

By the Committees on Rules; and Education; and Senator Brandes

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1 A bill to be entitled
2 An act relating to education; amending s. 1002.45,
3 F.S.; allowing individuals or organizations that
4 provide individual online courses, including massive
5 open online courses, which are measured by statewide
6 assessments to apply for approval as state-level
7 providers; amending s. 1007.01, F.S.; requiring the
8 Articulation Coordinating Committee to recommend a
9 funding model and financial accountability mechanism
10 for providers of online courses; requiring the Office
11 of Program Policy Analysis and Government
12 Accountability to review and provide recommendations
13 to allow student access to massive open online courses
14 for funding purposes; providing review requirements;
15 requiring the office to provide findings and
16 recommendations to the Governor and the Legislature by
17 a specified date; requiring the Department of
18 Education to develop a methodology and plan for
19 calculating the Florida Education Finance Program
20 which limits the sum of each student's full-time
21 equivalent student membership value from all virtual
22 programs or courses; providing requirements for the
23 plan; requiring the department to conduct a student-
24 based simulation of the revised methodology; requiring
25 the department to submit a report to the Governor and
26 the Legislature by a specified date; creating s.
27 1007.012, F.S.; creating the Florida Accredited
28 Courses and Tests Initiative (FACTs); providing the
29 purpose of the initiative; providing legislative

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30 intent; providing that implementing the initiative
31 allows students to satisfy certain requirements;
32 defining the term "Florida-accredited course" as it
33 relates to the initiative; providing for application
34 of certain courses and assessments toward promotion,
35 graduation, and degree attainment; requiring that
36 Florida-accredited courses and their assessments be
37 annually identified, approved, published, and shared
38 for consideration by certain students and entities;
39 requiring the Commissioner of Education and the
40 Chancellor of the State University System to approve
41 each Florida-accredited course and its assessments;
42 requiring the Articulation Coordinating Committee to
43 annually publish and share a list of approved Florida-
44 accredited courses, their assessments, and other
45 courses; amending s. 1007.24, F.S.; including
46 providers of online courses in the statewide course
47 numbering system; amending s. 1008.24, F.S.;

48 authorizing a school district, a Florida College
49 System institution, and a state university to contract
50 with qualified contractors to administer and proctor
51 statewide standardized assessments or assessments
52 associated with Florida-accredited courses;

53 authorizing the Department of Education to contract
54 for these services on behalf of the state or a school
55 district, Florida College System institution, or state
56 university; providing that assessments may be
57 administered or proctored by qualified contractors at
58 sites that meet certain criteria; providing an

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59 effective date.

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61 Be It Enacted by the Legislature of the State of Florida:

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63 Section 1. Paragraph (a) of subsection (2) of section
64 1002.45, Florida Statutes, is amended to read:

65 1002.45 Virtual instruction programs.—

66 (2) PROVIDER QUALIFICATIONS.—

67 (a) The department shall annually publish online a list of
68 providers approved to offer virtual instruction programs. To be
69 approved by the department, a provider must document that it:

70 1. Is nonsectarian in its programs, admission policies,
71 employment practices, and operations;

72 2. Complies with the antidiscrimination provisions of s.
73 1000.05;

74 3. ~~Locates an administrative office or offices in this~~
75 ~~state, requires its administrative staff to be state residents,~~
76 Requires all instructional staff to be Florida-certified
77 teachers under chapter 1012 or certified as adjunct educators
78 under s. 1012.57, and conducts background screenings for all
79 employees or contracted personnel, as required by s. 1012.32,
80 using state and national criminal history records;

81 4. Provides to parents and students specific information
82 posted and accessible online which includes, but is not limited
83 to, the following teacher-parent and teacher-student contact
84 information for each course:

85 a. How to contact the instructor via telephone, e-mail, or
86 online messaging tools.

87 b. How to contact technical support via telephone, e-mail,

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88 or online messaging tools.

89 c. How to contact the administration office or an
90 individual offering online courses, including, but not limited
91 to, massive open online courses, via telephone, e-mail, or
92 online messaging tools.

93 d. Any requirement for regular contact with the instructor
94 for the course and clear expectations for meeting the
95 requirement.

96 e. A requirement that the instructor in each course, with
97 the exception of individuals offering online courses, including,
98 but not limited to, massive open online courses, must, at a
99 minimum, conduct one contact via telephone with the parent and
100 the student each month;

101 ~~5.4.~~ Possesses prior, successful experience offering online
102 courses to elementary, middle, or high school students as
103 demonstrated by quantified student learning gains in each
104 subject area and grade level provided for consideration as an
105 instructional program option;

106 ~~6.5.~~ Is accredited by a regional accrediting association as
107 defined by State Board of Education rule;

108 ~~7.6.~~ Ensures instructional and curricular quality through a
109 detailed curriculum and student performance accountability plan
110 that addresses every subject and grade level it intends to
111 provide through contract with the school district, including:

112 a. Courses and programs that meet the standards of the
113 International Association for K-12 Online Learning and the
114 Southern Regional Education Board.

115 b. Instructional content and services that align with, and
116 measure student attainment of, student proficiency in the Next

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117 Generation Sunshine State Standards.

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

121 8.7. Publishes for the general public, in accordance with
122 disclosure requirements adopted in rule by the State Board of
123 Education, as part of its application as a provider and in all
124 contracts negotiated pursuant to this section:

125 a. Information and data about the curriculum of each full-
126 time and part-time program.

127 b. School policies and procedures.

128 c. Certification status and physical location of all
129 administrative and instructional personnel.

130 d. Hours and times of availability of instructional
131 personnel.

132 e. Student-teacher ratios.

133 f. Student completion and promotion rates.

134 g. Student, educator, and school performance accountability
135 outcomes;

136 9.8. If the provider is a Florida College System
137 institution, employs instructors who meet the certification
138 requirements for instructional staff under chapter 1012; and

139 10.9. Performs an annual financial audit of its accounts
140 and records conducted by an independent certified public
141 accountant which is in accordance with rules adopted by the
142 Auditor General, is conducted in compliance with generally
143 accepted auditing standards, and includes a report on financial
144 statements presented in accordance with generally accepted
145 accounting principles.

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147 A person or organization that seeks to offer online courses
148 pursuant to this paragraph is not subject to sub-subparagraphs
149 8.a. and b., subparagraphs 6., 9., and 10., and paragraphs
150 (8) (c) and (d).

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

153 1007.01 Articulation; legislative intent; purpose; role of
154 the State Board of Education and the Board of Governors;
155 Articulation Coordinating Committee.—

156 (3) The Commissioner of Education, in consultation with the
157 Chancellor of the State University System, shall establish the
158 Articulation Coordinating Committee which shall make
159 recommendations related to statewide articulation policies to
160 the Higher Education Coordination Council, the State Board of
161 Education, and the Board of Governors. The committee shall
162 consist of two members each representing the State University
163 System, the Florida College System, public career and technical
164 education, public K-12 education, and nonpublic education and
165 one member representing students. The chair shall be elected
166 from the membership. The committee shall:

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

172 Section 3. Section 1007.012, Florida Statutes, is created
173 to read:

174 1007.012 Florida Accredited Courses and Tests Initiative

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175 (FACTs).—

176 (1) The Florida Accredited Courses and Tests Initiative
177 (FACTs) is created to expand student choices in selecting
178 multiple, high-quality public and nonpublic courses and
179 assessments toward satisfying course, assessment, or credit
180 requirements for promotion, graduation, or degree attainment.
181 The purpose of the initiative is to make available multiple
182 options to suit unique student interests, satisfy educational
183 requirements, and accelerate student accomplishment of goals in
184 a productive and effective manner.

185 (2) The Legislature intends that state and local rules,
186 policies, and administrative decisions are flexible in
187 interpreting and implementing the requirements in this section
188 in order to encourage creative, innovative, resourceful, and
189 forward-thinking practices that can be modeled throughout this
190 state and the country. The Legislature intends that the Florida
191 Accredited Courses and Tests Initiative generate sufficient
192 options for students to combine multiple instructional
193 experiences and build complete programs for attaining a standard
194 high school diploma and a postsecondary education degree which
195 are tailored to the unique interests of each student.

196 (3) The initiative allows students in this state to satisfy
197 public K-12 education promotion or high school graduation
198 course, assessment, or credit requirements, or to satisfy
199 requirements for public postsecondary credit or degree
200 attainment by successfully meeting the assessment requirements
201 of this subsection.

202 (a) As used in this section, the term "Florida-accredited
203 course" is a K-12 course or postsecondary education credit

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204 course that:

205 1. Is created or provided by individuals, institutions,
206 entities, or organizations; and

207 2. Has fulfilled requirements under subsection (4) for
208 purposes of satisfying requirements for promotion, graduation,
209 or obtaining a degree. A massive, open online course and a
210 course associated with rigorous industry certifications are
211 eligible for consideration and approval as a Florida-accredited
212 course.

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

216 1. A Florida-accredited course, a public K-12 course
217 identified on the course code directory, or a postsecondary
218 education course identified on the statewide course numbering
219 system, may be applied as one whole unit or as two or more
220 discrete subunits such that when combined, they are equivalent
221 to the whole unit. A student may not be required to repeat
222 subunits that are satisfactorily completed.

223 2. Assessments associated with a course must be established
224 by regionally accredited public institutions and must be
225 approved in accordance with subsection (4). The assessments may
226 be applied as one whole assessment or as two or more discrete
227 subassessments such that when combined, they are equivalent to
228 the whole assessment. A student may not be required to repeat
229 subassessments that are satisfactorily completed. Assessments
230 and subassessments shall be administered pursuant to s. 1008.24.

231 (4) A Florida-accredited course and its associated
232 assessments must be annually identified, approved, published,

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233 and shared for consideration by interested students,
234 institutions, school districts, colleges, and universities.

235 (a) Each Florida-accredited course and its associated
236 assessments must be:

237 1. Approved by the Commissioner of Education for
238 application in K-12 public schools and Florida College System
239 institutions in accordance with rules of the State Board of
240 Education.

241 2. Approved by the Chancellor of the State University
242 System for application in state universities in accordance with
243 rules of the Board of Governors.

244 (b) The Articulation Coordinating Committee established in
245 s. 1007.01 shall annually publish and share a consolidated list
246 of approved Florida-accredited courses and associated, approved
247 assessments in conjunction with the courses listed in the course
248 code directory and statewide course numbering system in a manner
249 that facilitates student and institutional knowledge of the
250 Florida-accredited courses as options available for credit.

251 Section 4. Subsection (6) of section 1007.24, Florida
252 Statutes, is amended to read:

253 1007.24 Statewide course numbering system.—

254 (6) Providers of online courses and nonpublic colleges and
255 schools that are fully accredited by a regional or national
256 accrediting agency recognized by the United States Department of
257 Education and are either eligible to participate in the William
258 L. Boyd, IV, Florida Resident Access Grant or have been issued a
259 regular license pursuant to s. 1005.31, may participate in the
260 statewide course numbering system pursuant to this section.
261 Participating colleges and schools shall bear the costs

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262 associated with inclusion in the system and ~~shall~~ meet the terms
263 and conditions for institutional participation in the system.
264 The department shall adopt a fee schedule that includes the
265 expenses incurred for ~~through~~ data processing, faculty task
266 force travel and per diem, and staff and clerical support time.
267 Such fee schedule may differentiate between the costs associated
268 with initial course inclusion in the system and costs associated
269 with subsequent course maintenance in the system. Decisions
270 regarding initial course inclusion and subsequent course
271 maintenance must be made within 360 days after submission of the
272 required materials and fees by the institution. The Department
273 of Education may select a date by which colleges must submit
274 requests for new courses to be included, and may delay review of
275 courses submitted after that date until the next year's cycle.
276 Any college that currently participates in the system, and that
277 participated in the system before ~~prior to~~ July 1, 1986, is
278 ~~shall not be~~ required to pay the costs associated with initial
279 course inclusion in the system. Fees collected for participation
280 in the statewide course numbering system pursuant to the
281 provisions of this section shall be deposited into ~~in~~ the
282 Institutional Assessment Trust Fund. Any nonpublic, nonprofit
283 college or university that is eligible to participate in the
284 statewide course numbering system is ~~shall not be~~ required to
285 pay the costs associated with participation in the system. No
286 college or school shall record student transcripts or document
287 courses offered by the college or school in accordance with this
288 subsection unless the college or school is actually
289 participating in the system pursuant to rules of the State Board
290 of Education. Any college or school deemed to be in violation of

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291 this section is ~~shall be~~ subject to the provisions of s.
292 1005.38.

293 Section 5. Section 1008.24, Florida Statutes, is amended to
294 read:

295 1008.24 Test administration and security.—

296 (1) A person may not ~~It is unlawful for anyone~~ knowingly
297 and willfully ~~to~~ violate test security rules adopted by the
298 State Board of Education for mandatory tests administered by or
299 through the State Board of Education or the Commissioner of
300 Education to students, educators, or applicants for
301 certification or administered by school districts pursuant to s.
302 1008.22, or, with respect to any such test, knowingly and
303 willfully to:

304 (a) Give examinees access to test questions prior to
305 testing;

306 (b) Copy, reproduce, or use in any manner inconsistent with
307 test security rules all or any portion of any secure test
308 booklet;

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

311 (d) Make answer keys available to examinees;

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

315 (f) Fail to follow test administration directions specified
316 in the test administration manuals; or

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

319 (2) A ~~Any~~ person who violates this section commits a

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320 misdemeanor of the first degree, punishable as provided in s.
321 775.082 or s. 775.083.

322 (3) A school district, a Florida College System
323 institution, and a state university may contract with qualified
324 contractors to administer and proctor statewide, standardized
325 assessments required under s. 1008.22 or assessments associated
326 with Florida-accredited courses under s. 1007.012, as approved
327 by the Department of Education in accordance with rules of the
328 State Board of Education. The Department of Education may also
329 contract for these services on behalf of the state or any school
330 district, Florida College System institution, or state
331 university. Assessments may be administered or proctored by
332 qualified contractors at sites that meet criteria established by
333 rules of the State Board of Education and adopted pursuant to
334 ss. 120.536(1) and 120.54 to implement the contracting
335 requirements of this subsection.

336 (4)~~(3)~~(a) A district school superintendent, a president of
337 a public postsecondary educational institution, or a president
338 of a nonpublic postsecondary educational institution shall
339 cooperate with the Commissioner of Education in any
340 investigation concerning the administration of a test
341 administered pursuant to state statute or rule.

342 (b) The identity of a school or postsecondary educational
343 institution, the personally identifiable information of any
344 personnel of any school district or postsecondary educational
345 institution, or any specific allegations of misconduct obtained
346 or reported pursuant to an investigation conducted by the
347 Department of Education of a testing impropriety are
348 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and

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349 s. 24(a), Art. I of the State Constitution until the conclusion
350 of the investigation or until such time as the investigation
351 ceases to be active. For the purpose of this paragraph, an
352 investigation shall be deemed concluded upon a finding that no
353 impropriety has occurred, upon the conclusion of any resulting
354 preliminary investigation pursuant to s. 1012.796, upon the
355 completion of any resulting investigation by a law enforcement
356 agency, or upon the referral of the matter to an employer who
357 has the authority to take disciplinary action against an
358 individual who is suspected of a testing impropriety. For the
359 purpose of this paragraph, an investigation shall be considered
360 active so long as it is ongoing and there is a reasonable, good
361 faith anticipation that an administrative finding will be made
362 in the foreseeable future. This paragraph is subject to the Open
363 Government Sunset Review Act in accordance with s. 119.15 and
364 shall stand repealed on October 2, 2014, unless reviewed and
365 saved from repeal through reenactment by the Legislature.

366 Section 6. The Office of Program Policy Analysis and
367 Government Accountability (OPPAGA) shall review and provide
368 recommendations to allow student access to massive open online
369 courses for funding in both the K-12 and postsecondary programs.
370 The review must consider, but is not limited to, the
371 identification of courses, provider qualification review,
372 accreditation, teacher or instructor credentials, course content
373 and standards, financial accountability, and a funding process.
374 OPPAGA shall provide the findings and recommendations to the
375 Executive Office of the Governor, the President of the Senate,
376 and the Speaker of the House of Representatives by December 31,
377 2013.

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378 Section 7. The Department of Education shall develop a
379 methodology and plan for calculating the Florida Education
380 Finance Program to limit the sum of each student's full-time
381 equivalent student membership value from all programs or courses
382 to 1.0 full time equivalent (FTE). The department's plan must
383 include revised procedures for reporting and computing each
384 district's annual allocation from the Florida Education Finance
385 Program and shall identify steps that the department and school
386 districts will take to implement the new procedures during the
387 2014-2015 fiscal year. The department shall conduct a student-
388 based simulation of the revised methodology concurrent with the
389 2013-2014 FTE reporting and funding process. The department
390 shall submit its plan and a summary of the results of the
391 simulation to the Executive Office of the Governor, the
392 President of the Senate, and the Speaker of the House of
393 Representatives by January 31, 2014.

394 Section 8. This act shall take effect July 1, 2013.
395