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14 ~~available to students during and after the normal school day and~~  
15 ~~through summer school enrollment.~~

16 Section 2. Subsection (6) is added to section 1002.321,  
17 Florida Statutes, to read:

18 1002.321 Digital learning.—

19 (6) ONLINE CATALOG.—The department shall develop an online  
20 catalog of available digital learning courses provided pursuant  
21 to ss. 1002.37, 1002.45, 1003.498, and 1003.499, which provides,  
22 for each course, access to the course description, completion  
23 and passage rates, and a method for student and teacher users to  
24 provide evaluative feedback.

25 Section 3. Subsection (6) and paragraph (c) of subsection  
26 (9) of section 1002.37, Florida Statutes, are amended, and  
27 subsection (11) is added to that section, to read:

28 1002.37 The Florida Virtual School.—

29 (6) The board of trustees shall annually submit to the  
30 Governor, the Legislature, the Commissioner of Education, and  
31 the State Board of Education a complete and detailed report  
32 setting forth:

33 (a) The operations and accomplishments of the Florida  
34 Virtual School within the state and those occurring outside the  
35 state as Florida Virtual School Global.

36 (b) The marketing and operational plan for the Florida  
37 Virtual School and Florida Virtual School Global, including  
38 recommendations regarding methods for improving the delivery of  
39 education through the Internet and other distance learning  
40 technology.

41 (c) The assets and liabilities of the Florida Virtual  
42 School and Florida Virtual School Global at the end of the



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43 fiscal year.

44 (d) A copy of an annual financial audit of the accounts and  
45 records of the Florida Virtual School and Florida Virtual School  
46 Global, conducted by an independent certified public accountant  
47 and performed in accordance with rules adopted by the Auditor  
48 General.

49 (e) Recommendations regarding the unit cost of providing  
50 services to students through the Florida Virtual School and  
51 Florida Virtual School Global. In order to most effectively  
52 develop public policy regarding any future funding of the  
53 Florida Virtual School, it is imperative that the cost of the  
54 program is accurately identified. The identified cost of the  
55 program must be based on reliable data.

56 (f) Recommendations regarding an accountability mechanism  
57 to assess the effectiveness of the services provided by the  
58 Florida Virtual School and Florida Virtual School Global.

59 (9)

60 (c) Unless an alternative testing site is mutually agreed  
61 to by the Florida Virtual School and the school district or as  
62 contracted under s. 1008.24, all statewide assessments must be  
63 taken at the school to which the student would be assigned  
64 according to district school board attendance areas. A school  
65 district must provide the student with access to the school's  
66 testing facilities.

67 (11) The Auditor General shall conduct an operational audit  
68 of the Florida Virtual School, including Florida Virtual School  
69 Global. The scope of the audit shall include, but not be limited  
70 to, the administration of responsibilities relating to  
71 personnel; procurement and contracting; revenue production;



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72 school funds, including internal funds; student enrollment  
73 records; franchise agreements; information technology  
74 utilization, assets, and security; performance measures and  
75 standards; and accountability. The final report on the audit  
76 shall be submitted to the President of the Senate and the  
77 Speaker of the House of Representatives no later than January  
78 31, 2014.

79 Section 4. Subsection (14) of section 1003.01, Florida  
80 Statutes, is amended to read:

81 1003.01 Definitions.—As used in this chapter, the term:

82 (14) "Core-curricula courses" means:

83 (a) Courses in language arts/reading, mathematics, social  
84 studies, and science in prekindergarten through grade 3,  
85 excluding any extracurricular courses pursuant to subsection  
86 (15);

87 (b) Courses in grades 4 through 8 in subjects that are  
88 measured by state assessment at any grade level and courses  
89 required for middle school promotion, excluding any  
90 extracurricular courses pursuant to subsection (15);

91 (c) Courses in grades 9 through 12 in subjects that are  
92 measured by state assessment at any grade level and courses that  
93 are specifically identified by name in statute as required for  
94 high school graduation and that are not measured by state  
95 assessment, excluding any extracurricular courses pursuant to  
96 subsection (15);

97 (d) Exceptional student education courses; and

98 (e) English for Speakers of Other Languages courses.

99  
100 The term is limited in meaning and used for the sole purpose of



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101 designating classes that are subject to the maximum class size  
102 requirements established in s. 1, Art. IX of the State  
103 Constitution. This term does not include courses offered under  
104 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.415, and  
105 1002.45, and 1003.499.

106 Section 5. Section 1003.498, Florida Statutes, is amended to  
107 read:

108 1003.498 School district virtual course offerings.—

109 (1) School districts may deliver courses in the traditional  
110 school setting by personnel certified pursuant to s. 1012.55 who  
111 provide direct instruction through virtual instruction or  
112 through blended learning courses consisting of both traditional  
113 classroom and online instructional techniques. Students in a  
114 blended learning course must be full-time students of the school  
115 and receive the online instruction in a classroom setting at the  
116 school. The funding, performance, and accountability  
117 requirements for blended learning courses are the same as those  
118 for traditional courses. To facilitate the delivery and coding  
119 of blended learning courses, the department shall provide  
120 identifiers for courses to designate courses that are used for  
121 blended learning for the efficient reporting of such courses.

122 (2) School districts may offer virtual courses for students  
123 enrolled in the school district. These courses must be  
124 identified in the course code directory. Students who meet the  
125 eligibility requirements of s. 1002.455 may participate in these  
126 virtual course offerings.

127 (a) Any eligible student who is enrolled in a school  
128 district may register and enroll in an online course offered by  
129 his or her school district.



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130           (b)1. Any eligible student who is enrolled in a school  
131 district may register and enroll in an online course offered by  
132 any other school district in the state, ~~except as limited by the~~  
133 ~~following:~~

134           ~~1. A student may not enroll in a course offered through a~~  
135 ~~virtual instruction program provided pursuant to s. 1002.45.~~

136           ~~2. A student may not enroll in a virtual course offered by~~  
137 ~~another school district if:~~

138           ~~a. The course is offered online by the school district in~~  
139 ~~which the student resides; or~~

140           ~~b. The course is offered in the school in which the student~~  
141 ~~is enrolled. However, a student may enroll in an online course~~  
142 ~~offered by another school district if the school in which the~~  
143 ~~student is enrolled offers the course but the student is unable~~  
144 ~~to schedule the course in his or her school.~~

145           ~~3. The school district in which the student completes the~~  
146 ~~course shall report the student's completion of that course for~~  
147 ~~funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home~~  
148 ~~school district shall not report the student for funding for~~  
149 ~~that course.~~

150           2. For purposes of this paragraph, the combined total of  
151 all school district reported FTE may not be reported as more  
152 than 1.0 full-time equivalent student in any given school year.  
153 The Department of Education shall establish procedures to enable  
154 interdistrict coordination for the delivery and funding of this  
155 online option.

156           (3) Access to courses shall be available to students during  
157 the normal school day. A school district may not require a  
158 public school student to take a course outside the school day



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159 which is in addition to the student's courses for a given term  
160 or on school grounds.

161 Section 6. Section 1003.499, Florida Statutes, is created  
162 to read:

163 1003.499 Florida Approved Courses and Tests (FACT)  
164 Initiative.-

165 (1) PURPOSE.-

166 (a) The purpose of the initiative shall be to make  
167 available multiple options to suit unique student interests,  
168 satisfy educational requirements, and accelerate student  
169 accomplishment of goals in a productive and effective manner.  
170 The Legislature intends that state and local rules, policies,  
171 and administrative decisions are flexible in interpreting and  
172 implementing the requirements in this section in order to  
173 encourage creative, innovative, resourceful, and forward-  
174 thinking practices that can be modeled throughout this state and  
175 the country.

176 (b) Beginning in the 2015-2016 school year, the Florida  
177 Approved Courses and Tests (FACT) Initiative shall be  
178 implemented to expand student choices in selecting high-quality  
179 online courses, including, but not limited to, massive open  
180 online courses and instruction included under subsection (2) for  
181 promotion or graduation. Such courses and instruction may be  
182 provided using a blended learning model that shall include  
183 components such as differentiated instruction, flexible  
184 scheduling, differentiated teaching, and self-paced learning.  
185 Instruction through the blended learning model may be provided  
186 using online instructional videos, online class forums, and  
187 online homework assignments and projects, coupled with one-on-



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188 one direct instructional support to students.

189 (2) FLORIDA APPROVED COURSES.—The Department of Education  
190 shall annually publish online a list of providers approved to  
191 offer Florida approved courses which shall be listed in the  
192 online catalog pursuant to s. 1002.321(6).

193 (a) As used in this section, the term "Florida approved  
194 courses" means online courses provided by individuals which  
195 include, but are not limited to, massive open online courses or  
196 remedial education associated with the courses that are measured  
197 pursuant to s. 1008.22. Massive open online courses may be  
198 authorized in the following subject areas: Algebra I, biology,  
199 geometry, and civics. Courses may be applied toward requirements  
200 for promotion or graduation in whole, in subparts, or in a  
201 combination of whole and subparts. A student may not be required  
202 to repeat subparts that are satisfactorily completed.

203 (b) A Florida approved course must be annually identified,  
204 approved, published, and shared for consideration by interested  
205 students and school districts. The Commissioner of Education  
206 shall approve each Florida approved course for application in K-  
207 12 public schools in accordance with rules of the State Board of  
208 Education.

209 (3) PROVIDER REQUIREMENTS.—

210 (a) To be approved by the Department of Education, an  
211 individual provider must provide all the following documentation  
212 that demonstrates that he or she:

213 1. Is nonsectarian regarding courses, enrollment policies,  
214 employment practices, and operations.

215 2. Complies with the antidiscrimination provisions of s.  
216 1000.05.





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217           3. Requires all instructional staff to be Florida-certified  
218 teachers under chapter 1012 or certified as adjunct educators  
219 under s. 1012.57 and conducts background screenings for all  
220 employees or contracted personnel, as required by s. 1012.32,  
221 using state and national criminal history records.

222           4. Provides to parents and students specific information  
223 posted and accessible online which includes, but is not limited  
224 to, the following teacher-parent and teacher-student contact  
225 information for each course:

226           a. How to contact the instructor via telephone, e-mail, or  
227 online messaging tools.

228           b. How to contact technical support via telephone, e-mail,  
229 or online messaging tools.

230           c. How to contact the administration office or an  
231 individual offering online courses, including, but not limited  
232 to, massive open online courses, via telephone, e-mail, or  
233 online messaging tools.

234           d. Any requirement for regular contact with the instructor  
235 for the course and clear expectations for meeting the  
236 requirement.

237           5. Possesses prior, successful experience offering online  
238 courses to elementary, middle, or high school students as  
239 demonstrated by quantified student learning gains or student  
240 growth in each subject area and grade level provided for  
241 consideration as an instructional program option. However, for a  
242 provider without sufficient prior, successful experience  
243 offering online courses, the department may conditionally  
244 approve the provider to offer courses measured by statewide  
245 assessment program pursuant to s. 1008.22. Conditional approval



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246 is valid for 1 year. Renewal of provider approval is contingent  
247 on sufficient performance data available demonstrating success  
248 in accordance with this section and State Board of Education  
249 rule.

250 6. Ensures instructional and curricular quality through a  
251 detailed curriculum and student performance accountability plan  
252 that addresses every subject and grade level that the provider  
253 intends to provide through contract with the school district,  
254 including all of the following:

255 a. Courses and programs that meet the standards of the  
256 International Association for K-12 Online Learning and the  
257 Southern Regional Education Board.

258 b. Instructional content and services that align with, and  
259 measure student attainment of, student proficiency in the Next  
260 Generation Sunshine State Standards.

261 c. Mechanisms that determine and ensure that a student has  
262 satisfied requirements for grade level promotion and high school  
263 graduation with a standard diploma, as appropriate.

264 7. Publishes for the general public, in accordance with  
265 disclosure requirements adopted in rule by the State Board of  
266 Education, as part of the application as a provider and in all  
267 contracts negotiated pursuant to this section all of the  
268 following information:

269 a. Certification status and physical location of all  
270 administrative and instructional personnel.

271 b. Hours and times of availability of instructional  
272 personnel.

273 c. Student-teacher ratios.

274 d. Student completion and promotion rates.



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275 e. Student, educator, and school performance accountability  
276 outcomes.

277 (b) Each approved provider contracted under this section  
278 must participate in the statewide assessment program under s.  
279 1008.22 and in the state's education performance accountability  
280 system under s. 1008.31.

281 Section 7. Section 1004.0961, Florida Statutes, is created  
282 to read:

283 1004.0961 Credit for online courses.—Beginning in the 2015-  
284 2016 school year, the State Board of Education and the Board of  
285 Governors shall adopt rules that enable students to earn  
286 academic credit for online courses, including massive open  
287 online courses, prior to initial enrollment at a postsecondary  
288 institution. The rules of the State Board of Education and rules  
289 of the Board of Governors must include procedures for credential  
290 evaluation and the award of credit, including, but not limited  
291 to, recommendations for credit by the American Council on  
292 Education; equivalency and alignment of coursework with  
293 appropriate courses; course descriptions; type and amount of  
294 credit that may be awarded; and transfer of credit.

295 Section 8. Section 1008.24, Florida Statutes, is amended to  
296 read:

297 1008.24 Test administration and security.—

298 (1) A person may not ~~It is unlawful for anyone~~ knowingly  
299 and willfully ~~to~~ violate test security rules adopted by the  
300 State Board of Education for mandatory tests administered by or  
301 through the State Board of Education or the Commissioner of  
302 Education to students, educators, or applicants for  
303 certification or administered by school districts pursuant to s.



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304 1008.22, or, with respect to any such test, knowingly and  
305 willfully to:

306 (a) Give examinees access to test questions prior to  
307 testing;

308 (b) Copy, reproduce, or use in any manner inconsistent with  
309 test security rules all or any portion of any secure test  
310 booklet;

311 (c) Coach examinees during testing or alter or interfere  
312 with examinees' responses in any way;

313 (d) Make answer keys available to examinees;

314 (e) Fail to follow security rules for distribution and  
315 return of secure test as directed, or fail to account for all  
316 secure test materials before, during, and after testing;

317 (f) Fail to follow test administration directions specified  
318 in the test administration manuals; or

319 (g) Participate in, direct, aid, counsel, assist in, or  
320 encourage any of the acts prohibited in this section.

321 (2) A ~~Any~~ person who violates this section commits a  
322 misdemeanor of the first degree, punishable as provided in s.  
323 775.082 or s. 775.083.

324 (3) A school district may contract with qualified  
325 contractors to administer and proctor statewide standardized  
326 assessments required under s. 1008.22 or assessments associated  
327 with Florida approved courses under s. 1003.499, as approved by  
328 the Department of Education in accordance with rules of the  
329 State Board of Education. Assessments may be administered or  
330 proctored by qualified contractors at sites that meet criteria  
331 established by rules of the State Board of Education and adopted  
332 pursuant to ss. 120.536(1) and 120.54 to implement the



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333 contracting requirements of this subsection.

334 ~~(4)~~(3)(a) A district school superintendent, a president of  
335 a public postsecondary educational institution, or a president  
336 of a nonpublic postsecondary educational institution shall  
337 cooperate with the Commissioner of Education in any  
338 investigation concerning the administration of a test  
339 administered pursuant to state statute or rule.

340 (b) The identity of a school or postsecondary educational  
341 institution, the personally identifiable information of any  
342 personnel of any school district or postsecondary educational  
343 institution, or any specific allegations of misconduct obtained  
344 or reported pursuant to an investigation conducted by the  
345 Department of Education of a testing impropriety are  
346 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
347 s. 24(a), Art. I of the State Constitution until the conclusion  
348 of the investigation or until such time as the investigation  
349 ceases to be active. For the purpose of this paragraph, an  
350 investigation shall be deemed concluded upon a finding that no  
351 impropriety has occurred, upon the conclusion of any resulting  
352 preliminary investigation pursuant to s. 1012.796, upon the  
353 completion of any resulting investigation by a law enforcement  
354 agency, or upon the referral of the matter to an employer who  
355 has the authority to take disciplinary action against an  
356 individual who is suspected of a testing impropriety. For the  
357 purpose of this paragraph, an investigation shall be considered  
358 active so long as it is ongoing and there is a reasonable, good  
359 faith anticipation that an administrative finding will be made  
360 in the foreseeable future. This paragraph is subject to the Open  
361 Government Sunset Review Act in accordance with s. 119.15 and



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362 shall stand repealed on October 2, 2014, unless reviewed and  
363 saved from repeal through reenactment by the Legislature.

364 (5) Exceptional students with disabilities, as defined in  
365 s. 1003.01(3), shall have access to testing sites. The  
366 Department of Education and each school district shall adopt  
367 policies that are necessary to ensure such access.

368 Section 9. By August 30, 2013, the Department of Education  
369 shall contract with a qualified contractor to review and provide  
370 recommendations for online courses, including massive open  
371 online courses, and competency-based online courses for K-12 and  
372 postsecondary education. The recommendations must, at a minimum,  
373 include the following components: improving access to the online  
374 courses, and approving, funding, holding providers accountable,  
375 and awarding credit for such courses. The department shall  
376 identify measures of quality based upon student outcomes, such  
377 as completion and achievement rates correlated appropriately to  
378 each delivery model; measures for students to demonstrate  
379 competency, such as prior learning assessments, end-of-course  
380 exams, assessments established by regionally accredited public  
381 institutions which may be applied as one whole assessment or as  
382 two or more discrete subassessments such that when combined, the  
383 subassessments are equivalent to a whole assessment; and  
384 opportunities to use online courses, including massive open  
385 online courses using blended learning or other tools delivered  
386 in modules or segments to provide instruction pursuant to s.  
387 1003.499(2)(a) for students in K-12 education. The department  
388 shall provide findings and recommendations to the Executive  
389 Office of the Governor, the President of the Senate, and the  
390 Speaker of the House of Representatives by February 1, 2014.



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391 Section 10. This act shall take effect July 1, 2013.

392

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

394 And the title is amended as follows:

395 Delete everything before the enacting clause  
396 and insert:

397 A bill to be entitled  
398 An act relating to education; amending s. 1001.42,  
399 F.S.; revising district school board duties relating  
400 to virtual instruction; amending s. 1002.321, F.S.;  
401 requiring the Department of Education to develop an  
402 online catalog of digital learning courses; amending  
403 s. 1002.37, F.S.; providing reporting requirements  
404 relating to Florida Virtual School Global; requiring  
405 the Auditor General to conduct an operational audit of  
406 the Florida Virtual School and submit a report to the  
407 Legislature; amending s. 1003.01, F.S.; removing  
408 Florida approved courses and blended learning courses  
409 provided by a traditional public school, a charter  
410 school, or a district innovation school from the  
411 definition of the term "core-curricula courses" for  
412 purposes of class size requirements; amending s.  
413 1003.498, F.S.; requiring the Department of Education  
414 to provide identifiers for courses to designate their  
415 use for blended learning courses; removing  
416 restrictions on students' taking online courses across  
417 district lines; providing students' access to courses;  
418 prohibiting a school district from requiring a public  
419 school student to take an online course at certain



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420 times or places; creating s. 1003.499, F.S.; creating  
421 the Florida Approved Course Initiative; providing the  
422 purpose of the initiative; providing legislative  
423 intent; providing that implementing the initiative  
424 allows students to expand their choices in selecting  
425 online courses; requiring the department to annually  
426 publish online a list of providers; defining the term  
427 "Florida approved courses" as it relates to the  
428 initiative; requiring that Florida approved courses be  
429 annually identified, approved, published, and shared  
430 for consideration by certain students and school  
431 districts; requiring the Commissioner of Education to  
432 to approve each Florida approved course; providing  
433 requirements for approval as a provider for the  
434 initiative; requiring an approved provider to  
435 participate in the statewide assessment program and  
436 the education performance accountability system;  
437 creating s. 1004.0961, F.S.; requiring the State Board  
438 of Education and the Board of Governors to adopt rules  
439 that enable students to earn academic credit toward  
440 online courses; providing requirements for the rules;  
441 amending s. 1008.24, F.S.; authorizing a school  
442 district to contract with qualified contractors to  
443 administer and proctor statewide standardized  
444 assessments or assessments associated with Florida  
445 approved courses; providing that assessments may be  
446 administered or proctored by qualified contractors at  
447 sites that meet certain criteria; requiring  
448 exceptional students to have access to testing sites;





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449 requiring the Department of Education and school  
450 districts to adopt policies; requiring the department  
451 to contract with a qualified contractor to review and  
452 provide recommendations for improving access to online  
453 courses, and approving, funding, holding providers  
454 accountable, and awarding credit for online courses  
455 for K-12 and postsecondary education; requiring the  
456 department to identify measures of quality based upon  
457 student outcomes; requiring the department to provide  
458 findings and recommendations to the Governor and the  
459 Legislature by a specified date; providing an  
460 effective date.