

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Choice & Innovation
 2 Subcommittee

3 Representative Diaz, M. offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (1) and (2) of section 1002.45,
 8 Florida Statutes, are amended to read:

9 1002.45 Virtual instruction programs.—

10 (1) PROGRAM.—

11 (b) Each school district that is eligible for the sparsity
 12 supplement pursuant to s. 1011.62(7)(a) and (b) shall provide
 13 all enrolled public school students within its boundaries the
 14 option of participating in part-time and full-time virtual
 15 instruction programs. Each school district that is not eligible
 16 for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b)
 17 shall provide at least three options for part-time and full-time
 18 virtual instruction. All school districts must provide parents
 19 with timely written notification of at least one open enrollment
 20 period for full-time students of 90 days or more which ends 30

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21 days before the first day of the school year. The purpose of the
22 program is to make quality virtual instruction available to
23 students using online and distance learning technology in the
24 nontraditional classroom. A school district virtual instruction
25 program shall consist of the following:

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

28 2. Part-time virtual instruction consisting of an
29 individual course or courses, including massive open online
30 courses, for students enrolled in kindergarten through grade 12
31 courses that are measured pursuant to subparagraph (8)(a)2.

32 3. Full-time or part-time virtual instruction for students
33 enrolled in dropout prevention and academic intervention
34 programs under s. 1003.53, Department of Juvenile Justice
35 education programs under s. 1003.52, core-curricula courses to
36 meet class size requirements under s. 1003.03, or Florida
37 College System institutions under this section.

38 (2) PROVIDER QUALIFICATIONS.—

39 (a) The department shall annually publish online a list of
40 providers approved to offer virtual instruction programs or
41 online courses including, but not limited to, massive open
42 online courses that can be measured pursuant to subparagraph
43 8(a)2. To be approved by the department, a provider must
44 document that it:

45 1. Is nonsectarian in its programs, admission policies,
46 employment practices, and operations;

47 2. Complies with the antidiscrimination provisions of s.
48 1000.05;

49 3. ~~Locates an administrative office or offices in this~~

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50 ~~state, requires its administrative staff to be state residents,~~
51 Rrequires all instructional staff to be Florida-certified
52 teachers under chapter 1012 or certified as an adjunct educator
53 under 1012.57, and conducts background screenings for all
54 employees or contracted personnel, as required by s. 1012.32,
55 using state and national criminal history records;

56 4. Provides to parents and students specific information
57 posted and accessible online that includes, but is not limited
58 to, the following teacher-parent and teacher-student contact
59 information for each course:

60 a. How to contact the instructor via phone, e-mail, or
61 online messaging tools.

62 b. How to contact technical support via phone, e-mail, or
63 online messaging tools.

64 c. How to contact the administration office or an
65 individual offering online courses including, but not limited
66 to, massive open online courses, via phone, e-mail, or online
67 messaging tools.

68 d. Any requirement for regular contact with the instructor
69 for the course and clear expectations for meeting the
70 requirement.

71 e. The requirement that the instructor in each course, with
72 the exception of individuals offering online courses including,
73 but not limited to, massive open online courses, must, at a
74 minimum, conduct one contact via phone with the parent and the
75 student each month.

76 ~~5.4.~~ Possesses prior, successful experience offering online
77 courses to elementary, middle, or high school students as
78 demonstrated by quantified student learning gains in each
79 subject area and grade level provided for consideration as an

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80 instructional program option;

81 ~~6.5.~~ Is accredited by a regional accrediting association as
82 defined by State Board of Education rule;

83 ~~7.6.~~ Ensures instructional and curricular quality through a
84 detailed curriculum and student performance accountability plan
85 that addresses every subject and grade level it intends to
86 provide through contract with the school district, including:

87 a. Courses and programs that meet the standards of the
88 International Association for K-12 Online Learning and the
89 Southern Regional Education Board.

90 b. Instructional content and services that align with, and
91 measure student attainment of, student proficiency in the Next
92 Generation Sunshine State Standards.

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

96 ~~8.7.~~ Publishes for the general public, in accordance with
97 disclosure requirements adopted in rule by the State Board of
98 Education, as part of its application as a provider and in all
99 contracts negotiated pursuant to this section:

100 a. Information and data about the curriculum of each full-
101 time and part-time program.

102 b. School policies and procedures.

103 c. Certification status and physical location of all
104 administrative and instructional personnel. d. Hours and times
105 of availability of instructional personnel.

106 e. Student-teacher ratios.

107 f. Student completion and promotion rates.

108 g. Student, educator, and school performance accountability
109 outcomes;

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110 ~~9.8.~~ If the provider is a Florida College System
111 institution, employs instructors who meet the certification
112 requirements for instructional staff under chapter 1012; and

113 ~~10.9.~~ Performs an annual financial audit of its accounts
114 and records conducted by an independent certified public
115 accountant which is in accordance with rules adopted by the
116 Auditor General, is conducted in compliance with generally
117 accepted auditing standards, and includes a report on financial
118 statements presented in accordance with generally accepted
119 accounting principles.

120
121 A person or organization seeking to offer online courses
122 pursuant to this subparagraph is not subject to
123 subsections(2)(a)6., 8. a.-b., 9., and 10., and (8)(c) and (d).
124

125 (b) An approved provider shall retain its approved status
126 during the 3 school years after the date of the department's
127 approval under paragraph (a) as long as the provider continues
128 to comply with all requirements of this section. However, each
129 provider approved by the department for the 2011-2012 school
130 year must reapply for approval to provide a part-time program
131 for students in grades 9 through 12.

132 (8) ASSESSMENT AND ACCOUNTABILITY.—

133 (a) Each approved provider contracted under this section
134 must:

135 1. Participate in the statewide assessment program under
136 s. 1008.22 and in the state's education performance
137 accountability system under s. 1008.31.

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138 2. Receive a school grade under s. 1008.34 or a school
139 improvement rating under s. 1008.341, as applicable. The school
140 grade or school improvement rating received by each approved
141 provider shall be based upon the aggregated assessment scores of
142 all students served by the provider statewide. The department
143 shall publish the school grade or school improvement rating
144 received by each approved provider on its Internet website. The
145 department shall develop an evaluation method for providers of
146 part-time programs and courses which includes the percentage of
147 students making learning gains, the percentage of students
148 successfully passing any required end-of-course assessment, the
149 percentage of students taking Advanced Placement examinations,
150 and the percentage of students scoring 3 or higher on an
151 Advanced Placement examination.

152 Section 2. Paragraph (i) is added to subsection (3) of
153 section 1007.01, Florida Statutes, to read:

154 1007.01 Articulation; legislative intent; purpose; role of
155 the State Board of Education and the Board of Governors;
156 Articulation Coordinating Committee.—

157 (i) Recommend by December 31, 2013, a funding model and a
158 financial accountability mechanism for funding and assessing an
159 approved organization or an individual offering online courses,
160 including but not limited to, massive open online courses. This
161 paragraph expires July 1, 2014.

162 Section 3. Subsection (6) of 1007.24, Florida Statutes, is
163 amended to read: 1007.24 Statewide course numbering system.—

164 (6) Providers of online courses, Nonpublic colleges and
165 schools that are fully accredited by a regional or national
166 accrediting agency recognized by the United States Department of

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167 Education and are either eligible to participate in the William
168 L. Boyd, IV, Florida Resident Access Grant or have been issued a
169 regular license pursuant to s. 1005.31, may participate in the
170 statewide course numbering system pursuant to this section.
171 Participating colleges and schools shall bear the costs
172 associated with inclusion in the system and shall meet the terms
173 and conditions for institutional participation in the system.
174 The department shall adopt a fee schedule that includes the
175 expenses incurred through data processing, faculty task force
176 travel and per diem, and staff and clerical support time. Such
177 fee schedule may differentiate between the costs associated with
178 initial course inclusion in the system and costs associated with
179 subsequent course maintenance in the system. Decisions regarding
180 initial course inclusion and subsequent course maintenance must
181 be made within 360 days after submission of the required
182 materials and fees by the institution. The Department of
183 Education may select a date by which providers of online courses
184 and colleges must submit requests for new courses to be
185 included, and may delay review of courses submitted after that
186 date until the next year's cycle. Any college that currently
187 participates in the system, and that participated in the system
188 prior to July 1, 1986, shall not be required to pay the costs
189 associated with initial course inclusion in the system. Fees
190 collected for participation in the statewide course numbering
191 system pursuant to the provisions of this section shall be
192 deposited in the Institutional Assessment Trust Fund. Any
193 nonpublic, nonprofit college or university that is eligible to
194 participate in the statewide course numbering system shall not
195 be required to pay the costs associated with participation in
196 the system. No provider, college, or school shall record student

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197 transcripts or document courses offered by the college or school
198 in accordance with this subsection unless the college or school
199 is actually participating in the system pursuant to rules of the
200 State Board of Education. Any provider, college, or school
201 deemed to be in violation of this section shall be subject to
202 the provisions of s. 1005.38.

203 Section 4. Paragraph (t) of subsection (1) of section
204 1011.62, Florida Statutes, is amended to read:

205 1011.62 Funds for operation of schools.—If the annual
206 allocation from the Florida Education Finance Program to each
207 district for operation of schools is not determined in the
208 annual appropriations act or the substantive bill implementing
209 the annual appropriations act, it shall be determined as
210 follows:

211 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
212 OPERATION.—The following procedure shall be followed in
213 determining the annual allocation to each district for
214 operation:

215 (t) *Computation for funding through the Florida Education*
216 *Finance Program.*—The State Board of Education shall ~~may~~ adopt
217 rules establishing programs and courses for which the student
218 shall ~~may~~ earn credit toward high school graduation. These
219 courses shall include online courses including, but not limited
220 to, massive open online courses offered by approved providers of
221 online courses and such courses must be identified in the course
222 code directory.

223 Section 5. This act shall take effect July 1, 2013.
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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to digital learning; amending s. 1002.45, F.S.;
allowing individuals or organizations who provide individual
online courses, including massive open online courses, measured
by statewide assessments to apply for approval as a state-level
provider; making such courses eligible for inclusion in district
virtual instruction programs; including certified adjunct
instructors as eligible to teach online courses; providing
statutory exemptions; providing accountability measures for
providers of online courses; amending s. 1007.01, F.S.;
requiring the Articulation Coordinating Committee to recommend a
funding model and financial accountability mechanism for
providers of online courses; amending s. 1007.24; including
online courses provided by approved providers in the statewide
course numbering system; amending s. 1011.62, F.S.; requiring
online courses provided by approved providers to be included in
the course code directory; requiring the State Board of
Education to adopt rules to include such courses as eligible for
earning high school graduation credit; providing an effective
date.