

1 A bill to be entitled
 2 An act relating to the Florida Virtual School; amending s.
 3 1002.37, F.S., relating to the Florida Virtual School;
 4 authorizing the board of trustees of the Florida Virtual
 5 School to enter into franchise agreements with Florida-
 6 based virtual schools that are accredited by the Southern
 7 Association of Colleges and Schools; requiring the board
 8 of trustees to establish the terms and conditions
 9 governing franchise agreements if the board enters into
 10 franchise agreements with a Florida district school board
 11 or an accredited Florida-based virtual school;
 12 establishing requirements for the board of trustees for
 13 establishing performance and accountability measures and
 14 reporting the performance of franchises to the
 15 Commissioner of Education; authorizing certain accredited
 16 and approved Florida-based virtual schools to count full-
 17 time equivalent students; prohibiting accredited and
 18 approved Florida-based virtual schools from charging
 19 parents of a student a fee if the student received
 20 services and was counted as a full-time student by the
 21 Florida-based virtual school; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Subsections (2) and (4) of section 1002.37,
 26 Florida Statutes, are amended to read:

27 1002.37 The Florida Virtual School.--

28 (2) The Florida Virtual School shall be governed by a
 29 board of trustees comprised of seven members appointed by the

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30 Governor to 4-year staggered terms. The board of trustees shall
31 be a public agency entitled to sovereign immunity pursuant to s.
32 768.28, and board members shall be public officers who shall
33 bear fiduciary responsibility for the Florida Virtual School.
34 The board of trustees shall have the following powers and
35 duties:

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

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

41 (b) The board of trustees shall be responsible for the
42 Florida Virtual School's development of a state-of-the-art
43 technology-based education delivery system that is cost-
44 effective, educationally sound, marketable, and capable of
45 sustaining a self-sufficient delivery system through the Florida
46 Education Finance Program.

47 (c) The board of trustees shall aggressively seek avenues
48 to generate revenue to support its future endeavors, and shall
49 enter into agreements with distance learning providers. The
50 board of trustees may acquire, enjoy, use, and dispose of
51 patents, copyrights, and trademarks and any licenses and other
52 rights or interests thereunder or therein. Ownership of all such
53 patents, copyrights, trademarks, licenses, and rights or
54 interests thereunder or therein shall vest in the state, with
55 the board of trustees having full right of use and full right to
56 retain the revenues derived therefrom. Any funds realized from
57 patents, copyrights, trademarks, or licenses shall be considered
58 internal funds as provided in s. 1011.07. Such funds shall be

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59 used to support the school's marketing and research and
60 development activities in order to improve courseware and
61 services to its students.

62 (d) The board of trustees shall be responsible for the
63 administration and control of all local school funds derived
64 from all activities or sources and shall prescribe the
65 principles and procedures to be followed in administering these
66 funds.

67 (e) The Florida Virtual School may accrue supplemental
68 revenue from supplemental support organizations, which include,
69 but are not limited to, alumni associations, foundations,
70 parent-teacher associations, and booster associations. The
71 governing body of each supplemental support organization shall
72 recommend the expenditure of moneys collected by the
73 organization for the benefit of the school. Such expenditures
74 shall be contingent upon the review of the executive director.
75 The executive director may override any proposed expenditure of
76 the organization that would violate Florida law or breach sound
77 educational management.

78 (f) In accordance with law and rules of the State Board of
79 Education, the board of trustees shall administer and maintain
80 personnel programs for all employees of the board of trustees
81 and the Florida Virtual School. The board of trustees may adopt
82 rules, policies, and procedures related to the appointment,
83 employment, and removal of personnel.

84 1. The board of trustees shall determine the compensation,
85 including salaries and fringe benefits, and other conditions of
86 employment for such personnel.

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87 2. The board of trustees may establish and maintain a
88 personnel loan or exchange program by which persons employed by
89 the board of trustees for the Florida Virtual School as academic
90 administrative and instructional staff may be loaned to, or
91 exchanged with persons employed in like capacities by, public
92 agencies either within or without this state, or by private
93 industry. With respect to public agency employees, the program
94 authorized by this subparagraph shall be consistent with the
95 requirements of part II of chapter 112. The salary and benefits
96 of board of trustees personnel participating in the loan or
97 exchange program shall be continued during the period of time
98 they participate in a loan or exchange program, and such
99 personnel shall be deemed to have no break in creditable or
100 continuous service or employment during such time. The salary
101 and benefits of persons participating in the personnel loan or
102 exchange program who are employed by public agencies or private
103 industry shall be paid by the originating employers of those
104 participants, and such personnel shall be deemed to have no
105 break in creditable or continuous service or employment during
106 such time.

107 3. The employment of all Florida Virtual School academic
108 administrative and instructional personnel shall be subject to
109 rejection for cause by the board of trustees, and shall be
110 subject to policies of the board of trustees relative to
111 certification, tenure, leaves of absence, sabbaticals,
112 remuneration, and such other conditions of employment as the
113 board of trustees deems necessary and proper, not inconsistent
114 with law.

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115 4. Each person employed by the board of trustees in an
 116 academic administrative or instructional capacity with the
 117 Florida Virtual School shall be entitled to a contract as
 118 provided by rules of the board of trustees.

119 5. All employees except temporary, seasonal, and student
 120 employees may be state employees for the purpose of being
 121 eligible to participate in the Florida Retirement System and
 122 receive benefits. The classification and pay plan, including
 123 terminal leave and other benefits, and any amendments thereto,
 124 shall be subject to review and approval by the Department of
 125 Management Services and the Executive Office of the Governor
 126 prior to adoption.

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

129 (h) The board of trustees shall establish and distribute
 130 to all school districts and high schools in the state procedures
 131 for enrollment of students in courses offered by the Florida
 132 Virtual School.

133 (i) The board of trustees shall establish criteria
 134 defining the elements of an approved franchise. The board of
 135 trustees may enter into franchise agreements with Florida
 136 district school boards and Florida-based virtual schools that
 137 are accredited by the Southern Association of Colleges and
 138 Schools. If the board of trustees enters into a franchise
 139 agreement with a Florida district school board or a Florida-
 140 based virtual school that is accredited by the Southern
 141 Association of College and Schools, the board of trustees shall
 142 ~~may~~ establish the terms and conditions governing such agreement
 143 ~~agreements~~. The board of trustees shall establish the

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144 performance and accountability measures and report the
 145 performance of each school district franchise and each franchise
 146 with a Florida-based virtual school that is accredited by the
 147 Southern Association of Colleges and Schools to the Commissioner
 148 of Education.

149 (j) The board of trustees shall submit to the State Board
 150 of Education both forecasted and actual enrollments and credit
 151 completions for the Florida Virtual School, according to
 152 procedures established by the State Board of Education. At a
 153 minimum, such procedures must include the number of public,
 154 private, and home education students served by program and by
 155 county of residence.

156 (k) The board of trustees shall provide for the content
 157 and custody of student and employee personnel records. Student
 158 records shall be subject to the provisions of s. 1002.22.
 159 Employee records shall be subject to the provisions of s.
 160 1012.31.

161 (l) The financial records and accounts of the Florida
 162 Virtual School shall be maintained under the direction of the
 163 board of trustees and under rules adopted by the State Board of
 164 Education for the uniform system of financial records and
 165 accounts for the schools of the state.

166
 167 The Governor shall designate the initial chair of the board of
 168 trustees to serve a term of 4 years. Members of the board of
 169 trustees shall serve without compensation, but may be reimbursed
 170 for per diem and travel expenses pursuant to s. 112.061. The
 171 board of trustees shall be a body corporate with all the powers
 172 of a body corporate and such authority as is needed for the

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173 proper operation and improvement of the Florida Virtual School.
 174 The board of trustees is specifically authorized to adopt rules,
 175 policies, and procedures, consistent with law and rules of the
 176 State Board of Education related to governance, personnel,
 177 budget and finance, administration, programs, curriculum and
 178 instruction, travel and purchasing, technology, students,
 179 contracts and grants, and property as necessary for optimal,
 180 efficient operation of the Florida Virtual School. Tangible
 181 personal property owned by the board of trustees shall be
 182 subject to the provisions of chapter 273.

183 ~~(4) The following School districts operating a virtual~~
 184 ~~school that is an approved franchise of the Florida Virtual~~
 185 ~~School~~ may count full-time equivalent students, as provided in
 186 paragraph (3)(a), if such school has been certified as an
 187 approved franchise by the Commissioner of Education based on
 188 criteria established by the board of trustees pursuant to
 189 paragraph (2)(i):-

190 (a) A school district operating a virtual school that is
 191 an approved franchise of the Florida Virtual School; or

192 (b) A Florida-based virtual school that is accredited by
 193 the Southern Association of Colleges and Schools and that is an
 194 approved franchise of the Florida Virtual School.

195
 196 However, a Florida-based virtual school that is accredited by
 197 the Southern Association of Colleges and Schools and that is an
 198 approved franchise of the Florida Virtual School may not charge
 199 the parent of a student a fee for services provided by the
 200 school if the student received services and was counted as a
 201 full-time student by the Florida-based virtual school.

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Section 2. This act shall take effect upon becoming a law.