

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Diaz, M. offered the following:

Amendment to Amendment (675332) (with title amendment)

Remove lines 5-379 of the amendment and insert:

Section 1. Paragraph (r) is added to subsection (6) of section 1001.10, Florida Statutes, to read:

1001.10 Commissioner of Education; general powers and duties.-

(6) Additionally, the commissioner has the following general powers and duties:

(r) To monitor school district compliance with the student choice and access provisions prescribed in ss. 1001.42(23), 1002.20(6), and 1003.02(1)(i) and to provide an annual report of violations and restriction of student choice to the state board pursuant to s. 1008.32.

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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. Paragraph (d) of subsection (1) of section
26 1002.45, Florida Statutes, is amended to read:

27 1002.45 Virtual instruction programs.—

28 (1) PROGRAM.—

29 (d) A virtual charter school may provide full-time virtual
30 instruction for students in kindergarten through grade 12 if the
31 virtual charter school has a charter approved pursuant to s.
32 1002.33 authorizing full-time virtual instruction. A virtual
33 charter school may:

34 1. Contract with the Florida Virtual School.

35 2. Contract with an approved provider under subsection (2).

36 3. Be an approved provider under subsection (2).

37 ~~4.3.~~ Enter into an agreement with a school district to
38 allow the participation of the virtual charter school's students
39 in the school district's virtual instruction program. The
40 agreement must indicate a process for reporting of student
41 enrollment and the transfer of funds required by paragraph
42 (7) (f).

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

45 1003.01 Definitions.—As used in this chapter, the term:

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

47 (a) Courses in language arts/reading, mathematics, social
48 studies, and science in prekindergarten through grade 3,
49 excluding any extracurricular courses pursuant to subsection
50 (15);

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

55 (c) Courses in grades 9 through 12 in subjects that are
56 measured by state assessment at any grade level and courses that
57 are specifically identified by name in statute as required for
58 high school graduation and that are not measured by state
59 assessment, excluding any extracurricular courses pursuant to
60 subsection (15);

61 (d) Exceptional student education courses; and

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

63
64 The term is limited in meaning and used for the sole purpose of
65 designating classes that are subject to the maximum class size
66 requirements established in s. 1, Art. IX of the State
67 Constitution. This term does not include courses offered under
68 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.415, ~~and~~
69 1002.45, and 1003.499.

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70 Section 5. Section 1003.499, Florida Statutes, is created
71 to read:

72 1003.499 Florida Approved Courses and Tests (FACT)

73 Initiative.-

74 (1) PURPOSE.-

75 (a) The purpose of the initiative shall be to make
76 available multiple options to suit unique student interests,
77 satisfy educational requirements, and accelerate student
78 accomplishment of goals in a productive and effective manner.
79 The Legislature intends that state and local rules, policies,
80 and administrative decisions are flexible in interpreting and
81 implementing the requirements in this section in order to
82 encourage creative, innovative, resourceful, and forward-
83 thinking practices that can be modeled throughout this state and
84 the country.

85 (b) Beginning in the 2015-2016 school year, the Florida
86 Approved Courses and Tests (FACT) Initiative shall be
87 implemented to expand student choices in selecting high-quality
88 online courses, including, but not limited to, massive open
89 online courses and instruction included under subsection (2) for
90 promotion or graduation. Such courses and instruction may be
91 provided using a blended learning model that shall include
92 components such as differentiated instruction, flexible
93 scheduling, differentiated teaching, and self-paced learning.
94 Instruction through the blended learning model may be provided
95 using online instructional videos, online class forums, and
96 online homework assignments and projects, coupled with one-on-
97 one direct instructional support to students.

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

102 (a) As used in this section, the term "Florida approved
103 courses" means online courses provided by individuals which
104 include, but are not limited to, massive open online courses or
105 remedial education associated with the courses that are measured
106 pursuant to s. 1008.22. Massive open online courses may be
107 authorized in the following subject areas: Algebra I, biology,
108 geometry, and civics. Courses may be applied toward requirements
109 for promotion or graduation in whole, in subparts, or in a
110 combination of whole and subparts. A student may not be required
111 to repeat subparts that are satisfactorily completed.

112 (b) A Florida approved course must be annually identified,
113 approved, published, and shared for consideration by interested
114 students and school districts. The Commissioner of Education
115 shall approve each Florida approved course for application in K-
116 12 public schools in accordance with rules of the State Board of
117 Education.

118 (3) PROVIDER REQUIREMENTS.—

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

122 1. Is nonsectarian regarding courses, enrollment policies,
123 employment practices, and operations.

124 2. Complies with the antidiscrimination provisions of s.
125 1000.05.

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126 3. Requires all instructional staff to be Florida-certified
127 teachers under chapter 1012 or certified as adjunct educators
128 under s. 1012.57 and conducts background screenings for all
129 employees or contracted personnel, as required by s. 1012.32,
130 using state and national criminal history records.

131 4. Provides to parents and students specific information
132 posted and accessible online which includes, but is not limited
133 to, the following teacher-parent and teacher-student contact
134 information for each course:

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

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

139 c. How to contact the administration office or an
140 individual offering online courses, including, but not limited
141 to, massive open online courses, via telephone, e-mail, or
142 online messaging tools.

143 d. Any requirement for regular contact with the instructor
144 for the course and clear expectations for meeting the
145 requirement.

146 5. Possesses prior, successful experience offering online
147 courses to elementary, middle, or high school students as
148 demonstrated by quantified student learning gains or student
149 growth in each subject area and grade level provided for
150 consideration as an instructional program option. However, for a
151 provider without sufficient prior, successful experience
152 offering online courses, the department may conditionally
153 approve the provider to offer courses measured by statewide

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154 assessment program pursuant to s. 1008.22. Conditional approval
155 is valid for 1 year. Renewal of provider approval is contingent
156 on sufficient performance data available demonstrating success
157 in accordance with this section and State Board of Education
158 rule.

159 6. Ensures instructional and curricular quality through a
160 detailed curriculum and student performance accountability plan
161 that addresses every subject and grade level that the provider
162 intends to provide through contract with the school district,
163 including all of the following:

164 a. Courses and programs that meet the standards of the
165 International Association for K-12 Online Learning and the
166 Southern Regional Education Board.

167 b. Instructional content and services that align with, and
168 measure student attainment of, student proficiency in the Next
169 Generation Sunshine State Standards.

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

173 7. Publishes for the general public, in accordance with
174 disclosure requirements adopted in rule by the State Board of
175 Education, as part of the application as a provider and in all
176 contracts negotiated pursuant to this section all of the
177 following information:

178 a. Certification status and physical location of all
179 administrative and instructional personnel.

180 b. Hours and times of availability of instructional
181 personnel.

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182 c. Student-teacher ratios.

183 d. Student completion and promotion rates.

184 e. Student, educator, and school performance accountability
185 outcomes.

186 (b) Each approved provider contracted under this section
187 must participate in the statewide assessment program under s.
188 1008.22 and in the state's education performance accountability
189 system under s. 1008.31.

190 Section 6. Section 1004.0961, Florida Statutes, is created
191 to read:

192 1004.0961 Credit for online courses.—Beginning in the 2015-
193 2016 school year, the State Board of Education shall adopt rules
194 and the Board of Governors shall adopt regulations that enable
195 students to earn academic credit from online courses, including
196 massive open online courses. The rules of the State Board of
197 Education and the regulations of the Board of Governors must
198 include procedures for credential evaluation and the award of
199 credit, including, but not limited to, recommendations for
200 credit by the American Council on Education, equivalency and
201 alignment of coursework with appropriate courses, course
202 descriptions, type and amount of credit that may be awarded, and
203 transfer of credit.

204 Section 7. Section 1008.24, Florida Statutes, is amended to
205 read:

206 1008.24 Test administration and security.—

207 (1) A person may not ~~It is unlawful for anyone~~ knowingly
208 and willfully ~~to~~ violate test security rules adopted by the
209 State Board of Education for mandatory tests administered by or

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210 through the State Board of Education or the Commissioner of
211 Education to students, educators, or applicants for
212 certification or administered by school districts pursuant to s.
213 1008.22, or, with respect to any such test, knowingly and
214 willfully to:

215 (a) Give examinees access to test questions prior to
216 testing;

217 (b) Copy, reproduce, or use in any manner inconsistent with
218 test security rules all or any portion of any secure test
219 booklet;

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

222 (d) Make answer keys available to examinees;

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

226 (f) Fail to follow test administration directions specified
227 in the test administration manuals; or

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

230 (2) A Any person who violates this section commits a
231 misdemeanor of the first degree, punishable as provided in s.
232 775.082 or s. 775.083.

233 (3) A school district may contract with qualified
234 contractors to administer and proctor statewide, standardized
235 assessments required under s. 1008.22 or assessments associated
236 with Florida approved courses under s. 1003.499, in accordance
237 with rules of the State Board of Education. Assessments may be

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238 administered or proctored by qualified contractors at sites that
239 meet criteria established by rules of the state board adopted
240 pursuant to ss. 120.536(1) and 120.54 to implement the
241 contracting requirements of this subsection.

242 (4)-(3)(a) A district school superintendent, a president of
243 a public postsecondary educational institution, or a president
244 of a nonpublic postsecondary educational institution shall
245 cooperate with the Commissioner of Education in any
246 investigation concerning the administration of a test
247 administered pursuant to state statute or rule.

248 (b) The identity of a school or postsecondary educational
249 institution, the personally identifiable information of any
250 personnel of any school district or postsecondary educational
251 institution, or any specific allegations of misconduct obtained
252 or reported pursuant to an investigation conducted by the
253 Department of Education of a testing impropriety are
254 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
255 s. 24(a), Art. I of the State Constitution until the conclusion
256 of the investigation or until such time as the investigation
257 ceases to be active. For the purpose of this paragraph, an
258 investigation shall be deemed concluded upon a finding that no
259 impropriety has occurred, upon the conclusion of any resulting
260 preliminary investigation pursuant to s. 1012.796, upon the
261 completion of any resulting investigation by a law enforcement
262 agency, or upon the referral of the matter to an employer who
263 has the authority to take disciplinary action against an
264 individual who is suspected of a testing impropriety. For the
265 purpose of this paragraph, an investigation shall be considered

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266 active so long as it is ongoing and there is a reasonable, good
267 faith anticipation that an administrative finding will be made
268 in the foreseeable future. This paragraph is subject to the Open
269 Government Sunset Review Act in accordance with s. 119.15 and
270 shall stand repealed on October 2, 2014, unless reviewed and
271 saved from repeal through reenactment by the Legislature.

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

276 Section 8. The Department of Education shall contract with
277 a qualified contractor to review and provide recommendations for
278 approving, finding ways to increase access, funding, holding
279 providers accountable, and awarding credit for online courses,
280 including massive open online courses, and competency-based
281 online courses for K-12 education and postsecondary programs.
282 The department shall identify measures of quality based upon
283 student outcomes, such as completion and achievement rates
284 correlated appropriately to each delivery model; measures for
285 students to demonstrate competency, such as prior learning
286 assessments, end-of-course examinations, and other tools; and
287 opportunities to use online courses, including massive open
288 online courses delivered in modules or segments for students in
289 K-12 education. The department shall provide findings and
290 recommendations to the Executive Office of the Governor, the
291 President of the Senate, and the Speaker of the House of
292 Representatives by December 31, 2013.

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

Remove lines 387-448 of the amendment and insert:
An act relating to education; amending s. 1001.10,
F.S.; requiring the Commissioner of Education to
monitor school district compliance with certain
student choice and access provisions; amending s.
1002.321, F.S.; requiring the Department of Education
to develop an online catalog of digital learning
courses; amending s. 1002.45, F.S.; authorizing a
virtual charter school to be an approved provider of
virtual instruction programs; amending s. 1003.01,
F.S.; removing blended learning courses provided by a
traditional public school or a charter school and
Florida approved courses from the definition of the
term "core-curricula courses" for purposes of class
size requirements; creating s. 1003.499, F.S.;
creating the Florida Approved Courses and Tests
Initiative; providing the purpose of the initiative;
providing legislative intent; providing that
implementing the initiative allows students to expand
their choices in selecting online courses; requiring
the department to annually publish online a list of
providers; defining the term "Florida approved
courses" as it relates to the initiative; requiring
that Florida approved courses be annually identified,
approved, published, and shared for consideration by
certain students and school districts; requiring the

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322 Commissioner of Education to approve each Florida
323 approved course; providing requirements for approval
324 as a provider for the initiative; requiring an
325 approved provider to participate in the statewide
326 assessment program and the education performance
327 accountability system; creating s. 1004.0961, F.S.;;
328 requiring the State Board of Education to adopt rules
329 and the Board of Governors to adopt regulations that
330 enable students to earn academic credit from online
331 courses; providing requirements for the rules;
332 amending s. 1008.24, F.S.; authorizing a school
333 district to contract with qualified contractors to
334 administer and proctor statewide standardized
335 assessments or assessments associated with Florida
336 approved courses; providing that assessments may be
337 administered or proctored by qualified contractors at
338 sites that meet certain criteria; requiring
339 exceptional students to have access to testing sites;
340 requiring the Department of Education and school
341 districts to adopt policies; requiring the Department
342 of Education to contract with a qualified contractor
343 to review and provide recommendations for approving,
344 finding ways to increase access, funding, holding
345 providers accountable, and awarding credit for online
346 courses for K-12 education and postsecondary
347 programs; requiring the department to identify
348 measures of quality based upon student outcomes;
349 requiring the department to provide findings and

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350 | recommendations to the Governor and the Legislature
351 | by a specified date; providing an effective date.