

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 amending s. 1002.415, F.S.; establishing the K-8 Virtual
7 School Program; authorizing school districts for the 2008-
8 2009 school year to offer K-8 Virtual School Program;
9 requiring school districts to offer such program beginning
10 with the 2009-2010 school year; specifying qualifications
11 for and requiring Department of Education approval of
12 contracted providers; requiring department approval for a
13 district-operated school; specifying requirements for a K-
14 8 virtual school, relating to employees, curriculum,
15 student equipment, and fees; requiring specified capacity
16 and limiting future enrollment increases; providing
17 student eligibility and enrollment requirements; requiring
18 student compliance with specified attendance provisions;
19 requiring students to take state assessment tests;
20 providing funding through the Florida Education Finance
21 Program for district K-8 Virtual School Programs;
22 requiring K-8 virtual schools to participate in the state
23 accountability system and receive grades; requiring school
24 improvement plans for specified grades; requiring annual
25 department review and reporting of student performance;
26 specifying reasons for non-renewal or termination of
27 provider contracts; providing for continuation of existing
28 K-8 virtual schools under contract with the department for

29 specified students; providing requirements for the funding
 30 of such schools; requiring rules; amending s. 1003.01,
 31 F.S.; amending the definition of "core-curricula courses"
 32 to exclude Florida Virtual School and K-8 virtual school
 33 courses; amending s. 1011.61, F.S.; defining a K-8 virtual
 34 school full-time equivalent student; providing effective
 35 dates.

36

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

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

41 1000.04 Components for the delivery of public education
 42 within the Florida K-20 education system.--Florida's K-20
 43 education system provides for the delivery of public education
 44 through publicly supported and controlled K-12 schools,
 45 community colleges, state universities and other postsecondary
 46 educational institutions, other educational institutions, and
 47 other educational services as provided or authorized by the
 48 Constitution and laws of the state.

49 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools include
 50 charter schools and consist of kindergarten classes; elementary,
 51 middle, and high school grades and special classes; K-8 virtual
 52 schools; workforce education; career centers; adult, part-time,
 53 and evening schools, courses, or classes, as authorized by law
 54 to be operated under the control of district school boards; and
 55 lab schools operated under the control of state universities.

56 Section 2. Effective July 1, 2009, paragraph (a) of

57 subsection (6) of section 1002.20, Florida Statutes, is amended
 58 to read:

59 1002.20 K-12 student and parent rights.--Parents of public
 60 school students must receive accurate and timely information
 61 regarding their child's academic progress and must be informed
 62 of ways they can help their child to succeed in school. K-12
 63 students and their parents are afforded numerous statutory
 64 rights including, but not limited to, the following:

65 (6) EDUCATIONAL CHOICE.--

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

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

84 1002.31 Public school parental choice.--

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

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

97 Section 4. Section 1002.415, Florida Statutes is amended
 98 to read:

99
 100 (Substantial rewording of section. See s. 1002.415, F.S.,
 101 for present text.)

102
 103 1002.415 School District K-8 Virtual Program.--

104 (1) PROGRAM.--

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

111 (b) Each school district's program may consist of one or
 112 more schools operated by the district or by contracted providers

113 approved by the department under subsection (2). School
 114 districts may participate in multi-district contractual
 115 arrangements, which may include contracts executed by a regional
 116 consortium for its member districts, for provision of the
 117 schools.

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

123 (2) PROVIDER QUALIFICATIONS.— On or before March 1, 2009,
 124 and annually thereafter, the department shall provide school
 125 districts with a list of providers approved to contract with one
 126 or more school districts or regional consortia for the operation
 127 of one or more K-8 virtual schools. To be approved by the
 128 department, each provider must annually document that it:

129 (a) Is nonsectarian in its programs, admission policies,
 130 employment practices, and operations;

131 (b) Complies with the antidiscrimination provisions of s.
 132 1000.05;

133 (c) Locates its administrative office in this state and
 134 requires its administrative and instructional staff members to
 135 be state residents;

136 (d) Possesses prior, successful experience offering online
 137 courses to elementary, middle, or high school students;

138 (e) Is accredited by the Commission on Colleges of the
 139 Southern Association of Colleges and Schools, the Middle States
 140 Association of Colleges and Schools, the North Central

141 Association of Colleges and Schools, the New England Association
 142 of Colleges and Schools, or the Commission on International and
 143 Trans-Regional Accreditation; and

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

146 (3) DISTRICT-OPERATED SCHOOLS.— Prior to offering a
 147 district-operated K-8 virtual school, each school district shall
 148 submit a proposal to the department that documents how the
 149 school’s planned operations and curriculum will comply with all
 150 requirements for a K-8 virtual school under this section. A
 151 district may not enroll students in a district-operated K-8
 152 virtual school until it has received department approval for the
 153 school.

154 (4) K-8 VIRTUAL SCHOOL REQUIREMENTS.— Each K-8 virtual
 155 school operated or contracted by a school district or regional
 156 consortium must:

157 (a) Require all members of the school's instructional staff
 158 to be certified professional educators under the provisions of
 159 chapter 1012.

160 (b) Background screen all of the school’s employees as
 161 required by s. 1012.32.

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

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

166 (e) Provide each student enrolled in the virtual school
 167 with:

168 1. All necessary instructional materials;

169 2. All equipment, including, but not limited to, a
 170 computer, computer monitor, and printer for each household that
 171 has a student enrolled in the virtual school; and

172 3. Access to or reimbursement for all Internet services
 173 necessary for on-line delivery of instruction for each household
 174 that has a student enrolled in the virtual school.

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

176 (5) PROGRAM CAPACITY; ENROLLMENT.—

177 (a) Each school district’s K-8 Virtual School Program must
 178 have at least the capacity to serve the greater of the following
 179 number of students:

180 1. One-quarter of one percent of the school district’s
 181 total population of public school students in kindergarten
 182 through grade 8; or

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

186 (b) Each school district’s K-8 Virtual School Program shall
 187 enroll eligible students who meet the profile for success in
 188 this educational delivery context and who submit timely
 189 applications, prioritized in accordance with paragraph (6)(b),
 190 unless the number of such applications exceeds the capacity of
 191 the program. In such case, students who have submitted timely
 192 applications shall have an equal chance of being admitted
 193 through a random selection process.

194 (c) Beginning with the 2010-2011 school year and
 195 thereafter, the enrollment for a K-8 virtual school may not be
 196 increased in excess of its prior school year enrollment unless

197 the school has achieved a performance grade category of "C" or
 198 better under the school grading system created by s. 1008.34.

199 (6) STUDENT ELIGIBILITY; PRIORITY.--

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

203 1. Spent the prior school year in attendance at a public
 204 school in this state and was enrolled and reported by a public
 205 school district for funding during the preceding October and
 206 February for purposes of the Florida Education Finance Program
 207 surveys;

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

210 3. Has a sibling who is currently enrolled in a K-8
 211 virtual school and was enrolled at the end of the prior school
 212 year; or

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

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

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

221 2. The siblings of students under subparagraph 1.

222 3. Students who need access to a K-8 virtual school in
 223 order to meet their educational needs and goals in a home
 224 environment.

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

226 5. Students seeking accelerated access to move at their
 227 own pace in their educational progress.

228 (7) STUDENT PARTICIPATION REQUIREMENTS.— Each student
 229 enrolled in a K-8 virtual school must:

230 (a) Comply with the compulsory attendance requirements of
 231 s. 1003.21. Student attendance must be verified by the school
 232 district.

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

236 (8) FUNDING.--

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

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

243 (c) In addition to the funds provided in the General
 244 Appropriations Act, a school district may receive other funds
 245 from grants and donations for its K-8 Virtual School Program.

246 (9) ASSESSMENT AND ACCOUNTABILITY.--

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

248 1. Participate in the statewide assessment program created
 249 under s. 1008.22 and in the state's school accountability system
 250 created in s. 1008.31.

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

252 (b) A K-8 virtual school that has a performance grade

253 category of "D" or "F" must file a school improvement plan with
 254 the department for consultation to determine the causes for low
 255 performance and to develop a plan for correction and
 256 improvement.

257 (c) If a K-8 virtual school receives a performance grade
 258 category of "D" or "F" for 2 years during any consecutive 4-year
 259 period:

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

262 2. The school district shall terminate operation of a
 263 district-operated school and the school district or regional
 264 consortium shall contract for a provider-operated school for the
 265 next school year.

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

270 1. Analyzes the overall performance of students enrolled in
 271 each school district's K-8 Virtual School Program as compared to
 272 the overall performance of students in grades kindergarten
 273 through 8 who are enrolled in:

274 a. The school district's non-virtual public schools; and
 275 b. Other school district K-8 Virtual School Programs.

276 2. Analyzes and aggregates the overall performance of
 277 students enrolled in K-8 virtual schools statewide according to
 278 each contracted provider.

279 (10) CAUSES FOR NONRENEWAL OR TERMINATION OF A CONTRACT.—

280 (a) A school district or regional consortium may choose

281 not to renew a contract for a K-8 virtual school for grounds
 282 that include, but are not limited to:
 283 1. Failure to comply with paragraph (9) (a);
 284 2. Failure to annually receive approval from the
 285 department under subsection (2);
 286 3. Failure to meet generally accepted standards of fiscal
 287 management;
 288 4. Violation of law; or
 289 5. Failure of the Legislature to fund the program.
 290 (b) A school district or regional consortium:
 291 1. Shall terminate a contract for a K-8 virtual school as
 292 provided under paragraph (9) (c); and
 293 2. May terminate a contract for a K-8 virtual school during
 294 its term for any ground listed in subparagraphs (a)1. through
 295 (a)5. or for any termination ground specified in the contract.
 296 (c) If a contract is not renewed or is terminated, the
 297 contracted provider of the K-8 virtual school is responsible for
 298 all debts of the school.
 299 (d) If a contract is not renewed or is terminated, a
 300 student who attended the K-8 virtual school must be allowed to
 301 enroll in: another K-8 virtual school offered by the school
 302 district; the public school to which the student would be
 303 assigned according to the school district's attendance area
 304 policies; or a public school that the student could choose to
 305 attend under district or interdistrict controlled open
 306 enrollment provisions.
 307 (11) CONTINUITY OF EXISTING SCHOOLS.—
 308 (a) Subject to appropriation, the two K-8 virtual schools

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309 operated under this section during the 2007-2008 school year by
310 providers under contract with the department may continue
311 operation under contract with the department during the 2008-
312 2009 school year and thereafter. These schools must comply with
313 the requirements of subsections (2) and (4) and paragraphs
314 (9) (a) and (b), and may only enroll students described in
315 subparagraph (b)1.

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

319 1. Continue the student's enrollment in that school for the
320 2008-2009 school year and thereafter if the school district in
321 which the parent resides does not offer a K-8 virtual school
322 operated by the same provider; or

323 2. Enroll the student in the K-8 virtual school offered by
324 the school district in which the parent resides.

325 (c) State funding for students enrolled in a K-8 virtual
326 school under subparagraph (b)1. shall be based on a total
327 program enrollment and an amount per full-time equivalent
328 student established annually in the General Appropriations Act.
329 Upon documentation of proper student enrollment, which must be
330 reviewed and approved by the department, payments shall be made
331 to the provider in four equal payments no later than September
332 1, November 1, February 1, and April 15 of each academic year.
333 The initial payment shall be made after the department verifies
334 each student's admission to the school, and subsequent payments
335 shall be made upon verification of the continued enrollment and
336 attendance of the student.

337 (d) Students enrolled under paragraph (b)1. must comply
 338 with the requirements of subsection (7).

339 (12) 2008-2009 DISTRICT PROGRAM.--

340 (a) For the 2008-2009 school year, each school district in
 341 the state may offer a K-8 Virtual School Program that serves
 342 students residing within the district's attendance area. Each
 343 school district's program may consist of one or more schools
 344 operated by the district, if approved by the department under
 345 (3), or by contracted providers approved by the department under
 346 subsection (2). School districts may participate in multi-
 347 district contractual arrangements, which may include contracts
 348 executed by a regional consortium for its member districts, for
 349 provision of the schools.

350 (b) A K-8 virtual school under this subsection must comply
 351 with the requirements of paragraph (1)(c) and subsections (4),
 352 (6), (8), (9), and (10).

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

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

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

360 1003.01. Definitions.

361 As used in this section, the term:

362 (14) "Core-curricula courses" means courses defined by the
 363 Department of Education as mathematics, language arts/reading,
 364 science, social studies, foreign language, English for Speakers

365 of Other Languages, exceptional student education, and courses
 366 taught in traditional self-contained elementary school
 367 classrooms. The term is limited in meaning and used for the sole
 368 purpose of designating classes that are subject to the maximum
 369 class size requirements established in s. 1, Art. IX of the
 370 State Constitution. This term does not include courses offered
 371 under ss. 1002.37 or 1002.415.

372 Section 6. Paragraph (c) of subsection (1) of section
 373 1011.61, Florida Statutes, is amended to read:

374 1011.61 Definitions.--Notwithstanding the provisions of s.
 375 1000.21, the following terms are defined as follows for the
 376 purposes of the Florida Education Finance Program:

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

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

380 b. A combination of full-time or part-time students in any
 381 one of the programs listed in s. 1011.62(1)(c) which is the
 382 equivalent of one full-time student based on the following
 383 calculations:

384 (I) A full-time student, except a postsecondary or adult
 385 student or a senior high school student enrolled in adult
 386 education when such courses are required for high school
 387 graduation, in a combination of programs listed in s.

388 1011.62(1)(c) shall be a fraction of a full-time equivalent
 389 membership in each special program equal to the number of net
 390 hours per school year for which he or she is a member, divided
 391 by the appropriate number of hours set forth in subparagraph

392 (a)1. or subparagraph (a)2. The difference between that fraction

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393 or sum of fractions and the maximum value as set forth in
394 subsection (4) for each full-time student is presumed to be the
395 balance of the student's time not spent in such special
396 education programs and shall be recorded as time in the
397 appropriate basic program.

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

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

404 (IV) A Florida Virtual School full-time equivalent student
405 shall consist of six full credit completions in the programs
406 listed in s. 1011.62(1)(c)1. and 4. Credit completions can be a
407 combination of either full credits or half credits.

408 2. A student in membership in a program scheduled for more
409 or less than 180 school days is a fraction of a full-time
410 equivalent membership equal to the number of instructional hours
411 in membership divided by the appropriate number of hours set
412 forth in subparagraph (a)1.; however, for the purposes of this
413 subparagraph, membership in programs scheduled for more than 180
414 days is limited to students enrolled in juvenile justice
415 education programs and the Florida Virtual School.

416 Section 7. Except as otherwise provided herein, this act
417 shall take effect July 1, 2008.