

By the Committee on Education Pre-K - 12; and Senator Burton

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1 A bill to be entitled
2 An act relating to the Florida Virtual School;
3 amending s. 1002.37, F.S.; deleting provisions
4 requiring the Florida Virtual School to give priority
5 to certain students; requiring the Florida Virtual
6 School to ensure that parents, in addition to
7 students, are informed of specified information;
8 providing that officers and employees are granted
9 sovereign immunity in addition to the board of
10 trustees; providing that the Florida Virtual School
11 president and chief executive officer may call a
12 meeting of the board of trustees; providing that the
13 board of trustees may fund the education delivery
14 system through supplemental funding in addition to the
15 Florida Education Finance Program; requiring that
16 certain funds be used to support the school's mission;
17 authorizing the Florida Virtual School to accrue
18 supplemental revenue from direct-support
19 organizations; providing that certain expenditures are
20 contingent upon review and approval by the Florida
21 Virtual School president and chief executive officer
22 or authorized designees, rather than the executive
23 director; removing the executive director's
24 authorization to override certain proposed
25 expenditures; requiring, rather than authorizing,
26 specified employees to be state employees for the
27 purpose of being eligible to participate in the
28 Florida Retirement System and to receive benefits;
29 deleting a requirement for the board of trustees to

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30 establish priorities for the admission of students;
31 authorizing the board of trustees to enter into
32 contracts with other educational institutions and
33 government agencies; deleting requirements for the
34 board of trustees to establish performance and
35 accountability measures and report performance of
36 school district franchises to the Commissioner of
37 Education; deleting certain requirements relating to
38 an audit report submitted annually by the board of
39 trustees to specified entities; requiring that
40 international assessments offered by the school
41 district be made available to all Florida Virtual
42 School students; requiring that students have access
43 to a test administrator; making technical changes;
44 providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Paragraphs (b) and (c) of subsection (1),
49 subsection (2), paragraph (f) of subsection (3), subsections (4)
50 and (7), paragraph (b) of subsection (9), and paragraphs (c) and
51 (d) of subsection (10) of section 1002.37, Florida Statutes, are
52 amended to read:

53 1002.37 The Florida Virtual School.—

54 (1)

55 (b) The mission of the Florida Virtual School is to
56 provide students with technology-based educational opportunities
57 to gain the knowledge and skills necessary to succeed. The
58 school shall serve all students ~~any student in the state~~ who

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59 ~~meet~~ meets the profile for success in this educational delivery
60 context and shall give priority to:

61 1. ~~Students who need expanded access to courses in order to~~
62 ~~meet their educational goals, such as home education students~~
63 ~~and students in inner-city and rural high schools who do not~~
64 ~~have access to higher-level courses.~~

65 2. ~~Students seeking accelerated access in order to obtain a~~
66 ~~high school diploma at least one semester early.~~

67 3. ~~Students who are children of an active duty member of~~
68 ~~the United States Armed Forces who is not stationed in this~~
69 ~~state whose home of record or state of legal residence is~~
70 ~~Florida.~~

71 (c) To ensure parents and students are informed of the
72 opportunities offered by the Florida Virtual School, the
73 commissioner shall provide the board of trustees of the Florida
74 Virtual School access to the records of public school students
75 in a format prescribed by the board of trustees.

76
77 The board of trustees of the Florida Virtual School shall
78 identify appropriate performance measures and standards based on
79 student achievement that reflect the school's statutory mission
80 and priorities, and shall implement an accountability system for
81 the school that includes assessment of its effectiveness and
82 efficiency in providing quality services that encourage high
83 student achievement, seamless articulation, and maximum access.

84 (2) The Florida Virtual School shall be governed by a board
85 of trustees composed ~~comprised~~ of seven members appointed by the
86 Governor to 4-year staggered terms. The board of trustees shall
87 be a public agency entitled to sovereign immunity pursuant to s.

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88 768.28, and board members shall be public officers who shall
89 bear fiduciary responsibility for the Florida Virtual School.
90 The board of trustees shall have the following powers and
91 duties:

92 (a)1. The board of trustees shall meet at least 4 times
93 each year, upon the call of the board chair, ~~or~~ at the request
94 of a majority of the membership, or at the request of the
95 Florida Virtual School president and chief executive officer.

96 2. The fiscal year for the Florida Virtual School is ~~shall~~
97 ~~be~~ the state fiscal year as provided in s. 216.011(1)(q).

98 (b) The board of trustees shall be responsible for the
99 Florida Virtual School's development of a state-of-the-art
100 technology-based education delivery system that is cost-
101 effective, educationally sound, marketable, and capable of
102 sustaining a self-sufficient delivery system through the Florida
103 Education Finance Program and other supplemental funding
104 sources.

105 (c) The board of trustees shall aggressively seek avenues
106 to generate revenue to support its future endeavors, and shall
107 enter into agreements with distance learning providers. The
108 board of trustees may acquire, enjoy, use, and dispose of
109 patents, copyrights, and trademarks and any licenses and other
110 rights or interests thereunder or therein. Ownership of all such
111 patents, copyrights, trademarks, licenses, and rights or
112 interests thereunder or therein vests ~~shall vest~~ in the state,
113 with the board of trustees having full right of use and full
114 right to retain the revenues derived therefrom. Any funds
115 realized from patents, copyrights, trademarks, or licenses are
116 ~~shall be~~ considered internal funds ~~as provided in s. 1011.07.~~

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117 Such funds must ~~shall~~ be used to support the school's mission,
118 marketing, ~~and~~ research, and development activities in order to
119 improve courseware and services to its students.

120 (d) The board of trustees shall be responsible for the
121 administration and control of all local school funds derived
122 from all activities or sources and shall prescribe the
123 principles and procedures to be followed in administering these
124 funds.

125 (e) The Florida Virtual School may accrue supplemental
126 revenue from direct-support organizations and supplemental
127 support organizations, which include, but are not limited to,
128 alumni associations, foundations, parent-teacher associations,
129 and booster associations. The governing body of each direct-
130 support and supplemental support organization shall recommend
131 the expenditure of moneys collected by the organization for the
132 benefit of the school. Such expenditures are ~~shall be~~ contingent
133 upon the review and approval of the Florida Virtual School
134 president and chief executive officer or authorized designees
135 ~~executive director. The executive director may override any~~
136 ~~proposed expenditure of the organization that would violate~~
137 ~~Florida law or breach sound educational management.~~

138 (f) In accordance with law and rules of the State Board of
139 Education, the board of trustees shall administer and maintain
140 personnel programs for all employees of the board of trustees
141 and the Florida Virtual School. The board of trustees may adopt
142 ~~rules, policies, and procedures~~ related to the appointment,
143 employment, and removal of personnel.

144 1. The board of trustees shall determine the compensation,
145 including salaries and fringe benefits, and other conditions of

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146 employment for such personnel.

147 2. The board of trustees may establish and maintain a
148 personnel loan or exchange program by which persons employed by
149 the board of trustees for the Florida Virtual School as ~~academic~~
150 administrative and instructional staff may be loaned to, or
151 exchanged with persons employed in like capacities by, public
152 agencies either within or without this state, or by private
153 industry. With respect to public agency employees, the program
154 authorized by this subparagraph must ~~shall~~ be consistent with
155 the requirements of part II of chapter 112. The salary and
156 benefits of board of trustees personnel participating in the
157 loan or exchange program must ~~shall~~ be continued during the
158 period of time they participate in a loan or exchange program,
159 and such personnel are ~~shall be~~ deemed to have no break in
160 creditable or continuous service or employment during such time.
161 The salary and benefits of persons participating in the
162 personnel loan or exchange program who are employed by public
163 agencies or private industry must ~~shall~~ be paid by the
164 originating employers of those participants, and such personnel
165 are ~~shall be~~ deemed to have no break in creditable or continuous
166 service or employment during such time.

167 3. The employment of all Florida Virtual School ~~academic~~
168 administrative and instructional personnel or educational
169 support employees as those terms are defined in s. 1012.01(3),
170 (2), or (6), respectively, is ~~shall be subject to rejection for~~
171 ~~cause by the board of trustees, and shall be~~ subject to policies
172 of the board of trustees relative to certification, tenure,
173 leaves of absence, sabbaticals, remuneration, and such other
174 conditions of employment as the board of trustees deems

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175 necessary and proper, not inconsistent with law.

176 4. Each person employed by the board of trustees in an
177 ~~academic~~ administrative or instructional capacity with the
178 Florida Virtual School is ~~shall be~~ entitled to a contract as
179 provided by policies ~~rules~~ of the board of trustees.

180 5. All employees except temporary, seasonal, and student
181 employees shall ~~may~~ be state employees for the purpose of being
182 eligible to participate in the Florida Retirement System and
183 receive benefits. The classification and pay plan, including
184 terminal leave and other benefits, and any amendments thereto,
185 are ~~shall be~~ subject to review and approval by the Department of
186 Management Services and the Executive Office of the Governor
187 prior to adoption.

188 ~~(g) The board of trustees shall establish priorities for~~
189 ~~admission of students in accordance with paragraph (1)(b).~~

190 ~~(h)~~ The board of trustees shall establish and distribute to
191 all school districts and high schools in this ~~the~~ state
192 procedures for enrollment of students in courses offered by the
193 Florida Virtual School.

194 (h)(i) The board of trustees shall establish criteria
195 defining the elements of an approved franchise. The board of
196 trustees may enter into contracts and franchise agreements with
197 Florida district school boards or other educational institutions
198 and government agencies and may establish the terms and
199 conditions governing such agreements. ~~The board of trustees~~
200 ~~shall establish the performance and accountability measures and~~
201 ~~report the performance of each school district franchise to the~~
202 ~~Commissioner of Education.~~

203 (i)(j) The board of trustees shall submit to the State

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204 Board of Education both forecasted and actual enrollments and
205 credit completions for the Florida Virtual School, according to
206 procedures established by the State Board of Education. At a
207 minimum, such procedures must include the number of public,
208 private, and home education students served by program and by
209 county of residence.

210 (j)~~(k)~~ The board of trustees shall provide for the content
211 and custody of student and employee personnel records. Student
212 records are ~~shall be~~ subject to the ~~provisions of~~ s. 1002.22.
213 Employee records are ~~shall be~~ subject to the ~~provisions of~~ s.
214 1012.31.

215 (k)~~(l)~~ The financial records and accounts of the Florida
216 Virtual School must ~~shall~~ be maintained under the direction of
217 the board of trustees and under rules adopted by the State Board
218 of Education for the uniform system of financial records and
219 accounts for the schools of this ~~the~~ state.

220

221 The Governor shall designate the initial chair of the board of
222 trustees to serve a term of 4 years. Members of the board of
223 trustees shall serve without compensation, but may be reimbursed
224 for per diem and travel expenses pursuant to s. 112.061. The
225 board of trustees shall be a body corporate with all the powers
226 of a body corporate and such authority as is needed for the
227 proper operation and improvement of the Florida Virtual School.
228 The board of trustees is specifically authorized to adopt ~~rules,~~
229 ~~policies, and procedures,~~ consistent with law and rules of the
230 State Board of Education related to governance, personnel,
231 budget and finance, administration, programs, curriculum and
232 instruction, travel and purchasing, technology, students,

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233 contracts and grants, and property as necessary for optimal,
234 efficient operation of the Florida Virtual School. Tangible
235 personal property owned by the board of trustees is ~~shall be~~
236 subject to ~~the provisions of~~ chapter 273.

237 (3) Funding for the Florida Virtual School shall be
238 provided as follows:

239 (f) The Florida Virtual School shall receive state funds
240 for operating purposes as provided in the General Appropriations
241 Act. The calculation to determine the amount of state funds
242 includes: the sum of the basic amount for current operations
243 established in s. 1011.62(1)(s), the discretionary millage
244 compression supplement established in s. 1011.62(5), the state-
245 funded discretionary contribution established in s. 1011.62(6),
246 a per-full-time equivalent share of the exceptional student
247 education guaranteed allocation established in s. 1011.62(8),
248 and the mental health assistance allocation established in s.
249 1011.62(13).

250 (4) School districts operating a virtual school that is an
251 approved franchise of the Florida Virtual School may count full-
252 time equivalent students, as provided in paragraph (3)(a), if
253 such school has been certified as an approved franchise by the
254 Commissioner of Education based on criteria established by the
255 board of trustees pursuant to paragraph (2)(h) ~~(2)(i)~~.

256 (7) The board of trustees shall annually submit to the
257 Governor, the Legislature, the Commissioner of Education, and
258 the State Board of Education the audit report prepared pursuant
259 to subsection (6) and a complete and detailed report setting
260 forth:

261 ~~(a)~~ the operations and accomplishments of the Florida

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262 Virtual School ~~within the state and those occurring outside the~~
263 ~~state as Florida Virtual School Global.~~

264 ~~(b) The marketing and operational plan for the Florida~~
265 ~~Virtual School and Florida Virtual School Global, including~~
266 ~~recommendations regarding methods for improving the delivery of~~
267 ~~education through the Internet and other distance learning~~
268 ~~technology.~~

269 ~~(c) The assets and liabilities of the Florida Virtual~~
270 ~~School and Florida Virtual School Global at the end of the~~
271 ~~fiscal year.~~

272 ~~(d) Recommendations regarding the unit cost of providing~~
273 ~~services to students through the Florida Virtual School and~~
274 ~~Florida Virtual School Global. In order to most effectively~~
275 ~~develop public policy regarding any future funding of the~~
276 ~~Florida Virtual School, it is imperative that the cost of the~~
277 ~~program is accurately identified. The identified cost of the~~
278 ~~program must be based on reliable data.~~

279 ~~(e) Recommendations regarding an accountability mechanism~~
280 ~~to assess the effectiveness of the services provided by the~~
281 ~~Florida Virtual School and Florida Virtual School Global.~~

282 (9)

283 (b) For students receiving full-time or part-time
284 instruction in kindergarten through grade 12 ~~5~~ and students
285 ~~receiving full-time instruction in kindergarten through grade 12~~
286 from the Florida Virtual School, the full-time equivalent
287 student enrollment calculated under this subsection is subject
288 to the requirements in s. 1011.61(4).

289 (10)

290 (c) Industry certification examinations, national

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291 assessments, ~~and~~ statewide assessments, and international
292 assessments offered by the school district must ~~shall~~ be
293 available to all Florida Virtual School students.

294 (d) Unless an alternative testing site is mutually agreed
295 to by the Florida Virtual School and the school district or as
296 contracted under s. 1008.24, all industry certification
297 examinations, national assessments, progress monitoring under s.
298 1008.25(9), ~~and~~ statewide assessments, and international
299 assessments must be taken at the school to which the student
300 would be assigned according to district school board attendance
301 areas. A school district shall ~~must~~ provide the student with
302 access to the school's testing facilities, a test administrator,
303 and the date and time of the administration of progress
304 monitoring and each examination or assessment.

305 Section 2. This act shall take effect July 1, 2025.