

By the Committee on Education; and Senator Brandes

581-02011-13

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

581-02011-13

2013904c1

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

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

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

38 1007.012 Florida Accredited Courses and Tests Initiative
39 (FACTs).-

40 (1) The Florida Accredited Courses and Tests Initiative
41 (FACTs) is created to expand student choices in selecting
42 multiple, high-quality public and nonpublic courses and
43 assessments toward satisfying course, assessment, or credit
44 requirements for promotion, graduation, or degree attainment.
45 The purpose of the initiative is to make available multiple
46 options to suit unique student interests, satisfy educational
47 requirements, and accelerate student accomplishment of goals in
48 a productive and effective 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 Accredited Courses and Tests Initiative generate sufficient
56 options for students to combine multiple instructional
57 experiences and build complete programs for attaining a standard
58 high school diploma and a postsecondary education degree which

581-02011-13

2013904c1

59 are tailored to the 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 course" is a K-12 course or postsecondary education credit
68 course that:

69 1. Is created or provided by individuals, institutions,
70 entities, or organizations; and

71 2. Has fulfilled requirements under subsection (4) for
72 purposes of satisfying requirements for promotion, graduation,
73 or obtaining a degree. A massive, open online course and a
74 course associated with rigorous industry certifications are
75 eligible for consideration and approval as a Florida-accredited
76 course.

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

80 1. A Florida-accredited course, a public K-12 course
81 identified on the course code directory, or a postsecondary
82 education course identified on the statewide course numbering
83 system, may be applied as one whole unit or as two or more
84 discrete subunits such that when combined, they are equivalent
85 to the whole unit. A student may not be required to repeat
86 subunits that are satisfactorily completed.

87 2. Assessments associated with a course must be established

581-02011-13

2013904c1

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

95 (4) A Florida-accredited course and its associated
96 assessments must be annually identified, approved, published,
97 and shared for consideration by interested students,
98 institutions, school districts, colleges, and universities.

99 (a) Each Florida-accredited course and its associated
100 assessments must be:

101 1. Approved by the Commissioner of Education for
102 application in K-12 public schools and Florida College System
103 institutions in accordance with rules of the State Board of
104 Education.

105 2. Approved by the Chancellor of the State University
106 System for application in state universities in accordance with
107 rules of the Board of Governors.

108 (b) The Articulation Coordinating Committee established in
109 s. 1007.01 shall annually publish and share a consolidated list
110 of approved Florida-accredited courses and associated, approved
111 assessments in conjunction with the courses listed in the course
112 code directory and statewide course numbering system in a manner
113 that facilitates student and institutional knowledge of the
114 Florida-accredited courses as options available for credit.

115 Section 2. Section 1008.24, Florida Statutes, is amended to
116 read:

581-02011-13

2013904c1

117 1008.24 Test administration and security.—

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

126 (a) Give examinees access to test questions prior to
127 testing;

128 (b) Copy, reproduce, or use in any manner inconsistent with
129 test security rules all or any portion of any secure test
130 booklet;

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

133 (d) Make answer keys available to examinees;

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

137 (f) Fail to follow test administration directions specified
138 in the test administration manuals; or

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

141 (2) A ~~Any~~ person who violates this section commits a
142 misdemeanor of the first degree, punishable as provided in s.
143 775.082 or s. 775.083.

144 (3) A school district, a Florida College System
145 institution, and a state university may contract with qualified

581-02011-13

2013904c1

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

158 (4)~~(3)~~(a) A district school superintendent, a president of
159 a public postsecondary educational institution, or a president
160 of a nonpublic postsecondary educational institution shall
161 cooperate with the Commissioner of Education in any
162 investigation concerning the administration of a test
163 administered pursuant to state statute or rule.

164 (b) The identity of a school or postsecondary educational
165 institution, the personally identifiable information of any
166 personnel of any school district or postsecondary educational
167 institution, or any specific allegations of misconduct obtained
168 or reported pursuant to an investigation conducted by the
169 Department of Education of a testing impropriety are
170 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and
171 s. 24(a), Art. I of the State Constitution until the conclusion
172 of the investigation or until such time as the investigation
173 ceases to be active. For the purpose of this paragraph, an
174 investigation shall be deemed concluded upon a finding that no

581-02011-13

2013904c1

175 impropriety has occurred, upon the conclusion of any resulting
176 preliminary investigation pursuant to s. 1012.796, upon the
177 completion of any resulting investigation by a law enforcement
178 agency, or upon the referral of the matter to an employer who
179 has the authority to take disciplinary action against an
180 individual who is suspected of a testing impropriety. For the
181 purpose of this paragraph, an investigation shall be considered
182 active so long as it is ongoing and there is a reasonable, good
183 faith anticipation that an administrative finding will be made
184 in the foreseeable future. This paragraph is subject to the Open
185 Government Sunset Review Act in accordance with s. 119.15 and
186 shall stand repealed on October 2, 2014, unless reviewed and
187 saved from repeal through reenactment by the Legislature.

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