

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; revising  
34 | requirements for the use of certain employment  
35 | contracts; deleting a requirement that the board of  
36 | trustees distribute certain procedures to high schools  
37 | in the state; requiring student records held by the  
38 | school to meet specified provisions; providing  
39 | requirements for meetings of the board of trustees;  
40 | revising the requirements for a specified plan;  
41 | deleting a requirements that the Florida Virtual  
42 | School board of trustees submit specified information  
43 | to certain entities for the Florida Virtual School  
44 | Global; 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; revising  
54 | requirements for the termination of a provider  
55 | contract; providing an effective date.  
56 |

57 | Be It Enacted by the Legislature of the State of Florida:  
58 |

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

61 | 1002.33 Charter schools.—

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

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

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

85 1002.37 The Florida Virtual School.—

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

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

100 1. Students who need expanded access to courses in order

101 to meet their educational goals, such as home education  
 102 students, ~~and~~ students in inner-city and rural areas high  
 103 ~~schools~~ who do not have access to higher-level courses, English  
 104 language learners, students with exceptionalities who currently  
 105 do not have access to higher-level courses, including gifted  
 106 students.

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

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

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

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

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

126 more than two consecutive 4-year terms on the board. The ~~board~~  
127 of trustees shall be a public agency entitled to sovereign  
128 immunity pursuant to s. 768.28, and board members shall be  
129 public officers who shall bear fiduciary responsibility for the  
130 Florida Virtual School. The board of trustees shall be governed  
131 by the code of ethics for public officers and employees as set  
132 forth in part III of chapter 112. A member of the board of  
133 trustees may not have any business relationship with or  
134 pecuniary interest in the Florida Virtual School while serving  
135 on the board or for 6 years after serving on the board.

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

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

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

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

150 3.(b) The board of trustees shall be responsible for the

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

156 4.~~(e)~~ The board of trustees shall aggressively seek  
157 avenues to generate revenue to support its future endeavors, and  
158 shall enter into agreements with distance learning providers.  
159 The board of trustees may acquire, enjoy, use, and dispose of  
160 patents, copyrights, and trademarks and any licenses and other  
161 rights or interests thereunder or therein. Ownership of all such  
162 patents, copyrights, trademarks, licenses, and rights or  
163 interests thereunder or therein shall vest in the state, with  
164 the board of trustees having full right of use and full right to  
165 retain the revenues derived therefrom. Any funds realized from  
166 patents, copyrights, trademarks, or licenses shall be considered  
167 internal funds ~~as provided in s. 1011.07~~. Such funds may ~~shall~~  
168 be used to support the school's marketing and research and  
169 development activities in order to improve courseware and  
170 services to its 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. All academic administrative and instructional  
232 personnel employed by ~~Each person employed by the board of~~  
233 ~~trustees in an academic administrative or instructional capacity~~  
234 ~~with~~ the Florida Virtual School are ~~shall be~~ entitled to an  
235 annual, written ~~a~~ contract as provided by policies ~~rules~~ of the  
236 board of trustees. Employment contracts for nonacademic  
237 personnel may be determined by board of trustees policy.

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

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

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

251 Virtual School.

252 10.~~(i)~~ The board of trustees shall establish criteria  
 253 defining the elements of an approved franchise. The board of  
 254 trustees may enter into franchise agreements with Florida  
 255 district school boards and may establish the terms and  
 256 conditions governing such agreements. The board of trustees  
 257 shall establish the performance and accountability measures and  
 258 report the performance of each school district franchise to the  
 259 Commissioner of Education.

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

267 12.~~(k)~~ The board of trustees shall provide for the content  
 268 and custody of student and employee personnel records. Student  
 269 records shall be subject to the provisions of ss. s. 1002.22,  
 270 1002.221, and 1002.222. Employee records shall be subject to the  
 271 provisions of s. 1012.31.

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

276 | accounts for the schools of the state.

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

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

296 |       (4) School districts operating a virtual school that is an  
 297 | approved franchise of the Florida Virtual School may count full-  
 298 | time equivalent students, as provided in paragraph (3)(a), if  
 299 | such school has been certified as an approved franchise by the  
 300 | Commissioner of Education based on criteria established by the

301 board of trustees pursuant to subparagraph (2)(c)10 ~~paragraph~~  
302 ~~(2)(i)~~.

303 (7) The board of trustees shall annually submit to the  
304 Governor, the Legislature, the Commissioner of Education, and  
305 the State Board of Education the audit report prepared pursuant  
306 to subsection (6) and a complete and detailed report setting  
307 forth:

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

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

325 Section 3. Paragraphs (b) and (d) of subsection (1),

326 paragraph (a) of subsection (2), and paragraph (d) of subsection  
327 (8) of section 1002.45, Florida Statutes, are amended to read:

328 1002.45 Virtual instruction programs.—

329 (1) PROGRAM.—

330 (b) Each school district ~~that is eligible for the sparsity~~  
331 ~~supplement pursuant to s. 1011.62(7)(a) and (b)~~ shall provide  
332 all enrolled public school students within its boundaries the  
333 option of participating in part-time and full-time virtual  
334 instruction programs and. ~~Each school district that is not~~  
335 ~~eligible for the sparsity supplement pursuant to s.~~

336 ~~1011.62(7)(a) and (b) shall provide at least three options for~~  
337 ~~part-time and full-time virtual instruction. All school~~

338 ~~districts~~ must provide parents with timely written notification  
339 of at least one open enrollment period for full-time students of  
340 90 days or more which ends 30 days before the first day of the  
341 school year. The purpose of the program is to make quality  
342 virtual instruction available to students using online and  
343 distance learning technology in the nontraditional classroom. A  
344 school district virtual instruction program shall consist of the  
345 following:

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

348 2. Full-time or part-time virtual instruction for students  
349 enrolled in dropout prevention and academic intervention  
350 programs under s. 1003.53, Department of Juvenile Justice

351 education programs under s. 1003.52, core-curricula courses to  
 352 meet class size requirements under s. 1003.03, or Florida  
 353 College System institutions under this section.

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

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

369 (2) PROVIDER QUALIFICATIONS.—

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

- 373 1. Is nonsectarian in its programs, admission policies,  
 374 employment practices, and operations;
- 375 2. Complies with the antidiscrimination provisions of s.

376 | 1000.05;

377 |       3. Locates an administrative office or offices in this  
 378 | state, requires its administrative staff to be state residents,  
 379 | requires all instructional staff to be Florida-certified  
 380 | teachers under chapter 1012 and conducts background screenings  
 381 | for all employees or contracted personnel, as required by s.  
 382 | 1012.32, using state and national criminal history records;

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

387 |           a. How to contact the instructor via phone, e-mail, or  
 388 | online messaging tools.

389 |           b. How to contact technical support via phone, e-mail, or  
 390 | online messaging tools.

391 |           c. How to contact the administration office via phone, e-  
 392 | mail, or online messaging tools.

393 |           d. Any requirement for regular contact with the instructor  
 394 | for the course and clear expectations for meeting the  
 395 | requirement.

396 |           e. The requirement that the instructor in each course  
 397 | must, at a minimum, conduct one contact via phone with the  
 398 | parent and the student each month;

399 |       5. Possesses prior, successful experience offering online  
 400 | courses to elementary, middle, or high school students as



401 demonstrated by quantified student learning gains in each  
402 subject area and grade level provided for consideration as an  
403 instructional program option. However, for a provider without  
404 sufficient prior, successful experience offering online courses,  
405 the department may conditionally approve the provider to offer  
406 courses measured pursuant to subparagraph (8)(a)2. Conditional  
407 approval shall be valid for 1 school year only and, based on the  
408 provider's experience in offering the courses, the department  
409 shall determine whether to grant approval to offer a virtual  
410 instruction program. However, the department may conditionally  
411 approve a provider for 2 school years at its discretion based on  
412 the provider's success in other states;

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

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

419 a. Courses and programs that meet the standards of the  
420 International Association for K-12 Online Learning and the  
421 Southern Regional Education Board.

422 b. Instructional content and services that align with, and  
423 measure student attainment of, student proficiency in the Next  
424 Generation Sunshine State Standards.

425 c. Mechanisms that determine and ensure that a student has

426 | satisfied requirements for grade level promotion and high school  
 427 | graduation with a standard diploma, as appropriate;

428 |       8. Publishes for the general public, in accordance with  
 429 | disclosure requirements adopted in rule by the State Board of  
 430 | Education, as part of its application as a provider and in all  
 431 | contracts negotiated pursuant to this section:

432 |       a. Information and data about the curriculum of each full-  
 433 | time and part-time program.

434 |       b. School policies and procedures.

435 |       c. Certification status and physical location of all  
 436 | administrative and instructional personnel.

437 |       d. Hours and times of availability of instructional  
 438 | personnel.

439 |       e. Student-teacher ratios.

440 |       f. Student completion and promotion rates.

441 |       g. Student, educator, and school performance  
 442 | accountability outcomes;

443 |       9. If the provider is a Florida College System  
 444 | institution, employs instructors who meet the certification  
 445 | requirements for instructional staff under chapter 1012; and

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

451 statements presented in accordance with generally accepted  
 452 accounting principles.

453 (8) ASSESSMENT AND ACCOUNTABILITY.—

454 (d) An approved provider's contract is automatically ~~must~~  
 455 ~~be~~ terminated if the provider earns two consecutive ~~receives a~~  
 456 school grades ~~grade~~ of "D" ~~or~~ "F" under s. 1008.34 after all  
 457 school grade appeals are final or earns two consecutive a school  
 458 improvement ratings ~~rating~~ of "Unsatisfactory" under s. 1008.341  
 459 ~~for 2 years during any consecutive 4-year period~~ or has violated  
 460 any qualification requirement pursuant to subsection (2). A  
 461 provider that has a contract terminated under this paragraph may  
 462 not be an approved provider for a period of at least 1 year  
 463 after the date upon which the contract was terminated and until  
 464 the department determines that the provider is in compliance  
 465 with subsection (2) and has corrected each cause of the  
 466 provider's low performance.

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