

1 A bill to be entitled

2 An act relating to Florida virtual education; amending  
3 s. 1002.33, F.S.; conforming provisions to changes  
4 made by the act; amending s. 1002.37, F.S.; providing  
5 that certain employees of the Florida Virtual School  
6 are entitled to sovereign immunity; revising the  
7 students given priority by the Florida Virtual School;  
8 revising the number of members appointed to the board  
9 of trustees of the Florida Virtual School; providing  
10 term limits for members of such board; providing that  
11 the board are governed by a specified code of ethics;  
12 prohibiting members of the board and any member of a  
13 governing body for a direct-support organization or  
14 supplemental organization associated with the Florida  
15 Virtual School from holding specified business  
16 relationships or interest in the Florida Virtual  
17 School; requiring the board to appoint an executive  
18 director; providing duties of the executive director;  
19 requiring the board of trustees to meet at the call of  
20 the executive director; authorizing, rather than  
21 requiring, the board of trustees to participate in  
22 specified marketing activities; authorizing the  
23 Florida Virtual School to accrue supplemental revenue  
24 from a specified organization; requiring the board of  
25 trustees to be responsible for all internal funds of

26 | the school; requiring the executive director of the  
27 | Florida Virtual School to review and approve specified  
28 | expenditures; deleting a provision authorizing such  
29 | executive director to override such expenditures under  
30 | certain circumstances; deleting provisions authorizing  
31 | the board of trustees to adopt rules and procedures;  
32 | providing that all Florida Virtual School employees  
33 | are subject to specified policies; requiring all such  
34 | employees to receive a specified contract; deleting a  
35 | requirement that the board of trustees distribute  
36 | certain procedures to high schools in the state;  
37 | requiring student records held by the school to meet  
38 | specified provisions; providing requirements for  
39 | meetings of the board of trustees; revising the  
40 | requirements for a specified plan; deleting a  
41 | requirements that the Florida Virtual School board of  
42 | trustees submit specified information to certain  
43 | entities for the Florida Virtual School Global;  
44 | requiring the board to establish an Office of  
45 | Inspector General within the school; providing duties  
46 | and responsibilities of such office; amending s.  
47 | 1002.45, F.S.; deleting a requirement that certain  
48 | school districts provide a specified number of virtual  
49 | instruction options; authorizing a virtual charter  
50 | school to provide part-time instruction under certain

51 |       circumstances; authorizing the Department of Education  
52 |       to conditionally approve a virtual instruction  
53 |       provider for 2 years, rather than 1 year; providing an  
54 |       effective date.

55 |

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

57 |

58 |       Section 1. Subsection (1) of section 1002.33, Florida  
59 | Statutes, is amended to read:

60 |       1002.33 Charter schools.—

61 |       (1) AUTHORIZATION.—All charter schools in Florida are  
62 | public schools and shall be part of the state's program of  
63 | public education. A charter school may be formed by creating a  
64 | new school or converting an existing public school to charter  
65 | status. A charter school may operate a virtual charter school  
66 | pursuant to s. 1002.45(1)(d) to provide full-time or part-time  
67 | online instruction to students, pursuant to s. 1002.455, in  
68 | kindergarten through grade 12. The school district in which the  
69 | student enrolls in the virtual charter school shall report the  
70 | student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and  
71 | the home school district shall not report the student for  
72 | funding. An existing charter school that is seeking to become a  
73 | virtual charter school must amend its charter or submit a new  
74 | application pursuant to subsection (6) to become a virtual  
75 | charter school. A virtual charter school is subject to the

76 requirements of this section; however, a virtual charter school  
77 is exempt from subsections (18) and (19), paragraph (20)(c), and  
78 s. 1003.03. A public school may not use the term charter in its  
79 name unless it has been approved under this section.

80 Section 2. Paragraphs (a) and (b) of subsection (1),  
81 subsections (2) and (4), and paragraph (b) of subsection (7) of  
82 section 1002.37, Florida Statutes, are amended, and subsection  
83 (12) is added to that section, to read:

84 1002.37 The Florida Virtual School.—

85 (1)(a) The Florida Virtual School is an agency of the  
86 state established for the development and delivery of world-  
87 class online and distance learning education. The Florida  
88 Virtual School, its board of trustees, officers, and employees  
89 are entitled to sovereign immunity pursuant to s. 768.28. The  
90 Commissioner of Education shall monitor the school's performance  
91 and report its performance to the State Board of Education and  
92 the Legislature.

93 (b) The mission of the Florida Virtual School is to  
94 provide students with technology-based educational opportunities  
95 to gain the knowledge and skills necessary to succeed. The  
96 school shall serve any student in the state who meets the  
97 profile for success in this educational delivery context and  
98 shall give priority to:

99 1. Students who need expanded access to courses in order  
100 to meet their educational goals, such as home education

101 students, ~~and~~ students in inner-city and rural areas high  
102 ~~schools~~ who do not have access to higher-level courses, English  
103 language learners, students with exceptionalities who currently  
104 do not have access to higher-level courses, including gifted  
105 students.

106 2. Students seeking accelerated access in order to obtain  
107 a high school diploma at least one semester early.

108 3. Students who are children of an active duty member of  
109 the United States Armed Forces who is not stationed in this  
110 state and whose home of record or state of legal residence is  
111 Florida.

112 4. Students who are in an alternative setting or a  
113 Department of Juvenile Justice program.

114  
115 The board of trustees of the Florida Virtual School shall  
116 identify appropriate performance measures and standards based on  
117 student achievement that reflect the school's statutory mission  
118 and priorities, and shall implement an accountability system for  
119 the school that includes assessment of its effectiveness and  
120 efficiency in providing quality services that encourage high  
121 student achievement, seamless articulation, and maximum access.

122 (2) (a) The Florida Virtual School shall be governed by a  
123 board of trustees comprised of five ~~seven~~ members appointed by  
124 the Governor to 4-year staggered terms. A member may not serve  
125 more than two consecutive 4-year terms on the board. The ~~board~~

126 ~~of trustees shall be a public agency entitled to sovereign~~  
127 ~~immunity pursuant to s. 768.28,~~ and board members shall be  
128 public officers who shall bear fiduciary responsibility for the  
129 Florida Virtual School. The board of trustees shall be governed  
130 by the code of ethics for public officers and employees as set  
131 forth in part III of chapter 112. A member of the board of  
132 trustees may not have any business relationship with or  
133 pecuniary interest in the Florida Virtual School while serving  
134 on the board or for 6 years after serving on the board.

135 (b) The board of trustees shall have the following powers  
136 and duties:

137 1. The board of trustees shall appoint an executive  
138 director. The executive director is responsible for executing  
139 the Florida Virtual School's mission, vision, and goals; for  
140 proposing policies and policy revisions to the board of  
141 trustees; and for the day-to-day operations of the Florida  
142 Virtual School.

143 2.a.(a)1. The board of trustees shall meet at least 4  
144 times each year, upon the call of the chair or executive  
145 director, or at the request of a majority of the board  
146 membership.

147 b.2. The fiscal year for the Florida Virtual School shall  
148 be the state fiscal year as provided in s. 216.011(1)(o).

149 3.(b) The board of trustees shall be responsible for the  
150 Florida Virtual School's development of a state-of-the-art

151 technology-based education delivery system that is cost-  
152 effective, educationally sound, marketable, and capable of  
153 sustaining a self-sufficient delivery system through the Florida  
154 Education Finance Program.

155 4.(e) The board of trustees shall aggressively seek  
156 avenues to generate revenue to support its future endeavors, and  
157 shall enter into agreements with distance learning providers.  
158 The board of trustees may acquire, enjoy, use, and dispose of  
159 patents, copyrights, and trademarks and any licenses and other  
160 rights or interests thereunder or therein. Ownership of all such  
161 patents, copyrights, trademarks, licenses, and rights or  
162 interests thereunder or therein shall vest in the state, with  
163 the board of trustees having full right of use and full right to  
164 retain the revenues derived therefrom. Any funds realized from  
165 patents, copyrights, trademarks, or licenses shall be considered  
166 internal funds ~~as provided in s. 1011.07~~. Such funds shall be  
167 used to support the school's marketing, if the school chooses to  
168 participate in any marketing, and research and development  
169 activities in order to improve courseware and services to its  
170 students.

171 5.(d) The board of trustees shall be responsible for the  
172 administration and control of all internal and local school  
173 funds derived from all activities or sources and shall prescribe  
174 the principles and procedures to be followed in administering  
175 these funds.

176        6.(e) The Florida Virtual School may accrue supplemental  
 177        revenue from a direct-support organization in accordance with s.  
 178        1001.453. The Florida Virtual School may also accrue  
 179        ~~supplemental~~ revenue from supplemental support organizations,  
 180        which include, but are not limited to, alumni associations,  
 181        ~~foundations,~~ parent-teacher associations, and booster  
 182        associations. However, a member of the governing body of such an  
 183        organization may not have a business relationship with or  
 184        pecuniary interest in the Florida Virtual School. The governing  
 185        body of each ~~supplemental support~~ organization shall recommend  
 186        the expenditure of moneys collected or generated by it ~~the~~  
 187        ~~organization~~ for the benefit of the school. Such expenditures  
 188        shall be contingent upon the review and approval of the  
 189        executive director of the Florida Virtual School. ~~The executive~~  
 190        ~~director may override any proposed expenditure of the~~  
 191        ~~organization that would violate Florida law or breach sound~~  
 192        ~~educational management.~~

193        7.(f) In accordance with law and rules of the State Board  
 194        of Education, the board of trustees shall administer and  
 195        maintain personnel programs for all employees of the board of  
 196        trustees and the Florida Virtual School. The board of trustees  
 197        may adopt ~~rules, policies, and procedures~~ related to the  
 198        appointment, employment, and removal of personnel.

199        a.1. The board of trustees shall determine the  
 200        compensation, including salaries and fringe benefits, and other



201 conditions of employment for such personnel.

202       b.2. The board of trustees may establish and maintain a  
203 personnel loan or exchange program by which persons employed by  
204 the board of trustees for the Florida Virtual School as academic  
205 administrative and instructional staff may be loaned to, or  
206 exchanged with persons employed in like capacities by, public  
207 agencies either within or without this state, or by private  
208 industry. With respect to public agency employees, the program  
209 authorized by this subparagraph shall be consistent with the  
210 requirements of part II of chapter 112. The salary and benefits  
211 of board of trustees personnel participating in the loan or  
212 exchange program shall be continued during the period of time  
213 they participate in a loan or exchange program, and such  
214 personnel shall be deemed to have no break in creditable or  
215 continuous service or employment during such time. The salary  
216 and benefits of persons participating in the personnel loan or  
217 exchange program who are employed by public agencies or private  
218 industry shall be paid by the originating employers of those  
219 participants, and such personnel shall be deemed to have no  
220 break in creditable or continuous service or employment during  
221 such time.

222       c.3. The employment of all Florida Virtual School ~~academic~~  
223 ~~administrative and instructional~~ personnel shall be subject to  
224 ~~rejection for cause by the board of trustees, and shall be~~  
225 ~~subject to~~ policies of the board of trustees relative to

226 certification, tenure, leaves of absence, sabbaticals,  
 227 remuneration; subject to, ~~and~~ such other conditions of  
 228 employment as the board of trustees deems necessary and proper;  
 229 and consistent, ~~not inconsistent~~ with law, including s.  
 230 1001.42(5), (6), and (7).

231 d.4. Each person employed by ~~the board of trustees in an~~  
 232 ~~academic administrative or instructional capacity with the~~  
 233 Florida Virtual School shall be entitled to an annual, written a  
 234 contract as provided by policies ~~rules~~ of the board of trustees.

235 e.5. All employees except temporary, seasonal, and student  
 236 employees may be state employees for the purpose of being  
 237 eligible to participate in the Florida Retirement System and  
 238 receive benefits. The classification and pay plan, including  
 239 terminal leave and other benefits, and any amendments thereto,  
 240 shall be subject to review and approval by the Department of  
 241 Management Services and the Executive Office of the Governor  
 242 prior to adoption.

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

245 9.(h) The board of trustees shall establish and distribute  
 246 to all school districts ~~and high schools~~ in the state procedures  
 247 for enrollment of students in courses offered by the Florida  
 248 Virtual School.

249 10.(i) The board of trustees shall establish criteria  
 250 defining the elements of an approved franchise. The board of

251 trustees may enter into franchise agreements with Florida  
252 district school boards and may establish the terms and  
253 conditions governing such agreements. The board of trustees  
254 shall establish the performance and accountability measures and  
255 report the performance of each school district franchise to the  
256 Commissioner of Education.

257 11.~~(j)~~ The board of trustees shall submit to the State  
258 Board of Education both forecasted and actual enrollments and  
259 credit completions for the Florida Virtual School, according to  
260 procedures established by the State Board of Education. At a  
261 minimum, such procedures must include the number of public,  
262 private, and home education students served by program and by  
263 county of residence.

264 12.~~(k)~~ The board of trustees shall provide for the content  
265 and custody of student and employee personnel records. Student  
266 records shall be subject to the provisions of ss. 1002.22,  
267 1002.221, and 1002.222. Employee records shall be subject to the  
268 provisions of s. 1012.31.

269 13.~~(l)~~ The financial records and accounts of the Florida  
270 Virtual School shall be maintained under the direction of the  
271 board of trustees and under rules adopted by the State Board of  
272 Education for the uniform system of financial records and  
273 accounts for the schools of the state.

274 14. The meetings of the board of trustees shall be  
275 conducted and noticed pursuant to s. 1001.372(1), (3), and (4).

276  
 277 The Governor shall designate the initial chair of the board of  
 278 trustees to serve a term of 4 years. Members of the board of  
 279 trustees shall serve without compensation, but may be reimbursed  
 280 for per diem and travel expenses pursuant to s. 112.061. The  
 281 board of trustees shall be a body corporate with all the powers  
 282 of a body corporate and such authority as is needed for the  
 283 proper operation and improvement of the Florida Virtual School.  
 284 The board of trustees is specifically authorized to adopt ~~rules,~~  
 285 ~~policies, and procedures,~~ consistent with law and rules of the  
 286 State Board of Education related to governance, personnel,  
 287 budget and finance, administration, programs, curriculum and  
 288 instruction, travel and purchasing, technology, students,  
 289 contracts and grants, and property as necessary for optimal,  
 290 efficient operation of the Florida Virtual School. Tangible  
 291 personal property owned by the board of trustees shall be  
 292 subject to the provisions of chapter 273.

293 (4) School districts operating a virtual school that is an  
 294 approved franchise of the Florida Virtual School may count full-  
 295 time equivalent students, as provided in paragraph (3)(a), if  
 296 such school has been certified as an approved franchise by the  
 297 Commissioner of Education based on criteria established by the  
 298 board of trustees pursuant to subparagraph (2)(c)10 ~~paragraph~~  
 299 ~~(2)(i)~~.

300 (7) The board of trustees shall annually submit to the

301 Governor, the Legislature, the Commissioner of Education, and  
302 the State Board of Education the audit report prepared pursuant  
303 to subsection (6) and a complete and detailed report setting  
304 forth:

305 (b) The ~~marketing and~~ operational plan for the Florida  
306 Virtual School ~~and Florida Virtual School Global~~, including  
307 recommendations regarding methods for improving the delivery of  
308 digital education ~~through the Internet and other distance~~  
309 ~~learning technology~~.

310 (12) The board of trustees shall establish an Office of  
311 the Inspector General within the school using existing resources  
312 and funds. The office is responsible for promoting  
313 accountability, efficiency, and effectiveness and detecting  
314 fraud and abuse within the school. If there are substantiated  
315 allegations made by any person relating to waste, fraud, or  
316 financial mismanagement within the school, the office shall  
317 conduct, coordinate, or request investigations into such  
318 substantiated allegations. The office shall investigate  
319 allegations or reports of possible fraud or abuse against the  
320 school or its staff or students. The office shall have access to  
321 all information and personnel necessary to perform its duties.

322 Section 3. Paragraphs (b) and (d) of subsection (1) and  
323 paragraph (a) of subsection (2) of section 1002.45, Florida  
324 Statutes, are amended to read:

325 1002.45 Virtual instruction programs.—

326 (1) PROGRAM.—

327 (b) Each school district ~~that is eligible for the sparsity~~  
 328 ~~supplement pursuant to s. 1011.62(7)(a) and (b)~~ shall provide  
 329 all enrolled public school students within its boundaries the  
 330 option of participating in part-time and full-time virtual  
 331 instruction programs and. ~~Each school district that is not~~  
 332 ~~eligible for the sparsity supplement pursuant to s.~~  
 333 ~~1011.62(7)(a) and (b) shall provide at least three options for~~  
 334 ~~part-time and full-time virtual instruction. All school~~  
 335 ~~districts~~ must provide parents with timely written notification  
 336 of at least one open enrollment period for full-time students of  
 337 90 days or more which ends 30 days before the first day of the  
 338 school year. The purpose of the program is to make quality  
 339 virtual instruction available to students using online and  
 340 distance learning technology in the nontraditional classroom. A  
 341 school district virtual instruction program shall consist of the  
 342 following:

343 1. Full-time and part-time virtual instruction for  
 344 students enrolled in kindergarten through grade 12.

345 2. Full-time or part-time virtual instruction for students  
 346 enrolled in dropout prevention and academic intervention  
 347 programs under s. 1003.53, Department of Juvenile Justice  
 348 education programs under s. 1003.52, core-curricula courses to  
 349 meet class size requirements under s. 1003.03, or Florida  
 350 College System institutions under this section.

351 (d) A virtual charter school may provide full-time virtual  
 352 instruction for students in kindergarten through grade 12 if the  
 353 virtual charter school has a charter approved pursuant to s.  
 354 1002.33 authorizing full-time virtual instruction. A virtual  
 355 charter school may provide part-time virtual instruction for  
 356 such students if the school has provided full-time instruction  
 357 for at least 1 school year. A virtual charter school may:

- 358 1. Contract with the Florida Virtual School.
- 359 2. Contract with an approved provider under subsection  
 360 (2).
- 361 3. Enter into an agreement with a school district to allow  
 362 the participation of the virtual charter school's students in  
 363 the school district's virtual instruction program. The agreement  
 364 must indicate a process for reporting of student enrollment and  
 365 the transfer of funds required by paragraph (7) (e).

366 (2) PROVIDER QUALIFICATIONS.—

367 (a) The department shall annually publish online a list of  
 368 providers approved to offer virtual instruction programs. To be  
 369 approved by the department, a provider must document that it:

- 370 1. Is nonsectarian in its programs, admission policies,  
 371 employment practices, and operations;
- 372 2. Complies with the antidiscrimination provisions of s.  
 373 1000.05;
- 374 3. Locates an administrative office or offices in this  
 375 state, requires its administrative staff to be state residents,

376 requires all instructional staff to be Florida-certified  
377 teachers under chapter 1012 and conducts background screenings  
378 for all employees or contracted personnel, as required by s.  
379 1012.32, using state and national criminal history records;

380 4. Provides to parents and students specific information  
381 posted and accessible online that includes, but is not limited  
382 to, the following teacher-parent and teacher-student contact  
383 information for each course:

384 a. How to contact the instructor via phone, e-mail, or  
385 online messaging tools.

386 b. How to contact technical support via phone, e-mail, or  
387 online messaging tools.

388 c. How to contact the administration office via phone, e-  
389 mail, or online messaging tools.

390 d. Any requirement for regular contact with the instructor  
391 for the course and clear expectations for meeting the  
392 requirement.

393 e. The requirement that the instructor in each course  
394 must, at a minimum, conduct one contact via phone with the  
395 parent and the student each month;

396 5. Possesses prior, successful experience offering online  
397 courses to elementary, middle, or high school students as  
398 demonstrated by quantified student learning gains in each  
399 subject area and grade level provided for consideration as an  
400 instructional program option. However, for a provider without



401 sufficient prior, successful experience offering online courses,  
402 the department may conditionally approve the provider to offer  
403 courses measured pursuant to subparagraph (8)(a)2. Conditional  
404 approval shall be valid for 1 school year only and, based on the  
405 provider's experience in offering the courses, the department  
406 shall determine whether to grant approval to offer a virtual  
407 instruction program. However, the department may conditionally  
408 approve a provider for 2 school years at its discretion based on  
409 the provider's success in other states;

410 6. Is accredited by a regional accrediting association as  
411 defined by State Board of Education rule;

412 7. Ensures instructional and curricular quality through a  
413 detailed curriculum and student performance accountability plan  
414 that addresses every subject and grade level it intends to  
415 provide through contract with the school district, including:

416 a. Courses and programs that meet the standards of the  
417 International Association for K-12 Online Learning and the  
418 Southern Regional Education Board.

419 b. Instructional content and services that align with, and  
420 measure student attainment of, student proficiency in the Next  
421 Generation Sunshine State Standards.

422 c. Mechanisms that determine and ensure that a student has  
423 satisfied requirements for grade level promotion and high school  
424 graduation with a standard diploma, as appropriate;

425 8. Publishes for the general public, in accordance with

426 disclosure requirements adopted in rule by the State Board of  
 427 Education, as part of its application as a provider and in all  
 428 contracts negotiated pursuant to this section:

429       a. Information and data about the curriculum of each full-  
 430 time and part-time program.

431       b. School policies and procedures.

432       c. Certification status and physical location of all  
 433 administrative and instructional personnel.

434       d. Hours and times of availability of instructional  
 435 personnel.

436       e. Student-teacher ratios.

437       f. Student completion and promotion rates.

438       g. Student, educator, and school performance  
 439 accountability outcomes;

440       9. If the provider is a Florida College System  
 441 institution, employs instructors who meet the certification  
 442 requirements for instructional staff under chapter 1012; and

443       10. Performs an annual financial audit of its accounts and  
 444 records conducted by an independent certified public accountant  
 445 which is in accordance with rules adopted by the Auditor  
 446 General, is conducted in compliance with generally accepted  
 447 auditing standards, and includes a report on financial  
 448 statements presented in accordance with generally accepted  
 449 accounting principles.

450       Section 4. This act shall take effect July 1, 2020.