



242714

LEGISLATIVE ACTION

Senate

House

.  
. .  
. .  
. .  
. .

Floor: 4/WD/2R

05/02/2013 03:15 PM

---

Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Between lines 2437 and 2438

insert:

Section 32. 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.



242714

14 Section 33. 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



242714

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 34. 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:



242714

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 35. Section 1003.498, Florida Statutes, is amended  
96 to 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



242714

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~~



242714

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 36. 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.



242714

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,



242714

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.





242714

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 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



242714

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 37. 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



242714

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 38. Section 1008.24, Florida Statutes, is amended  
285 to 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



242714

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



242714

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 39. 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,



242714

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

382 And the title is amended as follows:

383       Between lines 104 and 105

384 insert:

385       amending s. 1002.321, F.S.; requiring the Department  
386       of Education to develop an online catalog of digital  
387       learning courses; amending s. 1002.37, F.S.; providing  
388       reporting requirements relating to Florida Virtual  
389       School Global; requiring the Auditor General to  
390       conduct an operational audit of the Florida Virtual



242714

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



242714

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