



1                                   A bill to be entitled  
2           An act relating to education; amending s. 1002.321,  
3           F.S.; requiring the Department of Education to develop  
4           an online catalog of digital learning courses;  
5           amending s. 1002.37, F.S.; providing reporting  
6           requirements relating to Florida Virtual School  
7           Global; requiring the Auditor General to conduct an  
8           operational audit of the Florida Virtual School and  
9           submit a report to the Legislature; amending s.  
10          1003.01, F.S.; removing Florida approved courses and  
11          blended learning courses provided by a traditional  
12          public school, a charter school, or a district  
13          innovation school from the definition of the term  
14          "core-curricula courses" for purposes of class size  
15          requirements; amending s. 1003.498, F.S.; requiring  
16          the Department of Education to provide identifiers for  
17          courses to designate their use for blended learning  
18          courses; removing restrictions on students' taking  
19          online courses across district lines; providing  
20          students' access to courses; prohibiting a school  
21          district from requiring a public school student to  
22          take an online course at certain times or places;  
23          creating s. 1003.499, F.S.; creating the Florida  
24          Approved Course Initiative; providing the purpose of  
25          the initiative; providing legislative intent;  
26          providing that implementing the initiative allows  
27          students to expand their choices in selecting online  
28          courses; requiring the department to annually publish



29 | online a list of providers; defining the term "Florida  
30 | approved courses" as it relates to the initiative;  
31 | requiring that Florida approved courses be annually  
32 | identified, approved, published, and shared for  
33 | consideration by certain students and school  
34 | districts; requiring the Commissioner of Education to  
35 | approve each Florida approved course; providing  
36 | requirements for approval as a provider for the  
37 | initiative; requiring an approved provider to  
38 | participate in the statewide assessment program and  
39 | the education performance accountability system;  
40 | creating s. 1004.0961, F.S.; requiring the State Board  
41 | of Education and the Board of Governors to adopt rules  
42 | that enable students to earn academic credit toward  
43 | online courses; providing requirements for the rules;  
44 | amending s. 1008.24, F.S.; authorizing a school  
45 | district to contract with qualified contractors to  
46 | administer and proctor statewide standardized  
47 | assessments or assessments associated with Florida  
48 | approved courses; providing that assessments may be  
49 | administered or proctored by qualified contractors at  
50 | sites that meet certain criteria; requiring  
51 | exceptional students to have access to testing sites;  
52 | requiring the Department of Education and school  
53 | districts to adopt policies; requiring the department  
54 | to contract with a qualified contractor to review and  
55 | provide recommendations for improving access to online  
56 | courses, and approving, funding, holding providers



57 | accountable, and awarding credit for online courses  
58 | for K-12 and postsecondary education; requiring the  
59 | department to identify measures of quality based upon  
60 | student outcomes; requiring the department to provide  
61 | findings and recommendations to the Governor and the  
62 | Legislature by a specified date; providing an  
63 | effective date.

64 |

65 | Be It Enacted by the Legislature of the State of Florida:

66 |

67 | Section 1. Subsection (6) is added to section 1002.321,  
68 | Florida Statutes, to read:

69 | 1002.321 Digital learning.—

70 | (6) ONLINE CATALOG.—The department shall develop an online  
71 | catalog of available digital learning courses provided pursuant  
72 | to ss. 1002.37, 1002.45, 1003.498, and 1003.499, which provides,  
73 | for each course, access to the course description, completion  
74 | and passage rates, and a method for student and teacher users to  
75 | provide evaluative feedback.

76 | Section 2. Subsection (6) and paragraph (c) of subsection  
77 | (9) of section 1002.37, Florida Statutes, are amended, and  
78 | subsection (11) is added to that section, to read:

79 | 1002.37 The Florida Virtual School.—

80 | (6) The board of trustees shall annually submit to the  
81 | Governor, the Legislature, the Commissioner of Education, and  
82 | the State Board of Education a complete and detailed report  
83 | setting forth:

84 | (a) The operations and accomplishments of the Florida



85 | Virtual School within the state and those occurring outside the  
86 | state as Florida Virtual School Global.

87 | (b) The marketing and operational plan for the Florida  
88 | Virtual School and Florida Virtual School Global, including  
89 | recommendations regarding methods for improving the delivery of  
90 | education through the Internet and other distance learning  
91 | technology.

92 | (c) The assets and liabilities of the Florida Virtual  
93 | School and Florida Virtual School Global at the end of the  
94 | fiscal year.

95 | (d) A copy of an annual financial audit of the accounts  
96 | and records of the Florida Virtual School and Florida Virtual  
97 | School Global, conducted by an independent certified public  
98 | accountant and performed in accordance with rules adopted by the  
99 | Auditor General.

100 | (e) Recommendations regarding the unit cost of providing  
101 | services to students through the Florida Virtual School and  
102 | Florida Virtual School Global. In order to most effectively  
103 | develop public policy regarding any future funding of the  
104 | Florida Virtual School, it is imperative that the cost of the  
105 | program is accurately identified. The identified cost of the  
106 | program must be based on reliable data.

107 | (f) Recommendations regarding an accountability mechanism  
108 | to assess the effectiveness of the services provided by the  
109 | Florida Virtual School and Florida Virtual School Global.

110 | (9)

111 | (c) Unless an alternative testing site is mutually agreed  
112 | to by the Florida Virtual School and the school district or as



113 contracted under s. 1008.24, all statewide assessments must be  
114 taken at the school to which the student would be assigned  
115 according to district school board attendance areas. A school  
116 district must provide the student with access to the school's  
117 testing facilities.

118 (11) The Auditor General shall conduct an operational  
119 audit of the Florida Virtual School, including Florida Virtual  
120 School Global. The scope of the audit shall include, but not be  
121 limited to, the administration of responsibilities relating to  
122 personnel; procurement and contracting; revenue production;  
123 school funds, including internal funds; student enrollment  
124 records; franchise agreements; information technology  
125 utilization, assets, and security; performance measures and  
126 standards; and accountability. The final report on the audit  
127 shall be submitted to the President of the Senate and the  
128 Speaker of the House of Representatives no later than January  
129 31, 2014.

130 Section 3. Subsection (14) of section 1003.01, Florida  
131 Statutes, is amended to read:

132 1003.01 Definitions.—As used in this chapter, the term:

133 (14) "Core-curricula courses" means:

134 (a) Courses in language arts/reading, mathematics, social  
135 studies, and science in prekindergarten through grade 3,  
136 excluding any extracurricular courses pursuant to subsection  
137 (15);

138 (b) Courses in grades 4 through 8 in subjects that are  
139 measured by state assessment at any grade level and courses  
140 required for middle school promotion, excluding any



CS/HB 7029, Engrossed 1

2013

141 extracurricular courses pursuant to subsection (15);

142 (c) Courses in grades 9 through 12 in subjects that are  
143 measured by state assessment at any grade level and courses that  
144 are specifically identified by name in statute as required for  
145 high school graduation and that are not measured by state  
146 assessment, excluding any extracurricular courses pursuant to  
147 subsection (15);

148 (d) Exceptional student education courses; and

149 (e) English for Speakers of Other Languages courses.

150

151 The term is limited in meaning and used for the sole purpose of  
152 designating classes that are subject to the maximum class size  
153 requirements established in s. 1, Art. IX of the State  
154 Constitution. This term does not include courses offered under  
155 ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37, 1002.415, and  
156 1002.45, and 1003.499.

157 Section 4. Section 1003.498, Florida Statutes, is amended  
158 to read:

159 1003.498 School district virtual course offerings.—

160 (1) School districts may deliver courses in the  
161 traditional school setting by personnel certified pursuant to s.  
162 1012.55 who provide direct instruction through virtual  
163 instruction or through blended learning courses consisting of  
164 both traditional classroom and online instructional techniques.  
165 Students in a blended learning course must be full-time students  
166 of the school and receive the online instruction in a classroom  
167 setting at the school. The funding, performance, and  
168 accountability requirements for blended learning courses are the



169 same as those for traditional courses. To facilitate the  
170 delivery and coding of blended learning courses, the department  
171 shall provide identifiers for courses to designate courses that  
172 are used for blended learning for the efficient reporting of  
173 such courses.

174 (2) School districts may offer virtual courses for  
175 students enrolled in the school district. These courses must be  
176 identified in the course code directory. Students who meet the  
177 eligibility requirements of s. 1002.455 may participate in these  
178 virtual course offerings.

179 (a) Any eligible student who is enrolled in a school  
180 district may register and enroll in an online course offered by  
181 his or her school district.

182 (b)1. Any eligible student who is enrolled in a school  
183 district may register and enroll in an online course offered by  
184 any other school district in the state, ~~except as limited by the~~  
185 ~~following:~~

186 ~~1. A student may not enroll in a course offered through a~~  
187 ~~virtual instruction program provided pursuant to s. 1002.45.~~

188 ~~2. A student may not enroll in a virtual course offered by~~  
189 ~~another school district if:~~

190 ~~a. The course is offered online by the school district in~~  
191 ~~which the student resides; or~~

192 ~~b. The course is offered in the school in which the~~  
193 ~~student is enrolled. However, a student may enroll in an online~~  
194 ~~course offered by another school district if the school in which~~  
195 ~~the student is enrolled offers the course but the student is~~  
196 ~~unable to schedule the course in his or her school.~~



CS/HB 7029, Engrossed 1

2013

197           ~~3.~~ The school district in which the student completes the  
198 course shall report the student's completion of that course for  
199 funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home  
200 school district shall not report the student for funding for  
201 that course.

202           2. For purposes of this paragraph, the combined total of  
203 all school district reported FTE may not be reported as more  
204 than 1.0 full-time equivalent student in any given school year.  
205 The Department of Education shall establish procedures to enable  
206 interdistrict coordination for the delivery and funding of this  
207 online option.

208           (3) Access to courses shall be available to students  
209 during the normal school day. A school district may not require  
210 a public school student to take a course outside the school day  
211 which is in addition to the student's courses for a given term  
212 or on school grounds.

213           Section 5. Section 1003.499, Florida Statutes, is created  
214 to read:

215           1003.499 Florida Approved Courses and Tests (FACT)  
216 Initiative.-

217           (1) PURPOSE.-

218           (a) The purpose of the initiative shall be to make  
219 available multiple options to suit unique student interests,  
220 satisfy educational requirements, and accelerate student  
221 accomplishment of goals in a productive and effective manner.  
222 The Legislature intends that state and local rules, policies,  
223 and administrative decisions are flexible in interpreting and  
224 implementing the requirements in this section in order to





225 encourage creative, innovative, resourceful, and forward-  
226 thinking practices that can be modeled throughout this state and  
227 the country.

228 (b) Beginning in the 2015-2016 school year, the Florida  
229 Approved Courses and Tests (FACT) Initiative shall be  
230 implemented to expand student choices in selecting high-quality  
231 online courses, including, but not limited to, massive open  
232 online courses and instruction included under subsection (2) for  
233 promotion or graduation. Such courses and instruction may be  
234 provided using a blended learning model that shall include  
235 components such as differentiated instruction, flexible  
236 scheduling, differentiated teaching, and self-paced learning.  
237 Instruction through the blended learning model may be provided  
238 using online instructional videos, online class forums, and  
239 online homework assignments and projects, coupled with one-on-  
240 one direct instructional support to students.

241 (2) FLORIDA APPROVED COURSES.—The Department of Education  
242 shall annually publish online a list of providers approved to  
243 offer Florida approved courses which shall be listed in the  
244 online catalog pursuant to s. 1002.321(6).

245 (a) As used in this section, the term "Florida approved  
246 courses" means online courses provided by individuals which  
247 include, but are not limited to, massive open online courses or  
248 remedial education associated with the courses that are measured  
249 pursuant to s. 1008.22. Massive open online courses may be  
250 authorized in the following subject areas: Algebra I, biology,  
251 geometry, and civics. Courses may be applied toward requirements  
252 for promotion or graduation in whole, in subparts, or in a



253 combination of whole and subparts. A student may not be required  
254 to repeat subparts that are satisfactorily completed.

255 (b) A Florida approved course must be annually identified,  
256 approved, published, and shared for consideration by interested  
257 students and school districts. The Commissioner of Education  
258 shall approve each Florida approved course for application in K-  
259 12 public schools in accordance with rules of the State Board of  
260 Education.

261 (3) PROVIDER REQUIREMENTS.-

262 (a) To be approved by the Department of Education, an  
263 individual provider must provide all the following documentation  
264 that demonstrates that he or she:

265 1. Is nonsectarian regarding courses, enrollment policies,  
266 employment practices, and operations.

267 2. Complies with the antidiscrimination provisions of s.  
268 1000.05.

269 3. Requires all instructional staff to be Florida-  
270 certified teachers under chapter 1012 or certified as adjunct  
271 educators under s. 1012.57 and conducts background screenings  
272 for all employees or contracted personnel, as required by s.  
273 1012.32, using state and national criminal history records.

274 4. Provides to parents and students specific information  
275 posted and accessible online which includes, but is not limited  
276 to, the following teacher-parent and teacher-student contact  
277 information for each course:

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

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



281 or online messaging tools.

282 c. How to contact the administration office or an  
283 individual offering online courses, including, but not limited  
284 to, massive open online courses, via telephone, e-mail, or  
285 online messaging tools.

286 d. Any requirement for regular contact with the instructor  
287 for the course and clear expectations for meeting the  
288 requirement.

289 5. Possesses prior, successful experience offering online  
290 courses to elementary, middle, or high school students as  
291 demonstrated by quantified student learning gains or student  
292 growth in each subject area and grade level provided for  
293 consideration as an instructional program option. However, for a  
294 provider without sufficient prior, successful experience  
295 offering online courses, the department may conditionally  
296 approve the provider to offer courses measured by the statewide  
297 assessment program pursuant to s. 1008.22. Conditional approval  
298 is valid for 1 year. Renewal of provider approval is contingent  
299 on sufficient performance data available demonstrating success  
300 in accordance with this section and State Board of Education  
301 rule.

302 6. Ensures instructional and curricular quality through a  
303 detailed curriculum and student performance accountability plan  
304 that addresses every subject and grade level that the provider  
305 intends to provide through contract with the school district,  
306 including all of the following:

307 a. Courses and programs that meet the standards of the  
308 International Association for K-12 Online Learning and the



309 Southern Regional Education Board.

310 b. Instructional content and services that align with, and  
311 measure student attainment of, student proficiency in the Next  
312 Generation Sunshine State Standards.

313 c. Mechanisms that determine and ensure that a student has  
314 satisfied requirements for grade level promotion and high school  
315 graduation with a standard diploma, as appropriate.

316 7. Publishes for the general public, in accordance with  
317 disclosure requirements adopted in rule by the State Board of  
318 Education, as part of the application as a provider and in all  
319 contracts negotiated pursuant to this section all of the  
320 following information:

321 a. Certification status and physical location of all  
322 administrative and instructional personnel.

323 b. Hours and times of availability of instructional  
324 personnel.

325 c. Student-teacher ratios.

326 d. Student completion and promotion rates.

327 e. Student, educator, and school performance  
328 accountability outcomes.

329 (b) Each approved provider contracted under this section  
330 must participate in the statewide assessment program under s.  
331 1008.22 and in the state's education performance accountability  
332 system under s. 1008.31.

333 Section 6. Section 1004.0961, Florida Statutes, is created  
334 to read:

335 1004.0961 Credit for online courses.—Beginning in the  
336 2015-2016 school year, the State Board of Education and the



CS/HB 7029, Engrossed 1

2013

337 Board of Governors shall adopt rules that enable students to  
338 earn academic credit for online courses, including massive open  
339 online courses, prior to initial enrollment at a postsecondary  
340 institution. The rules of the State Board of Education and rules  
341 of the Board of Governors must include procedures for credential  
342 evaluation and the award of credit, including, but not limited  
343 to, recommendations for credit by the American Council on  
344 Education; equivalency and alignment of coursework with  
345 appropriate courses; course descriptions; type and amount of  
346 credit that may be awarded; and transfer of credit.

347 Section 7. Section 1008.24, Florida Statutes, is amended  
348 to read:

349 1008.24 Test administration and security.-

350 (1) A person may not ~~It is unlawful for anyone~~ knowingly  
351 and willfully ~~to~~ violate test security rules adopted by the  
352 State Board of Education for mandatory tests administered by or  
353 through the State Board of Education or the Commissioner of  
354 Education to students, educators, or applicants for  
355 certification or administered by school districts pursuant to s.  
356 1008.22, or, with respect to any such test, knowingly and  
357 willfully to:

358 (a) Give examinees access to test questions prior to  
359 testing;

360 (b) Copy, reproduce, or use in any manner inconsistent  
361 with test security rules all or any portion of any secure test  
362 booklet;

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



365 (d) Make answer keys available to examinees;

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

369 (f) Fail to follow test administration directions  
370 specified in the test administration manuals; or

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

373 (2) A ~~Any~~ person who violates this section commits a  
374 misdemeanor of the first degree, punishable as provided in s.  
375 775.082 or s. 775.083.

376 (3) A school district may contract with qualified  
377 contractors to administer and proctor statewide standardized  
378 assessments required under s. 1008.22 or assessments associated  
379 with Florida approved courses under s. 1003.499, as approved by  
380 the Department of Education in accordance with rules of the  
381 State Board of Education. Assessments may be administered or  
382 proctored by qualified contractors at sites that meet criteria  
383 established by rules of the State Board of Education and adopted  
384 pursuant to ss. 120.536(1) and 120.54 to implement the  
385 contracting requirements of this subsection.

386 ~~(4)~~(3)(a) A district school superintendent, a president of  
387 a public postsecondary educational institution, or a president  
388 of a nonpublic postsecondary educational institution shall  
389 cooperate with the Commissioner of Education in any  
390 investigation concerning the administration of a test  
391 administered pursuant to state statute or rule.

392 (b) The identity of a school or postsecondary educational



393 institution, the personally identifiable information of any  
394 personnel of any school district or postsecondary educational  
395 institution, or any specific allegations of misconduct obtained  
396 or reported pursuant to an investigation conducted by the  
397 Department of Education of a testing impropriety are  
398 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
399 s. 24(a), Art. I of the State Constitution until the conclusion  
400 of the investigation or until such time as the investigation  
401 ceases to be active. For the purpose of this paragraph, an  
402 investigation shall be deemed concluded upon a finding that no  
403 impropriety has occurred, upon the conclusion of any resulting  
404 preliminary investigation pursuant to s. 1012.796, upon the  
405 completion of any resulting investigation by a law enforcement  
406 agency, or upon the referral of the matter to an employer who  
407 has the authority to take disciplinary action against an  
408 individual who is suspected of a testing impropriety. For the  
409 purpose of this paragraph, an investigation shall be considered  
410 active so long as it is ongoing and there is a reasonable, good  
411 faith anticipation that an administrative finding will be made  
412 in the foreseeable future. This paragraph is subject to the Open  
413 Government Sunset Review Act in accordance with s. 119.15 and  
414 shall stand repealed on October 2, 2014, unless reviewed and  
415 saved from repeal through reenactment by the Legislature.

416 (5) Exceptional students with disabilities, as defined in  
417 s. 1003.01(3), shall have access to testing sites. The  
418 Department of Education and each school district shall adopt  
419 policies that are necessary to ensure such access.

420 Section 8. By August 30, 2013, the Department of Education



421 shall contract with a qualified contractor to review and provide  
422 recommendations for online courses, including massive open  
423 online courses, and competency-based online courses for K-12 and  
424 postsecondary education. The recommendations must, at a minimum,  
425 include the following components: improving access to the online  
426 courses, and approving, funding, holding providers accountable,  
427 and awarding credit for such courses. The department shall  
428 identify measures of quality based upon student outcomes, such  
429 as completion and achievement rates correlated appropriately to  
430 each delivery model; measures for students to demonstrate  
431 competency, such as prior learning assessments, end-of-course  
432 exams, assessments established by regionally accredited public  
433 institutions which may be applied as one whole assessment or as  
434 two or more discrete subassessments such that when combined, the  
435 subassessments are equivalent to a whole assessment; and  
436 opportunities to use online courses, including massive open  
437 online courses using blended learning or other tools delivered  
438 in modules or segments to provide instruction pursuant to s.  
439 1003.499(2)(a) for students in K-12 education. The department  
440 shall provide findings and recommendations to the Executive  
441 Office of the Governor, the President of the Senate, and the  
442 Speaker of the House of Representatives by February 1, 2014.

443 Section 9. This act shall take effect July 1, 2013.