

1 A bill to be entitled

2 An act relating to digital learning; amending s.
3 1002.45, F.S.; revising requirements relating to
4 virtual instruction programs provided by school
5 districts; allowing individuals or organizations who
6 provide individual online courses, including massive
7 open online courses, measured by statewide assessments
8 to apply for approval as a state-level provider;
9 providing that such courses are eligible for inclusion
10 in district virtual instruction programs; including
11 certified adjunct instructors as eligible to teach
12 online courses; revising requirements for approval as
13 providers of virtual instruction; providing
14 accountability measures for providers of online
15 courses; amending s. 1007.01, F.S.; requiring the
16 Articulation Coordinating Committee to recommend a
17 funding model and financial accountability mechanism
18 for providers of online courses; amending s. 1007.24
19 F.S.; including online courses provided by approved
20 providers in the statewide course numbering system;
21 amending s. 1011.62, F.S.; requiring the State Board
22 of Education to adopt rules establishing programs and
23 courses for which students earn credit for graduation,
24 including online courses provided by approved
25 providers and included in the course code directory;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29

30 Section 1. Paragraph (b) of subsection (1), paragraph (a)
31 of subsection (2), and paragraph (a) of subsection (8) of
32 section 1002.45, Florida Statutes, are amended to read:

33 1002.45 Virtual instruction programs.—

34 (1) PROGRAM.—

35 (b) Each school district that is eligible for the sparsity
36 supplement pursuant to s. 1011.62(7)(a) and (b) shall provide
37 all enrolled public school students within its boundaries the
38 option of participating in part-time and full-time virtual
39 instruction programs. Each school district that is not eligible
40 for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b)
41 shall provide at least three options for part-time and full-time
42 virtual instruction. All school districts must provide parents
43 with timely written notification of at least one open enrollment
44 period for full-time students of 90 days or more which ends 30
45 days before the first day of the school year. The purpose of the
46 program is to make quality virtual instruction available to
47 students using online and distance learning technology in the
48 nontraditional classroom. A school district virtual instruction
49 program shall consist of the following:

50 1. Full-time and part-time virtual instruction for
51 students enrolled in kindergarten through grade 12.

52 2. Part-time virtual instruction consisting of an
53 individual course or courses, including massive open online
54 courses, for students enrolled in kindergarten through grade 12
55 courses that are measured pursuant to subparagraph (8)(a)2.

56 3. Full-time or part-time virtual instruction for students

57 enrolled in dropout prevention and academic intervention
58 programs under s. 1003.53, Department of Juvenile Justice
59 education programs under s. 1003.52, core-curricula courses to
60 meet class size requirements under s. 1003.03, or Florida
61 College System institutions under this section.

62 (2) PROVIDER QUALIFICATIONS.—

63 (a) The department shall annually publish online a list of
64 providers approved to offer virtual instruction programs or
65 online courses, including, but not limited to, massive open
66 online courses that can be measured pursuant to subparagraph
67 (8)(a)2. To be approved by the department, a provider must
68 document that it:

69 1. Is nonsectarian in its programs, admission policies,
70 employment practices, and operations;

71 2. Complies with the antidiscrimination provisions of s.
72 1000.05;

73 3. ~~Locates an administrative office or offices in this~~
74 ~~state, requires its administrative staff to be state residents,~~
75 Requires all instructional staff to be Florida-certified
76 teachers under chapter 1012 or certified as adjunct educators
77 under s. 1012.57, and conducts background screenings for all
78 employees or contracted personnel, as required by s. 1012.32,
79 using state and national criminal history records;

80 4. Provides to parents and students specific information
81 posted and accessible online that includes, but is not limited
82 to, the following teacher-parent and teacher-student contact
83 information for each course:

84 a. How to contact the instructor via phone, e-mail, or

85 online messaging tools.

86 b. How to contact technical support via phone, e-mail, or
87 online messaging tools.

88 c. How to contact the administration office or an
89 individual offering online courses, including, but not limited
90 to, massive open online courses, via phone, e-mail, or online
91 messaging tools.

92 d. Any requirement for regular contact with the instructor
93 for the course and clear expectations for meeting the
94 requirement.

95 e. The requirement that the instructor in each course,
96 with the exception of individuals offering online courses,
97 including, but not limited to, massive open online courses,
98 must, at a minimum, conduct one contact via phone with the
99 parent and the student each month.

100 ~~5.4.~~ Possesses prior, successful experience offering
101 online courses to elementary, middle, or high school students as
102 demonstrated by quantified student learning gains in each
103 subject area and grade level provided for consideration as an
104 instructional program option;

105 ~~6.5.~~ Is accredited by a regional accrediting association
106 as defined by State Board of Education rule;

107 ~~7.6.~~ Ensures instructional and curricular quality through
108 a detailed curriculum and student performance accountability
109 plan that addresses every subject and grade level it intends to
110 provide through contract with the school district, including:

111 a. Courses and programs that meet the standards of the
112 International Association for K-12 Online Learning and the

113 Southern Regional Education Board.

114 b. Instructional content and services that align with, and
115 measure student attainment of, student proficiency in the Next
116 Generation Sunshine State Standards.

117 c. Mechanisms that determine and ensure that a student has
118 satisfied requirements for grade level promotion and high school
119 graduation with a standard diploma, as appropriate;

120 8.7. Publishes for the general public, in accordance with
121 disclosure requirements adopted in rule by the State Board of
122 Education, as part of its application as a provider and in all
123 contracts negotiated pursuant to this section:

124 a. Information and data about the curriculum of each full-
125 time and part-time program.

126 b. School policies and procedures.

127 c. Certification status and physical location of all
128 administrative and instructional personnel.

129 d. Hours and times of availability of instructional
130 personnel.

131 e. Student-teacher ratios.

132 f. Student completion and promotion rates.

133 g. Student, educator, and school performance
134 accountability outcomes;

135 9.8. If the provider is a Florida College System
136 institution, employs instructors who meet the certification
137 requirements for instructional staff under chapter 1012; and

138 10.9. Performs an annual financial audit of its accounts
139 and records conducted by an independent certified public
140 accountant which is in accordance with rules adopted by the

141 Auditor General, is conducted in compliance with generally
142 accepted auditing standards, and includes a report on financial
143 statements presented in accordance with generally accepted
144 accounting principles.

145
146 A person or organization seeking to offer online courses
147 pursuant to this paragraph is not subject to subparagraph 6.,
148 9., and 10., sub-subparagraphs 8.a. and b., and paragraphs
149 (8) (c) and (d).

150 (8) ASSESSMENT AND ACCOUNTABILITY.—

151 (a) Each approved provider contracted under this section
152 must:

153 1. Participate in the statewide assessment program under
154 s. 1008.22 and in the state's education performance
155 accountability system under s. 1008.31.

156 2. Receive a school grade under s. 1008.34 or a school
157 improvement rating under s. 1008.341, as applicable. The school
158 grade or school improvement rating received by each approved
159 provider shall be based upon the aggregated assessment scores of
160 all students served by the provider statewide. The department
161 shall publish the school grade or school improvement rating
162 received by each approved provider on its Internet website. The
163 department shall develop an evaluation method for providers of
164 part-time programs and courses which includes the percentage of
165 students making learning gains, the percentage of students
166 successfully passing any required end-of-course assessment, the
167 percentage of students taking Advanced Placement examinations,
168 and the percentage of students scoring 3 or higher on an

169 Advanced Placement examination.

170 Section 2. Paragraph (i) is added to subsection (3) of
171 section 1007.01, Florida Statutes, to read:

172 1007.01 Articulation; legislative intent; purpose; role of
173 the State Board of Education and the Board of Governors;
174 Articulation Coordinating Committee.—

175 (3) The Commissioner of Education, in consultation with
176 the Chancellor of the State University System, shall establish
177 the Articulation Coordinating Committee which shall make
178 recommendations related to statewide articulation policies to
179 the Higher Education Coordination Council, the State Board of
180 Education, and the Board of Governors. The committee shall
181 consist of two members each representing the State University
182 System, the Florida College System, public career and technical
183 education, public K-12 education, and nonpublic education and
184 one member representing students. The chair shall be elected
185 from the membership. The committee shall:

186 (i) Recommend by December 31, 2013, a funding model and a
187 financial accountability mechanism for funding and assessing an
188 approved organization or an individual offering online courses,
189 including, but not limited to, massive open online courses. This
190 paragraph expires July 1, 2014.

191 Section 3. Subsection (6) of section 1007.24, Florida
192 Statutes, is amended to read:

193 1007.24 Statewide course numbering system.—

194 (6) Providers of online courses and nonpublic colleges and
195 schools that are fully accredited by a regional or national
196 accrediting agency recognized by the United States Department of

CS/HB 843

2013

197 Education and are either eligible to participate in the William
198 L. Boyd, IV, Florida Resident Access Grant or have been issued a
199 regular license pursuant to s. 1005.31, may participate in the
200 statewide course numbering system pursuant to this section.
201 Participating providers, colleges, and schools shall bear the
202 costs associated with inclusion in the system and shall meet the
203 terms and conditions for institutional participation in the
204 system. The department shall adopt a fee schedule that includes
205 the expenses incurred through data processing, faculty task
206 force travel and per diem, and staff and clerical support time.
207 Such fee schedule may differentiate between the costs associated
208 with initial course inclusion in the system and costs associated
209 with subsequent course maintenance in the system. Decisions
210 regarding initial course inclusion and subsequent course
211 maintenance must be made within 360 days after submission of the
212 required materials and fees by the institution. The Department
213 of Education may select a date by which providers and colleges
214 must submit requests for new courses to be included, and may
215 delay review of courses submitted after that date until the next
216 year's cycle. Any college that currently participates in the
217 system, and that participated in the system prior to July 1,
218 1986, shall not be required to pay the costs associated with
219 initial course inclusion in the system. Fees collected for
220 participation in the statewide course numbering system pursuant
221 to the provisions of this section shall be deposited in the
222 Institutional Assessment Trust Fund. Any provider and nonpublic,
223 nonprofit college or university that is eligible to participate
224 in the statewide course numbering system shall not be required

CS/HB 843

2013

225 to pay the costs associated with participation in the system. No
226 provider, college, or school shall record student transcripts or
227 document courses offered by the provider, college, or school in
228 accordance with this subsection unless the provider, college, or
229 school is actually participating in the system pursuant to rules
230 of the State Board of Education. Any college or school deemed to
231 be in violation of this section shall be subject to the
232 provisions of s. 1005.38.

233 Section 4. Paragraph (t) of subsection (1) of section
234 1011.62, Florida Statutes, is amended to read:

235 1011.62 Funds for operation of schools.—If the annual
236 allocation from the Florida Education Finance Program to each
237 district for operation of schools is not determined in the
238 annual appropriations act or the substantive bill implementing
239 the annual appropriations act, it shall be determined as
240 follows:

241 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
242 OPERATION.—The following procedure shall be followed in
243 determining the annual allocation to each district for
244 operation:

245 (t) Computation for funding through the Florida Education
246 Finance Program.—The State Board of Education shall ~~may~~ adopt
247 rules establishing programs and courses for which the student
248 shall ~~may~~ earn credit toward high school graduation. These
249 courses shall include online courses, including, but not limited
250 to, massive open online courses offered by approved providers of
251 online courses, and such courses must be identified in the
252 course code directory.

CS/HB 843

2013

253

Section 5. This act shall take effect July 1, 2013.