

1 A bill to be entitled
2 An act relating to virtual education; amending s. 1000.04,
3 F.S.; providing that K-8 virtual schools are public K-12
4 schools; amending ss. 1002.20 and 1002.31, F.S.; providing
5 that K-8 virtual schools are a public school choice
6 option; amending s. 1002.415, F.S.; establishing the
7 school district K-8 Virtual School Program; requiring
8 school districts to offer a K-8 Virtual School Program
9 beginning with the 2009-2010 school year; authorizing
10 school districts to offer such program for the 2008-2009
11 school year; authorizing the provision of specified online
12 instruction to students in grades 6 through 8 through a
13 franchise agreement with the Florida Virtual School;
14 specifying qualifications for and requiring Department of
15 Education approval of contracted providers; requiring
16 department approval for district programs; specifying
17 requirements for a K-8 virtual school relating to
18 employees, curriculum, equipment, and fees; requiring
19 specified capacity and limiting future enrollment
20 increases; providing student eligibility and enrollment
21 requirements; requiring student compliance with specified
22 attendance provisions; requiring students to take state
23 assessment tests; providing funding through the Florida
24 Education Finance Program for district K-8 Virtual School
25 Programs; requiring K-8 virtual schools to participate in
26 the state assessment program and education performance
27 accountability system and receive school grades; requiring
28 school improvement plans for schools that receive

29 specified grades; requiring annual department review and
 30 reporting of student performance; specifying reasons for
 31 nonrenewal or termination of provider contracts; providing
 32 for continuation of existing K-8 virtual schools under
 33 contract with the department for specified students;
 34 providing requirements for the funding of such schools;
 35 requiring rulemaking; amending s. 1003.01, F.S.; amending
 36 the definition of the term "core-curricula courses" to
 37 exclude Florida Virtual School and K-8 Virtual School
 38 Program courses; amending s. 1011.61, F.S.; defining a K-8
 39 virtual school full-time equivalent student; providing
 40 effective dates.

41

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

43

44 Section 1. Effective July 1, 2009, subsection (1) of
 45 section 1000.04, Florida Statutes, is amended to read:

46 1000.04 Components for the delivery of public education
 47 within the Florida K-20 education system.--Florida's K-20
 48 education system provides for the delivery of public education
 49 through publicly supported and controlled K-12 schools,
 50 community colleges, state universities and other postsecondary
 51 educational institutions, other educational institutions, and
 52 other educational services as provided or authorized by the
 53 Constitution and laws of the state.

54 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools include
 55 charter schools and consist of kindergarten classes; elementary,
 56 middle, and high school grades and special classes; K-8 virtual

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57 schools; workforce education; career centers; adult, part-time,
58 and evening schools, courses, or classes, as authorized by law
59 to be operated under the control of district school boards; and
60 lab schools operated under the control of state universities.

61 Section 2. Effective July 1, 2009, paragraph (a) of
62 subsection (6) of section 1002.20, Florida Statutes, is amended
63 to read:

64 1002.20 K-12 student and parent rights.--Parents of public
65 school students must receive accurate and timely information
66 regarding their child's academic progress and must be informed
67 of ways they can help their child to succeed in school. K-12
68 students and their parents are afforded numerous statutory
69 rights including, but not limited to, the following:

70 (6) EDUCATIONAL CHOICE.--

71 (a) Public school choices.--Parents of public school
72 students may seek whatever public school choice options that are
73 applicable to their students and are available to students in
74 their school districts. These options may include controlled
75 open enrollment, lab schools, K-8 virtual schools, charter
76 schools, charter technical career centers, magnet schools,
77 alternative schools, special programs, advanced placement, dual
78 enrollment, International Baccalaureate, International General
79 Certificate of Secondary Education (pre-AICE), Advanced
80 International Certificate of Education, early admissions, credit
81 by examination or demonstration of competency, the New World
82 School of the Arts, the Florida School for the Deaf and the
83 Blind, and the Florida Virtual School. These options may also
84 include the public school choice options of the Opportunity

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85 Scholarship Program and the McKay Scholarships for Students with
86 Disabilities Program.

87 Section 3. Effective July 1, 2009, subsections (2) and (8)
88 of section 1002.31, Florida Statutes, are amended to read:

89 1002.31 Public school parental choice.--

90 (2) Each district school board may offer controlled open
91 enrollment within the public schools. The controlled open
92 enrollment program shall be offered in addition to the existing
93 choice programs such as K-8 virtual schools, magnet schools,
94 alternative schools, special programs, advanced placement, and
95 dual enrollment.

96 (8) Each district school board shall annually report the
97 number of students applying for and attending the various types
98 of public schools of choice in the district, including schools
99 such as K-8 virtual schools, magnet schools, and public charter
100 schools, according to rules adopted by the State Board of
101 Education.

102 Section 4. Section 1002.415, Florida Statutes, is amended
103 to read:

104 (Substantial rewording of section. See
105 s. 1002.415, F.S., for present text.)

106 1002.415 School district K-8 Virtual School Program.--

107 (1) PROGRAM.--

108 (a) Beginning with the 2009-2010 school year, each school
109 district in the state shall offer a K-8 Virtual School Program
110 that serves students residing within the district's attendance
111 area. The purpose of the program is to make academic instruction
112 available to full-time students in kindergarten through grade 8

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113 using online and distance learning technology.

114 (b) Each school district's program may consist of one or
115 more schools operated by the district or by contracted providers
116 approved by the department under subsection (2). School
117 districts may participate in multi-district contractual
118 arrangements, which may include contracts executed by a regional
119 consortium for its member districts, for provision of the
120 schools.

121 (c) Each K-8 virtual school operated or contracted under
122 this section must have a sufficient number of students enrolled
123 in each grade to permit a school grade to be assigned to the
124 school pursuant to s. 1008.34 and State Board of Education rule.

125 (d) Notwithstanding any other provision of this section, a
126 school district shall be in compliance with the requirements of
127 this section for students in grades 6 through 8 if it offers a
128 full-time, 180-day program of online academic instruction to
129 such students pursuant to a franchise agreement with the Florida
130 Virtual School under s. 1002.37. Such school district must still
131 comply with the requirements of this section for students in
132 kindergarten through grade 5.

133 (2) PROVIDER QUALIFICATIONS.--On or before March 1, 2009,
134 and annually thereafter, the department shall provide school
135 districts with a list of providers approved to contract with one
136 or more school districts or regional consortia for the operation
137 of one or more K-8 virtual schools. To be approved by the
138 department, each provider must annually document that it:

139 (a) Is nonsectarian in its programs, admission policies,
140 employment practices, and operations.

141 (b) Complies with the antidiscrimination provisions of s.
142 1000.05.

143 (c) Locates its administrative office in this state and
144 requires its administrative and instructional staff members to
145 be state residents.

146 (d) Possesses prior, successful experience offering online
147 courses to elementary, middle, or high school students.

148 (e) Is accredited by the Commission on Colleges of the
149 Southern Association of Colleges and Schools, the Middle States
150 Association of Colleges and Schools, the North Central
151 Association of Colleges and Schools, the New England Association
152 of Schools and Colleges, or the Commission on International and
153 Trans-Regional Accreditation.

154 (f) Is capable of complying with all requirements for a K-
155 8 virtual school under this section.

156 (3) PROGRAM APPROVAL.--Each school district shall submit a
157 description of its proposed 2009-2010 K-8 Virtual School Program
158 to the department in a manner and by a deadline prescribed by
159 the department. Students may not be enrolled in the program
160 until it is approved by the department.

161 (4) K-8 VIRTUAL SCHOOL REQUIREMENTS.--Each K-8 virtual
162 school operated or contracted by a school district or regional
163 consortium must:

164 (a) Require all members of the school's instructional
165 staff to be certified professional educators under the
166 provisions of chapter 1012.

167 (b) Conduct background screening of all of the school's
168 employees as required by s. 1012.32.

- 169 (c) Align its curriculum and course content to the
 170 Sunshine State Standards under s. 1003.41.
- 171 (d) Offer an online program of instruction that is full
 172 time and of 180 days' duration.
- 173 (e) Provide each student enrolled in the virtual school
 174 with:
- 175 1. All necessary instructional materials.
- 176 2. All equipment, including, but not limited to, a
 177 computer, computer monitor, and printer for each household that
 178 has a student enrolled in the virtual school.
- 179 3. Access to or reimbursement for all Internet services
 180 necessary for online delivery of instruction for each household
 181 that has a student enrolled in the virtual school.
- 182 (f) Not require tuition or student registration fees.
- 183 (5) PROGRAM CAPACITY; ENROLLMENT.--
- 184 (a) Each school district's K-8 Virtual School Program must
 185 have at least the capacity to serve the greater of the following
 186 number of students:
- 187 1. One-quarter of 1 percent of the school district's total
 188 population of public school students in kindergarten through
 189 grade 8; or
- 190 2. The number of students who reside in the district and
 191 were enrolled during the prior school year in a K-8 virtual
 192 school under this section.
- 193 (b) Each school district's K-8 Virtual School Program
 194 shall enroll eligible students who meet the profile for success
 195 in this educational delivery context and who submit timely
 196 applications, prioritized in accordance with paragraph (6)(b),

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197 unless the number of such applications exceeds the capacity of
198 the program. In such case, students who have submitted timely
199 applications shall have an equal chance of being admitted
200 through a random selection process.

201 (c) Beginning with the 2010-2011 school year and
202 continuing thereafter, the enrollment for a K-8 virtual school
203 may not be increased in excess of its prior school year
204 enrollment unless the school has achieved a school grade of "C"
205 or better under the school grading system created under s.
206 1008.34.

207 (6) STUDENT ELIGIBILITY; PRIORITY.--

208 (a) Enrollment in a K-8 Virtual School Program is open to
209 any K-8 student residing within the district's attendance area
210 if the student meets at least one of the following conditions:

211 1. Spent the prior school year in attendance at a public
212 school in this state and was enrolled and reported by a public
213 school district for funding during the preceding October and
214 February for purposes of the Florida Education Finance Program
215 surveys;

216 2. Was enrolled during the prior school year in a K-8
217 virtual school under this section;

218 3. Has a sibling who is currently enrolled in a K-8
219 virtual school under this section and was enrolled at the end of
220 the prior school year; or

221 4. Is a dependent child of a member of the United States
222 Armed Forces who was transferred within the past 12 months to
223 this state from out of state or from a foreign country pursuant
224 to a parent's permanent change of station orders.

225 (b) Priority for admission to a K-8 virtual school shall
 226 be given to:

227 1. Students who were enrolled during the prior school year
 228 in a K-8 virtual school under this section.

229 2. The siblings of students under subparagraph 1.

230 3. Students who need access to a K-8 virtual school in
 231 order to meet their educational needs and goals in a home
 232 environment.

233 4. Students who are eligible under subparagraph (a)4.

234 5. Students seeking accelerated access to move at their
 235 own pace in their educational progress.

236 (7) STUDENT PARTICIPATION REQUIREMENTS.--Each student
 237 enrolled in a K-8 virtual school must:

238 (a) Comply with the compulsory attendance requirements of
 239 s. 1003.21. Student attendance must be verified by the school
 240 district.

241 (b) Take state assessment tests within the student's
 242 school district of residence, which must provide that student
 243 with access to the district's testing facilities.

244 (8) FUNDING.--

245 (a) A "full-time equivalent student" for a K-8 Virtual
 246 School Program shall be as defined in s. 1011.61(1)(c)1.b.(III).

247 (b) Full-time equivalent students for a K-8 Virtual School
 248 Program shall be reported only by the school district to the
 249 department in the manner prescribed by the department and shall
 250 be funded through the Florida Education Finance Program.

251 (c) In addition to the funds provided in the General
 252 Appropriations Act, a school district may receive other funds

253 from grants and donations for its K-8 Virtual School Program.

254 (9) ASSESSMENT AND ACCOUNTABILITY.--

255 (a) Each K-8 virtual school must:

256 1. Participate in the statewide assessment program created
 257 under s. 1008.22 and in the state's education performance
 258 accountability system created under s. 1008.31.

259 2. Receive a school grade under s. 1008.34.

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

264 (c) If a K-8 virtual school receives a school grade of "D"
 265 or "F" for 2 years during any consecutive 4-year period:

266 1. The school district or regional consortium shall
 267 terminate the contract for a provider-operated school.

268 2. The school district shall terminate operation of a
 269 district-operated school and the school district or regional
 270 consortium shall contract for a provider-operated school for the
 271 next school year.

272 (d) The department shall annually review each school
 273 district's K-8 Virtual School Program and provide a report to
 274 the State Board of Education, the Governor, and the presiding
 275 officers of the Legislature that:

276 1. Analyzes the overall performance of students enrolled
 277 in each school district's K-8 Virtual School Program as compared
 278 to the overall performance of students in grades kindergarten
 279 through 8 who are enrolled in:

280 a. The school district's nonvirtual public schools.

281 b. Other school district K-8 Virtual School Programs.

282 2. Analyzes and aggregates the overall performance of
 283 students enrolled in K-8 virtual schools statewide according to
 284 each contracted provider.

285 (10) CAUSES FOR NONRENEWAL OR TERMINATION OF A CONTRACT.--

286 (a) A school district or regional consortium may choose to
 287 not renew or to terminate a contract during its term for a K-8
 288 virtual school on the following grounds:

289 1. Failure to comply with paragraph (9) (a);

290 2. Failure to annually receive approval from the
 291 department under subsection (2);

292 3. Failure to meet generally accepted standards of fiscal
 293 management;

294 4. Violation of law;

295 5. Failure of the Legislature to fund the program; or

296 6. Any ground for nonrenewal or termination specified in
 297 the contract.

298 (b) A school district or regional consortium shall
 299 terminate a contract for a K-8 virtual school as provided under
 300 paragraph (9) (c).

301 (c) If a contract is not renewed or is terminated, the
 302 contracted provider of the K-8 virtual school is responsible for
 303 all debts of the school.

304 (d) If a contract is not renewed or is terminated, a
 305 student who attended the K-8 virtual school must be allowed to
 306 enroll in:

307 1. Another K-8 virtual school offered by the school
 308 district;

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309 2. The public school to which the student would be
310 assigned according to the school district's attendance area
311 policies; or

312 3. A public school that the student could choose to attend
313 under district or interdistrict controlled open enrollment
314 provisions.

315 (11) CONTINUITY OF EXISTING SCHOOLS.--

316 (a) Subject to appropriation, the two K-8 virtual schools
317 operated under this section during the 2007-2008 school year by
318 providers under contract with the department may continue
319 operation under contract with the department during the 2008-
320 2009 school year and thereafter. These schools must comply with
321 the requirements of subsections (2) and (4) and paragraphs
322 (9) (a) and (b) and may only enroll students described in
323 subparagraph (b)1.

324 (b) The parent of a student who was enrolled in a K-8
325 virtual school under this section during the 2007-2008 school
326 year may choose to:

327 1. Continue the student's enrollment and enroll the
328 student's siblings in that school for the 2008-2009 school year
329 and thereafter if the school district in which the parent
330 resides does not offer a K-8 virtual school operated by the same
331 provider; or

332 2. Enroll the student in a K-8 virtual school offered by
333 the school district in which the parent resides.

334 (c) State funding for students enrolled in a K-8 virtual
335 school under subparagraph (b)1. shall be based on a total
336 program enrollment and an amount per full-time equivalent

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337 student established annually in the General Appropriations Act.
338 Upon documentation of proper student enrollment, which must be
339 reviewed and approved by the department, payments shall be made
340 to the provider in four equal payments no later than September
341 1, November 1, February 1, and April 15 of each academic year.
342 The initial payment shall be made after the department verifies
343 each student's admission to the school, and subsequent payments
344 shall be made upon verification of the continued enrollment and
345 attendance of the student.

346 (d) Students enrolled under subparagraph (b)1. must comply
347 with the requirements of subsection (7).

348 (12) 2008-2009 DISTRICT PROGRAM.--

349 (a) For the 2008-2009 school year, each school district in
350 the state may offer a K-8 Virtual School Program that serves
351 students residing within the district's attendance area. Each
352 school district's program may consist of one or more schools
353 operated by the district or by a contracted provider that
354 operated a K-8 virtual school under this section during the
355 2007-2008 school year. School districts may participate in
356 multi-district contractual arrangements, which may include
357 contracts executed by a regional consortium for its member
358 districts, for provision of the schools.

359 (b) A K-8 virtual school under this subsection must comply
360 with the requirements of paragraph (1)(c) and subsections (4),
361 (6), (8), (9), and (10).

362 (c) Students enrolled in a K-8 virtual school under this
363 subsection must comply with the requirements of subsection (7).

364 (13) RULES.--The State Board of Education shall adopt

365 rules under ss. 120.536(1) and 120.54 to administer this
 366 section.

367 Section 5. Subsection (14) of section 1003.01, Florida
 368 Statutes, is amended to read:

369 1003.01 Definitions.--As used in this chapter, the term:

370 (14) "Core-curricula courses" means courses defined by the
 371 Department of Education as mathematics, language arts/reading,
 372 science, social studies, foreign language, English for Speakers
 373 of Other Languages, exceptional student education, and courses
 374 taught in traditional self-contained elementary school
 375 classrooms. The term is limited in meaning and used for the sole
 376 purpose of designating classes that are subject to the maximum
 377 class size requirements established in s. 1, Art. IX of the
 378 State Constitution. This term does not include courses offered
 379 under s. 1002.37 or s. 1002.415.

380 Section 6. Paragraph (c) of subsection (1) of section
 381 1011.61, Florida Statutes, is amended to read:

382 1011.61 Definitions.--Notwithstanding the provisions of s.
 383 1000.21, the following terms are defined as follows for the
 384 purposes of the Florida Education Finance Program:

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

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

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

391 b. A combination of full-time or part-time students in any
 392 one of the programs listed in s. 1011.62(1)(c) which is the

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393 equivalent of one full-time student based on the following
394 calculations:

395 (I) A full-time student, except a postsecondary or adult
396 student or a senior high school student enrolled in adult
397 education when such courses are required for high school
398 graduation, in a combination of programs listed in s.
399 1011.62(1)(c) shall be a fraction of a full-time equivalent
400 membership in each special program equal to the number of net
401 hours per school year for which he or she is a member, divided
402 by the appropriate number of hours set forth in subparagraph
403 (a)1. or subparagraph (a)2. The difference between that fraction
404 or sum of fractions and the maximum value as set forth in
405 subsection (4) for each full-time student is presumed to be the
406 balance of the student's time not spent in such special
407 education programs and shall be recorded as time in the
408 appropriate basic program.

409 (II) A prekindergarten handicapped student shall meet the
410 requirements specified for kindergarten students.

411 (III) A K-8 virtual school full-time equivalent student
412 shall consist of a student who has successfully completed a
413 basic program listed in s. 1011.62(1)(c)1.a. or b. and who is
414 promoted to a higher grade level.

415 (IV)~~(III)~~ A Florida Virtual School full-time equivalent
416 student shall consist of six full credit completions in the
417 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions
418 can be a combination of either full credits or half credits.

419 2. A student in membership in a program scheduled for more
420 or less than 180 school days is a fraction of a full-time

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421 equivalent membership equal to the number of instructional hours
422 in membership divided by the appropriate number of hours set
423 forth in subparagraph (a)1.; however, for the purposes of this
424 subparagraph, membership in programs scheduled for more than 180
425 days is limited to students enrolled in juvenile justice
426 education programs and the Florida Virtual School.

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428 The department shall determine and implement an equitable method
429 of equivalent funding for experimental schools and for schools
430 operating under emergency conditions, which schools have been
431 approved by the department to operate for less than the minimum
432 school day.

433 Section 7. Except as otherwise expressly provided in this
434 act, this act shall take effect July 1, 2008.