

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Pre-K - 12 Education

BILL: CS/SB 1122

INTRODUCER: Education Pre-K - 12 Committee and Senator Burton

SUBJECT: Florida Virtual School

DATE: April 10, 2025

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|--------------------|----------------|------------|------------------|
| 1. <u>Palazesi</u> | <u>Bouck</u> | <u>ED</u> | Fav/CS |
| 2. <u>Gray</u> | <u>Elwell</u> | <u>AED</u> | Favorable |
| 3. _____ | _____ | <u>AP</u> | _____ |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1122 makes both technical and substantive changes related to the Florida Virtual School (FLVS). These changes impact its governance, funding, reporting, and assessment requirements.

This bill does not have a fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Virtual School

Founded in 1997¹, the Florida Virtual School (FLVS) was established for the development and delivery of online and distance learning education. The mission of FLVS is to provide all students in Florida with technology-based educational opportunities to gain knowledge and gain the necessary skills to succeed. The FLVS is required to prioritize students:

- Who need expanded access to courses to meet their educational goals.
- Who are seeking accelerated access to graduate at least one semester early.

¹ Florida Virtual School, *About Us*, <https://www.flvs.net/about-us>, (last visited March 20, 2025).

- Who are children of an active-duty member of the United States Armed Forces who is not stationed in this state whose home of record or state of legal residence is Florida.

To ensure students are informed of opportunities offered by FLVS, the Commissioner of Education is required to provide the FLVS Board of Trustees with access to records of public school students.²

In the 2024-2025 school year, 9,035 students are enrolled in FLVS full-time in grades kindergarten through grade 12 and taught by 2,517 teachers.³ Additionally, school districts may contract with FLVS to offer an approved FLVS school district franchise for part-time or full-time students.

FLVS Governance

The FLVS is governed by a Board of Trustees (board) comprised of seven members appointed by the Governor to four-year staggered terms. Board members are public officers who bear fiduciary responsibility for the FLVS. The board is required to meet at least four times a year, upon the call of the chair or at the request of the majority of the board.

The board oversees the development of FLVS' technology-based education system, ensuring its programs are cost-effective, educationally sound, marketable, and self-sustaining through the Florida Education Finance Program. The board is also tasked with seeking avenues to generate revenue to support its future programs and any funds that are generated from patents, copyrights, trademarks, or licenses are considered internal funds. Additionally, the board may receive supplemental revenue from support organizations such as alumni associations, foundations, parent-teacher associations, and booster clubs. These organizations can recommend expenditures for FLVS, subject to review by the executive director, who has the authority to reject any spending that violates Florida law or sound educational management.

The FLVS board, like other district school boards, is responsible for administering and maintaining a personnel program for all FLVS employees. All employees of FLVS, except for temporary, seasonal, and student employees may be state employees eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, are subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption.⁴

FLVS Required Annual Report

The board is required to annually submit to the Governor, the Legislature, the Commissioner of Education and the State Board of Education the results from their financial audit and the following:

- The operations and accomplishments of the FLVS within the state and those occurring outside the state as FLVS Global.

² Section 1002.37(1), F.S.

³ Florida Department of Education, *Know Your Schools Portal – Population and Enrollment, Overview*, <https://edudata.fldoe.org/ReportCards/Schools.html?school=0000&district=71>, (last visited March 20, 2025).

⁴ Section 1002.37(2), F.S.

- The marketing and operational plan for the FLVS and FLVS Global including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.
- The assets and liabilities of the FLVS and FLVS Global at the end of the fiscal year.
- Recommendations regarding the unit cost of providing services to students through FLVS and FLVS Global.
- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the FLVS and FLVS Global.⁵

Assessment Requirements for FLVS Students

Public school students receiving full-time instruction in kindergarten through grade 12 by the FLVS must take all required statewide assessments and participate in the coordinated screening and progress monitoring system. Additionally, industry certification examinations, national assessments, and statewide assessments offered by the school district are required to be made available to all FLVS students. If the FLVS and a school district have not agreed upon an alternative testing site, the FLVS student may take the assessments at the school to which the student would be assigned according to district school board attendance areas. A school district is required to provide the student with access to the school's testing facilities and the date and time of the administration of progress monitoring and each examination or assessment.⁶

III. Effect of Proposed Changes:

This bill amends s. 1002.37, F.S., to make several technical and substantive changes. Specifically, the bill does the following:

- For Florida Virtual School (FLVS) governance, the bill:
 - Removes FLVS requirements to give priority to students who need expanded access to courses, students seeking accelerated access in order to earn a high school diploma a semester early, and student who are children of an active-duty member of the United States Armed Forces.
 - Authorizes the FLVS president and chief executive officer to request a meeting of the FLVS Board of Trustees (Board) and authorizes the board to enter into contract with other educational institutions and government agencies.
 - Aligns the definition of educational support employees at FLVS with current law.
 - Clarifies that FLVS employees, except for temporary, seasonal, and student employees, are state employees for the purpose of being eligible to participate in the Florida Retirement System.
- For FLVS funding, the bill authorizes the FLVS to approve and accrue supplemental revenue from a direct support organization and that expenditures from all supplemental funds be contingent upon review and approval of the FLVS president and chief executive officer.
- For the FLVS annual report to the Governor, the Legislature, the Commissioner of Education and the State Board of Education, the bill requires the FLVS to only report on the operations and accomplishments of the FLVS and deletes the reporting requirements related to:
 - The marketing and operational plan for the FLVS and FLVS Global.
 - The assets and liabilities of the FLVS and FLVS Global at the end of the fiscal year.

⁵ Section 1002.37(7), F.S.

⁶ Section 1002.37(10), F.S.

- Recommendations regarding the unit cost of providing services to students through FLVS and FLVS Global.
- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the FLVS and FLVS Global.
- For assessment requirements, the bill clarifies that students at FLVS are eligible to participate in international assessments if they are administered at the school district. Additionally, the bill requires a school district to provide a test administrator when a student from FLVS is participating in required statewide assessments, the coordinated screening and progress monitoring system, industry certification examinations, and national assessments.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not have a fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.37 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education PreK-12 on March 17, 2025:

The committee substitute amends the bill to remove the authority of the Florida Virtual School to offer voluntary prekindergarten (VPK) programs and to receive a proportional share of the Safe Schools allocation.

B. Amendments:

None.