

By Senator Wasserman Schultz

34-1120-04

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

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsections (2) and (4) of section 1002.37,
2 Florida Statutes, are amended to read:

3 1002.37 The Florida Virtual School.--

4 (2) The Florida Virtual School shall be governed by a
5 board of trustees comprised of seven members appointed by the
6 Governor to 4-year staggered terms. The board of trustees
7 shall be a public agency entitled to sovereign immunity
8 pursuant to s. 768.28, and board members shall be public
9 officers who shall bear fiduciary responsibility for the
10 Florida Virtual School. The board of trustees shall have the
11 following powers and duties:

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

15 2. The fiscal year for the Florida Virtual School
16 shall be the state fiscal year as provided in s.
17 216.011(1)(o).

18 (b) The board of trustees shall be responsible for the
19 Florida Virtual School's development of a state-of-the-art
20 technology-based education delivery system that is
21 cost-effective, educationally sound, marketable, and capable
22 of sustaining a self-sufficient delivery system through the
23 Florida Education Finance Program.

24 (c) The board of trustees shall aggressively seek
25 avenues to generate revenue to support its future endeavors,
26 and shall enter into agreements with distance learning
27 providers. The board of trustees may acquire, enjoy, use, and
28 dispose of patents, copyrights, and trademarks and any
29 licenses and other rights or interests thereunder or therein.
30 Ownership of all such patents, copyrights, trademarks,
31 licenses, and rights or interests thereunder or therein shall

1 vest in the state, with the board of trustees having full
2 right of use and full right to retain the revenues derived
3 therefrom. Any funds realized from patents, copyrights,
4 trademarks, or licenses shall be considered internal funds as
5 provided in s. 1011.07. Such funds shall be used to support
6 the school's marketing and research and development activities
7 in order to improve courseware and services to its students.

8 (d) The board of trustees shall be responsible for the
9 administration and control of all local school funds derived
10 from all activities or sources and shall prescribe the
11 principles and procedures to be followed in administering
12 these funds.

13 (e) The Florida Virtual School may accrue supplemental
14 revenue from supplemental support organizations, which
15 include, but are not limited to, alumni associations,
16 foundations, parent-teacher associations, and booster
17 associations. The governing body of each supplemental support
18 organization shall recommend the expenditure of moneys
19 collected by the organization for the benefit of the school.
20 Such expenditures shall be contingent upon the review of the
21 executive director. The executive director may override any
22 proposed expenditure of the organization that would violate
23 Florida law or breach sound educational management.

24 (f) In accordance with law and rules of the State
25 Board of Education, the board of trustees shall administer and
26 maintain personnel programs for all employees of the board of
27 trustees and the Florida Virtual School. The board of trustees
28 may adopt rules, policies, and procedures related to the
29 appointment, employment, and removal of personnel.

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

4 2. The board of trustees may establish and maintain a
5 personnel loan or exchange program by which persons employed
6 by the board of trustees for the Florida Virtual School as
7 academic administrative and instructional staff may be loaned
8 to, or exchanged with persons employed in like capacities by,
9 public agencies either within or without this state, or by
10 private industry. With respect to public agency employees, the
11 program authorized by this subparagraph shall be consistent
12 with the requirements of part II of chapter 112. The salary
13 and benefits of board of trustees personnel participating in
14 the loan or exchange program shall be continued during the
15 period of time they participate in a loan or exchange program,
16 and such personnel shall be deemed to have no break in
17 creditable or continuous service or employment during such
18 time. The salary and benefits of persons participating in the
19 personnel loan or exchange program who are employed by public
20 agencies or private industry shall be paid by the originating
21 employers of those participants, and such personnel shall be
22 deemed to have no break in creditable or continuous service or
23 employment during such time.

24 3. The employment of all Florida Virtual School
25 academic administrative and instructional personnel shall be
26 subject to rejection for cause by the board of trustees, and
27 shall be subject to policies of the board of trustees relative
28 to certification, tenure, leaves of absence, sabbaticals,
29 remuneration, and such other conditions of employment as the
30 board of trustees deems necessary and proper, not inconsistent
31 with law.

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

5 5. All employees except temporary, seasonal, and
6 student employees may be state employees for the purpose of
7 being eligible to participate in the Florida Retirement System
8 and receive benefits. The classification and pay plan,
9 including terminal leave and other benefits, and any
10 amendments thereto, shall be subject to review and approval by
11 the Department of Management Services and the Executive Office
12 of the Governor prior to adoption.

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

15 (h) The board of trustees shall establish and
16 distribute to all school districts and high schools in the
17 state procedures for enrollment of students in courses offered
18 by the Florida Virtual School.

19 (i) The board of trustees shall establish criteria
20 defining the elements of an approved franchise. The board of
21 trustees may enter into franchise agreements with Florida
22 district school boards and Florida-based virtual schools that
23 are accredited by the Southern Association of Colleges and
24 Schools. If the board of trustees enters into a franchise
25 agreement with a Florida district school board or a
26 Florida-based virtual school that is accredited by the
27 Southern Association of College and Schools, the board of
28 trustees shall ~~may~~ establish the terms and conditions
29 governing such agreement ~~agreements~~. The board of trustees
30 shall establish the performance and accountability measures
31 and report the performance of each school district franchise

1 and each franchise with a Florida-based virtual school that is
2 accredited by the Southern Association of Colleges and Schools
3 to the Commissioner of Education.

4 (j) The board of trustees shall submit to the State
5 Board of Education both forecasted and actual enrollments and
6 credit completions for the Florida Virtual School, according
7 to procedures established by the State Board of Education. At
8 a minimum, such procedures must include the number of public,
9 private, and home education students served by program and by
10 county of residence.

11 (k) The board of trustees shall provide for the
12 content and custody of student and employee personnel records.
13 Student records shall be subject to the provisions of s.
14 1002.22. Employee records shall be subject to the provisions
15 of s. 1012.31.

16 (l) The financial records and accounts of the Florida
17 Virtual School shall be maintained under the direction of the
18 board of trustees and under rules adopted by the State Board
19 of Education for the uniform system of financial records and
20 accounts for the schools of the state.

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22 The Governor shall designate the initial chair of the board of
23 trustees to serve a term of 4 years. Members of the board of
24 trustees shall serve without compensation, but may be
25 reimbursed for per diem and travel expenses pursuant to s.
26 112.061. The board of trustees shall be a body corporate with
27 all the powers of a body corporate and such authority as is
28 needed for the proper operation and improvement of the Florida
29 Virtual School. The board of trustees is specifically
30 authorized to adopt rules, policies, and procedures,
31 consistent with law and rules of the State Board of Education

1 related to governance, personnel, budget and finance,
2 administration, programs, curriculum and instruction, travel
3 and purchasing, technology, students, contracts and grants,
4 and property as necessary for optimal, efficient operation of
5 the Florida Virtual School. Tangible personal property owned
6 by the board of trustees shall be subject to the provisions of
7 chapter 273.

8 (4) ~~The following School districts operating a virtual~~
9 ~~school that is an approved franchise of the Florida Virtual~~
10 ~~School~~ may count full-time equivalent students, as provided in
11 paragraph (3)(a), if such school has been certified as an
12 approved franchise by the Commissioner of Education based on
13 criteria established by the board of trustees pursuant to
14 paragraph (2)(i):-

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

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

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21 However, a Florida-based virtual school that is accredited by
22 the Southern Association of Colleges and Schools and that is
23 an approved franchise of the Florida Virtual School may not
24 charge the parent of a student a fee for services provided by
25 the school if the student received services and was counted as
26 a full-time student by the Florida-based virtual school.

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

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SENATE SUMMARY

Provides for the Florida Virtual School Board of Trustees to enter into franchise agreements with virtual schools based in this state which are accredited by the Southern Association of Colleges and Schools. Requires the board to establish performance and accountability measures for the franchises. Prohibits a virtual school from charging fees for students counted as full-time students by the school. (See bill for details.)