

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/SB 904

INTRODUCER: Committee on Education and Senator Brandes

SUBJECT: Education

DATE: April 5, 2013

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	<b>Fav/CS</b>
2.	Graf	Phelps	RC	<b>Pre-meeting</b>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 904 creates the Florida Accredited Courses and Tests (FACTs) Initiative to expand student choice regarding courses and corresponding assessments which a student may take to satisfy various secondary and postsecondary education requirements. Under the initiative, Florida-accredited courses may be created or provided by any individual, institution, entity, or organization. However, the assessments associated with the Florida-accredited courses must be developed by regionally accredited public institutions.

The Florida-accredited courses and corresponding assessments must be approved by:

- The Commissioner of Education for application in K-12 public schools and the Florida College System institutions in accordance with the rules of the State Board of Education.
- The Chancellor of the State University System for application in state universities in accordance with the rules of the Board of Governors.

Approved Florida-accredited courses and corresponding assessments must be annually published in conjunction with the courses listed in the Statewide Course Numbering System and the Course Code Directory by the Articulation Coordinating Committee.

A Florida-accredited course or a corresponding assessment which is published in the Statewide Course Numbering System and the Course Code Directory may be applied as one whole unit course or as two or more discrete subunits which when combined are equivalent to the whole unit.

The bill authorizes school districts, Florida College System institutions, and state universities to execute contracts with qualified contractors for administering and proctoring the assessments associated with either the Florida-accredited courses or for the existing statewide, standardized assessments, as approved by the Florida Department of Education pursuant to State Board of Education rules. Additionally, the Florida Department of Education is authorized to execute contracts with qualified contractors on behalf of the state, a school district, a Florida College System institution, or a state university for administering and proctoring the assessments.

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

The bill amends section 1008.24 and creates section 1007.012 of the Florida Statutes:

## II. Present Situation:

As online education has grown in popularity as an instructional delivery model, so has student interest in attaining education without constraints imposed by space, time, and location in both K-12 and postsecondary education sectors.

Breaking from the traditional model of offering courses, a number of universities are offering “massive open online courses” (MOOCs) to broaden access to higher education. For instance, Coursera<sup>1</sup> founded by two Stanford University professors<sup>2</sup> and edX<sup>3</sup> founded by Harvard University and Massachusetts Institute of Technology, the two leading providers of MOOCs, announced expansions that will approximately double the number of university partners offering free online classes.<sup>4</sup> Colleges also have put forward faculty to teach the free courses.<sup>5</sup>

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<sup>1</sup> 62 universities have partnered with Coursera. Coursera, *Universities*, <https://www.coursera.org/#universities> (last visited March 3, 2013). Coursera officially launched on April 18, 2012. The Stanford Daily, *Coursera launches humanities courses*, <http://www.stanforddaily.com/2012/04/18/coursera-launches-humanities-courses/> (last visited March 3, 2013).

<sup>2</sup> The New York Times, *Online Education Venture Lures Cash Infusion and Deals with 5 Top Universities* (Apr. 18, 2012), <http://www.nytimes.com/2012/04/18/technology/coursera-plans-to-announce-university-partners-for-online-classes.html> (last visited March 2, 2013).

<sup>3</sup> “EdX currently offers HarvardX, MITx, and BerkeleyX classes online for free. Beginning Fall 2013, edX will offer WellesleyX and GeorgetownX classes online for free.” EdX, *Organization*, <https://www.edx.org/faq> (last visited March 3, 2013). Harvard University and the Massachusetts Institute of Technology announced the launch of edX on May 2, 2012. Harvard University, *MIT and Harvard Announce edX*, <http://news.harvard.edu/gazette/story/2012/05/mit-and-harvard-announce-edx/> (last visited March 3, 2013).

<sup>4</sup> Education Week, *More Top Universities to Offer Free Online Courses* (Feb. 21, 2013), [http://www.edweek.org/ew/articles/2013/02/20/595132usmassiveonlinecourses\\_ap.html](http://www.edweek.org/ew/articles/2013/02/20/595132usmassiveonlinecourses_ap.html) (last visited March 2, 2013).

<sup>5</sup> The Wall Street Journal, *Online-Education Provider Coursera Signs 29 More Schools* (Feb. 21, 2013), <http://online.wsj.com/article/SB10001424127887323864304578316530544924000.html> (last visited March 2, 2013).

The American Council on Education, representing the presidents of U.S. accredited, degree-granting two- and four-year public and private universities, and nonprofit and not-for-profit entities<sup>6</sup>, endorsed for credit, five MOOCs that are offered through Coursera.<sup>7</sup>

In 2012, the University of Wisconsin (UW) System announced its innovative UW Flexible Option program.<sup>8</sup> The UW System is expected to be the first public university system in the nation to offer the competency-based, self-paced learning option. However, unlike the other competency-based models, under the UW Flexible Option, UW faculty members modify existing college programs into self-paced, competency-based formats. Students will be able to use this format by passing a series of assessments that demonstrate mastery of required knowledge and skills that the students may have acquired through coursework, military training, on-the-job-training, and other learning experiences.<sup>9</sup> Assessments are critical to the competency-based format because the assessments validate students' comprehension of the subject matter as the students make progress towards a degree.

The University of Florida (UF) partnered with Coursera in 2012 to offer UF's first free online course in human nutrition. Currently, approximately, 48,000 individuals are taking that human nutrition course.<sup>10</sup> UF's interest in MOOCs coupled with Florida's statewide, nationally-recognized system of articulation could take the movement to a broader level of transferability and recognition.

Articulation ensures that students receive credit for comparable coursework without unnecessary repetition when transferring from one institution to another.<sup>11</sup> Unlike other states which rely on institutions to forge institutional-level partnerships for the transfer of quality instruction and credits, Florida, on a statewide level, guarantees transferability of credits<sup>12</sup> through a number of mechanisms including the statewide course numbering system and statewide articulation agreements. These mechanisms serve as the foundation of Florida's strong articulation system affording students the ability to take courses and assessments to earn credit across a variety of institutions by leveraging Florida's strong articulation system.

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<sup>6</sup> American Council on Education, *About The American Council on Education*, <http://www.acenet.edu/about-ace/Pages/default.aspx> (last visited March 2, 2013).

<sup>7</sup> The American Council on Education operates a credit-recommendation service that evaluates individual courses and advises its 1,800 member colleges regarding conferring credit on students who pass such courses. The Chronicle of Higher Education, *American Council on Education Recommends 5 MOOCs for Credit* (Feb. 7, 2013), <http://chronicle.com/article/American-Council-on-Education/137155/> (last visited March 2, 2013).

<sup>8</sup> Under the UW Flexible Option, UW-Milwaukee will offer four degree programs and one certificate program starting in Fall 2013: two Nursing degrees (R.N.-to-B.S.N. and R.N.-to-M.N.) for Registered Nurses who need additional college education to qualify for higher professional credentials, a bachelor's degree-completion program in Diagnostic Imaging, targeted toward certified diagnostic imaging professionals, a B.S. in information Science & Technology, preparing students for jobs in tomorrow's digital culture and economy, and a certificate in Professional and Technical Communication, providing students with the essential written and oral communication skills needed in today's workplace. University of Wisconsin System, *UW System Unveils First Flexible Option Degree Programs* (Nov. 28, 2012), <http://www.wisconsin.edu/news/2012/r121128.htm> (last visited March 2, 2013).

<sup>9</sup> University of Wisconsin System, *UW System Unveils First Flexible Option Degree Programs* (Nov. 28, 2012), <http://www.wisconsin.edu/news/2012/r121128.htm> (last visited March 2, 2013).

<sup>10</sup> The Gainesville Sun, Editorial: *Risk and Reward*, <http://www.gainesville.com/article/20130220/OPINION01/130219521?template=printart> (last visited March 3, 2013).

<sup>11</sup> Florida Department of Education, *Postsecondary Articulation*, <http://www.fldoe.org/fcs/postsecart.asp> (last visited March 4, 2013).

<sup>12</sup> Florida Department of Education, *Postsecondary Articulation*, <http://www.fldoe.org/fcs/postsecart.asp> (last visited March 4, 2013).

## Course Offerings

The Florida Department of Education (DOE) maintains two course repositories: the Statewide Course Numbering System for courses that are offered at the postsecondary education level and the Course Code Directory for courses that are offered at the secondary education level.

### *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.<sup>13</sup>

Faculty committees representing school districts, public postsecondary educational institutions, and participating nonpublic postsecondary educational institutions assist in maintaining the SCNS. The faculty committees, appointed by the Commissioner of Education (commissioner) and the Chancellor of the State University System (SUS), recommend a single level for each course in the SCNS.<sup>14</sup> The commissioner recommends the level for each course to the State Board of Education (SBE). The SBE, with input from the BOG, approves the level for each course.<sup>15</sup>

Any student who transfers among postsecondary institutions that are fully accredited by a regional or national accrediting agency recognized by the United States Department of Education and that participate in the SCNS must be awarded credit by the institution at which the student enrolls (receiving institution) for courses that the student completes satisfactorily at the previous institutions. Credit must be awarded for a course if the appropriate SCNS faculty committee responsible for reviewing the course determines that the course, for which a student is seeking credit, is equivalent to a course offered at the receiving institution.<sup>16</sup>

The DOE must ensure that credits that are accepted by a receiving institution be generated in courses for which the faculty members possess credentials recommended by the accrediting association of the receiving institution. A receiving institution may limit the award of credit to courses that are entered in the SCNS and the credit that is awarded must equally satisfy institutional requirements for both native students and transfer students.<sup>17</sup>

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<sup>13</sup> 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.

<sup>14</sup> Sections 1007.24(1), (2), and (7), F.S.

<sup>15</sup> Section 1007.24(3), F.S.

<sup>16</sup> Section 1007.24(7), F.S.

<sup>17</sup> Section 1007.24(7), F.S.

### *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.<sup>18</sup>

### **Assessments**

#### *Statewide Assessment Program for Public Schools*

The purpose of the student assessment program is to provide information regarding the learning gains of all students. By assessing how well students have mastered the standards, parents and educators are able to determine whether the student needs remediation, is ready for the next grade level, or is equipped to pursue college or career study.<sup>19</sup>

Current law requires the commissioner to design and implement a statewide program of educational assessment to improve the operation and management of the public schools. The commissioner may enter into contracts for the continued administration of the assessment program authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into next the fiscal year. The commissioner may negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials under law.<sup>20</sup>

#### *Credit by Examination*

Credit by examination is a program through which secondary and postsecondary students generate postsecondary credits based on the receipt of a specified minimum score on nationally standardized general or subject-area examinations. For the purposes of statewide application, such examinations and the corresponding minimum scores required for an award of credit must be delineated by the SBE and the BOG in the statewide articulation agreement. Additionally, the Florida College System (FCS) institutions and state universities may also award credit by exam based on student performance on examinations developed within and recognized by the individual postsecondary institutions.<sup>21</sup>

### **Articulation**

Current law encourages the university boards of trustees, the FCS institution boards of trustees, and the district school boards to establish intrainstitutional and interinstitutional programs to maximize articulation. Such programs may include upper-division-level courses offered at the

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<sup>18</sup> Rule 6A-1.09441, F.A.C.

<sup>19</sup> Section 1008.22, F.S.

<sup>20</sup> Section 1008.22(3), F.S.

<sup>21</sup> Section 1007.27(6), F.S.

FCS institution, distance learning, transfer agreements to facilitate transfer of credits between public and nonpublic postsecondary institutions, and the concurrent enrollment of students at a FCS institution and a state university to enable students to take any level of baccalaureate degree coursework.<sup>22</sup>

The postsecondary education sectors must collaborate to develop and provide articulated programs that allow acceleration opportunities to students so that the students are able to achieve their educational objectives quickly.<sup>23</sup> In addition to shortening the time for a student to complete the requirements associated with a high school diploma or a postsecondary degree, acceleration opportunities are also intended to increase the depth of study available in different subject areas.<sup>24</sup>

### *Acceleration*

High school and postsecondary education acceleration opportunities must include, but not be limited to, dual enrollment, early admission, advanced placement (AP), the International Baccalaureate Program (IB), Advanced International Certificate of Education Program (AICE), and credit by examination or demonstration of competency.<sup>25</sup> The DOE must:<sup>26</sup>

- Annually identify and publish the minimum scores, maximum credit, course or courses for which credit must be awarded for each College Level Examination Program (CLEP) subject examination, College Board AP examination, and IB examination, and AICE examination.
- Use student performance data in subsequent postsecondary courses to determine the appropriate examination scores and courses for which credit must be granted. Minimum scores may vary by subject area based on student performance data.
- Identify courses in the general education core curriculum of each state university and FCS institution.

### *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 comprises of the 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.<sup>27</sup>

<sup>22</sup> Section 1007.22(1), F.S.

<sup>23</sup> Section 1007.22(2), F.S.

<sup>24</sup> Section 1007.27(1), F.S.

<sup>25</sup> Sections 1007.22(2) and 1007.27(1), F.S.

<sup>26</sup> Section 1007.27(2), F.S.

<sup>27</sup> 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.

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. For instance, 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.<sup>28</sup>

#### *Statewide Articulation Agreement*

The SBE and the BOG must enter into a statewide articulation agreement to preserve Florida's "2+2" system of articulation, facilitate the seamless articulation of student credit across and among Florida's educational entities, and reinforce articulation between secondary and postsecondary education; general education requirements and statewide course numbers; and the use of acceleration mechanisms, including nationally standardized examinations through which students may earn credit.<sup>29</sup>

### **III. Effect of Proposed Changes:**

#### **Course Offerings**

CS/SB 904 creates the Florida Accredited Courses and Tests (FACTs) Initiative to expand student choice regarding courses that a student may take to meet the requirements for promotion, graduation, and degree attainment at the secondary or postsecondary education level.

Breaking from the traditional model of offering courses, under the FACTs Initiative, the bill introduces a new set of courses called "Florida-accredited courses" which students may take as a whole unit or as two or more discrete subunits which when combined, are equivalent to the whole unit.

The bill authorizes any individual, institution, entity, or organization to create or provide the Florida-accredited courses. Currently, education stakeholders (e.g., states, policymakers, parents, and students) rely primarily on the accreditation of an institution as an indication of the institution's ability to provide quality education. Historically and operationally, "accreditation" standards have been associated with institutions rather than courses. For instance, all public colleges and universities in Florida are accredited by the Southern Association of Colleges and Schools (SACS) Commission on Colleges which is the regional body for accreditation of degree-granting higher education institutions in the southern states.<sup>30</sup> The accreditation process involves a comprehensive review of institutional mission, governance and administration, programs, faculty, and resources to determine whether an institution is in compliance with accrediting standards.<sup>31</sup>

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<sup>28</sup> Section 1007.01(3), F.S.

<sup>29</sup> Section 1007.23(1), F.S.

<sup>30</sup> Southern Association of Colleges and Schools, *The Principles of Accreditation: Foundations for Quality Enhancement* (Revised 2011), at 1, available at <http://www.sacscoc.org/pdf/2012principlesofaccreditation.pdf>.

<sup>31</sup> At least 25 percent of credit hours required for the degree must be earned through instruction offered by the institution awarding the degree and at least 25 percent of the course hours in each major at the baccalaureate level must be taught by

In keeping with growing national trends regarding MOOCs, the bill enables students to take courses that are offered by qualified individuals and entities for credit to meet the requirements for promotion, graduation, and degree attainment at the secondary or postsecondary education level, provided the student passes approved assessments that indicate competency in the course content. Additionally, the bill recognizes courses that are associated with rigorous industry certifications as eligible for consideration and approval as a Florida-accredited course. As a result, the bill expands students' access to courses and industry certifications through open, online, and potentially free resources.

- Approved by the commissioner for application in K-12 public schools and FCS institutions in accordance with the SBE rules and by the SUS Chancellor for application in state universities in accordance with the BOG rules. The FACTs Initiative also authorizes customization of programs to the unique interests of students.

### Assessments

The bill authorizes school districts, FCS institutions, and state universities to execute contracts with qualified contractors for administering and proctoring the assessments associated with either the Florida-accredited courses or for the existing statewide, standardized assessments that are required under law, as approved by the DOE pursuant to the SBE rules. Additionally, the bill authorizes the DOE to execute contracts with qualified contractors on behalf of the state, a school district, a FCS institution, or a state university<sup>32</sup>. The bill requires that the assessments associated with the Florida-accredited courses be:

- Established by regionally accredited public institutions. The bill is not restricted to Florida-only institutions.
- Approved by the commissioner for application in K-12 public schools and FCS institutions in accordance with the SBE rules and by the SUS Chancellor for application in state universities in accordance with the BOG rules. As a result, students may be able to accelerate by demonstrating competency based on the approved assessments. To allow students to demonstrate subject area competency in segments, institutions may need to design assessments or contract with entities to design assessments and sub-assessments for various courses.
- Administered or proctored by qualified contractors at sites that meet specified requirements of the SBE rules<sup>33</sup>. The bill conforms to current law regarding prohibiting

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faculty members holding an appropriate terminal degree usually the earned doctorate or equivalent of the terminal degree. Southern Association of Colleges and Schools, *The Principles of Accreditation: Foundations for Quality Enhancement* (Revised 2011), available at <http://www.sacscoc.org/pdf/2012principlesofaccreditation.pdf>; see also Florida Board of Governors, *2013 Agency Legislative Bill Analysis for SB 904* (Feb. 27, 2013) at 2.

<sup>32</sup> SB 904 does not expressly provide to the Board of Governors authority to execute contract with qualified contractors on behalf of the state universities. Florida Board of Governors, *2013 Agency Legislative Bill Analysis for SB 904* (Feb. 27, 2013) at 5.

<sup>33</sup> Sections 120.536(1) and 120.54, F.S.

individuals from knowingly and willfully violating test security rules in accordance with the SBE rules.<sup>34</sup>

### **Articulation**

The bill authorizes the application of Florida-accredited courses and corresponding assessments in whole, in subparts, or in a combination of whole and subparts toward requirements for promotion, graduation, or degree attainment. If a student completes a subunit of a Florida-accredited course satisfactorily as demonstrated by the student's performance on the corresponding assessment, the student must not be required to repeat that course subunit and the corresponding assessment.

Current law requires the ACC to establish passing scores and course and credit equivalents for AP, IB, AICE, and College-Level Examination Program (CLEP) exams.<sup>35</sup> 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.<sup>36</sup> To implement the provisions of the bill, the Credit-by-Exam Equivalency List will need to be expanded to include passing scores and course and credit equivalents for the Florida-accredited courses and corresponding assessments.

### **Other Potential Implications:**

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

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<sup>34</sup> Section 1008.24(1), F.S.

<sup>35</sup> Section 1007.27(2), F.S.

<sup>36</sup> Rule 6A-10.024, F.A.C.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Committee on Education on March 6, 2013:**

The committee substitute differs from SB 904 in that the committee substitute:

- Changes the name of the Florida Flexible Option Initiative to Florida Accredited Courses and Tests (FACTs) Initiative.
- Changes the name of Florida-accredited charter courses to Florida-accredited courses.
- Authorizes any individual, institution, entity, or organization to create or provide the Florida-accredited courses.

**B. Amendments:**

None.