

By Senator Carlton

23-932-06

1 A bill to be entitled
2 An act relating to K-8 virtual schools;
3 establishing the K-8 Virtual School Program
4 within the Department of Education; providing
5 requirements for schools to be eligible to
6 participate in the program; authorizing
7 participating schools to be for-profit or
8 nonprofit entities; providing a procedure by
9 which schools can apply to participate in the
10 program; requiring that the application and
11 approval process be available by a specified
12 time; requiring that instructional personnel
13 have Florida teaching certificates; requiring
14 participating school personnel to undergo
15 certain background screening required by law;
16 requiring education plans to conform to the
17 Sunshine State Standards; requiring school
18 applicants to provide a 3-year financial plan;
19 requiring the department to act on school
20 applications within 90 days; providing for
21 3-year contracts for approved schools;
22 authorizing contract renewals; designating
23 participating schools as independent schools;
24 requiring participating schools to provide each
25 student with the equipment, materials, and
26 services necessary to receive instruction;
27 authorizing the current virtual school pilot
28 programs to continue operation through the
29 2006-2007 school year; requiring pilot schools
30 to meet all application requirements in order
31 to operate beyond the 2006-2007 school year;

1 providing eligibility requirements for
2 students; requiring that enrolled students meet
3 the requirements for compulsory attendance;
4 requiring verification of student attendance;
5 requiring enrolled students to participate in
6 the state assessment program; requiring that
7 funding for the program be established annually
8 in the General Appropriations Act; providing a
9 payment schedule to participating schools;
10 requiring schools to participate in the
11 statewide assessment program; requiring that
12 schools be subject to the school grading
13 system; requiring improvement plans for
14 low-performing schools; requiring contract
15 termination for continued low performance;
16 providing causes for nonrenewal or termination
17 of a school contract; requiring nonrenewed or
18 terminated schools to be responsible for debt;
19 authorizing students of a terminated school to
20 attend other public schools; requiring the
21 State Board of Education to adopt rules to
22 administer the program; providing an effective
23 date.

24

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

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27 Section 1. K-8 Virtual School Program.--Subject to
28 annual legislative appropriation, a kindergarten through grade
29 8 virtual school program is established within the Department
30 of Education for the purpose of making academic instruction
31 available to full-time students in kindergarten through grade

1 8 using on-line and distance-learning technology. The
2 department shall use an application process to select schools
3 to deliver program instruction.

4 (1) SCHOOL ELIGIBILITY.--

5 (a) To be eligible to participate in the K-8 Virtual
6 School Program a school must:

7 1. Be nonsectarian in its programs, admission
8 policies, employment practices, and operations;

9 2. Comply with the antidiscrimination provisions of s.
10 1000.05, Florida Statutes;

11 3. Participate in the state's school accountability
12 system created in s. 1008.31, Florida Statutes;

13 4. Locate its administrative office in this state and
14 require its administrative and instructional staff members to
15 be state residents; and

16 5. Require no tuition or student registration fee.

17 (b) Schools applying to participate in the K-8 Virtual
18 School Program may be for-profit or nonprofit entities.

19 (2) APPLICATION.--

20 (a) The Department of Education shall provide an
21 application form to be completed by each school seeking to
22 participate in the K-8 Virtual School Program. Initial
23 application forms must be made available in sufficient time to
24 enable schools to apply and be approved to participate in the
25 K-8 Virtual School Program by the beginning of the 2007-2008
26 school year. In addition to information that may be required
27 by the department, applicants must provide verification that:

28 1. The applicant meets the eligibility criteria
29 required by this section;

1 2. All members of the school's instructional staff are
2 certified professional educators under the provisions of
3 chapter 1012, Florida Statutes; and

4 3. All school employees have undergone background
5 screening as required by s. 1012.32, Florida Statutes.

6 (b) In addition to a completed application form, each
7 applicant must provide the department with:

8 1. A detailed plan describing how the school
9 curriculum and course content will conform to the Sunshine
10 State Standards; and

11 2. An annual financial plan for each year of operation
12 of the school for a minimum of 3 years. The plan must contain
13 anticipated fund balances based on revenue projections, a
14 spending plan based on projected revenues and expenses, and a
15 description of controls that will safeguard finances and
16 projected enrollment trends.

17 (c) The department must approve or deny a school's
18 participation in the K-8 Virtual School Program within 90 days
19 after receipt of an application.

20 (3) PARTICIPATING SCHOOLS.--

21 (a) A school approved by the department to participate
22 in the K-8 Virtual School Program shall receive an initial
23 3-year contract with the department to provide program
24 services, subject to annual department review and legislative
25 appropriation. Contract renewals may be for up to 5 years upon
26 agreement of both parties, contingent upon annual funding in
27 the General Appropriations Act.

28 (b) A school approved to participate in the program is
29 deemed to be an independent virtual school providing, on
30 behalf of the state, a program of instruction that is
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1 full-time, of 180-days' duration, and an on-line program of
2 instruction to students in kindergarten through grade 8.

3 (c) A school approved to participate in the program
4 must provide each student enrolled in the virtual school with:

5 1. All necessary instructional materials;

6 2. All equipment, including, but not limited to, a
7 computer, computer monitor, and printer for each household
8 that has a student enrolled in the virtual school; and

9 3. Access to or reimbursement for all Internet
10 services necessary for on-line delivery of instruction for
11 each household that has a student enrolled in the virtual
12 school.

13 (4) PILOT SCHOOLS.--

14 (a) The two pilot K-8 virtual schools provided for in
15 the 2005 General Appropriations Act may continue operation for
16 the entire 2006-2007 school year.

17 (b) With the exception of the application and
18 contracting requirements, the pilot schools are subject to the
19 provisions of this section for the 2006-2007 school year.

20 (c) Each pilot school must complete the application
21 requirements of this section and be approved by the department
22 in order to participate in the K-8 Virtual School Program
23 beyond the 2006-2007 school year.

24 (5) STUDENT ELIGIBILITY.--

25 (a) Enrollment in each participating school is open to
26 any K-8 student in this state if the student meets at least
27 one of the following conditions:

28 1. Spent the prior school year in attendance at a
29 public school in this state and was enrolled and reported by a
30 public school district for funding during the preceding
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1 October and February for purposes of the Florida Education
2 Finance Program surveys;
3 2. Was enrolled during the prior school year in a K-8
4 virtual school funded pursuant to this section or from funds
5 provided in the 2005 General Appropriations Act;
6 3. Is eligible to enroll in kindergarten or the first
7 grade; or
8 4. Has a sibling who is currently enrolled in a
9 participating K-8 virtual school and was enrolled at the end
10 of the prior school year.
11 (b) Students enrolled in a K-8 virtual school are
12 subject to the compulsory attendance requirements of s.
13 1003.21, Florida Statutes. Student attendance must be verified
14 according to procedures of the Department of Education.
15 (c) Each student enrolled in a K-8 virtual school must
16 take state assessment tests within the student's school
17 district of residence, which must provide that student with
18 access to the district's testing facilities.
19 (6) FUNDING.--
20 (a) State funding for each school participating in the
21 K-8 Virtual School Program shall be based on a total program
22 enrollment and amount per full-time equivalent student
23 established annually in the General Appropriations Act.
24 (b) Upon proper documentation of student enrollment,
25 which must be reviewed and approved by the department,
26 payments shall be made to participating schools in four equal
27 payments no later than September 1, November 1, February 1,
28 and April 15 of each academic year. The initial payment shall
29 be made after the department verifies each student's admission
30 to the school, and subsequent payments shall be made upon
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1 verification of the continued enrollment and attendance of the
2 student.

3 (7) ASSESSMENT AND ACCOUNTABILITY.--

4 (a) Each K-8 virtual school must participate in the
5 statewide assessment program created under s. 1008.22, Florida
6 Statutes, and shall be subject to the school grading system
7 created by s. 1008.34, Florida Statutes.

8 (b) A K-8 virtual school that has a performance grade
9 category of "D" or "F" must file a school improvement plan
10 with the department for consultation to determine the causes
11 for low performance and to develop a plan for correction and
12 improvement.

13 (c) The department shall terminate the contract of any
14 K-8 virtual school that receives a performance grade category
15 of "D" or "F" for 2 years during any consecutive 4-year
16 period.

17 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF A
18 CONTRACT.--

19 (a) At the end of a contract with a K-8 virtual
20 school, the department may choose not to renew the contract
21 for any of the following grounds:

22 1. Failure to participate in the state's education
23 accountability system created in s. 1008.31, Florida Statutes,
24 as required in this section;

25 2. Failure to receive a school performance grade of
26 "C" or better under the school grading system created by s.
27 1008.34, Florida Statutes, for any 2 years in a consecutive
28 4-year period;

29 3. Failure to meet generally accepted standards of
30 fiscal management;

31 4. Violation of law;

1 5. Failure of the Legislature to fund the program; or
2 6. Other good cause shown.

3 (b) During the term of the contract, the department
4 may terminate the contract for any of the grounds listed in
5 paragraph (a).

6 (c) If a contract is not renewed or is terminated, the
7 K-8 virtual school is responsible for all debts of the school.

8 (d) If a contract is not renewed or is terminated, a
9 student who attended the school must be allowed to be enrolled
10 in a public school in the county in which the student is a
11 resident.

12 (9) RULES.--The State Board of Education shall adopt
13 rules under ss. 120.536(1) and 120.54, Florida Statutes, to
14 administer this section.

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

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19 SENATE SUMMARY

20 Establishes the K-8 Virtual School Program within the
21 Department of Education, subject to an annual
22 appropriation. Provides requirements for a school to be
23 eligible to participate in the program. Provides an
24 application process. Provides for an approved school to
25 receive an initial 3-year contract and for 5-year
26 renewals of the contract, subject to annual funding.
27 Provides for the pilot schools established in the 2005
28 General Appropriations Act to continue in operation,
29 subject to approval by the department. Provides
30 eligibility requirements for students. Provides for
31 funding virtual schools. Requires each virtual school to
be subject to the school grading system. Specifies
circumstances under which the department may terminate a
contract with a virtual school. Requires that the State
Board of Education adopt rules to administer the virtual
school program. (See bill for details.)