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Voucher Bargain May Cost Taxpayers

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TALLAHASSEE -- Two Internet schools, including one run by politically connected William Bennett, got state permission to give "virtual school" vouchers to children who did not attend public school last year, despite a law that says exactly the opposite.

Lobbyists for the two companies sold the \$4.8 million "pilot program" to reluctant lawmakers on the promise that the proposal -- which in May stood on the brink of extinction in the final days of budget negotiations -- would save the state \$700,000 if enrollment were limited only to those children leaving traditional public schools.

But just two months later, Department of Education officials allowed companies to enroll both kindergartners and first-graders without public school experience -- a modification that, rather than saving any money, actually may cost taxpayers as much as \$950,000, according to a *Palm Beach Post* analysis.

The department's decision infuriated state Sen. Ken Pruitt, chairman of the Budget Committee and the chief proponent of a 1999 statute that forbids an agency from creating policy beyond the specific limits set forth in law.

Pruitt, R-Port St. Lucie, the likely Senate president in 2006, said the department should rewrite its bid proposal, this time following "proviso" language in the state budget that created the program.

That language defined enrollment eligibility in a single sentence: "Eligibility is limited to students who were enrolled and in attendance at a Florida public school and during the prior school year."

"They need to go back to the drawing board," Pruitt said. "Shame on DOE for allowing it to go forward, and shame on the groups out there for abusing our trust. You give these people an inch and they take a mile."

Documents show that the Department of Education in its original June 30 "request for proposals" said that kindergartners would be exempt from the requirements for previous-year enrollment. Officials in a July 11 memo expanded that to also exempt first-graders. Both exemptions contradict the limit approved by the legislature and signed into law by Gov. Jeb Bush.

But department spokeswoman Frances Marine said no law has been broken. "Compulsory schooling does not begin until age 6, so if children are not required to be in school then it doesn't make any sense to require students to have been in public schools," Marine said. "We believe the RFP to be in compliance with the intent of the law."

Said Pruitt: "It doesn't matter. They cannot go beyond the law."

1,000 students

Florida Virtual Academy, based in Virginia, and Connections Academy, based in Maryland, are splitting the contract to teach a total of 1,000 Florida students in full-time Web-based classrooms.

The companies advertised that kindergarten and first-grade students were exempt from the provision that required them to have been previous public school students, which follows the state contract guidelines.

"The Department of Education realized if they took that law literally there wouldn't be any children in kindergarten or first grade. It was a DOE decision," said Connections Academy spokeswoman Mickey Revenaugh.

The virtual programs must also be created as "independent public schools," according to the new law, which consists of one paragraph in the nearly 400-page state budget. Florida's school code loosely defines a public school as one that is "publicly supported and controlled" and "operated under the control of district school boards" or by state universities.

Democratic legislators, who already had concerns about the \$4,800-per-student price tag of the program, now question how Internet schools created by for-profit companies fit the public school definition.

"How in your wildest imagination can this be called a public school?" said Rep. Suzanne M. Kosmas, D-New Smyrna Beach, who noted that even charter schools are required to be not-for-profit. "I've never heard of a for-profit public school."

She and other critics complained during the spring legislative session that the real intent of the virtual school was to help home-school parents get a free computer and to put money in the pocket of Bennett, who served as President Reagan's education secretary, led former President George Bush's anti-drug program and more recently has acknowledged losing millions of dollars through casino gambling.

But Rep. Joe Pickens, R-Palatka, who sponsored the House class-size bill that originally included the virtual schools, defended the program and denied it was designed to enrich Bennett.

Pickens said it's not unusual for school districts to contract with private firms for specific services. And, he added, the virtual schools, which are in a one-year contract, are required like public schools to teach the Sunshine State Standards and administer the FCAT. "These for-profit companies were available and already operating in other states," Pickens said.

Students get computer

Bennett founded his Virginia-based K12 company in 1999, and it now serves more than 11,000 students in 11 states. The smaller Connections Academy by Sylvan has 2,000 students in six states, including Florida.

K12 spokesman Charles Zogby said investors put up \$70 million to build Bennett's company, which developed its own curriculum geared for online learning.

In other states, K12 operates as either a charter school, as an extension of a public school district or through a university. But in Florida, possibly because of the "independent public school" requirement in the law, the company created the "Florida Virtual Academy," which can be accessed at www.flva.org.

For the \$4,800 voucher, every Florida Virtual Academy student receives a computer, modem, Internet access and school materials such as workbooks and educational CDs. The computer is on loan and must be returned if the student withdraws or graduates from the program, which covers kindergarten through eighth grade.

Zogby said one of the biggest benefits is that classwork can be done at the convenience of parents and students. That's important because the parent is required to work closely with the student. K12's Web site explains that a student, especially a young one, is expected to spend only 20 to 25 percent of his time in front of the computer each day.

A parent is expected to spend five hours every day working with his child on school activities and is required to evaluate and grade some classwork. The Florida Virtual Academy has seven teachers -- all Florida certified, according to Zogby -- for 500 students, giving it a 71-1 student-teacher ratio. Teachers must contact families at least twice a month.

"But it's not uncommon for parents and teachers to have contact through e-mails or other phone calls, particularly when students are first getting set up," Zogby said.

The heavy parent involvement is different from the state's original online school, the not-for-profit Florida Virtual School. Set up in 1997, the school has grown to 19,000 students in grades seven through 12. Teachers at the school, which is governed by a board of directors appointed by Bush, are the only ones who teach the classes.

But the Florida Virtual School is primarily a supplement for students enrolled in a regular public school. About 72 percent of the Florida Virtual School's students are already enrolled in a regular public school, 22 percent are considered home-school students and the remainder are in private schools.

Pickens' wife was a teacher at the Florida Virtual School last year. The Palatka lawmaker said that, despite opponents' claims the new law was written to benefit Bennett, Pickens first asked the Florida Virtual School if it wanted to expand to offer classes to students in elementary school.

"We decided we were not ready to move to elementary at that time," said Julie Young, executive director of the Florida Virtual School, who has concerns about an increase in virtual schools.

"Where the rub comes in is when public money is being spent but the public employee is not the one fully accountable for the learning process."

Single paragraph

The original virtual school law was included in the bill to implement the class-size amendment, alongside several other voucher programs touted by Republicans.

When Senate Democrats refused to take on the bill with so many voucher plans, the virtual schools disappeared from the legislation, but showed up again as a line item in the "education enhancement trust fund" budget -- lottery money.

That budget line that defines a K-8 virtual school is one paragraph long. That differs starkly, for example, from the detailed law that created charter schools six years ago, which ran 10 pages.

Mark Pudlow, spokesman for the Florida Education Association, said the lack of detail in the virtual school law is a problem: "There is such a rush to get these things set up and to dump money into them that they're not being thought out properly."

Bennett's company and Sylvan were the only two that applied. They were awarded the contracts on Aug. 1. Both groups scrambled to recruit students. More than 1,000 applications were filled out for K12, which began classes Sept. 15. Connections Academy took 900 applications, and its classes began Sept. 10.

"Everywhere we went we had families who said this was exactly what they were looking for for their children," said Revenaugh of Connections Academy. "We're clearly meeting the needs of families in Florida."