

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty-- The bill extends eligibility for the K-8 Virtual School Program, a school choice option, to students who attended private school, a home education program, or a private tutoring program during the previous school year.

Empower Families-- The bill increases the educational choice programs available to parents of students who attended private school, a home education program, or a private tutoring program during the previous school year.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Background: The K-8 Virtual School Program is an educational choice program established within the Department of Education (DOE). The program delivers academic instruction via on-line and distance learning technology to full-time students in kindergarten through eighth grade.¹ Participation is free to the student. Students are instructed by Florida-certified teachers. Learning coaches, usually a parent or other adult living in the student's home, supervise the student's in-home learning activities. The virtual school curriculum is aligned to the Sunshine State Standards. Students enrolled in the K-8 Virtual School Program must participate in the statewide assessment program required under s.1008.22, F.S.

Virtual schools must apply and be approved by the DOE to participate in the K-8 Virtual School Program. Participating schools must provide each enrolled student with all necessary instructional materials, computer equipment, and a stipend for Internet access. K-8 virtual schools are subject to the Florida school grading system² and "adequate yearly progress" provisions under Title I of the No Child Left Behind Act of 2001. At present, Florida Connections Academy and Florida Virtual Academy have been approved by the DOE to deliver program instruction.

In 2006, the Legislature appropriated \$7,200,000 in general revenues to the K-8 Virtual School Program. Students are funded based on a maximum grant amount of \$5,200 per student.³ Thus, enrollment capacity is limited to approximately 1,384 students. According to the DOE, there is a large waiting list of students wishing to participate in the program.⁴

Student Eligibility: The K-8 Virtual School Program is available to full-time students in kindergarten through eighth grade. Eligibility for the program is limited to:

- Students who spent the previous school year in attendance at a Florida public school and who were reported by the school district for funding through the Florida Education Finance Program;
- Students who were enrolled during the previous school year in a K-8 virtual school and their siblings; or
- Students who are eligible to enroll in kindergarten or the first grade.⁵

¹ Section 1002.415, F.S.

² Section 1008.34, F.S.

³ Specific Appropriation 106B of the Conference Committee Report on HB 5001, Enrolled Chapter 2006-25, Laws of Florida.

⁴ Florida Department of Education Bill Analysis for House Bill 799.

⁵ Section 1002.415(5), F.S.

Students who attended a private school or home education program or who received private tutoring during the previous school year are currently ineligible to participate in the K-8 Virtual School Program.

School Attendance: Students enrolled in the K-8 Virtual School Program are subject to the compulsory school attendance requirements of s. 1003.21, F.S. Pursuant to that section, children who are either six years of age, who will be six years old by February 1 of any school year, or who are older than six years of age but who have not attained the age of sixteen years are required to attend school “regularly during the entire school term.”⁶ State Board of Education Rule 6A-6.0980(2)(b), F.A.C., requires each K-8 Virtual School to keep daily attendance for each enrolled student and to verify the continued attendance of each student to the DOE four times during the academic year.

Performance: According to the DOE website for the K-8 Virtual School Program, students in the Florida Connections Academy and Florida Virtual Academy are performing the same or better than their peers statewide on the Florida Comprehensive Assessment Test in most subjects and grade levels. Further, both schools earned school performance grades of “B” in 2005-06.⁷

Effect of Proposed Changes

House Bill 799 amends the current provision in law that limits enrollment in the K-8 Virtual School Program to students who were enrolled in a Florida public school during the previous school year. Under the bill, eligibility for the program is expanded to students who complied during the previous school year with the regular school attendance requirements of ch. 1003, F.S. The term “regular school attendance” is defined in that chapter to mean, “... the actual attendance of a student during the school day as defined by law and rules of the State Board of Education.”⁸ Further, the definition provides that such attendance may be in a: public school; parochial, religious, or denominational school; private school; home education program; or private tutoring program.

The bill takes effect on July 1, 2007.

C. SECTION DIRECTORY:

Section 1: Amends s. 1002.415, F.S.; expands eligibility for the K-8 Virtual School Program to students who complied with the regular school attendance requirements of ch. 1003, F.S.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

In 2006, the Legislature appropriated \$7,200,000 in general revenues to the K-8 Virtual School Program. Students are funded by grants of up to \$5,200 per student.⁹ Please see FISCAL COMMENTS.

⁶ Section 1003.21, F.S.

⁷ See: http://www.floridaschoolchoice.org/Information/virtual_schools/faqs_pilot.asp

⁸ Section 1003.01(12), F.S.

⁹ See: Footnote 3.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Parents of students in private school, home education programs, or private tutoring programs who choose to place their children in the K-8 Virtual School will avoid tuition and/or other related expenditures.

D. FISCAL COMMENTS:

Currently, enrollment capacity for the K-8 Virtual School Program is subject to legislative appropriation. In 2006, the Legislature appropriated \$7,200,000 in general revenues to the K-8 Virtual School Program. Proviso allows a maximum grant of \$5,200 per student.¹⁰ Enrollment capacity based on the maximum grant amount is 1,384 students for 2006-2007. Thus, enrollment capacity for 2007-2008 will depend upon the legislative appropriation adopted in this year's General Appropriations Act.

According to the DOE, there are approximately 52,000 home education and 240,000 private school students in grades kindergarten through eight. The K-8 Virtual School Program is likely to draw students who previously attended a private school, home education program, or private tutoring program. Because parents choose to enroll their children in private or home school education options for various reasons, it is difficult to predict how many of these students will actually seek to participate in the program.¹¹

The K-8 Virtual School Program requires that an adult be present in the home to supervise the student's instruction. Many private school students will be unable to participate in the program if their parents are unable to meet this requirement.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds.

This bill does not reduce the authority that counties or municipalities have to raise revenue in the aggregate.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

¹⁰ See: Footnote 3.

¹¹ Florida Department of Education Bill Analysis for House Bill 799.

B. RULE-MAKING AUTHORITY:

This bill does not appear to create, modify, or eliminate rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 13, 2007, the Committee on Education Innovation and Career Preparation adopted a strike everything amendment and reported the bill favorably with a recommended council substitute.

The strike everything amendment:

- Provides that the K-8 Virtual School Program is a component of the delivery of public education within Florida's K-20 education system.
- Requires schools participating in the K-8 Virtual School Program to be non-profit.
- Requires the DOE to annually provide forms to schools seeking to participate in the program at a time sufficient to enable participation by the beginning of the next school year.
- Retains the bill's expansion of K-8 virtual school eligibility to students who, during the prior school year, attended a: parochial, religious, or denominational school; private school; home education program; or private tutoring program.
- Removes outdated provisions relating to the pilot of the K-8 Virtual School Program.
- Requires the school district in which an exceptional student resides to be responsible for the provision of exceptional student services that a K-8 virtual school is unable to provide. Permits the school district to report such services for funding purposes under the Florida Education Finance Program (FEFP).
- Revises funding for the K-8 Virtual School Program by:
 - Removing provisions that made program subject to legislative appropriation.
 - Authorizing funding for the program through the FEFP based on "full-time equivalent students," as defined by the amendment.
 - Setting the district cost differential at 1.00.
 - Requiring the appropriation of discretionary operating funds to the program from nonvoted discretionary millage.
 - Authorizing additional state funds for the program as may be provided in the General Appropriations Act.
- Providing that a K-8 virtual school may not increase its enrollment until it achieves a performance grade category of "C" or better.

The amendment has a fiscal impact, but the amount is currently indeterminate.