

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 843 Education

SPONSOR(S): Gaetz

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 904

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	10 Y, 3 N, As CS	Ammel	Fudge
2) Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill increases virtual education options for K-12 students by expanding the pool of applicants to include individuals or organizations who provide individual online courses, including, but not limited to, massive open online courses (MOOC), that are measured by state assessments to apply for state-level approval. It provides an evaluation method for individuals or organizations who provide individual online courses, including MOOCs, that measures the percentage of students who make learning gains, the percentage who pass the end-of-course assessments, the percentage who take Advanced Placement (AP) examinations, and the percentage who score 3 or higher on AP examinations. Funding for individual K-12 online courses requires passage of statewide assessments and end of course exams. The bill requires the Articulation Coordinating Committee to recommend a funding model and accountability mechanism for funding and assessing providers of online courses by December 31, 2013 and requires DOE to include such courses in rules adopted to establish programs and courses for which a student shall earn credit toward high school graduation.

District virtual instruction programs were implemented by the 2008 Legislature to provide students with the opportunity to participate in virtual instruction programs. School districts eligible for the sparsity supplement must provide all enrolled public school students within its boundaries the option of participating in part-time and full-time virtual instruction programs. Districts that do not qualify for the sparsity supplement must provide at least three options for part-time and full-time virtual instruction.

In order to provide the virtual instruction program, districts may contract with the Florida Virtual School, establish a franchise of the Florida Virtual School; contract with an approved provider; enter into an agreement with other school districts to allow participation of its students in an approved virtual instruction program; establish its own part-time or full-time virtual instruction program; or enter into an agreement with a virtual charter school.

The bill does not have a fiscal impact on state or local governments.

The effective date of the bill is July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES

Present Situation

District Virtual Instruction Programs

District virtual instruction programs were implemented by the 2008 Legislature to provide students with the opportunity to participate in virtual instruction programs.¹ School districts eligible for the sparsity supplement must provide all enrolled public school students within its boundaries the option of participating in part-time and full-time virtual instruction programs. Districts that do not qualify for the sparsity supplement must provide at least three options for part-time and full-time virtual instruction. A school district virtual instruction program shall consist of the following:

- Full-time virtual instruction for students enrolled in kindergarten through grade 12.
- Part-time virtual instruction for students enrolled in kindergarten through grade 12 courses that are measured pursuant to subparagraph (8)(a)2.
- Full-time or part-time virtual instruction for students enrolled in dropout prevention and academic intervention programs under s. 1003.53, Department of Juvenile Justice education programs under s. 1003.52, core-curricula courses to meet class size requirements under s. 1003.03, or Florida College System institutions under this section.²

In order to provide the virtual instruction program, districts may contract with the Florida Virtual School, establish a franchise of the Florida Virtual School; contract with an approved provider; enter into an agreement with other school districts to allow participation of its students in an approved virtual instruction program; establish its own part-time or full-time virtual instruction program; or enter into an agreement with a virtual charter school.³

Approved providers include those approved by the Department of Education, the Florida Virtual School, a franchise of the Florida Virtual School, or a Florida College System institution.⁴ In order to be approved, providers must, among other requirements, locate an administrative office in the state and require its administrative staff to be Florida residents, and possess prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option.⁵

School districts may also deliver courses in the traditional school setting by personnel certified pursuant to s. 1012.55 who provide instruction through virtual instruction or blended learning courses. Students must be full-time students of the school and receive the online instruction in the classroom setting at the school.⁶

Articulation Coordinating Committee

The Articulation Coordinating Committee (ACC) serves as an advisory board to the SBE and the BOG on postsecondary transition issues. The committee provides a unique K-20 forum for cross-sector collaboration that informs the policy decisions of the SBE and the BOG regarding the implementation of the statewide articulation agreement. The ACC reports to the commissioner and is comprised of the

¹ Section 4, ch. 2008-147, L.O.F.

² Section 1002.45(1)(b), F.S.

³ Section 1002.45(c), F.S.

⁴ Section 1002.45(a)1., F.S., *For further qualifications see* State Board of Education Rule 6A-6.0981, F.A.C. *at*

<https://www.flrules.org/gateway/ruleNo.asp?id=6A-6.0981>.

⁵ Section 1002.45(2)(a)3. and 4., F.S.

⁶ Section 1003.498(1), F.S.

following members: two members each representing the State University System (SUS), the FCS, public career and technical education, public K-12 education, and non-public education, and one member representing students.⁷

The ACC is responsible for reviewing and monitoring the different components of Florida's articulation system and making policy recommendations to facilitate seamless articulation between and among public schools, career and technical education centers, FCS institutions, state universities, and nonpublic postsecondary institutions. The ACC annually reviews statewide articulation agreements as well as the SCNS, the levels of courses, and the application of transfer credit requirements among public and non-public institutions participating in the statewide course numbering system.⁸

The ACC must establish passing scores and course and credit equivalents for AP, IB, AICE, and College-Level Examination Program (CLEP) exams.⁹ The DOE maintains a Credit-by-Exam Equivalency List based on the annual recommendations by the ACC. The Credit-by-Exam Equivalency List also includes the Defense Activity of Non-Traditional Education Support (DANTES) Subject Standardized Tests (DSSTs) and Excelsior College exam equivalents which are adopted by the SBE rule.¹⁰

Statewide Course Numbering System

Current law requires the DOE, in conjunction with the Board of Governors of the State University System of Florida (BOG), to develop, coordinate, and maintain a statewide course numbering system (SCNS) to improve program planning, increase communication among all delivery systems, facilitate student acceleration, and transfer of students and credits between public school districts, public postsecondary educational institutions, and participating nonpublic postsecondary institutions.¹¹

Course Code Directory

The Course Code Directory (CCD) is the listing of all public preK-12 courses available for use by school districts. Programs and courses which are funded through the Florida Education Finance Program (FEFP) and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD. The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels. The CCD provides for course information to schools, districts, and the state.¹²

Effect of Proposed Changes

The bill allows individuals or organizations who provide individual online courses, including, but not limited to, massive open online courses (MOOCs) that are measured by state assessments to apply for state-level approval. The approved courses are then available for part-time virtual instruction programs offered through district virtual instruction programs. Providers of online courses are held accountable through evaluating the percentage of students who make learning gains, pass end-of-course assessments, take Advanced Placement (AP) examinations, and score 3 or higher on AP examinations.

⁷ Section 1007.01(2)-(3), F.S. The ACC was initially codified at 229.551, F.S., but was repealed January 7, 2003, by s. 3(7), ch. 2000-321. In 2011, the ACC was again codified in law by amending s. 1007.01, F.S. Section 7, ch. 2011-177, L.O.F.

⁸ Section 1007.01(3), F.S.

⁹ Section 1007.27(2), F.S.

¹⁰ Rule 6A-10.024, F.A.C.

¹¹ Section 1007.24(1), F.S. "Nonpublic colleges and schools that are fully accredited by a regional or national accrediting agency recognized by the United States Department of Education and are either eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant or have been issued a regular license by the [Commission for Independent Education], may participate in the statewide course numbering system." Participating colleges and schools must bear the costs associated with inclusion in the system and must meet the terms and conditions for participating in the SCNS. Section 1007.24(6), F.S.

¹² Rule 6A-1.09441, F.A.C.

The bill provides statutory exemptions for approved individual online courses related to information and data about curriculum of full- and part-time programs; school policies and procedures; accreditation; annual financial audits; and school grades.

The bill removes the requirements that approved providers have an administrative office in the state and that their administrative staff be state residents, but requires providers to provide a minimum level of services to parents and students. It requires specific information to be posted and accessible online, including, but not limited to: contact information for course instructors, technical support, and administrative services. It requires such individuals to be accessible via a variety of methods, such as phone, email, and/or other online messaging tools.

The bill requires the Articulation Coordinating Committee to recommend a funding model and a financial accountability mechanism for funding and assessing an approved organization or an individual offering online courses, including but not limited to MOOCs, by December 31, 2013.

Online courses, including, but not limited to, MOOCs, offered by approved providers of online courses must be identified in the course code directory.

The bill also allows providers of online courses to submit their courses for approval and inclusion in the statewide course numbering system.

B. SECTION DIRECTORY:

Section 1. Amends 1002.45, F.S.; revising requirements relating to virtual instruction programs provided by school districts; 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; providing that such courses are eligible for inclusion in district virtual instruction programs; including certified adjunct instructors as eligible to teach online courses; revising requirements for approval as providers of virtual instruction; providing accountability measures for providers of online courses.

Section 2: Amends 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 F.S.; including online courses provided by providers in the statewide course numbering system

Section 3. Amends s. 1011.62, F.S.; requiring the State Board of Education to adopt rules establishing programs and courses for which students earn credit for graduation, including online courses provided by approved providers and included in the course code directory.

Section 4. Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Requires the DOE to adopt rules establishing programs and courses for which the student shall earn high school graduation credit and to include individual online courses, including, but not limited to, massive open online courses offered by approved providers of online courses.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 20, 2013, the Choice & Innovation Subcommittee reported HB 843 favorably as a committee substitute. The committee adopted a strike-all amendment that provides an avenue for individuals or organizations that provide individual online courses to apply and become approved providers at the state level. Courses approved by such providers must be measured by statewide assessments and included in the statewide course numbering system as well as the course code directory. The strike-all provides an accountability system for individuals and organizations that provide online courses, provides a mechanism for funding such courses, and identifies eligible students. It requires the Articulation Coordinating Committee to recommend a funding model and accountability mechanism for funding and assessing providers of online courses by December 31, 2013.

The strike-all replaced the original bill that did not describe which students are eligible to participate, the process for approving courses or providers, how providers and courses will be evaluated and held accountable, and the amount of funding available to pay for such courses. The analysis is drafted to the committee substitute.