

Senate Bill No. 1282

An act relating to K-8 virtual schools; establishing the K-8 Virtual School Program within the Department of Education; providing requirements for schools to be eligible to participate in the program; authorizing participating schools to be for-profit or nonprofit entities; providing a procedure by which schools can apply to participate in the program; requiring that the application and approval process be available by a specified time; requiring that instructional personnel have Florida teaching certificates; requiring participating school personnel to undergo certain background screening required by law; requiring education plans to conform to the Sunshine State Standards; requiring school applicants to provide a 3-year financial plan; requiring the department to act on school applications within 90 days; providing for 3-year contracts for approved schools; authorizing contract renewals; designating participating schools as independent schools; requiring participating schools to provide each student with the equipment, materials, and services necessary to receive instruction; authorizing the current virtual school pilot programs to continue operation through the 2006-2007 school year; requiring pilot schools to meet all application requirements in order to operate beyond the 2006-2007 school year; providing eligibility requirements for students; requiring that enrolled students meet the requirements for compulsory attendance; requiring verification of student attendance; requiring enrolled students to participate in the state assessment program; requiring that funding for the program be established annually in the General Appropriations Act; providing a payment schedule to participating schools; requiring schools to participate in the statewide assessment program; requiring that schools be subject to the school grading system; requiring improvement plans for low-performing schools; requiring contract termination for continued low performance; providing causes for nonrenewal or termination of a school contract; requiring non-renewed or terminated schools to be responsible for debt; authorizing students of a terminated school to attend other public schools; requiring the State Board of Education to adopt rules to administer the program; providing an effective date.

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

Section 1. K-8 Virtual School Program.—Subject to annual legislative appropriation, a kindergarten through grade 8 virtual school program is established within the Department of Education for the purpose of making academic instruction available to full-time students in kindergarten through grade 8 using on-line and distance-learning technology. The department shall use an application process to select schools to deliver program instruction.

(1) SCHOOL ELIGIBILITY.—

(a) To be eligible to participate in the K-8 Virtual School Program a school must:

1. Be nonsectarian in its programs, admission policies, employment practices, and operations;
2. Comply with the antidiscrimination provisions of s. 1000.05, Florida Statutes;
3. Participate in the state's school accountability system created in s. 1008.31, Florida Statutes;
4. Locate its administrative office in this state and require its administrative and instructional staff members to be state residents; and
5. Require no tuition or student registration fee.

(b) Schools applying to participate in the K-8 Virtual School Program may be for-profit or nonprofit entities.

(2) APPLICATION.—

(a) The Department of Education shall provide an application form to be completed by each school seeking to participate in the K-8 Virtual School Program. Initial application forms must be made available in sufficient time to enable schools to apply and be approved to participate in the K-8 Virtual School Program by the beginning of the 2007-2008 school year. In addition to information that may be required by the department, applicants must provide verification that:

1. The applicant meets the eligibility criteria required by this section;
2. All members of the school's instructional staff are certified professional educators under the provisions of chapter 1012, Florida Statutes; and
3. All school employees have undergone background screening as required by s. 1012.32, Florida Statutes.

(b) In addition to a completed application form, each applicant must provide the department with:

1. A detailed plan describing how the school curriculum and course content will conform to the Sunshine State Standards; and
2. An annual financial plan for each year of operation of the school for a minimum of 3 years. The plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

(c) The department must approve or deny a school's participation in the K-8 Virtual School Program within 90 days after receipt of an application.

(3) PARTICIPATING SCHOOLS.—

(a) A school approved by the department to participate in the K-8 Virtual School Program shall receive an initial 3-year contract with the department to provide program services, subject to annual department review and legislative appropriation. Contract renewals may be for up to 5 years upon agreement of both parties, contingent upon annual funding in the General Appropriations Act.

(b) A school approved to participate in the program is deemed to be an independent virtual school providing, on behalf of the state, a program of instruction that is full-time, of 180-days' duration, and an on-line program of instruction to students in kindergarten through grade 8.

(c) A school approved to participate in the program must provide each student enrolled in the virtual school with:

1. All necessary instructional materials;
2. All equipment, including, but not limited to, a computer, computer monitor, and printer for each household that has a student enrolled in the virtual school; and
3. Access to or reimbursement for all Internet services necessary for on-line delivery of instruction for each household that has a student enrolled in the virtual school.

(4) PILOT SCHOOLS.—

(a) The two pilot K-8 virtual schools provided for in the 2005 General Appropriations Act may continue operation for the entire 2006-2007 school year.

(b) With the exception of the application and contracting requirements, the pilot schools are subject to the provisions of this section for the 2006-2007 school year.

(c) Each pilot school must complete the application requirements of this section and be approved by the department in order to participate in the K-8 Virtual School Program beyond the 2006-2007 school year.

(5) STUDENT ELIGIBILITY.—

(a) Enrollment in each participating school is open to any K-8 student in this state if the student meets at least one of the following conditions:

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

2. Was enrolled during the prior school year in a K-8 virtual school funded pursuant to this section or from funds provided in the 2005 General Appropriations Act;

3. Is eligible to enroll in kindergarten or the first grade; or

4. Has a sibling who is currently enrolled in a participating K-8 virtual school and was enrolled at the end of the prior school year.

(b) Students enrolled in a K-8 virtual school are subject to the compulsory attendance requirements of s. 1003.21, Florida Statutes. Student attendance must be verified according to procedures of the Department of Education.

(c) Each student enrolled in a K-8 virtual school must take state assessment tests within the student's school district of residence, which must provide that student with access to the district's testing facilities.

(6) FUNDING.—

(a) State funding for each school participating in the K-8 Virtual School Program shall be based on a total program enrollment and amount per full-time equivalent student established annually in the General Appropriations Act.

(b) Upon proper documentation of student enrollment, which must be reviewed and approved by the department, payments shall be made to participating schools in four equal payments no later than September 1, November 1, February 1, and April 15 of each academic year. The initial payment shall be made after the department verifies each student's admission to the school, and subsequent payments shall be made upon verification of the continued enrollment and attendance of the student.

(7) ASSESSMENT AND ACCOUNTABILITY.—

(a) Each K-8 virtual school must participate in the statewide assessment program created under s. 1008.22, Florida Statutes, and shall be subject to the school grading system created by s. 1008.34, Florida Statutes.

(b) A K-8 virtual school that has a performance grade category of "D" or "F" must file a school improvement plan with the department for consultation to determine the causes for low performance and to develop a plan for correction and improvement.

(c) The department shall terminate the contract of any K-8 virtual school that receives a performance grade category of "D" or "F" for 2 years during any consecutive 4-year period.

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

(a) At the end of a contract with a K-8 virtual school, the department may choose not to renew the contract for any of the following grounds:

1. Failure to participate in the state's education accountability system created in s. 1008.31, Florida Statutes, as required in this section;

2. Failure to receive a school performance grade of "C" or better under the school grading system created by s. 1008.34, Florida Statutes, for any 2 years in a consecutive 4-year period;

3. Failure to meet generally accepted standards of fiscal management;
4. Violation of law;
5. Failure of the Legislature to fund the program; or
6. Other good cause shown.

(b) During the term of the contract, the department may terminate the contract for any of the grounds listed in paragraph (a).

(c) If a contract is not renewed or is terminated, the K-8 virtual school is responsible for all debts of the school.

(d) If a contract is not renewed or is terminated, a student who attended the school must be allowed to be enrolled in a public school in the county in which the student is a resident.

(9) RULES.—The State Board of Education shall adopt rules under ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 30, 2006.

Filed in Office Secretary of State May 30, 2006.