

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 (23) of section 1001.42, Florida
17 Statutes, is amended to read:

18 1001.42 Powers and duties of district school board.—The
19 district school board, acting as a board, shall exercise all
20 powers and perform all duties listed below:

21 (23) ~~FLORIDA VIRTUAL INSTRUCTION SCHOOL.~~—Provide students
22 with access to courses available through a virtual instruction
23 program option, including the Florida Virtual School and other
24 approved virtual providers, and award credit for successful
25 completion of such courses. ~~Access shall be available to~~
26 ~~students during and after the normal school day and through~~
27 ~~summer school enrollment.~~

28 Section 3. Paragraph (d) of subsection (4) of section
29 1002.321, Florida Statutes, is amended, and subsection (6) is
30 added to that section, to read:

31 1002.321 Digital learning.—

32 (4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district
33 must establish multiple opportunities for student participation
34 in part-time and full-time kindergarten through grade 12 virtual
35 instruction. Options include, but are not limited to:

36 (d) Full-time or part-time virtual charter school
37 instruction authorized under s. 1002.33.

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

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44 Section 4. Subsection (1) of section 1002.33, Florida
45 Statutes, is amended to read:

46 1002.33 Charter schools.—

47 (1) AUTHORIZATION.—Charter schools shall be part of the
48 state's program of public education. All charter schools in
49 Florida are public schools. A charter school may be formed by
50 creating a new school or converting an existing public school to
51 charter status. A charter school may operate a virtual charter
52 school pursuant to s. 1002.45(1)(d) to provide full-time or
53 part-time online instruction to eligible students, pursuant to
54 s. 1002.455, in kindergarten through grade 12. A charter school
55 must amend its charter or submit a new application pursuant to
56 subsection (6) to become a virtual charter school. A virtual
57 charter school is subject to the requirements of this section;
58 however, a virtual charter school is exempt from subsections
59 (18) and (19), subparagraphs (20)(a)2., 4., 5., and 7.,
60 paragraph (20)(c), and s. 1003.03. A public school may not use
61 the term charter in its name unless it has been approved under
62 this section.

63 Section 5. Paragraph (a) of subsection (3), subsection (6),
64 paragraph (b) of subsection (8), and paragraph (c) of subsection
65 (9) of section 1002.37, Florida Statutes, are amended, and
66 subsection (11) is added to that section, to read:

67 1002.37 The Florida Virtual School. —

68 (3) Funding for the Florida Virtual School shall be
69 provided as follows:

70 (a)1. For a student in grades 9 through 12, a "full-time
71 equivalent student" is one student who has successfully

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72 completed six full-credit courses that count toward the minimum
73 number of credits required for high school graduation. A student
74 who completes fewer than six full-credit courses is a fraction
75 of a full-time equivalent student. Half-credit course
76 completions shall be included in determining a full-time
77 equivalent student. Credit completed by a student in excess of
78 the minimum required for that student for high school graduation
79 is not eligible for funding.

80 2. For a student in kindergarten through grade 8, a "full-
81 time equivalent student" is one student who has successfully
82 completed six courses or the prescribed level of content that
83 counts toward promotion to the next grade. A student who
84 completes fewer than six courses or the prescribed level of
85 content shall be a fraction of a full-time equivalent student.

86 3. For a student in a home education program, funding shall
87 be provided in accordance with this subsection upon course
88 completion if the parent verifies, upon enrollment for each
89 course, that the student is registered with the school district
90 as a home education student pursuant to s. 1002.41(1)(a).
91 Beginning in the 2016-2017 ~~2014-2015~~ fiscal year, ~~when s.~~
92 ~~1008.22(3)(g) is implemented,~~ the reported full-time equivalent
93 students and associated funding of students enrolled in courses
94 requiring passage of an end-of-course assessment under s.
95 1003.4282 to earn a standard high school diploma shall be
96 adjusted if ~~after~~ the student does not pass ~~completes~~ the end-
97 of-course assessment. However, no adjustment shall be made for
98 home education program students who choose not to take an end-

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99 of-course assessment or for a student who enrolls in a segmented
100 remedial course delivered online.

101
102 For purposes of this paragraph, the calculation of "full-time
103 equivalent student" shall be as prescribed in s.
104 1011.61(1)(c)1.b.(V).

105 (6) The board of trustees shall annually submit to the
106 Governor, the Legislature, the Commissioner of Education, and
107 the State Board of Education a complete and detailed report
108 setting forth:

109 (a) The operations and accomplishments of the Florida
110 Virtual School within the state and those occurring outside the
111 state as Florida Virtual School Global.

112 (b) The marketing and operational plan for the Florida
113 Virtual School and Florida Virtual School Global, including
114 recommendations regarding methods for improving the delivery of
115 education through the Internet and other distance learning
116 technology.

117 (c) The assets and liabilities of the Florida Virtual
118 School and Florida Virtual School Global at the end of the
119 fiscal year.

120 (d) A copy of an annual financial audit of the accounts and
121 records of the Florida Virtual School and Florida Virtual School
122 Global, conducted by an independent certified public accountant
123 and performed in accordance with rules adopted by the Auditor
124 General.

125 (e) Recommendations regarding the unit cost of providing
126 services to students through the Florida Virtual School and

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127 Florida Virtual School Global. In order to most effectively
128 develop public policy regarding any future funding of the
129 Florida Virtual School, it is imperative that the cost of the
130 program is accurately identified. The identified cost of the
131 program must be based on reliable data.

132 (f) Recommendations regarding an accountability mechanism
133 to assess the effectiveness of the services provided by the
134 Florida Virtual School and Florida Virtual School Global.

135 (8)

136 (b) For students receiving part-time instruction in
137 kindergarten through grade 5 and students receiving full-time
138 instruction in kindergarten through grade 12 from the Florida
139 Virtual School, the full-time equivalent student enrollment
140 calculated under this subsection is subject to the requirements
141 of s. 1011.61(4) ~~combined total of all FTE reported by both the~~
142 ~~school district and the Florida Virtual School may not exceed~~
143 ~~1.0 FTE~~.

144 (9)

145 (c) Unless an alternative testing site is mutually agreed
146 to by the Florida Virtual School and the school district, all
147 statewide assessments must be taken at the school to which the
148 student would be assigned according to district school board
149 attendance areas. A school district must provide the student
150 with access to the school's testing facilities.

151 (11) The Auditor General shall conduct an operational audit
152 of the Florida Virtual School, including Florida Virtual School
153 Global. The scope of the audit shall include, but not be limited
154 to, the administration of responsibilities relating to

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155 personnel; procurement and contracting; revenue production;
156 school funds, including internal funds; student enrollment
157 records; franchise agreements; information technology
158 utilization, assets, and security; performance measures and
159 standards; and accountability. The final report on the audit
160 shall be submitted to the President of the Senate and the
161 Speaker of the House of Representatives no later than January
162 31, 2014.

163 Section 6. Paragraphs (b), (c), and (d) of subsection (1),
164 paragraph (a) of subsection (2), and paragraph (a) of subsection
165 (8) of section 1002.45, Florida Statutes, are amended to read:

166 1002.45 Virtual instruction programs.—

167 (1) PROGRAM.—

168 (b) Each school district that is eligible for the sparsity
169 supplement pursuant to s. 1011.62(7)(a) and (b) shall provide
170 all enrolled public school students within its boundaries the
171 option of participating in part-time and full-time virtual
172 instruction programs. Each school district that is not eligible
173 for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b)
174 shall provide at least three options for part-time and full-time
175 virtual instruction. All school districts must provide parents
176 with timely written notification of at least one open enrollment
177 period for full-time students of 90 days or more which ends 30
178 days before the first day of the school year. The purpose of the
179 program is to make quality virtual instruction available to
180 students using online and distance learning technology in the
181 nontraditional classroom. A school district virtual instruction
182 program shall consist of the following:

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

185 2. Part-time virtual instruction consisting of an
186 individual course or courses, including massive open online
187 courses or remedial education associated with the courses that
188 are measured pursuant to subparagraph (8)(a)2., for students
189 enrolled in kindergarten through grade 12 courses that are
190 measured pursuant to subparagraph (8)(a)2. Massive open online
191 courses shall be in four subject areas: Algebra I, biology,
192 geometry, and civics.

193 3. Full-time or part-time virtual instruction for students
194 enrolled in dropout prevention and academic intervention
195 programs under s. 1003.53, Department of Juvenile Justice
196 education programs under s. 1003.52, core-curricula courses
197 delivered in a virtual learning laboratory on a school campus to
198 meet class size requirements under s. 1003.03, or Florida
199 College System institutions under this section.

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

203 1. Contract with the Florida Virtual School or establish a
204 franchise of the Florida Virtual School for the provision of a
205 program under paragraph (b). Using this option is subject to the
206 requirements of this section and s. 1011.61(1)(c)1.b.(III) and
207 (IV).

208 2. Contract with an approved provider under subsection (2)
209 for the provision of a full-time or part-time program under

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210 ~~paragraph (b) subparagraph (b)1. or subparagraph (b)3. or a~~
211 ~~part-time program under subparagraph (b)2. or subparagraph (b)3.~~

212 3. Enter into an agreement with other school districts to
213 allow the participation of its students in an approved virtual
214 instruction program provided by the other school district. The
215 agreement must indicate a process for the transfer of funds
216 required by paragraph (7) (f).

217 4. Establish school district operated part-time or full-
218 time kindergarten through grade 12 virtual instruction programs
219 under paragraph (b) for students enrolled in the school
220 district. A full-time program shall operate under its own Master
221 School Identification Number.

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

224
225 Contracts under subparagraph 1. or subparagraph 2. may include
226 multidistrict contractual arrangements that may be executed by a
227 regional consortium for its member districts. A multidistrict
228 contractual arrangement or an agreement under subparagraph 3. is
229 not subject to s. 1001.42(4) (d) and does not require the
230 participating school districts to be contiguous. These
231 arrangements may be used to fulfill the requirements of
232 paragraph (b).

233 (d) A virtual charter school may provide full-time or part-
234 time virtual instruction for students in kindergarten through
235 grade 12 if the virtual charter school has a charter approved
236 pursuant to s. 1002.33 authorizing full-time virtual
237 instruction. A virtual charter school may:

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238 1. Contract with the Florida Virtual School.

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

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

241 ~~4.3-~~ Enter into an agreement with a school district to
242 allow the participation of the virtual charter school's students
243 in the school district's virtual instruction program. The
244 agreement must indicate a process for reporting of student
245 enrollment and the transfer of funds required by paragraph
246 (7) (f).

247 (2) PROVIDER QUALIFICATIONS.-

248 (a) The department shall annually publish online a list of
249 providers approved to offer virtual instruction programs or
250 online courses, including, but not limited to, massive open
251 online courses and instruction included under subparagraph
252 (1) (b)2. To be approved by the department, a provider must
253 document that it:

254 1. Is nonsectarian in its programs, admission policies,
255 employment practices, and operations;

256 2. Complies with the antidiscrimination provisions of s.
257 1000.05;

258 3. Meets the requirements of s. 617.0503 ~~Locates an~~
259 ~~administrative office or offices in this state, requires its~~
260 ~~administrative staff to be state residents,~~ requires all
261 instructional staff to be Florida-certified teachers under
262 chapter 1012 or certified as adjunct educators under s. 1012.57,
263 and conducts background screenings for all employees or
264 contracted personnel, as required by s. 1012.32, using state and
265 national criminal history records;

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266 4. Provides to parents and students specific information
267 posted and accessible online which includes, but is not limited
268 to, the following teacher-parent and teacher-student contact
269 information for each course:

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

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

274 c. How to contact the administration office or an
275 individual offering online courses, including, but not limited
276 to, massive open online courses, via telephone, e-mail, or
277 online messaging tools.

278 d. Any requirement for regular contact with the instructor
279 for the course and clear expectations for meeting the
280 requirement.

281 e. A requirement that the instructor in each course, with
282 the exception of entities offering online courses, including,
283 but not limited to, massive open online courses, must, at a
284 minimum, conduct one contact via telephone with the parent and
285 the student each month;

286 5.4. Possesses prior, successful experience offering online
287 courses to elementary, middle, or high school students as
288 demonstrated by quantified student learning gains in each
289 subject area and grade level provided for consideration as an
290 instructional program option. However, for a provider without
291 sufficient prior, successful experience offering online courses,
292 the department may conditionally approve the provider to offer
293 courses measured pursuant to subparagraph (8) (a)2. Conditional

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294 approval is valid for a maximum of 2 years with a review at the
295 end of the first year. Renewal of provider approval is
296 contingent on sufficient performance data available
297 demonstrating success in accordance with this section and State
298 Board of Education rule;

299 ~~6.5.~~ Is accredited by a regional accrediting association as
300 defined by State Board of Education rule;

301 ~~7.6.~~ Ensures instructional and curricular quality through a
302 detailed curriculum and student performance accountability plan
303 that addresses every subject and grade level it intends to
304 provide through contract with the school district, including:

305 a. Courses and programs that meet the standards of the
306 International Association for K-12 Online Learning and the
307 Southern Regional Education Board.

308 b. Instructional content and services that align with, and
309 measure student attainment of, student proficiency in the Next
310 Generation Sunshine State Standards.

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

314 ~~8.7.~~ Publishes for the general public, in accordance with
315 disclosure requirements adopted in rule by the State Board of
316 Education, as part of its application as a provider and in all
317 contracts negotiated pursuant to this section:

318 a. Information and data about the curriculum of each full-
319 time and part-time program.

320 b. School policies and procedures.

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321 c. Certification status and physical location of all
322 administrative and instructional personnel.

323 d. Hours and times of availability of instructional
324 personnel.

325 e. Student-teacher ratios.

326 f. Student completion and promotion rates.

327 g. Student, educator, and school performance accountability
328 outcomes;

329 ~~9.8.~~ If the provider is a Florida College System
330 institution, employs instructors who meet the certification
331 requirements for instructional staff under chapter 1012; and

332 ~~10.9.~~ Performs an annual financial audit of its accounts
333 and records conducted by an independent certified public
334 accountant which is in accordance with rules adopted by the
335 Auditor General, is conducted in compliance with generally
336 accepted auditing standards, and includes a report on financial
337 statements presented in accordance with generally accepted
338 accounting principles.

339

340 A person or organization that seeks to offer online courses
341 pursuant to this paragraph is not subject to sub-subparagraphs
342 8.a. and b., subparagraphs 6., 9., and 10., and paragraphs
343 (8) (c) and (d).

344 (8) ASSESSMENT AND ACCOUNTABILITY.—

345 (a) Each approved provider contracted under this section
346 must:

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347 1. Participate in the statewide assessment program under s.
348 1008.22 and in the state's education performance accountability
349 system under s. 1008.31.

350 2. Receive a school grade under s. 1008.34 or a school
351 improvement rating under s. 1008.341, as applicable. The school
352 grade or school improvement rating received by each approved
353 provider shall be based upon the aggregated assessment scores of
354 all students served by the provider statewide. The department
355 shall publish the school grade or school improvement rating
356 received by each approved provider on its Internet website. The
357 department shall develop an evaluation method for providers of
358 part-time programs and courses which includes the percentage of
359 students making learning gains, the percentage of students
360 successfully passing any required end-of-course assessment, the
361 percentage of students taking Advanced Placement examinations,
362 and the percentage of students scoring 3 or higher on an
363 Advanced Placement examination.

364 Section 7. Paragraph (b) of subsection (3) of section
365 1002.455, Florida Statutes, is amended to read:

366 1002.455 Student eligibility for K-12 virtual instruction.—

367 (3) The virtual instruction options for which this
368 eligibility section applies include:

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

371 Section 8. Subsection (14) of section 1003.01, Florida
372 Statutes, is amended to read:

373 1003.01 Definitions.—As used in this chapter, the term:

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

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375 (a) Courses in language arts/reading, mathematics, social
376 studies, and science in prekindergarten through grade 3,
377 excluding any extracurricular courses pursuant to subsection
378 (15);

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

383 (c) Courses in grades 9 through 12 in subjects that are
384 measured by state assessment at any grade level and courses that
385 are specifically identified by name in statute as required for
386 high school graduation and that are not measured by state
387 assessment, excluding any extracurricular courses pursuant to
388 subsection (15);

389 (d) Exceptional student education courses; and

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

391
392 The term is limited in meaning and used for the sole purpose of
393 designating classes that are subject to the maximum class size
394 requirements established in s. 1, Art. IX of the State
395 Constitution. This term does not include courses offered under
396 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.415, and
397 1002.45.

398 Section 9. Section 1003.498, Florida Statutes, is amended to
399 read:

400 1003.498 School district virtual course offerings.—

401 (1) School districts may deliver courses in the traditional
402 school setting by personnel certified pursuant to s. 1012.55 who

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403 provide direct instruction through virtual instruction or
404 through blended learning courses consisting of both traditional
405 classroom and online instructional techniques. Students in a
406 blended learning course must be full-time students of the school
407 and receive the online instruction in a classroom setting at the
408 school. The funding, performance, and accountability
409 requirements for blended learning courses are the same as those
410 for traditional courses. To facilitate the delivery and coding
411 of blended learning courses, the department shall provide
412 identifiers for existing courses to designate that they are
413 being used for blended learning courses for the purpose of
414 ensuring the efficient reporting of such courses.

415 (2) School districts may offer virtual courses for students
416 enrolled in the school district. These courses must be
417 identified in the course code directory. Students who meet the
418 eligibility requirements of s. 1002.455 may participate in these
419 virtual course offerings.

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

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

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

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

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

433 ~~b. The course is offered in the school in which the student~~
434 ~~is enrolled. However, a student may enroll in an online course~~
435 ~~offered by another school district if the school in which the~~
436 ~~student is enrolled offers the course but the student is unable~~
437 ~~to schedule the course in his or her school.~~

438 ~~3.~~ The school district in which the student completes the
439 course shall report the student's completion of that course for
440 funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home
441 school district shall not report the student for funding for
442 that course.

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

449 (3) Access to courses shall be available to students during
450 the normal school day. A school district may not require a
451 public school student to take a course outside the school day
452 which is in addition to the student's courses for a given term
453 or on school grounds.

454 Section 10. Section 1003.499, Florida Statutes, is created
455 to read:

456 1003.499 Florida Approved Courses and Tests (FACT)
457 Initiative.-

458 (1) PURPOSE.-

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459 (a) The purpose of the initiative shall be to make
460 available multiple options to suit unique student interests,
461 satisfy educational requirements, and accelerate student
462 accomplishment of goals in a productive and effective manner.
463 The Legislature intends that state and local rules, policies,
464 and administrative decisions are flexible in interpreting and
465 implementing the requirements in this section in order to
466 encourage creative, innovative, resourceful, and forward-
467 thinking practices that can be modeled throughout this state and
468 the country.

469 (b) Beginning in the 2015-2016 school year, the Florida
470 Approved Courses and Tests (FACT) Initiative shall be
471 implemented to expand student choices in selecting high-quality
472 online courses, including, but not limited to, massive open
473 online courses and instruction included under subsection (2) for
474 promotion or graduation. Such courses and instruction may be
475 provided using a blended learning model that shall include
476 components such as differentiated instruction, flexible
477 scheduling, differentiated teaching, and self-paced learning.
478 Instruction through the blended learning model may be provided
479 using online instructional videos, online class forums, and
480 online homework assignments and projects, coupled with one-on-
481 one direct instructional support to students.

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

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486 (a) As used in this section, the term "Florida approved
487 courses" means online courses provided by individuals which
488 include, but are not limited to, massive open online courses or
489 remedial education associated with the courses that are measured
490 pursuant to s. 1008.22. Massive open online courses may be
491 authorized in the following subject areas: Algebra I, biology,
492 geometry, and civics. Courses may be applied toward requirements
493 for promotion or graduation in whole, in subparts, or in a
494 combination of whole and subparts. A student may not be required
495 to repeat subparts that are satisfactorily completed.

496 (b) A Florida approved course must be annually identified,
497 approved, published, and shared for consideration by interested
498 students and school districts. The Commissioner of Education
499 shall approve each Florida approved course for application in K-
500 12 public schools in accordance with rules of the State Board of
501 Education.

502 (3) PROVIDER REQUIREMENTS.—

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

506 1. Is nonsectarian regarding courses, enrollment policies,
507 employment practices, and operations.

508 2. Complies with the antidiscrimination provisions of s.
509 1000.05.

510 3. Requires all instructional staff to be Florida-certified
511 teachers under chapter 1012 or certified as adjunct educators
512 under s. 1012.57 and conducts background screenings for all

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513 employees or contracted personnel, as required by s. 1012.32,
514 using state and national criminal history records.

515 4. Provides to parents and students specific information
516 posted and accessible online which includes, but is not limited
517 to, the following teacher-parent and teacher-student contact
518 information for each course:

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

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

523 c. How to contact the administration office or an
524 individual offering online courses, including, but not limited
525 to, massive open online courses, via telephone, e-mail, or
526 online messaging tools.

527 d. Any requirement for regular contact with the instructor
528 for the course and clear expectations for meeting the
529 requirement.

530 5. Possesses prior, successful experience offering online
531 courses to elementary, middle, or high school students as
532 demonstrated by quantified student learning gains or student
533 growth in each subject area and grade level provided for
534 consideration as an instructional program option. However, for a
535 provider without sufficient prior, successful experience
536 offering online courses, the department may conditionally
537 approve the provider to offer courses measured by statewide
538 assessment program pursuant to s. 1008.22. Conditional approval
539 is valid for 1 year. Renewal of provider approval is contingent
540 on sufficient performance data available demonstrating success

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541 in accordance with this section and State Board of Education
542 rule.

543 6. Ensures instructional and curricular quality through a
544 detailed curriculum and student performance accountability plan
545 that addresses every subject and grade level that the provider
546 intends to provide through contract with the school district,
547 including all of the following:

548 a. Courses and programs that meet the standards of the
549 International Association for K-12 Online Learning and the
550 Southern Regional Education Board.

551 b. Instructional content and services that align with, and
552 measure student attainment of, student proficiency in the Next
553 Generation Sunshine State Standards.

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

557 7. Publishes for the general public, in accordance with
558 disclosure requirements adopted in rule by the State Board of
559 Education, as part of the application as a provider and in all
560 contracts negotiated pursuant to this section all of the
561 following information:

562 a. Certification status and physical location of all
563 administrative and instructional personnel.

564 b. Hours and times of availability of instructional
565 personnel.

566 c. Student-teacher ratios.

567 d. Student completion and promotion rates.

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568 e. Student, educator, and school performance accountability
569 outcomes.

570 (b) Each approved provider contracted under this section
571 must participate in the statewide assessment program under s.
572 1008.22 and in the state's education performance accountability
573 system under s. 1008.31.

574 Section 11. Section 1004.0961, Florida Statutes, is created
575 to read:

576 1004.0961 Credit for online courses.—Beginning in the 2015-
577 2016 school year, the State Board of Education shall adopt rules
578 and the Board of Governors shall adopt regulations that enable
579 students to earn academic credit from online courses, including
580 massive open online courses. The rules of the State Board of
581 Education and the regulations of the Board of Governors must
582 include procedures for credential evaluation and the award of
583 credit, including, but not limited to, recommendations for
584 credit by the American Council on Education, equivalency and
585 alignment of coursework with appropriate courses, course
586 descriptions, type and amount of credit that may be awarded, and
587 transfer of credit.

588 Section 12. Section 1008.24, Florida Statutes, is amended
589 to read:

590 1008.24 Test administration and security.—

591 (1) A person may not ~~It is unlawful for anyone~~ knowingly
592 and willfully ~~to~~ violate test security rules adopted by the
593 State Board of Education for mandatory tests administered by or
594 through the State Board of Education or the Commissioner of
595 Education to students, educators, or applicants for

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596 certification or administered by school districts pursuant to s.
597 1008.22, or, with respect to any such test, knowingly and
598 willfully to:

599 (a) Give examinees access to test questions prior to
600 testing;

601 (b) Copy, reproduce, or use in any manner inconsistent with
602 test security rules all or any portion of any secure test
603 booklet;

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

606 (d) Make answer keys available to examinees;

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

610 (f) Fail to follow test administration directions specified
611 in the test administration manuals; or

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

614 (2) A ~~Any~~ person who violates this section commits a
615 misdemeanor of the first degree, punishable as provided in s.
616 775.082 or s. 775.083.

617 (3) A school district may contract with qualified
618 contractors to administer and proctor statewide, standardized
619 assessments required under s. 1008.22 or assessments associated
620 with Florida approved courses under s. 1003.499, in accordance
621 with rules of the State Board of Education. Assessments may be
622 administered or proctored by qualified contractors at sites that
623 meet criteria established by rules of the state board adopted

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624 pursuant to ss. 120.536(1) and 120.54 to implement the
625 contracting requirements of this subsection.

626 ~~(4)~~(3)(a) A district school superintendent, a president of
627 a public postsecondary educational institution, or a president
628 of a nonpublic postsecondary educational institution shall
629 cooperate with the Commissioner of Education in any
630 investigation concerning the administration of a test
631 administered pursuant to state statute or rule.

632 (b) The identity of a school or postsecondary educational
633 institution, the personally identifiable information of any
634 personnel of any school district or postsecondary educational
635 institution, or any specific allegations of misconduct obtained
636 or reported pursuant to an investigation conducted by the
637 Department of Education of a testing impropriety are
638 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
639 s. 24(a), Art. I of the State Constitution until the conclusion
640 of the investigation or until such time as the investigation
641 ceases to be active. For the purpose of this paragraph, an
642 investigation shall be deemed concluded upon a finding that no
643 impropriety has occurred, upon the conclusion of any resulting
644 preliminary investigation pursuant to s. 1012.796, upon the
645 completion of any resulting investigation by a law enforcement
646 agency, or upon the referral of the matter to an employer who
647 has the authority to take disciplinary action against an
648 individual who is suspected of a testing impropriety. For the
649 purpose of this paragraph, an investigation shall be considered
650 active so long as it is ongoing and there is a reasonable, good
651 faith anticipation that an administrative finding will be made

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652 in the foreseeable future. This paragraph is subject to the Open
653 Government Sunset Review Act in accordance with s. 119.15 and
654 shall stand repealed on October 2, 2014, unless reviewed and
655 saved from repeal through reenactment by the Legislature.

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

660 Section 13. The Department of Education shall contract with
661 a qualified contractor to review and provide recommendations for
662 approving, finding ways to increase access, funding, holding
663 providers accountable, and awarding credit for online courses,
664 including massive open online courses, and competency-based
665 online courses for K-12 education and postsecondary programs.
666 The department shall identify measures of quality based upon
667 student outcomes, such as completion and achievement rates
668 correlated appropriately to each delivery model; measures for
669 students to demonstrate competency, such as prior learning
670 assessments, end-of-course examinations, and other tools; and
671 opportunities to use online courses, including massive open
672 online courses delivered in modules or segments to provide
673 instruction pursuant to s. 1002.45(1)(b)2. for students in K-12
674 education. The department shall provide findings and
675 recommendations to the Executive Office of the Governor, the
676 President of the Senate, and the Speaker of the House of
677 Representatives by December 31, 2013.

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

680
681 Remove lines 387-448 of the amendment and insert:
682 An act relating to education; amending s. 1001.10,
683 F.S.; requiring the Commissioner of Education to
684 monitor school district compliance with certain
685 student choice and access provisions; amending s.
686 1001.42, F.S.; revising district school board duties
687 relating to virtual instruction; amending s.
688 1002.321, F.S.; authorizing a school district to
689 establish options in K-12 virtual instruction to
690 include part-time virtual charter school instruction;
691 requiring the Department of Education to develop an
692 online catalog of digital learning courses; amending
693 s. 1002.33, F.S.; authorizing a charter school to
694 operate a virtual charter school by providing full-
695 time or part-time online instruction to eligible K-12
696 students; amending s. 1002.37, F.S.; providing
697 requirements for funding a home education student
698 enrolled in the Florida Virtual School; providing
699 reporting requirements relating to Florida Virtual
700 School Global; requiring the Auditor General to
701 conduct an operational audit of the Florida Virtual
702 School and submit a report to the Legislature;
703 amending s. 1002.45, F.S.; authorizing a school
704 district and a virtual charter school to provide
705 part-time virtual instruction for K-12 students in
706 certain courses; revising requirements for the use of
707 virtual instruction in core-curricula courses for the

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708 purpose of meeting class size requirements; requiring
709 the Department of Education to annually publish
710 online a list of providers approved to offer virtual
711 instruction programs or certain online courses;
712 revising requirements for approval as a provider of
713 virtual instruction programs or courses; providing
714 requirements for conditional approval; conforming
715 provisions to changes made by the act; amending s.
716 1002.455, F.S.; providing full-time or part-time
717 virtual charter school instruction as an option for
718 K-12 virtual instruction; amending s. 1003.01, F.S.;
719 removing blended learning courses provided by a
720 traditional public school, a charter school, or a
721 district innovation school from the definition of the
722 term "core-curricula courses" for purposes of class
723 size requirements; amending s. 1003.498, F.S.;
724 requiring the Department of Education to provide
725 identifiers for courses to designate their use for
726 blended learning courses; removing restrictions on
727 students' taking online courses across district
728 lines; providing students' access to courses;
729 prohibiting a school district from requiring a public
730 school student to take an online course at certain
731 times or places; creating s. 1003.499, F.S.; creating
732 the Florida Approved Courses and Tests Initiative;
733 providing the purpose of the initiative; providing
734 legislative intent; providing that implementing the
735 initiative allows students to expand their choices in

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736 selecting online courses; requiring the department to
737 annually publish online a list of providers; defining
738 the term "Florida approved courses" as it relates to
739 the initiative; requiring that Florida approved
740 courses be annually identified, approved, published,
741 and shared for consideration by certain students and
742 school districts; requiring the Commissioner of
743 Education to approve each Florida approved course;
744 providing requirements for approval as a provider for
745 the initiative; requiring an approved provider to
746 participate in the statewide assessment program and
747 the education performance accountability system;
748 creating s. 1004.0961, F.S.; requiring the State
749 Board of Education to adopt rules and the Board of
750 Governors to adopt regulations that enable students
751 to earn academic credit from online courses;
752 providing requirements for the rules; amending s.
753 1008.24, F.S.; authorizing a school district to
754 contract with qualified contractors to administer and
755 proctor statewide standardized assessments or
756 assessments associated with Florida approved courses;
757 providing that assessments may be administered or
758 proctored by qualified contractors at sites that meet
759 certain criteria; requiring exceptional students to
760 have access to testing sites; requiring the
761 Department of Education and school districts to adopt
762 policies; requiring the Department of Education to
763 contract with a qualified contractor to review and

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764 provide recommendations for approving, finding ways
765 to increase access, funding, holding providers
766 accountable, and awarding credit for online courses
767 for K-12 education and postsecondary programs;
768 requiring the department to identify measures of
769 quality based upon student outcomes; requiring the
770 department to provide findings and recommendations to
771 the Governor and the Legislature by a specified date;
772 providing an effective date.