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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/3R	.	Floor: SENAI/C
05/02/2013 02:25 PM	.	05/03/2013 01:26 PM
	.	

Senator Brandes moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (6) is added to section 1002.321,
Florida Statutes, to read:

1002.321 Digital learning.—

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



675332

14 Section 2. Subsection (6) and paragraph (c) of subsection
15 (9) of section 1002.37, Florida Statutes, are amended, and
16 subsection (11) is added to that section, to read:

17 1002.37 The Florida Virtual School.—

18 (6) The board of trustees shall annually submit to the
19 Governor, the Legislature, the Commissioner of Education, and
20 the State Board of Education a complete and detailed report
21 setting forth:

22 (a) The operations and accomplishments of the Florida
23 Virtual School within the state and those occurring outside the
24 state as Florida Virtual School Global.

25 (b) The marketing and operational plan for the Florida
26 Virtual School and Florida Virtual School Global, including
27 recommendations regarding methods for improving the delivery of
28 education through the Internet and other distance learning
29 technology.

30 (c) The assets and liabilities of the Florida Virtual
31 School and Florida Virtual School Global at the end of the
32 fiscal year.

33 (d) A copy of an annual financial audit of the accounts and
34 records of the Florida Virtual School and Florida Virtual School
35 Global, conducted by an independent certified public accountant
36 and performed in accordance with rules adopted by the Auditor
37 General.

38 (e) Recommendations regarding the unit cost of providing
39 services to students through the Florida Virtual School and
40 Florida Virtual School Global. In order to most effectively
41 develop public policy regarding any future funding of the
42 Florida Virtual School, it is imperative that the cost of the



675332

43 program is accurately identified. The identified cost of the
44 program must be based on reliable data.

45 (f) Recommendations regarding an accountability mechanism
46 to assess the effectiveness of the services provided by the
47 Florida Virtual School and Florida Virtual School Global.

48 (9)

49 (c) Unless an alternative testing site is mutually agreed
50 to by the Florida Virtual School and the school district or as
51 contracted under s. 1008.24, all statewide assessments must be
52 taken at the school to which the student would be assigned
53 according to district school board attendance areas. A school
54 district must provide the student with access to the school's
55 testing facilities.

56 (11) The Auditor General shall conduct an operational audit
57 of the Florida Virtual School, including Florida Virtual School
58 Global. The scope of the audit shall include, but not be limited
59 to, the administration of responsibilities relating to
60 personnel; procurement and contracting; revenue production;
61 school funds, including internal funds; student enrollment
62 records; franchise agreements; information technology
63 utilization, assets, and security; performance measures and
64 standards; and accountability. The final report on the audit
65 shall be submitted to the President of the Senate and the
66 Speaker of the House of Representatives no later than January
67 31, 2014.

68 Section 3. Subsection (14) of section 1003.01, Florida
69 Statutes, is amended to read:

70 1003.01 Definitions.—As used in this chapter, the term:

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



675332

72 (a) Courses in language arts/reading, mathematics, social
73 studies, and science in prekindergarten through grade 3,
74 excluding any extracurricular courses pursuant to subsection
75 (15);

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

80 (c) Courses in grades 9 through 12 in subjects that are
81 measured by state assessment at any grade level and courses that
82 are specifically identified by name in statute as required for
83 high school graduation and that are not measured by state
84 assessment, excluding any extracurricular courses pursuant to
85 subsection (15);

86 (d) Exceptional student education courses; and

87 (e) English for Speakers of Other Languages courses.
88

89 The term is limited in meaning and used for the sole purpose of
90 designating classes that are subject to the maximum class size
91 requirements established in s. 1, Art. IX of the State
92 Constitution. This term does not include courses offered under
93 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.415, and
94 1002.45, and 1003.499.

95 Section 4. Section 1003.498, Florida Statutes, is amended to
96 read:

97 1003.498 School district virtual course offerings.—

98 (1) School districts may deliver courses in the traditional
99 school setting by personnel certified pursuant to s. 1012.55 who
100 provide direct instruction through virtual instruction or



675332

101 through blended learning courses consisting of both traditional
102 classroom and online instructional techniques. Students in a
103 blended learning course must be full-time students of the school
104 and receive the online instruction in a classroom setting at the
105 school. The funding, performance, and accountability
106 requirements for blended learning courses are the same as those
107 for traditional courses. To facilitate the delivery and coding
108 of blended learning courses, the department shall provide
109 identifiers for courses to designate courses that are used for
110 blended learning for the efficient reporting of such courses.

111 (2) School districts may offer virtual courses for students
112 enrolled in the school district. These courses must be
113 identified in the course code directory. Students who meet the
114 eligibility requirements of s. 1002.455 may participate in these
115 virtual course offerings.

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

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

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

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

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

129 ~~b. The course is offered in the school in which the student~~



675332

130 ~~is enrolled. However, a student may enroll in an online course~~
131 ~~offered by another school district if the school in which the~~
132 ~~student is enrolled offers the course but the student is unable~~
133 ~~to schedule the course in his or her school.~~

134 ~~3.~~ The school district in which the student completes the
135 course shall report the student's completion of that course for
136 funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home
137 school district shall not report the student for funding for
138 that course.

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

145 (3) Access to courses shall be available to students during
146 the normal school day. A school district may not require a
147 public school student to take a course outside the school day
148 which is in addition to the student's courses for a given term
149 or on school grounds.

150 Section 5. Section 1003.499, Florida Statutes, is created
151 to read:

152 1003.499 Florida Approved Courses and Tests (FACT)
153 Initiative.-

154 (1) PURPOSE.-

155 (a) The purpose of the initiative shall be to make
156 available multiple options to suit unique student interests,
157 satisfy educational requirements, and accelerate student
158 accomplishment of goals in a productive and effective manner.



675332

159 The Legislature intends that state and local rules, policies,
160 and administrative decisions are flexible in interpreting and
161 implementing the requirements in this section in order to
162 encourage creative, innovative, resourceful, and forward-
163 thinking practices that can be modeled throughout this state and
164 the country.

165 (b) Beginning in the 2015-2016 school year, the Florida
166 Approved Courses and Tests (FACT) Initiative shall be
167 implemented to expand student choices in selecting high-quality
168 online courses, including, but not limited to, massive open
169 online courses and instruction included under subsection (2) for
170 promotion or graduation. Such courses and instruction may be
171 provided using a blended learning model that shall include
172 components such as differentiated instruction, flexible
173 scheduling, differentiated teaching, and self-paced learning.
174 Instruction through the blended learning model may be provided
175 using online instructional videos, online class forums, and
176 online homework assignments and projects, coupled with one-on-
177 one direct instructional support to students.

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

182 (a) As used in this section, the term "Florida approved
183 courses" means online courses provided by individuals which
184 include, but are not limited to, massive open online courses or
185 remedial education associated with the courses that are measured
186 pursuant to s. 1008.22. Massive open online courses may be
187 authorized in the following subject areas: Algebra I, biology,



675332

188 geometry, and civics. Courses may be applied toward requirements
189 for promotion or graduation in whole, in subparts, or in a
190 combination of whole and subparts. A student may not be required
191 to repeat subparts that are satisfactorily completed.

192 (b) A Florida approved course must be annually identified,
193 approved, published, and shared for consideration by interested
194 students and school districts. The Commissioner of Education
195 shall approve each Florida approved course for application in K-
196 12 public schools in accordance with rules of the State Board of
197 Education.

198 (3) PROVIDER REQUIREMENTS.-

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

202 1. Is nonsectarian regarding courses, enrollment policies,
203 employment practices, and operations.

204 2. Complies with the antidiscrimination provisions of s.
205 1000.05.

206 3. Requires all instructional staff to be Florida-certified
207 teachers under chapter 1012 or certified as adjunct educators
208 under s. 1012.57 and conducts background screenings for all
209 employees or contracted personnel, as required by s. 1012.32,
210 using state and national criminal history records.

211 4. Provides to parents and students specific information
212 posted and accessible online which includes, but is not limited
213 to, the following teacher-parent and teacher-student contact
214 information for each course:

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



675332

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

219 c. How to contact the administration office or an
220 individual offering online courses, including, but not limited
221 to, massive open online courses, via telephone, e-mail, or
222 online messaging tools.

223 d. Any requirement for regular contact with the instructor
224 for the course and clear expectations for meeting the
225 requirement.

226 5. Possesses prior, successful experience offering online
227 courses to elementary, middle, or high school students as
228 demonstrated by quantified student learning gains or student
229 growth in each subject area and grade level provided for
230 consideration as an instructional program option. However, for a
231 provider without sufficient prior, successful experience
232 offering online courses, the department may conditionally
233 approve the provider to offer courses measured by the statewide
234 assessment program pursuant to s. 1008.22. Conditional approval
235 is valid for 1 year. Renewal of provider approval is contingent
236 on sufficient performance data available demonstrating success
237 in accordance with this section and State Board of Education
238 rule.

239 6. Ensures instructional and curricular quality through a
240 detailed curriculum and student performance accountability plan
241 that addresses every subject and grade level that the provider
242 intends to provide through contract with the school district,
243 including all of the following:

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



675332

246 Southern Regional Education Board.
247 b. Instructional content and services that align with, and
248 measure student attainment of, student proficiency in the Next
249 Generation Sunshine State Standards.
250 c. Mechanisms that determine and ensure that a student has
251 satisfied requirements for grade level promotion and high school
252 graduation with a standard diploma, as appropriate.
253 7. Publishes for the general public, in accordance with
254 disclosure requirements adopted in rule by the State Board of
255 Education, as part of the application as a provider and in all
256 contracts negotiated pursuant to this section all of the
257 following information:
258 a. Certification status and physical location of all
259 administrative and instructional personnel.
260 b. Hours and times of availability of instructional
261 personnel.
262 c. Student-teacher ratios.
263 d. Student completion and promotion rates.
264 e. Student, educator, and school performance accountability
265 outcomes.
266 (b) Each approved provider contracted under this section
267 must participate in the statewide assessment program under s.
268 1008.22 and in the state's education performance accountability
269 system under s. 1008.31.
270 Section 6. Section 1004.0961, Florida Statutes, is created
271 to read:
272 1004.0961 Credit for online courses.—Beginning in the 2015-
273 2016 school year, the State Board of Education and the Board of
274 Governors shall adopt rules that enable students to earn



675332

275 academic credit for online courses, including massive open
276 online courses, prior to initial enrollment at a postsecondary
277 institution. The rules of the State Board of Education and rules
278 of the Board of Governors must include procedures for credential
279 evaluation and the award of credit, including, but not limited
280 to, recommendations for credit by the American Council on
281 Education; equivalency and alignment of coursework with
282 appropriate courses; course descriptions; type and amount of
283 credit that may be awarded; and transfer of credit.

284 Section 7. Section 1008.24, Florida Statutes, is amended to
285 read:

286 1008.24 Test administration and security.-

287 (1) A person may not ~~It is unlawful for anyone~~ knowingly
288 and willfully ~~to~~ violate test security rules adopted by the
289 State Board of Education for mandatory tests administered by or
290 through the State Board of Education or the Commissioner of
291 Education to students, educators, or applicants for
292 certification or administered by school districts pursuant to s.
293 1008.22, or, with respect to any such test, knowingly and
294 willfully to:

295 (a) Give examinees access to test questions prior to
296 testing;

297 (b) Copy, reproduce, or use in any manner inconsistent with
298 test security rules all or any portion of any secure test
299 booklet;

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

302 (d) Make answer keys available to examinees;

303 (e) Fail to follow security rules for distribution and



675332

304 return of secure test as directed, or fail to account for all
305 secure test materials before, during, and after testing;

306 (f) Fail to follow test administration directions specified
307 in the test administration manuals; or

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

310 (2) A ~~Any~~ person who violates this section commits a
311 misdemeanor of the first degree, punishable as provided in s.
312 775.082 or s. 775.083.

313 (3) A school district may contract with qualified
314 contractors to administer and proctor statewide standardized
315 assessments required under s. 1008.22 or assessments associated
316 with Florida approved courses under s. 1003.499, as approved by
317 the Department of Education in accordance with rules of the
318 State Board of Education. Assessments may be administered or
319 proctored by qualified contractors at sites that meet criteria
320 established by rules of the State Board of Education and adopted
321 pursuant to ss. 120.536(1) and 120.54 to implement the
322 contracting requirements of this subsection.

323 (4)~~(3)~~(a) A district school superintendent, a president of
324 a public postsecondary educational institution, or a president
325 of a nonpublic postsecondary educational institution shall
326 cooperate with the Commissioner of Education in any
327 investigation concerning the administration of a test
328 administered pursuant to state statute or rule.

329 (b) The identity of a school or postsecondary educational
330 institution, the personally identifiable information of any
331 personnel of any school district or postsecondary educational
332 institution, or any specific allegations of misconduct obtained



675332

333 or reported pursuant to an investigation conducted by the
334 Department of Education of a testing impropriety are
335 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
336 s. 24(a), Art. I of the State Constitution until the conclusion
337 of the investigation or until such time as the investigation
338 ceases to be active. For the purpose of this paragraph, an
339 investigation shall be deemed concluded upon a finding that no
340 impropriety has occurred, upon the conclusion of any resulting
341 preliminary investigation pursuant to s. 1012.796, upon the
342 completion of any resulting investigation by a law enforcement
343 agency, or upon the referral of the matter to an employer who
344 has the authority to take disciplinary action against an
345 individual who is suspected of a testing impropriety. For the
346 purpose of this paragraph, an investigation shall be considered
347 active so long as it is ongoing and there is a reasonable, good
348 faith anticipation that an administrative finding will be made
349 in the foreseeable future. This paragraph is subject to the Open
350 Government Sunset Review Act in accordance with s. 119.15 and
351 shall stand repealed on October 2, 2014, unless reviewed and
352 saved from repeal through reenactment by the Legislature.

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

357 Section 8. By August 30, 2013, the Department of Education
358 shall contract with a qualified contractor to review and provide
359 recommendations for online courses, including massive open
360 online courses, and competency-based online courses for K-12 and
361 postsecondary education. The recommendations must, at a minimum,



675332

362 include the following components: improving access to the online
363 courses, and approving, funding, holding providers accountable,
364 and awarding credit for such courses. The department shall
365 identify measures of quality based upon student outcomes, such
366 as completion and achievement rates correlated appropriately to
367 each delivery model; measures for students to demonstrate
368 competency, such as prior learning assessments, end-of-course
369 exams, assessments established by regionally accredited public
370 institutions which may be applied as one whole assessment or as
371 two or more discrete subassessments such that when combined, the
372 subassessments are equivalent to a whole assessment; and
373 opportunities to use online courses, including massive open
374 online courses using blended learning or other tools delivered
375 in modules or segments to provide instruction pursuant to s.
376 1003.499(2)(a) for students in K-12 education. The department
377 shall provide findings and recommendations to the Executive
378 Office of the Governor, the President of the Senate, and the
379 Speaker of the House of Representatives by February 1, 2014.

380 Section 9. This act shall take effect July 1, 2013.

381
382 ===== T I T L E A M E N D M E N T =====

383 And the title is amended as follows:

384 Delete everything before the enacting clause
385 and insert:

386 A bill to be entitled
387 An act relating to education; amending s. 1002.321,
388 F.S.; requiring the Department of Education to develop
389 an online catalog of digital learning courses;
390 amending s. 1002.37, F.S.; providing reporting



675332

391 requirements relating to Florida Virtual School
392 Global; requiring the Auditor General to conduct an
393 operational audit of the Florida Virtual School and
394 submit a report to the Legislature; amending s.
395 1003.01, F.S.; removing Florida approved courses and
396 blended learning courses provided by a traditional
397 public school, a charter school, or a district
398 innovation school from the definition of the term
399 "core-curricula courses" for purposes of class size
400 requirements; amending s. 1003.498, F.S.; requiring
401 the Department of Education to provide identifiers for
402 courses to designate their use for blended learning
403 courses; removing restrictions on students' taking
404 online courses across district lines; providing
405 students' access to courses; prohibiting a school
406 district from requiring a public school student to
407 take an online course at certain times or places;
408 creating s. 1003.499, F.S.; creating the Florida
409 Approved Course Initiative; providing the purpose of
410 the initiative; providing legislative intent;
411 providing that implementing the initiative allows
412 students to expand their choices in selecting online
413 courses; requiring the department to annually publish
414 online a list of providers; defining the term "Florida
415 approved courses" as it relates to the initiative;
416 requiring that Florida approved courses be annually
417 identified, approved, published, and shared for
418 consideration by certain students and school
419 districts; requiring the Commissioner of Education to



675332

420 approve each Florida approved course; providing
421 requirements for approval as a provider for the
422 initiative; requiring an approved provider to
423 participate in the statewide assessment program and
424 the education performance accountability system;
425 creating s. 1004.0961, F.S.; requiring the State Board
426 of Education and the Board of Governors to adopt rules
427 that enable students to earn academic credit toward
428 online courses; providing requirements for the rules;
429 amending s. 1008.24, F.S.; authorizing a school
430 district to contract with qualified contractors to
431 administer and proctor statewide standardized
432 assessments or assessments associated with Florida
433 approved courses; providing that assessments may be
434 administered or proctored by qualified contractors at
435 sites that meet certain criteria; requiring
436 exceptional students to have access to testing sites;
437 requiring the Department of Education and school
438 districts to adopt policies; requiring the department
439 to contract with a qualified contractor to review and
440 provide recommendations for improving access to online
441 courses, and approving, funding, holding providers
442 accountable, and awarding credit for online courses
443 for K-12 and postsecondary education; requiring the
444 department to identify measures of quality based upon
445 student outcomes; requiring the department to provide
446 findings and recommendations to the Governor and the
447 Legislature by a specified date; providing an
448 effective date.