



290644

LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 66 - 181

and insert:

Section 1. Paragraphs (a) and (b) of subsection (1) and subsections (2), (7) and (11) of section 1002.37, Florida Statutes, are amended, and paragraph (e) is added to subsection (10) of that section, to read:

1002.37 The Florida Virtual School.—

(1) (a) The Florida Virtual School is established for the development and delivery of online ~~and~~ distance and blended



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12 learning education. The Commissioner of Education shall monitor  
13 the school's performance and report its performance to the State  
14 Board of Education and the Legislature.

15 (b) The mission of the Florida Virtual School is to provide  
16 students with technology-based educational opportunities to gain  
17 the knowledge and skills necessary to succeed. The school shall  
18 serve any student in this ~~the~~ state who meets the profile for  
19 success in this educational delivery context and shall give  
20 priority to:

21 1. Students who need expanded access to courses in order to  
22 meet their educational goals, such as home education students  
23 and students in inner-city and rural high schools who do not  
24 have access to higher-level courses.

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

27 3. Students who are children of an active duty member of  
28 the United States Armed Forces who is not stationed in this  
29 state whose home of record or state of legal residence is  
30 Florida.

31 4. Students enrolled in the Florida Virtual School Justice  
32 Education Program pursuant to s. 1002.371.

33  
34 The board of trustees of the Florida Virtual School shall  
35 identify appropriate performance measures and standards based on  
36 student achievement that reflect the school's statutory mission  
37 and priorities, and shall implement an accountability system for  
38 the school that includes assessment of its effectiveness and  
39 efficiency in providing quality services that encourage high  
40 student achievement, seamless articulation, and maximum access.



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41 (2) The Florida Virtual School shall be governed by a board  
42 of trustees comprised of seven members appointed by the Governor  
43 to 4-year staggered terms. The board of trustees shall be a  
44 public agency entitled to sovereign immunity pursuant to s.  
45 768.28, and board members shall be public officers who shall  
46 bear fiduciary responsibility for the Florida Virtual School.  
47 The board of trustees shall have the following powers and  
48 duties:

49 (a)1. The board of trustees shall meet at least 4 times  
50 each year, upon the call of the chair, or at the request of a  
51 majority of the membership.

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

54 (b) The board of trustees shall be responsible for the  
55 Florida Virtual School's development of a state-of-the-art  
56 technology-based education delivery system that is cost-  
57 effective, educationally sound, marketable, and capable of  
58 sustaining a self-sufficient delivery system through the Florida  
59 Education Finance Program.

60 (c) The board of trustees shall aggressively seek avenues  
61 to generate revenue to support its future endeavors, and shall  
62 enter into agreements with online distance and blended learning  
63 providers. The board of trustees may acquire, enjoy, use, and  
64 dispose of patents, copyrights, and trademarks and any licenses  
65 and other rights or interests thereunder or therein. Ownership  
66 of all such patents, copyrights, trademarks, licenses, and  
67 rights or interests thereunder or therein shall vest in the  
68 state, with the board of trustees having full right of use and  
69 full right to retain the revenues derived therefrom. Any funds



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70 realized from patents, copyrights, trademarks, or licenses are  
71 ~~shall be~~ considered internal funds as provided in s. 1011.07.  
72 Such funds shall be used to support the school's marketing and  
73 research and development activities in order to improve  
74 courseware and services to its students.

75 (d) The board of trustees shall be responsible for the  
76 administration and control of all local school funds derived  
77 from all activities or sources and shall prescribe the  
78 principles and procedures to be followed in administering these  
79 funds.

80 (e) The Florida Virtual School may accrue supplemental  
81 revenue from supplemental support organizations, which include,  
82 but are not limited to, alumni associations, foundations,  
83 parent-teacher associations, and booster associations. The  
84 governing body of each supplemental support organization shall  
85 recommend the expenditure of moneys collected by the  
86 organization for the benefit of the school. Such expenditures  
87 shall be contingent upon the review of the executive director.  
88 The executive director may override any proposed expenditure of  
89 the organization that would violate Florida law or breach sound  
90 educational management.

91 (f) In accordance with law and rules of the State Board of  
92 Education, the board of trustees shall administer and maintain  
93 personnel programs for all employees of the board of trustees  
94 and the Florida Virtual School. The board of trustees may adopt  
95 rules, policies, and procedures related to the appointment,  
96 employment, and removal of personnel.

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



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99 employment for such personnel.

100       2. The board of trustees may establish and maintain a  
101 personnel loan or exchange program by which persons employed by  
102 the board of trustees for the Florida Virtual School as academic  
103 administrative and instructional staff may be loaned to, or  
104 exchanged with persons employed in like capacities by, public  
105 agencies either within or without this state, or by private  
106 industry. With respect to public agency employees, the program  
107 authorized by this subparagraph shall be consistent with the  
108 requirements of part II of chapter 112. The salary and benefits  
109 of board of trustees personnel participating in the loan or  
110 exchange program shall be continued during the period of time  
111 they participate in a loan or exchange program, and such  
112 personnel shall be deemed to have no break in creditable or  
113 continuous service or employment during such time. The salary  
114 and benefits of persons participating in the personnel loan or  
115 exchange program who are employed by public agencies or private  
116 industry shall be paid by the originating employers of those  
117 participants, and such personnel shall be deemed to have no  
118 break in creditable or continuous service or employment during  
119 such time.

120       3. The employment of all Florida Virtual School academic  
121 administrative and instructional personnel shall be subject to  
122 rejection for cause by the board of trustees, and shall be  
123 subject to policies of the board of trustees relative to  
124 certification, tenure, leaves of absence, sabbaticals,  
125 remuneration, and such other conditions of employment as the  
126 board of trustees deems necessary and proper, not inconsistent  
127 with law.



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128           4. Each person employed by the board of trustees in an  
129 academic administrative or instructional capacity with the  
130 Florida Virtual School shall be entitled to a contract as  
131 provided by rules of the board of trustees.

132           5. All employees except temporary, seasonal, and student  
133 employees may be state employees for the purpose of being  
134 eligible to participate in the Florida Retirement System and  
135 receive benefits. The classification and pay plan, including  
136 terminal leave and other benefits, and any amendments thereto,  
137 shall be subject to review and approval by the Department of  
138 Management Services and the Executive Office of the Governor  
139 prior to adoption.

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

142           (h) The board of trustees shall establish and distribute to  
143 all school districts and high schools in the state procedures  
144 for enrollment of students in courses offered by the Florida  
145 Virtual School.

146           (i) The board of trustees shall establish criteria defining  
147 the elements of an approved franchise. The board of trustees may  
148 enter into franchise agreements with Florida district school  
149 boards and may establish the terms and conditions governing such  
150 agreements. The board of trustees shall establish the  
151 performance and accountability measures and report the  
152 performance of each school district franchise to the  
153 Commissioner of Education.

154           (j) The board of trustees shall submit to the State Board  
155 of Education both forecasted and actual enrollments and credit  
156 completions for the Florida Virtual School, according to



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157 procedures established by the State Board of Education. At a  
158 minimum, such procedures must include the number of public,  
159 private, and home education students served, by program and by  
160 county of residence, and the number of students enrolled in the  
161 Florida Virtual School Justice Education Program pursuant to s.  
162 1002.371.

163 (k) The board of trustees shall provide for the content and  
164 custody of student and employee personnel records. Student  
165 records shall be subject to the provisions of s. 1002.22.  
166 Employee records shall be subject to the provisions of s.  
167 1012.31.

168 (l) The financial records and accounts of the Florida  
169 Virtual School shall be maintained under the direction of the  
170 board of trustees and under rules adopted by the State Board of  
171 Education for the uniform system of financial records and  
172 accounts for the schools of the state.

173  
174 The Governor shall designate the initial chair of the board of  
175 trustees to serve a term of 4 years. Members of the board of  
176 trustees shall serve without compensation, but may be reimbursed  
177 for per diem and travel expenses pursuant to s. 112.061. The  
178 board of trustees shall be a body corporate with all the powers  
179 of a body corporate and such authority as is needed for the  
180 proper operation and improvement of the Florida Virtual School.  
181 The board of trustees is specifically authorized to adopt rules  
182 and, policies, ~~and procedures~~, consistent with law and rules of  
183 the State Board of Education related to governance, personnel,  
184 budget and finance, administration, programs, curriculum and  
185 instruction, travel and purchasing, technology, students,



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186 contracts and grants, and property as necessary for optimal,  
187 efficient operation of the Florida Virtual School. Tangible  
188 personal property owned by the board of trustees shall be  
189 subject to the provisions of chapter 273.

190

191 ===== T I T L E A M E N D M E N T =====

192 And the title is amended as follows:

193 Delete lines 5 - 16

194 and insert:

195 delivery of online distance and blended learning;  
196 requiring the Florida Virtual School to give priority  
197 to students enrolled in certain Department of  
198 Corrections education programs; conforming a reporting  
199 requirement to changes made by the act; deleting  
200 authorization for the board of trustees of the Florida  
201 Virtual School to adopt procedures; revising the  
202 requirements of a report