

September 16, 2013

Federal Communications Commission  
Re: ID: FCC-2013-0315-0001

Florida Virtual School (FLVS) is an established leader in developing and providing virtual Kindergarten- 12 education solutions to students all over Florida, the U.S. and the world. A nationally recognized e-Learning model and recipient of numerous awards, FLVS was founded in 1997 and was the country's first, statewide Internet-based public high school. Today, FLVS serves students in kindergarten-12th grades and provides a variety of custom solutions for schools and districts to meet student needs.

While we applaud the efforts of the FCC to modernize the eRate program, we are dismayed that the fundamental requirements to participate will still be based upon having a physical school building with physical classrooms where students may attend school. The definition of "eligible schools and libraries" does not appear to be changed to include programs where all instruction is virtual. Therefore, despite the adoption of virtual learning across the nation, and despite the success and cost efficiencies of virtual programs, they are again excluded from participation in eRate.

A second concern with this program is the reliance on CIPA compliance to qualify for eRate discounts. This is from <http://www.fcc.gov/guides/childrens-internet-protection-act>.

*Schools and libraries subject to CIPA may not receive the discounts offered by the E-rate program unless they certify that they have an Internet safety policy that includes technology protection measures. The protection measures must block or filter Internet access to pictures that are: (a) obscene; (b) child pornography; or (c) harmful to minors (for computers that are accessed by minors). Before adopting this Internet safety policy, schools and libraries must provide reasonable notice and hold at least one public hearing or meeting to address the proposal.*

*Schools subject to CIPA have two additional certification requirements: 1) their Internet safety policies must include monitoring the online activities of minors; and 2) as required by the Protecting Children in the 21st Century Act, they must provide for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.*

Based on the above language, no virtual school will qualify if students are working from home where it's not possible to monitor or filter internet content. Virtual programs can, and do, monitor content that is provided by the virtual program directly or through external links, but cannot monitor or filter activity from internet access at home. This essentially precludes any virtual program, therefore, from qualifying for eRate discounts.

**Florida Virtual School (FLVS)** had 314,593 supplemental course enrollments in 2011-12, a 21% annual increase. In 2000, legislation established FLVS as an independent education entity.

Legislation enacted in 2002 and 2003 granted parental rights for public school choice,<sup>1</sup> listed FLVS as an option, and defined full-time equivalent (FTE) students for FLVS based on “course completion and performance” rather than on seat time. The program had 1,155 full-time teachers and 492 part-time teachers as of June 30, 2012. FLVS is governed by Florida Statute 1002.37;<sup>2</sup> students retain the right to choose FLVS courses to satisfy their educational goals.

FLVS runs a full-time online option, **FLVS FT**, operated in partnership with Connections Academy for grades K-12. The full-time online school served a total of 2,468 students in grades K-8 in SY 2011-12.

A summary of the eRate eligible costs for 2011-12 appears below:

FY11/12	Internet cost/year	Phone cost/year	Total Cost/year	Total participants	Annual Total
<b>Students</b>	\$360	n/a	\$360	141,642	\$50,991,120
<b>Teachers</b>	\$300	\$480	\$780	1,412	\$1,101,360
<b>District</b>	\$58,616	\$261,704	\$320,320	n/a	\$320,320
<b>TOTAL</b>					\$52,412,800

As you can see, Florida Virtual School (and our students who work from home) spent in excess of \$52 Million dollars on technology-related infrastructure costs (internet and voice) towards education. All of this was in the context of delivering instruction and instructional support to our students in the state of Florida. 45% of the student population came from Rural, Low Performing or High Minority schools. None of it was eligible for eRate discounts. This demonstrates the current inequities of the eRate program.

We look forward to further discussion and edification of the new eRate program to address and fix the inequities currently inherent in the system regarding virtual education programs. Thank you for your time and attention.

Sincerely,

Holly B. Sagues  
Chief Policy Officer

<sup>1</sup> Florida Statutes 1002.20 and 1001.42 regarding school choice; retrieved July 2, 2013, [http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=1002.20&URL=1000-1099/1002/Sections/1002.20.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=1002.20&URL=1000-1099/1002/Sections/1002.20.html) and

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=1001.42&URL=1000-1099/1001/Sections/1001.42.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=1001.42&URL=1000-1099/1001/Sections/1001.42.html)

<sup>2</sup> Florida Statute 1002.37; retrieved July 2, 2013, [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=1000-1099/1002/Sections/1002.37.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.37.html)