptional
507 students are provided a free, appropriate public education.

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

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

516 2. For students identified as exceptional who do not have
517 a matrix of services and students who are gifted in grades K
518 through 8, there is created a guaranteed allocation to provide
519 these students with a free appropriate public education, in
520 accordance with s. 1001.42(4)(1) ~~1001.42(4)(m)~~ and rules of the
521 State Board of Education, which shall be allocated annually to
522 each school district in the amount provided in the General
523 Appropriations Act. These funds shall be in addition to the
524 funds appropriated on the basis of FTE student membership in the
525 Florida Education Finance Program, and the amount allocated for
526 each school district shall not be recalculated during the year.
527 These funds shall be used to provide special education and
528 related services for exceptional students and students who are
529 gifted in grades K through 8. Beginning with the 2007-2008
530 fiscal year, a district's expenditure of funds from the
531 guaranteed allocation for students in grades 9 through 12 who
532 are gifted may not be greater than the amount expended during

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

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

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

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

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

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

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

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

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

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