

By Senator Brandes

22-00571A-13

2013904

1 A bill to be entitled
2 An act relating to education; creating s. 1007.012,
3 F.S.; creating the Florida Flexible Option Initiative;
4 providing the purpose of the initiative; providing
5 legislative intent; providing that implementing the
6 initiative allows students to satisfy certain
7 requirements; defining the term "Florida-accredited
8 charter course" as it relates to the initiative;
9 providing for application of certain courses and
10 assessments toward promotion, graduation, and degree
11 attainment; requiring that Florida-accredited charter
12 courses and their assessments be annually identified,
13 approved, published, and shared for consideration by
14 certain students and entities; requiring the
15 Commissioner of Education and the Chancellor of the
16 State University System to approve each Florida-
17 accredited charter course and its assessments;
18 requiring the Articulation Coordinating Committee to
19 annually publish and share a list of approved Florida-
20 accredited charter courses, their assessments, and
21 other courses; amending s. 1008.24, F.S.; authorizing
22 a school district, a Florida College System
23 institution, and a state university to contract with
24 qualified contractors to administer and proctor
25 statewide standardized assessments or assessments
26 associated with Florida-accredited charter courses;
27 authorizing the Department of Education to contract
28 for these services on behalf of the state or a school
29 district, Florida College System institution, or state

22-00571A-13

2013904

30 university; providing that assessments may be
31 administered or proctored by qualified contractors at
32 sites that meet certain criteria; providing an
33 effective date.

34
35 Be It Enacted by the Legislature of the State of Florida:

36
37 Section 1. Section 1007.012, Florida Statutes, is created
38 to read:

39 1007.012 Florida Flexible Option Initiative.-

40 (1) The Florida Flexible Option Initiative is created to
41 expand student choices in selecting multiple, high-quality
42 public and nonpublic courses and assessments toward satisfying
43 course, assessment, or credit requirements for promotion,
44 graduation, or degree attainment. The purpose of the initiative
45 is to make available multiple options to suit unique student
46 interests, satisfy educational requirements, and accelerate
47 student accomplishment of goals in a productive and effective
48 manner.

49 (2) The Legislature intends that state and local rules,
50 policies, and administrative decisions are flexible in
51 interpreting and implementing the requirements in this section
52 in order to encourage creative, innovative, resourceful, and
53 forward-thinking practices that can be modeled throughout this
54 state and the country. The Legislature intends that the Florida
55 Flexible Option Initiative generate sufficient options for
56 students to combine multiple instructional experiences and build
57 complete programs for attaining a standard high school diploma
58 and a postsecondary education degree which are tailored to the

22-00571A-13

2013904

59 unique interests of each student.

60 (3) The initiative allows students in this state to satisfy
61 public K-12 education promotion or high school graduation
62 course, assessment, or credit requirements, or to satisfy
63 requirements for public postsecondary credit or degree
64 attainment by successfully meeting the assessment requirements
65 of this subsection.

66 (a) As used in this section, the term "Florida-accredited
67 charter course" is a K-12 course or postsecondary education
68 credit course that:

69 1. Is created by individuals whose credentials and
70 documented knowledge of a specific science, technology,
71 engineering, or math field warrants consideration as a credible
72 and legitimate source of course content;

73 2. Is provided or distributed by individuals, institutions,
74 entities, or organizations; and

75 3. Has fulfilled requirements under subsection (4) for
76 purposes of satisfying requirements for promotion, graduation,
77 or obtaining a degree. A massive, open online course and a
78 course associated with rigorous industry certifications are
79 eligible for consideration and approval as a Florida-accredited
80 charter course.

81 (b) Courses and assessments may be applied toward
82 requirements for promotion, graduation, or degree attainment in
83 whole, in subparts, or in a combination of whole and subparts.

84 1. A Florida-accredited charter course, a public K-12
85 course identified on the course code directory, or a
86 postsecondary education course identified on the statewide
87 course numbering system, may be applied as one whole unit or as

22-00571A-13

2013904

88 two or more discrete subunits such that when combined, they are
89 equivalent to the whole unit. A student may not be required to
90 repeat subunits that are satisfactorily completed.

91 2. Assessments associated with a course must be established
92 by regionally accredited public institutions and must be
93 approved in accordance with subsection (4). The assessments may
94 be applied as one whole assessment or as two or more discrete
95 subassessments such that when combined, they are equivalent to
96 the whole assessment. A student may not be required to repeat
97 subassessments that are satisfactorily completed. Assessments
98 and subassessments shall be administered pursuant to s. 1008.24.

99 (4) A Florida-accredited charter course and its associated
100 assessments must be annually identified, approved, published,
101 and shared for consideration by interested students,
102 institutions, school districts, colleges, and universities.

103 (a) Each Florida-accredited charter course and its
104 associated assessments must be:

105 1. Approved by the Commissioner of Education for
106 application in K-12 public schools and Florida College System
107 institutions in accordance with rules of the State Board of
108 Education.

109 2. Approved by the Chancellor of the State University
110 System for application in state universities in accordance with
111 rules of the Board of Governors.

112 (b) The Articulation Coordinating Committee established in
113 s. 1007.01 shall annually publish and share a consolidated list
114 of approved Florida-accredited charter courses and associated,
115 approved assessments in conjunction with the courses listed in
116 the course code directory and statewide course numbering system

22-00571A-13

2013904

117 in a manner that facilitates student and institutional knowledge
118 of the Florida-accredited charter courses as options available
119 for credit.

120 Section 2. Section 1008.24, Florida Statutes, is amended to
121 read:

122 1008.24 Test administration and security.—

123 (1) A person may not ~~It is unlawful for anyone~~ knowingly
124 and willfully ~~to~~ violate test security rules adopted by the
125 State Board of Education for mandatory tests administered by or
126 through the State Board of Education or the Commissioner of
127 Education to students, educators, or applicants for
128 certification or administered by school districts pursuant to s.
129 1008.22, or, with respect to any such test, knowingly and
130 willfully to:

131 (a) Give examinees access to test questions prior to
132 testing;

133 (b) Copy, reproduce, or use in any manner inconsistent with
134 test security rules all or any portion of any secure test
135 booklet;

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

138 (d) Make answer keys available to examinees;

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

142 (f) Fail to follow test administration directions specified
143 in the test administration manuals; or

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

22-00571A-13

2013904

146 (2) ~~A~~ Any person who violates this section commits a
147 misdemeanor of the first degree, punishable as provided in s.
148 775.082 or s. 775.083.

149 (3) A school district, a Florida College System
150 institution, and a state university may contract with qualified
151 contractors to administer and proctor statewide, standardized
152 assessments required under s. 1008.22 or assessments associated
153 with Florida-accredited charter courses under s. 1007.012, as
154 approved by the Department of Education in accordance with rules
155 of the State Board of Education. The Department of Education may
156 also contract for these services on behalf of the state or any
157 school district, Florida College System institution, or state
158 university. Assessments may be administered or proctored by
159 qualified contractors at sites that meet criteria established by
160 rules of the State Board of Education and adopted pursuant to
161 ss. 120.536(1) and 120.54 to implement the contracting
162 requirements of this subsection.

163 ~~(4)~~(3)(a) A district school superintendent, a president of
164 a public postsecondary educational institution, or a president
165 of a nonpublic postsecondary educational institution shall
166 cooperate with the Commissioner of Education in any
167 investigation concerning the administration of a test
168 administered pursuant to state statute or rule.

169 (b) The identity of a school or postsecondary educational
170 institution, the personally identifiable information of any
171 personnel of any school district or postsecondary educational
172 institution, or any specific allegations of misconduct obtained
173 or reported pursuant to an investigation conducted by the
174 Department of Education of a testing impropriety are

22-00571A-13

2013904

175 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
176 s. 24(a), Art. I of the State Constitution until the conclusion
177 of the investigation or until such time as the investigation
178 ceases to be active. For the purpose of this paragraph, an
179 investigation shall be deemed concluded upon a finding that no
180 impropriety has occurred, upon the conclusion of any resulting
181 preliminary investigation pursuant to s. 1012.796, upon the
182 completion of any resulting investigation by a law enforcement
183 agency, or upon the referral of the matter to an employer who
184 has the authority to take disciplinary action against an
185 individual who is suspected of a testing impropriety. For the
186 purpose of this paragraph, an investigation shall be considered
187 active so long as it is ongoing and there is a reasonable, good
188 faith anticipation that an administrative finding will be made
189 in the foreseeable future. This paragraph is subject to the Open
190 Government Sunset Review Act in accordance with s. 119.15 and
191 shall stand repealed on October 2, 2014, unless reviewed and
192 saved from repeal through reenactment by the Legislature.

193 Section 3. This act shall take effect July 1, 2013.