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LEGISLATIVE ACTION

Senate

House

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Floor: WD

04/30/2013 07:33 PM

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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (23) of section 1001.42, Florida  
Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The  
district school board, acting as a board, shall exercise all  
powers and perform all duties listed below:

(23) ~~FLORIDA~~ VIRTUAL INSTRUCTION SCHOOL.—Provide students  
with access to courses available through a virtual instruction  
program option or the Florida Virtual School and award credit  
for successful completion of such courses. ~~Access shall be~~



566240

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 is amended, 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, and 1003.498, which provides, for each  
22 course, access to the course description, completion and passage  
23 rates, and a method for student and teacher users to provide  
24 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



566240

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;



566240

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. Paragraphs (b), (c), and (d) of subsection (1),  
80 paragraph (a) of subsection (2), and paragraph (a) of subsection  
81 (8) of section 1002.45, Florida Statutes, are amended to read:

82 1002.45 Virtual instruction programs.—

83 (1) PROGRAM.—

84 (b) Each school district that is eligible for the sparsity  
85 supplement pursuant to s. 1011.62(7)(a) and (b) shall provide  
86 all enrolled public school students within its boundaries the  
87 option of participating in part-time and full-time virtual  
88 instruction programs. Each school district that is not eligible  
89 for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b)  
90 shall provide at least three options for part-time and full-time  
91 virtual instruction. All school districts must provide parents  
92 with timely written notification of at least one open enrollment  
93 period for full-time students of 90 days or more which ends 30  
94 days before the first day of the school year. The purpose of the  
95 program is to make quality virtual instruction available to  
96 students using online and distance learning technology in the  
97 nontraditional classroom. A school district virtual instruction  
98 program shall consist of the following:

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



566240

101           2. Part-time virtual instruction consisting of an  
102 individual course or courses, including massive open online  
103 courses or remedial education associated with the courses that  
104 are measured pursuant to subparagraph (8)(a)2., for students  
105 enrolled in kindergarten through grade 12 courses that are  
106 measured pursuant to subparagraph (8)(a)2. Massive open online  
107 courses may be authorized in the following subject areas:  
108 Algebra I, biology, geometry, and civics.

109           3. Full-time or part-time virtual instruction for students  
110 enrolled in dropout prevention and academic intervention  
111 programs under s. 1003.53, Department of Juvenile Justice  
112 education programs under s. 1003.52, core-curricula courses  
113 delivered in a virtual learning laboratory on a school campus to  
114 meet class size requirements under s. 1003.03, or Florida  
115 College System institutions under this section.

116           (c) To provide students with the option of participating in  
117 virtual instruction programs as required by paragraph (b), a  
118 school district may:

119           1. Contract with the Florida Virtual School or establish a  
120 franchise of the Florida Virtual School for the provision of a  
121 program under paragraph (b). Using this option is subject to the  
122 requirements of this section and s. 1011.61(1)(c)1.b.(III) and  
123 (IV).

124           2. Contract with an approved provider under subsection (2)  
125 for the provision of a full-time or part-time program under  
126 paragraph (b) subparagraph (b)1. or subparagraph (b)3. or a  
127 part-time program under subparagraph (b)2. or subparagraph (b)3.

128           3. Enter into an agreement with other school districts to  
129 allow the participation of its students in an approved virtual



566240

130 instruction program provided by the other school district. The  
131 agreement must indicate a process for the transfer of funds  
132 required by paragraph (7)(f).

133 4. Establish school district operated part-time or full-  
134 time kindergarten through grade 12 virtual instruction programs  
135 under paragraph (b) for students enrolled in the school  
136 district. A full-time program shall operate under its own Master  
137 School Identification Number.

138 5. Enter into an agreement with a virtual charter school  
139 authorized by the school district under s. 1002.33.

140  
141 Contracts under subparagraph 1. or subparagraph 2. may include  
142 multidistrict contractual arrangements that may be executed by a  
143 regional consortium for its member districts. A multidistrict  
144 contractual arrangement or an agreement under subparagraph 3. is  
145 not subject to s. 1001.42(4)(d) and does not require the  
146 participating school districts to be contiguous. These  
147 arrangements may be used to fulfill the requirements of  
148 paragraph (b).

149 (d) A virtual charter school may provide full-time virtual  
150 instruction for students in kindergarten through grade 12 if the  
151 virtual charter school has a charter approved pursuant to s.  
152 1002.33 authorizing full-time virtual instruction. A virtual  
153 charter school may:

- 154 1. Contract with the Florida Virtual School.
- 155 2. Contract with an approved provider under subsection (2).
- 156 3. Be an approved provider under subsection (2).

157 4.3. Enter into an agreement with a school district to  
158 allow the participation of the virtual charter school's students



566240

159 in the school district's virtual instruction program. The  
160 agreement must indicate a process for reporting of student  
161 enrollment and the transfer of funds required by paragraph  
162 (7) (f).

163 (2) PROVIDER QUALIFICATIONS.—

164 (a) The department shall annually publish online a list of  
165 providers approved to offer virtual instruction programs or  
166 online courses, including, but not limited to, massive open  
167 online courses and instruction included under subparagraph  
168 (1) (b) 2. To be approved by the department, a provider must  
169 document that it:

170 1. Is nonsectarian in its programs, admission policies,  
171 employment practices, and operations;

172 2. Complies with the antidiscrimination provisions of s.  
173 1000.05;

174 3. Locates a registered agent and meets the requirements of  
175 s. 617.0503 or locates an administrative office or offices in  
176 this state, requires its administrative staff to be ~~state~~  
177 residents or citizens of the United States, requires all  
178 instructional staff to be Florida-certified teachers under  
179 chapter 1012 or certified as adjunct educators under s. 1012.57,  
180 and conducts background screenings for all employees or  
181 contracted personnel, as required by s. 1012.32, using state and  
182 national criminal history records;

183 4. Provides to parents and students specific information  
184 posted and accessible online which includes, but is not limited  
185 to, the following teacher-parent and teacher-student contact  
186 information for each course:

187 a. How to contact the instructor via telephone, e-mail, or



566240

188 online messaging tools.  
189 b. How to contact technical support via telephone, e-mail,  
190 or online messaging tools.  
191 c. How to contact the administration office or an  
192 individual offering online courses, including, but not limited  
193 to, massive open online courses, via telephone, e-mail, or  
194 online messaging tools.  
195 d. Any requirement for regular contact with the instructor  
196 for the course and clear expectations for meeting the  
197 requirement.  
198 e. A requirement that the instructor in each course, with  
199 the exception of entities offering online courses, including,  
200 but not limited to, massive open online courses, must, at a  
201 minimum, conduct one contact via telephone with the parent and  
202 the student each month;  
203 5.4. Possesses prior, successful experience offering online  
204 courses to elementary, middle, or high school students as  
205 demonstrated by quantified student learning data gains in each  
206 subject area and grade level provided for consideration as an  
207 instructional program option. However, for a provider without  
208 sufficient prior, successful experience offering online courses,  
209 the department may conditionally approve the provider to offer  
210 courses measured pursuant to subparagraph (8) (a)2. Conditional  
211 approval is valid for a maximum of 2 years with a review at the  
212 end of the first year. Renewal of provider approval is  
213 contingent on sufficient performance data available  
214 demonstrating success in accordance with this section and State  
215 Board of Education rule;  
216 6.5. Is accredited by a regional accrediting association as





566240

217 defined by State Board of Education rule;

218 ~~7.6.~~ Ensures instructional and curricular quality through a  
219 detailed curriculum and student performance accountability plan  
220 that addresses every subject and grade level it intends to  
221 provide through contract with the school district, including:

222 a. Courses and programs that meet the standards of the  
223 International Association for K-12 Online Learning and the  
224 Southern Regional Education Board.

225 b. Instructional content and services that align with, and  
226 measure student attainment of, student proficiency in the Next  
227 Generation Sunshine State Standards.

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

231 ~~8.7.~~ Publishes for the general public, in accordance with  
232 disclosure requirements adopted in rule by the State Board of  
233 Education, as part of its application as a provider and in all  
234 contracts negotiated pursuant to this section:

235 a. Information and data about the curriculum of each full-  
236 time and part-time program.

237 b. School policies and procedures.

238 c. Certification status and physical location of all  
239 administrative and instructional personnel.

240 d. Hours and times of availability of instructional  
241 personnel.

242 e. Student-teacher ratios.

243 f. Student completion and promotion rates.

244 g. Student, educator, and school performance accountability  
245 outcomes;



566240

246       ~~9.8.~~ If the provider is a Florida College System  
247 institution, employs instructors who meet the certification  
248 requirements for instructional staff under chapter 1012; and  
249       ~~10.9.~~ Performs an annual financial audit of its accounts  
250 and records conducted by an independent certified public  
251 accountant which is in accordance with rules adopted by the  
252 Auditor General, is conducted in compliance with generally  
253 accepted auditing standards, and includes a report on financial  
254 statements presented in accordance with generally accepted  
255 accounting principles.

256  
257 A person or organization that seeks to offer online courses  
258 pursuant to this paragraph is not subject to sub-subparagraphs  
259 8.a. and b., subparagraphs 6., 9., and 10., and paragraphs  
260 (8) (c) and (d).

261       (8) ASSESSMENT AND ACCOUNTABILITY.—

262       (a) Each approved provider contracted under this section  
263 must:

264       1. Participate in the statewide assessment program under s.  
265 1008.22 and in the state's education performance accountability  
266 system under s. 1008.31.

267       2. Receive a school grade under s. 1008.34 or a school  
268 improvement rating under s. 1008.341, as applicable. The school  
269 grade or school improvement rating received by each approved  
270 provider shall be based upon the aggregated assessment scores of  
271 all students served by the provider statewide. The department  
272 shall publish the school grade or school improvement rating  
273 received by each approved provider on its Internet website. The  
274 department shall develop an evaluation method for providers of



566240

275 part-time programs and courses which includes the percentage of  
276 students making learning gains, the percentage of students  
277 successfully passing any required end-of-course assessment, the  
278 percentage of students taking Advanced Placement examinations,  
279 and the percentage of students scoring 3 or higher on an  
280 Advanced Placement examination.

281 Section 5. Paragraph (b) of subsection (3) of section  
282 1002.455, Florida Statutes, is amended to read:

283 1002.455 Student eligibility for K-12 virtual instruction.—

284 (3) The virtual instruction options for which this  
285 eligibility section applies include:

286 (b) Full-time or part-time virtual charter school  
287 instruction authorized under s. 1002.33.

288 Section 6. Subsection (14) of section 1003.01, Florida  
289 Statutes, is amended to read:

290 1003.01 Definitions.—As used in this chapter, the term:

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

292 (a) Courses in language arts/reading, mathematics, social  
293 studies, and science in prekindergarten through grade 3,  
294 excluding any extracurricular courses pursuant to subsection  
295 (15);

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

300 (c) Courses in grades 9 through 12 in subjects that are  
301 measured by state assessment at any grade level and courses that  
302 are specifically identified by name in statute as required for  
303 high school graduation and that are not measured by state



566240

304 assessment, excluding any extracurricular courses pursuant to  
305 subsection (15);

306 (d) Exceptional student education courses; and

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

308

309 The term is limited in meaning and used for the sole purpose of  
310 designating classes that are subject to the maximum class size  
311 requirements established in s. 1, Art. IX of the State  
312 Constitution. This term does not include courses offered under  
313 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.415, and  
314 1002.45.

315 Section 7. Section 1003.498, Florida Statutes, is amended to  
316 read:

317 1003.498 School district virtual course offerings.—

318 (1) School districts may deliver courses in the traditional  
319 school setting by personnel certified pursuant to s. 1012.55 who  
320 provide direct instruction through virtual instruction or  
321 through blended learning courses consisting of both traditional  
322 classroom and online instructional techniques. Students in a  
323 blended learning course must be full-time students of the school  
324 and receive the online instruction in a classroom setting at the  
325 school. The funding, performance, and accountability  
326 requirements for blended learning courses are the same as those  
327 for traditional courses. To facilitate the delivery and coding  
328 of blended learning courses, the department shall provide  
329 identifiers for existing courses to designate that they are  
330 being used for blended learning courses for the purpose of  
331 ensuring the efficient reporting of such courses.

332 (2) School districts may offer virtual courses for students



566240

333 enrolled in the school district. These courses must be  
334 identified in the course code directory. Students who meet the  
335 eligibility requirements of s. 1002.455 may participate in these  
336 virtual course offerings.

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

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

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

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

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

350 ~~b. The course is offered in the school in which the student~~  
351 ~~is enrolled. However, a student may enroll in an online course~~  
352 ~~offered by another school district if the school in which the~~  
353 ~~student is enrolled offers the course but the student is unable~~  
354 ~~to schedule the course in his or her school.~~

355 ~~3.~~ The school district in which the student completes the  
356 course shall report the student's completion of that course for  
357 funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home  
358 school district shall not report the student for funding for  
359 that course.

360 2. For purposes of this paragraph, the combined total of  
361 all school district reported FTE may not be reported as more



566240

362 than 1.0 full-time equivalent student in any given school year.  
363 The Department of Education shall establish procedures to enable  
364 interdistrict coordination for the delivery and funding of this  
365 online option.

366 (3) Access to courses shall be available to students during  
367 the normal school day. A school district may not require a  
368 public school student to take a course outside the school day  
369 which is in addition to the student's courses for a given term  
370 or on school grounds.

371 Section 8. Section 1003.499, Florida Statutes, is created  
372 to read:

373 1003.499 Florida Approved Courses and Tests (FACT)  
374 Initiative.-

375 (1) PURPOSE.-

376 (a) The purpose of the initiative shall be to make  
377 available multiple options to suit unique student interests,  
378 satisfy educational requirements, and accelerate student  
379 accomplishment of goals in a productive and effective manner.  
380 The Legislature intends that state and local rules, policies,  
381 and administrative decisions are flexible in interpreting and  
382 implementing the requirements in this section in order to  
383 encourage creative, innovative, resourceful, and forward-  
384 thinking practices that can be modeled throughout this state and  
385 the country.

386 (b) Beginning in the 2015-2016 school year, the Florida  
387 Approved Courses and Tests (FACT) Initiative shall be  
388 implemented to expand student choices in selecting high-quality  
389 online courses, including, but not limited to, massive open  
390 online courses and instruction included under subsection (2) for



566240

391 promotion or graduation. Such courses and instruction may be  
392 provided using a blended learning model that shall include  
393 components, such as differentiated instruction, flexible  
394 scheduling, differentiated teaching, and self-paced learning.  
395 Instruction through the blended learning model may be provided  
396 using online instructional videos, online class forums, and  
397 online homework assignments and projects, coupled with one-on-  
398 one direct instructional support to students.

399 (2) FLORIDA APPROVED COURSES AND ASSESSMENTS.—The  
400 Department of Education shall annually publish online a list of  
401 providers approved to offer Florida approved courses which shall  
402 be listed in the online catalog pursuant to s. 1002.321(6).

403 (a) As used in this section, the term "Florida approved  
404 courses" means online courses provided by individuals which  
405 include, but are not limited to, massive open online courses or  
406 remedial education associated with the courses that are measured  
407 pursuant to s. 1002.45(8)(a)2. Massive open online courses may  
408 be authorized in following subject areas: Algebra I, biology,  
409 geometry, and civics. Courses may be applied toward requirements  
410 for promotion or graduation in whole, in subparts, or in a  
411 combination of whole and subparts. A student may not be required  
412 to repeat subparts that are satisfactorily completed.

413 (b) Assessments associated with a course must be  
414 established by regionally accredited public institutions and  
415 must be approved in accordance with subsection (3). The  
416 assessments may be applied as one whole assessment or as two or  
417 more discrete subassessments such that when combined, they are  
418 equivalent to the whole assessment. A student may not be  
419 required to repeat subassessments that are satisfactorily



566240

420 completed. Assessments and subassessments shall be administered  
421 pursuant to s. 1008.24.

422 (c) A Florida approved course and its associated  
423 assessments must be annually identified, approved, published,  
424 and shared for consideration by interested students and school  
425 districts. The Commissioner of Education shall approve each  
426 Florida approved course and its associated assessments for  
427 application in K-12 public schools in accordance with rules of  
428 the State Board of Education.

429 (3) PROVIDER REQUIREMENTS.-

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

433 1. Is nonsectarian regarding courses, enrollment policies,  
434 employment practices, and operations.

435 2. Complies with the antidiscrimination provisions of s.  
436 1000.05.

437 3. Locates a registered agent and meets the requirements of  
438 s. 617.0503 or locates an administrative office or offices in  
439 this state, requires the administrative staff to be residents or  
440 citizens of the United States, requires all instructional staff  
441 to be Florida-certified teachers under chapter 1012 or certified  
442 as adjunct educators under s. 1012.57, and conducts background  
443 screenings for all employees or contracted personnel, as  
444 required by s. 1012.32, using state and national criminal  
445 history records.

446 4. Provides to parents and students specific information  
447 posted and accessible online which includes, but is not limited  
448 to, the following teacher-parent and teacher-student contact





566240

449 information for each course:  
450 a. How to contact the instructor via telephone, e-mail, or  
451 online messaging tools.  
452 b. How to contact technical support via telephone, e-mail,  
453 or online messaging tools.  
454 c. How to contact the administration office or an  
455 individual offering online courses, including, but not limited  
456 to, massive open online courses, via telephone, e-mail, or  
457 online messaging tools.  
458 d. Any requirement for regular contact with the instructor  
459 for the course and clear expectations for meeting the  
460 requirement.  
461 5. Possesses prior, successful experience offering online  
462 courses to elementary, middle, or high school students as  
463 demonstrated by quantified student learning data in each subject  
464 area and grade level provided for consideration as an  
465 instructional program option. However, for a provider without  
466 sufficient prior, successful experience offering online courses,  
467 the department may conditionally approve the provider to offer  
468 courses measured by statewide assessment program pursuant to s.  
469 1008.22. Conditional approval is valid for 1 year. Renewal of  
470 provider approval is contingent on sufficient performance data  
471 available demonstrating success in accordance with this section  
472 and State Board of Education rule.  
473 6. Ensures instructional and curricular quality through a  
474 detailed curriculum and student performance accountability plan  
475 that addresses every subject and grade level it intends to  
476 provide through contract with the school district, including all  
477 of the following:



566240

478 a. Courses and programs that meet the standards of the  
479 International Association for K-12 Online Learning and the  
480 Southern Regional Education Board.

481 b. Instructional content and services that align with, and  
482 measure student attainment of, student proficiency in the Next  
483 Generation Sunshine State Standards.

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

487 7. Publishes for the general public, in accordance with  
488 disclosure requirements adopted in rule by the State Board of  
489 Education, as part of its application as a provider and in all  
490 contracts negotiated pursuant to this section all of the  
491 following information:

492 a. Certification status and physical location of all  
493 administrative and instructional personnel.

494 b. Hours and times of availability of instructional  
495 personnel.

496 c. Student-teacher ratios.

497 d. Student completion and promotion rates.

498 e. Student, educator, and school performance accountability  
499 outcomes.

500 (b) Each approved provider contracted under this section  
501 must participate in the statewide assessment program under s.  
502 1008.22 and in the state's education performance accountability  
503 system under s. 1008.31.

504 Section 9. Section 1004.0961, Florida Statutes, is created  
505 to read:

506 1004.0961 Credit for online courses.—Beginning in the 2015-



566240

507 2016 school year, the State Board of Education and the Board of  
508 Governors shall adopt rules that enable students to earn  
509 academic credit from online courses, including massive open  
510 online courses. The rules of the State Board of Education and  
511 rules of the Board of Governors must include procedures for  
512 credential evaluation and the award of credit, including, but  
513 not limited to, recommendations for credit by the American  
514 Council on Education, equivalency and alignment of coursework  
515 with appropriate courses, course descriptions, type and amount  
516 of credit that may be awarded, and transfer of credit.

517 Section 10. Section 1008.24, Florida Statutes, is amended  
518 to read:

519 1008.24 Test administration and security.-

520 (1) A person may not ~~It is unlawful for anyone~~ knowingly  
521 and willfully ~~to~~ violate test security rules adopted by the  
522 State Board of Education for mandatory tests administered by or  
523 through the State Board of Education or the Commissioner of  
524 Education to students, educators, or applicants for  
525 certification or administered by school districts pursuant to s.  
526 1008.22, or, with respect to any such test, knowingly and  
527 willfully to:

528 (a) Give examinees access to test questions prior to  
529 testing;

530 (b) Copy, reproduce, or use in any manner inconsistent with  
531 test security rules all or any portion of any secure test  
532 booklet;

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

535 (d) Make answer keys available to examinees;



566240

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

539 (f) Fail to follow test administration directions specified  
540 in the test administration manuals; or

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

543 (2) A ~~Any~~ person who violates this section commits a  
544 misdemeanor of the first degree, punishable as provided in s.  
545 775.082 or s. 775.083.

546 (3) A school district may contract with qualified  
547 contractors to administer and proctor statewide, standardized  
548 assessments required under s. 1008.22 or assessments associated  
549 with Florida-accredited courses under s. 1003.499, as approved  
550 by the Department of Education in accordance with rules of the  
551 State Board of Education. Assessments may be administered or  
552 proctored by qualified contractors at sites that meet criteria  
553 established by rules of the State Board of Education and adopted  
554 pursuant to ss. 120.536(1) and 120.54 to implement the  
555 contracting requirements of this subsection.

556 (4)~~(3)~~(a) A district school superintendent, a president of  
557 a public postsecondary educational institution, or a president  
558 of a nonpublic postsecondary educational institution shall  
559 cooperate with the Commissioner of Education in any  
560 investigation concerning the administration of a test  
561 administered pursuant to state statute or rule.

562 (b) The identity of a school or postsecondary educational  
563 institution, the personally identifiable information of any  
564 personnel of any school district or postsecondary educational



566240

565 institution, or any specific allegations of misconduct obtained  
566 or reported pursuant to an investigation conducted by the  
567 Department of Education of a testing impropriety are  
568 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
569 s. 24(a), Art. I of the State Constitution until the conclusion  
570 of the investigation or until such time as the investigation  
571 ceases to be active. For the purpose of this paragraph, an  
572 investigation shall be deemed concluded upon a finding that no  
573 impropriety has occurred, upon the conclusion of any resulting  
574 preliminary investigation pursuant to s. 1012.796, upon the  
575 completion of any resulting investigation by a law enforcement  
576 agency, or upon the referral of the matter to an employer who  
577 has the authority to take disciplinary action against an  
578 individual who is suspected of a testing impropriety. For the  
579 purpose of this paragraph, an investigation shall be considered  
580 active so long as it is ongoing and there is a reasonable, good  
581 faith anticipation that an administrative finding will be made  
582 in the foreseeable future. This paragraph is subject to the Open  
583 Government Sunset Review Act in accordance with s. 119.15 and  
584 shall stand repealed on October 2, 2014, unless reviewed and  
585 saved from repeal through reenactment by the Legislature.

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

590 Section 11. By August 30, 2013, the Department of Education  
591 shall contract with a qualified contractor to review and provide  
592 recommendations for online courses, including massive open  
593 online courses, and competency-based online courses for K-12 and



566240

594 postsecondary education. The recommendations must, at a minimum,  
595 include the following components: improving access to the online  
596 courses, and approving, funding, holding providers accountable,  
597 and awarding credit for such courses. The department shall  
598 identify measures of quality based upon student outcomes, such  
599 as completion and achievement rates correlated appropriately to  
600 each delivery model; measures for students to demonstrate  
601 competency, such as prior learning assessments, end-of-course  
602 exams, and other tools; and opportunities to use online courses,  
603 including massive open online courses delivered in modules or  
604 segments to provide instruction pursuant to s. 1002.45(1)(b)2.,  
605 Florida Statutes, for students in K-12 education. The department  
606 shall provide findings and recommendations to the Executive  
607 Office of the Governor, the President of the Senate, and the  
608 Speaker of the House of Representatives by February 1, 2014.

609 Section 12. This act shall take effect July 1, 2013.

610  
611 ===== T I T L E A M E N D M E N T =====

612 And the title is amended as follows:

613 Delete everything before the enacting clause  
614 and insert:

615 A bill to be entitled  
616 An act relating to education; amending s. 1001.42,  
617 F.S.; revising district school board duties relating  
618 to virtual instruction; amending s. 1002.321, F.S.;  
619 requiring the Department of Education to develop an  
620 online catalog of digital learning courses; amending  
621 s. 1002.37, F.S.; providing reporting requirements  
622 relating to Florida Virtual School Global; requiring



566240

623 the Auditor General to conduct an operational audit of  
624 the Florida Virtual School and submit a report to the  
625 Legislature; amending s. 1002.45, F.S.; authorizing a  
626 school district and a virtual charter school to  
627 provide part-time virtual instruction for K-12  
628 students in certain courses; revising requirements for  
629 the use of virtual instruction in core-curricula  
630 courses for the purpose of meeting class size  
631 requirements; requiring the Department of Education to  
632 annually publish online a list of providers approved  
633 to offer virtual instruction programs or certain  
634 online courses; revising requirements for approval as  
635 a provider of virtual instruction programs or courses;  
636 providing requirements for conditional approval;  
637 conforming provisions to changes made by the act;  
638 amending s. 1002.455, F.S.; providing full-time or  
639 part-time virtual charter school instruction as an  
640 option for K-12 virtual instruction; amending s.  
641 1003.01, F.S.; removing blended learning courses  
642 provided by a traditional public school, a charter  
643 school, or a district innovation school from the  
644 definition of the term "core-curricula courses" for  
645 purposes of class size requirements; amending s.  
646 1003.498, F.S.; requiring the Department of Education  
647 to provide identifiers for courses to designate their  
648 use for blended learning courses; removing  
649 restrictions on students' taking online courses across  
650 district lines; providing students' access to courses;  
651 prohibiting a school district from requiring a public



566240

652 school student to take an online course at certain  
653 times or places; creating s. 1003.499, F.S.; creating  
654 s. 1003.499, F.S.; creating the Florida Approved  
655 Courses and Tests (FACT) Initiative; providing the  
656 purpose of the initiative; providing legislative  
657 intent; providing that implementing the initiative  
658 allows students to expand their choices in selecting  
659 online courses; requiring the department to annually  
660 publish online a list of providers; defining the term  
661 "Florida approved courses" as it relates to the  
662 initiative; providing requirements for assessments  
663 associated with Florida approved courses; requiring  
664 that Florida approved courses and their assessments be  
665 annually identified, approved, published, and shared  
666 for consideration by certain students and school  
667 districts; requiring the Commissioner of Education to  
668 approve each Florida approved course and its  
669 associated assessments; providing requirements for  
670 approval as a provider for the initiative; requiring  
671 an approved provider to participate in the statewide  
672 assessment program and the education performance  
673 accountability system; creating s. 1004.0961, F.S.;  
674 requiring the State Board of Education and the Board  
675 of Governors to adopt rules that enable students to  
676 earn academic credit toward online courses; providing  
677 requirements for the rules; amending s. 1008.24, F.S.;  
678 authorizing a school district to contract with  
679 qualified contractors to administer and proctor  
680 statewide standardized assessments or assessments





566240

681 associated with Florida-accredited courses; providing  
682 that assessments may be administered or proctored by  
683 qualified contractors at sites that meet certain  
684 criteria; requiring exceptional students to have  
685 access to testing sites; requiring the Department of  
686 Education and school districts to adopt policies;  
687 requiring the department to contract with a qualified  
688 contractor to review and provide recommendations for  
689 improving access to online courses, and approving,  
690 funding, holding providers accountable, and awarding  
691 credit for online courses for K-12 and postsecondary  
692 education; requiring the department to identify  
693 measures of quality based upon student outcomes;  
694 requiring the department to provide findings and  
695 recommendations to the Governor and the Legislature by  
696 a specified date; providing an effective date.