

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; providing for application of
 36 | section; amending s. 1003.01, F.S.; amending the
 37 | definition of the term "core-curricula courses" to exclude
 38 | Florida Virtual School and K-8 Virtual School Program
 39 | courses; amending s. 1011.61, F.S.; defining a K-8 virtual
 40 | school full-time equivalent student; providing effective
 41 | dates.

42 |

43 | Be It Enacted by the Legislature of the State of Florida:

44 |

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

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

55 | (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools include
 56 | charter schools and consist of kindergarten classes; elementary,

57 middle, and high school grades and special classes; K-8 virtual
58 schools; workforce education; career centers; adult, part-time,
59 and evening schools, courses, or classes, as authorized by law
60 to be operated under the control of district school boards; and
61 lab schools operated under the control of state universities.

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

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

71 (6) EDUCATIONAL CHOICE.--

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

85 include the public school choice options of the Opportunity
 86 Scholarship Program and the McKay Scholarships for Students with
 87 Disabilities Program.

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

90 1002.31 Public school parental choice.--

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

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

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

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

107 1002.415 School district K-8 Virtual School Program.--

108 (1) PROGRAM.--

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

113 available to full-time students in kindergarten through grade 8
114 using online and distance learning technology.

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

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

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

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

140 (a) Is nonsectarian in its programs, admission policies,

141 employment practices, and operations.

142 (b) Complies with the antidiscrimination provisions of s.
 143 1000.05.

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

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

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

155 (f) Is capable of complying with all requirements for a K-
 156 8 virtual school under this section.

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

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

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

168 (b) Conduct background screening of all of the school's

169 employees as required by s. 1012.32.

170 (c) Align its curriculum and course content to the
 171 Sunshine State Standards under s. 1003.41.

172 (d) Offer an online program of instruction that is full
 173 time and of 180 days' duration.

174 (e) Provide each student enrolled in the virtual school
 175 with:

176 1. All necessary instructional materials.

177 2. All equipment, including, but not limited to, a
 178 computer, computer monitor, and printer for each household that
 179 has a student enrolled in the virtual school.

180 3. Access to or reimbursement for all Internet services
 181 necessary for online delivery of instruction for each household
 182 that has a student enrolled in the virtual school.

183 (f) Not require tuition or student registration fees.

184 (5) PROGRAM CAPACITY; ENROLLMENT.--

185 (a) Each school district's K-8 Virtual School Program must
 186 have at least the capacity to serve the greater of the following
 187 number of students:

188 1. One-quarter of 1 percent of the school district's total
 189 population of public school students in kindergarten through
 190 grade 8; or

191 2. The number of students who reside in the district and
 192 were enrolled during the prior school year in a K-8 virtual
 193 school under this section.

194 (b) Each school district's K-8 Virtual School Program
 195 shall enroll eligible students who meet the profile for success
 196 in this educational delivery context and who submit timely

197 applications, prioritized in accordance with paragraph (6) (b),
 198 unless the number of such applications exceeds the capacity of
 199 the program. In such case, students who have submitted timely
 200 applications shall have an equal chance of being admitted
 201 through a random selection process.

202 (c) Beginning with the 2010-2011 school year and
 203 continuing thereafter, the enrollment for a K-8 virtual school
 204 may not be increased in excess of its prior school year
 205 enrollment unless the school has achieved a school grade of "C"
 206 or better under the school grading system created under s.
 207 1008.34.

208 (6) STUDENT ELIGIBILITY; PRIORITY.--

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

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

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

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

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

225 to a parent's permanent change of station orders.

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

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

230 2. The siblings of students under subparagraph 1.

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

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

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

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

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

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

245 (8) FUNDING.--

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

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

252 (c) In addition to the funds provided in the General

253 Appropriations Act, a school district may receive other funds
 254 from grants and donations for its K-8 Virtual School Program.

255 (9) ASSESSMENT AND ACCOUNTABILITY.--

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

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

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

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

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

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

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

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

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

- 281 a. The school district's nonvirtual public schools.
- 282 b. Other school district K-8 Virtual School Programs.
- 283 2. Analyzes and aggregates the overall performance of
- 284 students enrolled in K-8 virtual schools statewide according to
- 285 each contracted provider.
- 286 (10) CAUSES FOR NONRENEWAL OR TERMINATION OF A CONTRACT.--
- 287 (a) A school district or regional consortium may choose to
- 288 not renew or to terminate a contract during its term for a K-8
- 289 virtual school on the following grounds:
- 290 1. Failure to comply with paragraph (9) (a);
- 291 2. Failure to annually receive approval from the
- 292 department under subsection (2);
- 293 3. Failure to meet generally accepted standards of fiscal
- 294 management;
- 295 4. Violation of law;
- 296 5. Failure of the Legislature to fund the program; or
- 297 6. Any ground for nonrenewal or termination specified in
- 298 the contract.
- 299 (b) A school district or regional consortium shall
- 300 terminate a contract for a K-8 virtual school as provided under
- 301 paragraph (9) (c).
- 302 (c) If a contract is not renewed or is terminated, the
- 303 contracted provider of the K-8 virtual school is responsible for
- 304 all debts of the school.
- 305 (d) If a contract is not renewed or is terminated, a
- 306 student who attended the K-8 virtual school must be allowed to
- 307 enroll in:
- 308 1. Another K-8 virtual school offered by the school

309 district;

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

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

316 (11) CONTINUITY OF EXISTING SCHOOLS.--

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

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

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

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

335 (c) State funding for students enrolled in a K-8 virtual
336 school under subparagraph (b)1. shall be based on a total

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

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

349 (12) 2008-2009 DISTRICT PROGRAM.--

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

360 (b) A K-8 virtual school under this subsection must comply
361 with the requirements of paragraph (1)(c) and subsections (4),
362 (6), (8), (9), and (10).

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

365 (13) RULES.--The State Board of Education shall adopt
 366 rules under ss. 120.536(1) and 120.54 to administer this
 367 section.

368 (14) APPLICATION OF SECTION.--This section does not govern
 369 a school district's ability to use digital or online content or
 370 curriculum for instruction offered in a program other than the
 371 K-8 Virtual School Program.

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

374 1003.01 Definitions.--As used in this chapter, the term:

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

385 Section 6. Paragraph (c) of subsection (1) of section
 386 1011.61, Florida Statutes, is amended to read:

387 1011.61 Definitions.--Notwithstanding the provisions of s.
 388 1000.21, the following terms are defined as follows for the
 389 purposes of the Florida Education Finance Program:

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

393 (c)1. A "full-time equivalent student" is:
 394 a. A full-time student in any one of the programs listed
 395 in s. 1011.62(1)(c); or
 396 b. A combination of full-time or part-time students in any
 397 one of the programs listed in s. 1011.62(1)(c) which is the
 398 equivalent of one full-time student based on the following
 399 calculations:
 400 (I) A full-time student, except a postsecondary or adult
 401 student or a senior high school student enrolled in adult
 402 education when such courses are required for high school
 403 graduation, in a combination of programs listed in s.
 404 1011.62(1)(c) shall be a fraction of a full-time equivalent
 405 membership in each special program equal to the number of net
 406 hours per school year for which he or she is a member, divided
 407 by the appropriate number of hours set forth in subparagraph
 408 (a)1. or subparagraph (a)2. The difference between that fraction
 409 or sum of fractions and the maximum value as set forth in
 410 subsection (4) for each full-time student is presumed to be the
 411 balance of the student's time not spent in such special
 412 education programs and shall be recorded as time in the
 413 appropriate basic program.
 414 (II) A prekindergarten handicapped student shall meet the
 415 requirements specified for kindergarten students.
 416 (III) A K-8 virtual school full-time equivalent student
 417 shall consist of a student who has successfully completed a
 418 basic program listed in s. 1011.62(1)(c)1.a. or b. and who is
 419 promoted to a higher grade level.
 420 (IV)~~(III)~~ A Florida Virtual School full-time equivalent

421 student shall consist of six full credit completions in the
422 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions
423 can be a combination of either full credits or half credits.

424 2. A student in membership in a program scheduled for more
425 or less than 180 school days is a fraction of a full-time
426 equivalent membership equal to the number of instructional hours
427 in membership divided by the appropriate number of hours set
428 forth in subparagraph (a)1.; however, for the purposes of this
429 subparagraph, membership in programs scheduled for more than 180
430 days is limited to students enrolled in juvenile justice
431 education programs and the Florida Virtual School.

432

433 The department shall determine and implement an equitable method
434 of equivalent funding for experimental schools and for schools
435 operating under emergency conditions, which schools have been
436 approved by the department to operate for less than the minimum
437 school day.

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