

1 A bill to be entitled
2 An act relating to education funding; amending s.
3 1002.415, F.S.; providing a mission for the K-8 Virtual
4 School Program; revising the definition of full-time
5 equivalent student for certain students participating in
6 the K-8 Virtual School Program; requiring the enrollment
7 of eligible students who submit timely applications unless
8 the number of applications exceed the capacity of a
9 programs; removing provisions provision relating to pilot
10 schools; revising funding for the K-8 Virtual School
11 Program to include a definition of full-time equivalent
12 student, providing reporting requirements, establishing
13 the district cost differential, providing for funding from
14 the General Appropriations Act, and allowing for
15 participating schools to receive other funds; creating new
16 paragraphs in s. 1003.03, F.S.; defining team-teaching,
17 co-teaching and inclusion teaching strategy; amending s.
18 1011.61, F.S.; revising the definition of full-time
19 equivalent student to include K-8 Virtual School students;
20 allowing membership in the K-8 Virtual School program for
21 more than 180 days; amending s. 1011.62, F.S.; deleting
22 obsolete categorical appropriation language; amending s.
23 1011.71, F.S.; amending s. 1013.64, F.S.; specifying the
24 useful life of a modular non-combustible facility;
25 clarifying the definition of capital outlay full-time
26 equivalent membership for use in determining school
27 district capital outlay funds; providing an effective
28 date.
29

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

31

32 Section 1. Section 1002.415, Florida Statutes, is amended
33 to read:

34 1002.415 K-8 Virtual School Program.—

35 (1) (a) Subject to annual legislative appropriation, a
36 kindergarten through grade 8 virtual school program is
37 established within the Department of Education for the purpose of
38 making academic instruction available to full-time students in
39 kindergarten through grade 8 using on-line and distance learning
40 technology. The department shall use an application process to
41 select schools to deliver program instruction.

42 (b) The mission of the K-8 Virtual School Program is to
43 provide students with technology-based educational opportunities
44 to gain the knowledge and skills necessary to succeed. The
45 school shall serve any student in the state who meets the profile
46 for success in this educational delivery context and shall give
47 priority to:

48 1. Students who need access to K-8 courses in order to meet
49 their educational needs and goals in a home environment.

50 2. Students seeking accelerated access to move at their own
51 pace in their educational progress.

52 (2) ~~(1)~~ SCHOOL ELIGIBILITY.--

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

55 1. Be nonsectarian in its programs, admission policies,
56 employment practices, and operations;

57 2. Comply with the antidiscrimination provisions of s.
58 1000.05;

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59 | 3. Participate in the state's school accountability system
60 | created in s. 1008.31;

61 | 4. Locate its administrative office in this state and
62 | require its administrative and instructional staff members to be
63 | state residents; and

64 | 5. Require no tuition or student registration fee.

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

67 | (3) ~~(2)~~ APPLICATION.--

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

76 | 1. The applicant meets the eligibility criteria required by
77 | this section;

78 | 2. All members of the school's instructional staff are
79 | certified professional educators under the provisions of chapter
80 | 1012; and

81 | 3. All school employees have undergone background screening
82 | as required by s. 1012.32.

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

85 | 1. A detailed plan describing how the school curriculum and
86 | course content will conform to the Sunshine State Standards; and

87 | 2. An annual financial plan for each year of operation of

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88 | the school for a minimum of 3 years. The plan must contain
 89 | anticipated fund balances based on revenue projections, a
 90 | spending plan based on projected revenues and expenses, and a
 91 | description of controls that will safeguard finances and
 92 | projected enrollment trends.

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

96 | (4)~~(3)~~ PARTICIPATING SCHOOLS.--

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

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

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

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

117 that has a student enrolled in the virtual school.

118 (d) The K-8 virtual school shall enroll an eligible student
 119 who submits a timely application, unless the number of
 120 applications exceeds the capacity of a program. In such case,
 121 all applications shall have an equal chance of being admitted
 122 through a random selection process.

123 ~~(4) PILOT SCHOOLS.--~~

124 ~~(a) The two pilot K-8 virtual schools provided for in the~~
 125 ~~2005 General Appropriations Act may continue operation for the~~
 126 ~~entire 2006-2007 school year.~~

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

130 ~~(c) Each pilot school must complete the application~~
 131 ~~requirements of this section and be approved by the department in~~
 132 ~~order to participate in the K-8 Virtual School Program beyond the~~
 133 ~~2006-2007 school year.~~

134 (5) STUDENT ELIGIBILITY.--

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

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

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

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

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

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

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

159 (6) FUNDING.—

160 (a) A "full-time equivalent student" for the K-8 Virtual
161 School Program shall be as defined in s. 1011.61(1)(c). ~~—State~~
162 ~~funding for each school participating in the K-8 Virtual School~~
163 ~~Program shall be based on a total program enrollment and amount~~
164 ~~per full-time equivalent student established annually in the~~
165 ~~General Appropriations Act.~~

166 (b) Full-time equivalent students for the K-8 Virtual
167 School Program shall be reported only by the K-8 virtual school
168 to the Department of Education in the manner prescribed by the
169 department and shall be funded through the Florida Education
170 Finance Program. School districts shall report full-time
171 equivalent student membership only for courses for which the
172 district provides the instruction. ~~Upon proper documentation of~~
173 ~~student enrollment, which must be reviewed and approved by the~~
174 ~~department, payments shall be made to participating schools in~~

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175 ~~four equal payments no later than September 1, November 1,~~
176 ~~February 1, and April 15 of each academic year. The initial~~
177 ~~payment shall be made after the department verifies each~~
178 ~~student's admission to the school, and subsequent payments shall~~
179 ~~be made upon verification of the continued enrollment and~~
180 ~~attendance of the student.~~

181 (c) The district cost differential as provided in s.
182 1011.62(2) shall be established as 1.000.

183 (d) A K-8 virtual school that participates in the K-8
184 Virtual School Program shall receive state funds as may be
185 provided in the General Appropriations Act.

186 (e) In addition to the funds provided in the General
187 Appropriations Act, a K-8 virtual school may receive other funds
188 from grants and donations.

189 (7) ASSESSMENT AND ACCOUNTABILITY.--

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

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

197 (c) A K-8 virtual school with a performance grade category
198 of less than "C" may not increase enrollment until at least a
199 performance grade category of "C" is achieved.

200 (d)-(e) The department shall terminate the contract of any
201 participating K-8 virtual school that receives a performance
202 grade category of "D" or "F" for 2 years during any consecutive
203 4-year period.

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204 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF A CONTRACT.--
 205 (a) At the end of a contract with a K-8 virtual school, the
 206 department may choose not to renew the contract for any of the
 207 following grounds:
 208 1. Failure to participate in the state's education
 209 accountability system created in s. 1008.31, as required in this
 210 section;
 211 2. Failure to receive a school performance grade of "C" or
 212 better under the school grading system created by s. 1008.34 for
 213 any 2 years in a consecutive 4-year period;
 214 3. Failure to meet generally accepted standards of fiscal
 215 management;
 216 4. Violation of law;
 217 5. Failure of the Legislature to fund the program; or
 218 6. Other good cause shown.
 219 (b) During the term of the contract, the department may
 220 terminate the contract for any of the grounds listed in paragraph
 221 (a).
 222 (c) If a contract is not renewed or is terminated, the K-8
 223 virtual school is responsible for all debts of the school.
 224 (d) If a contract is not renewed or is terminated, a
 225 student who attended the school must be allowed to be enrolled in
 226 a public school in the county in which the student is a resident.
 227 (9) RULES.--The State Board of Education shall adopt rules
 228 under ss. 120.536(1) and 120.54 to administer this section.
 229
 230 Section 2. Paragraphs (c) and (d) are added to subsection
 231 (5) of section 1003.03, Florida Statutes, to read:
 232 1003.03 Maximum class size.--

233 (5) TEAM-TEACHING STRATEGIES.--

234 (c) Team-teaching or co-teaching means two or more teachers
 235 assigned to a group of students and each teacher is responsible
 236 for all of the students during the entire class period. In order
 237 to be considered team-teaching or co-teaching each teacher is
 238 responsible for planning, delivering, and evaluating instruction
 239 for all students in a class or subject for the entire class
 240 period.

241 (d) Inclusion teaching strategy means two or more teachers
 242 are assigned to a group of students, but one of the teachers is
 243 only responsible for one student or a small group of students in
 244 the classroom.

245
 246 The use of strategies implemented as outlined in this subsection
 247 meets the letter and intent of the Florida Constitution and the
 248 Florida Statutes which relate to implementing class-size
 249 reduction, and this subsection applies retroactively. A school
 250 district may not be penalized financially or otherwise as a
 251 result of the use of any legal strategy, including, but not
 252 limited to, those set forth in subsection (3) and this
 253 subsection.

254
 255 Section 3. Paragraph (c) of subsection (1) of section
 256 1011.61, Florida Statutes, is amended to read:

257 1011.61 Definitions.--Notwithstanding the provisions of s.
 258 1000.21, the following terms are defined as follows for the
 259 purposes of the Florida Education Finance Program:

260 (1) A "full-time equivalent student" in each program of the
 261 district is defined in terms of full-time students and part-time

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262 students as follows:

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

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

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

270 (I) A full-time student, except a postsecondary or adult
271 student or a senior high school student enrolled in adult
272 education when such courses are required for high school
273 graduation, in a combination of programs listed in s.
274 1011.62(1)(c) shall be a fraction of a full-time equivalent
275 membership in each special program equal to the number of net
276 hours per school year for which he or she is a member, divided by
277 the appropriate number of hours set forth in subparagraph (a)1.
278 or subparagraph (a)2. The difference between that fraction or sum
279 of fractions and the maximum value as set forth in subsection (4)
280 for each full-time student is presumed to be the balance of the
281 student's time not spent in such special education programs and
282 shall be recorded as time in the appropriate basic program.

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

285 (III) A K-8 Virtual School Program full-time equivalent
286 student in kindergarten through grade 5 in the programs listed in
287 s. 1011.62(1)(c)1. a. and b. shall be the promotion of a student
288 to the next grade level.

289 (IV) A K-8 Virtual School Program full-time equivalent
290 student in grades 6 through 8 shall consist of six full credit

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291 completions in the program listed in s. 1011.62(1)(c)1. b. Credit
 292 completions can be a combination of either full credits or half
 293 credits. A student who completes less than six credits shall be
 294 a fraction of a full-time equivalent student. Half-credit
 295 completions shall be included in determining a full-time
 296 equivalent student. Credit completed by a student in excess of
 297 the minimum required for that student for promotion to the next
 298 grade level is not eligible for funding.

299 (V) ~~(III)~~—A Florida Virtual School full-time equivalent
 300 student shall consist of six full credit completions in the
 301 programs listed in s. 1011.62(1)(c)1. ~~and 4.~~ Credit completions
 302 can be a combination of either full credits or half credits.

303 2. A student in membership in a program scheduled for more
 304 or less than 180 school days is a fraction of a full-time
 305 equivalent membership equal to the number of instructional hours
 306 in membership divided by the appropriate number of hours set
 307 forth in subparagraph (a)1.; however, for the purposes of this
 308 subparagraph, membership in programs scheduled for more than 180
 309 days is limited to students enrolled in juvenile justice
 310 education programs, the K-8 Virtual School Program, and the
 311 Florida Virtual School.

312 The department shall determine and implement an equitable method
 313 of equivalent funding for experimental schools and for schools
 314 operating under emergency conditions, which schools have been
 315 approved by the department to operate for less than the minimum
 316 school day.

317
 318 Section 4. Subsection (6) of Section 1011.62, Florida
 319 Statutes, is amended to read:

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320 1011.62 Funds for operation of schools.--If the annual
 321 allocation from the Florida Education Finance Program to each
 322 district for operation of schools is not determined in the annual
 323 appropriations act or the substantive bill implementing the
 324 annual appropriations act, it shall be determined as follows:

325
 326 (6) CATEGORICAL FUNDS.—

327
 328 (a) In addition to the basic amount for current operations for
 329 the FEFP as determined in subsection (1), the Legislature may
 330 appropriate categorical funding for specified programs,
 331 activities, or purposes.

332
 333 (b) If a district school board finds and declares in a
 334 resolution adopted at a regular meeting of the school board that
 335 the funds received for any of the following categorical
 336 appropriations are urgently needed to maintain school board
 337 specified academic classroom instruction, the school board may
 338 consider and approve an amendment to the school district
 339 operating budget transferring the identified amount of the
 340 categorical funds to the appropriate account for expenditure:

341
 342 1. Funds for student transportation.

343
 344 ~~2. Funds for in service educational personnel training.~~

345
 346 2.—3. Funds for safe schools.

347
 348 ~~4. Funds for public school technology.~~

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3. 5. Funds for supplemental academic instruction.

(c) Each district school board shall include in its annual financial report to the Department of Education the amount of funds the school board transferred from each of the categorical funds identified in this subsection and the specific academic classroom instruction for which the transferred funds were expended. The Department of Education shall provide instructions and specify the format to be used in submitting this required information as a part of the district annual financial report.

Section 5. Subsection (5) of Section 1011.71, Florida Statutes is amended to read:

1011.71 District school tax.—

(5) (a) It is the intent of the Legislature that, by July 1, 2003, revenue generated by the millage levy authorized by subsection (2) should be used only for the costs of construction, renovation, remodeling, maintenance, and repair of the educational plant; for the purchase, lease, or lease-purchase of equipment, educational plants, and construction materials directly related to the delivery of student instruction; for the rental or lease of existing buildings, or space within existing buildings, originally constructed or used for purposes other than education, for conversion to use as educational facilities; for the opening day collection for the library media center of a new school; for the purchase, lease-purchase, or lease of school

378 buses or the payment to a private entity to offset the cost of
 379 school buses pursuant to paragraph (2)(i); and for servicing of
 380 payments related to certificates of participation issued for any
 381 purpose prior to the effective date of this act. Costs associated
 382 with the lease-purchase of equipment, educational plants, and
 383 school buses may include the issuance of certificates of
 384 participation on or after the effective date of this act and the
 385 servicing of payments related to certificates so issued. For
 386 purposes of this section, "maintenance and repair" is defined in
 387 s. 1013.01.

388
 389 ~~(b) For purposes not delineated in paragraph (a) for which~~
 390 ~~proceeds received from millage levied under subsection (2) may be~~
 391 ~~legally expended, a district school board may spend no more than~~
 392 ~~the following percentages of the amount the district spent for~~
 393 ~~these purposes in fiscal year 1995-1996:~~

394
 395 ~~1. In fiscal year 2000-2001, 40 percent.~~

396
 397 ~~2. In fiscal year 2001-2002, 25 percent.~~

398
 399 ~~3. In fiscal year 2002-2003, 10 percent.~~

400
 401 (b) ~~(e)~~ Beginning July 1, 2003, revenue generated by the
 402 millage levy authorized by subsection (2) must be used only for
 403 the purposes delineated in paragraph (a).

404
 405 (c) ~~(d)~~ Notwithstanding any other provision of this subsection,
 406 if through its adopted educational facilities plan a district has

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407 clearly identified the need for an ancillary plant, has provided
 408 opportunity for public input as to the relative value of the
 409 ancillary plant versus an educational plant, and has obtained
 410 public approval, the district may use revenue generated by the
 411 millage levy authorized by subsection (2) for the acquisition,
 412 construction, renovation, remodeling, maintenance, or repair of
 413 an ancillary plant.

414
 415 A district that violates these expenditure restrictions shall
 416 have an equal dollar reduction in funds appropriated to the
 417 district under s. 1011.62 in the fiscal year following the audit
 418 citation. The expenditure restrictions do not apply to any school
 419 district that certifies to the Commissioner of Education that all
 420 of the district's instructional space needs for the next 5 years
 421 can be met from capital outlay sources that the district
 422 reasonably expects to receive during the next 5 years or from
 423 alternative scheduling or construction, leasing, rezoning, or
 424 technological methodologies that exhibit sound management.

425
 426 Section 6. Paragraph (a) of Subsection (1) and Paragraph
 427 (a) of Subsection (3) of Section 1013.64, Florida Statutes are
 428 amended to read:

429
 430 1013.64 Funds for comprehensive educational plant needs;
 431 construction cost maximums for school district capital projects.-
 432 -Allocations from the Public Education Capital Outlay and Debt
 433 Service Trust Fund to the various boards for capital outlay
 434 projects shall be determined as follows:

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436 (1) (a) Funds for remodeling, renovation, maintenance, repairs,
 437 and site improvement for existing satisfactory facilities shall
 438 be given priority consideration by the Legislature for
 439 appropriations allocated to the boards from the total amount of
 440 the Public Education Capital Outlay and Debt Service Trust Fund
 441 appropriated. These funds shall be calculated pursuant to the
 442 following basic formula: the building value times the building
 443 age over the sum of the years' digits assuming a 50-year building
 444 life. For modular non-combustible facilities 35 year life and for
 445 relocatable facilities, a 20-year life shall be used. "Building
 446 value" is calculated by multiplying each building's total
 447 assignable square feet times the appropriate net-to-gross
 448 conversion rate found in state board rules and that product times
 449 the current average new construction cost. "Building age" is
 450 calculated by multiplying the prior year's building age times 1
 451 minus the prior year's sum received from this subsection divided
 452 by the prior year's building value. To the net result shall be
 453 added the number 1. Each board shall receive the percentage
 454 generated by the preceding formula of the total amount
 455 appropriated for the purposes of this section

456
 457 (3) (a) Each district school board shall receive an amount from
 458 the Public Education Capital Outlay and Debt Service Trust Fund
 459 to be calculated by computing the capital outlay full-time
 460 equivalent membership as determined by the department. Such
 461 membership must include, but is not limited to:

- 462
 463 1. K-12 students for whom the school district is required to
 464 provide the educational facility and the educational program,

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465 | except hospital and homebound part-time students; and
466 | 2. Students who are career education students, and adult
467 | disabled students and who are enrolled in school district career
468 | centers. The capital outlay full-time equivalent membership shall
469 | be determined for kindergarten through the 12th grade and for
470 | career centers by averaging the unweighted full-time equivalent
471 | student membership for the second and third surveys and comparing
472 | the results on a school-by-school basis with the Florida
473 | Inventory for School Houses. The capital outlay full-time
474 | equivalent membership by grade level organization shall be used
475 | in making the following calculations: The capital outlay full-
476 | time equivalent membership by grade level organization for the
477 | 4th prior year must be used to compute the base-year allocation.
478 | The capital outlay full-time equivalent membership by grade-level
479 | organization for the prior year must be used to compute the
480 | growth over the highest of the 3 years preceding the prior year.
481 | From the total amount appropriated by the Legislature pursuant to
482 | this subsection, 40 percent shall be allocated among the base
483 | capital outlay full-time equivalent membership and 60 percent
484 | among the growth capital outlay full-time equivalent membership.
485 | The allocation within each of these groups shall be prorated to
486 | the districts based upon each district's percentage of base and
487 | growth capital outlay full-time membership. The most recent 4-
488 | year capital outlay full-time equivalent membership data shall be
489 | used in each subsequent year's calculation for the allocation of
490 | funds pursuant to this subsection. If a change, correction, or
491 | recomputation of data during any year results in a reduction or
492 | increase of the calculated amount previously allocated to a
493 | district, the allocation to that district shall be adjusted

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494 | correspondingly. If such recomputation results in an increase or
495 | decrease of the calculated amount, such additional or reduced
496 | amounts shall be added to or reduced from the district's future
497 | appropriations. However, no change, correction, or recomputation
498 | of data shall be made subsequent to 2 years following the initial
499 | annual allocation.

500 | (b) Funds accruing to a district school board from the
501 | provisions of this section shall be expended on needed projects
502 | as shown by survey or surveys under the rules of the State Board
503 | of Education.

504 | (c) A district school board may lease relocatable educational
505 | facilities for up to 3 years using nonbonded PECO funds and for
506 | any time period using local capital outlay millage.

507 | (d) Funds distributed to the district school boards shall be
508 | allocated solely based on the provisions of paragraphs (1)(a) and
509 | (2)(a) and paragraph (a) of this subsection. No individual school
510 | district projects shall be funded off the top of funds allocated
511 | to district school boards.

512

513 | Section 7. This act shall take effect July 1, 2007.

514