

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 843 Education

**SPONSOR(S):** Gaetz

**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 904

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee		Ammel	Fudge
2) Education Appropriations Subcommittee			
3) Education Committee			

### SUMMARY ANALYSIS

The bill creates the Florida Flexible Option Initiative to expand student choice regarding courses and corresponding assessments which a student may take to satisfy various secondary and postsecondary education requirements. It provides that Florida-accredited charter courses may be created by an individual whose credentials and documented knowledge of a specific science, technology, engineering, or math field warrants consideration as a credible and legitimate source of course content. 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 charter 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 charter 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 charter 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 bill does not describe the students that are eligible to participate, the courses that are available, how students will enroll in the courses, or the amount of credit students will earn. Likewise, the bill does not describe the process for approving courses or providers, how providers and courses will be evaluated and held accountable, and the amount of funding available to pay for such courses. See Drafting Issues or Other Comments.

The bill may have a fiscal impact on state and local governments. SEE FISCAL COMMENTS.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **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>1</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>2</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>3</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>4</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>5</sup>

##### *Course Code Directory*

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

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

<sup>4</sup> Section 1007.24(7), F.S.

<sup>5</sup> Section 1007.24(7), F.S.

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>6</sup>

## Massive Open Online Courses

A number of universities are offering “massive open online courses” (MOOCs) to broaden access to higher education. For example, Coursera<sup>7</sup> founded by two Stanford University professors<sup>8</sup> and edX<sup>9</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>10</sup> Colleges also have put forward faculty to teach the free courses.<sup>11</sup>

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>12</sup>, endorsed for credit, five MOOCs that are offered through Coursera.<sup>13</sup>

In 2012, the University of Wisconsin (UW) System announced its innovative UW Flexible Option program.<sup>14</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>15</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.

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

<sup>7</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>8</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>9</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>10</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>11</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).

<sup>12</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>13</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>14</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>15</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).

Articulation ensures that students receive credit for comparable coursework without unnecessary repetition when transferring from one institution to another.<sup>16</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>17</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 articulation system that affords students the ability to take courses and assessments and to earn credit across a variety of institutions.

## **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>18</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 the next fiscal year. The commissioner may negotiate for the sale or lease of tests, scoring protocols, test scoring services, and related materials under law.<sup>19</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>20</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 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>21</sup>

### *Acceleration*

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>22</sup> In addition to shortening the time for a student to complete the

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<sup>16</sup> Florida Department of Education, *Postsecondary Articulation*, <http://www.fldoe.org/fcs/postsecart.asp> (last visited March 4, 2013).

<sup>17</sup> Florida Department of Education, *Postsecondary Articulation*, <http://www.fldoe.org/fcs/postsecart.asp> (last visited March 4, 2013).

<sup>18</sup> Section 1008.22, F.S.

<sup>19</sup> Section 1008.22(3), F.S.

<sup>20</sup> Section 1007.27(6), F.S.

<sup>21</sup> Section 1007.22(1), F.S.

<sup>22</sup> Section 1007.22(2), F.S.

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>23</sup>

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>24</sup> The DOE must:<sup>25</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 is comprised 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>26</sup>

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. 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>27</sup>

The ACC must establish passing scores and course and credit equivalents for AP, IB, AICE, and College-Level Examination Program (CLEP) exams.<sup>28</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>29</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

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<sup>23</sup> Section 1007.27(1), F.S.

<sup>24</sup> Sections 1007.22(2) and 1007.27(1), F.S.

<sup>25</sup> Section 1007.27(2), F.S.

<sup>26</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.

<sup>27</sup> Section 1007.01(3), F.S.

<sup>28</sup> Section 1007.27(2), F.S.

<sup>29</sup> Rule 6A-10.024, F.A.C.

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>30</sup>

### Effect of Proposed Changes

#### *Course Offerings*

The bill creates the Florida Flexible Option 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.

The bill introduces a new set of courses called “Florida-accredited charter courses” that can be created by individuals whose credentials and documented knowledge of a specific science, technology, engineering, or math field warrants consideration as a credible and legitimate source of course content to create a Florida-accredited charter course. However, the bill does not include any provisions for verification of the individual’s credibility or legitimacy. The bill also provides that a massive, open online course and a course associated with rigorous industry certification are eligible for consideration and approval as a Florida-accredited charter course.

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>31</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>32</sup>

The bill allows students to take Florida-accredited charter courses, courses identified on the course code directory, or postsecondary courses identified on the statewide course numbering system and apply them as whole units or two or more discrete subunits that when combined, equal a whole unit. Course completions can be applied toward 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. Assessments may also be applied as one whole assessment or as two or more discrete subassessments that, when combined, equal one whole assessment. Students cannot be required to repeat course subunits or subassessments that have been satisfactorily completed.

#### **Assessments**

The bill requires that the assessments associated with the Florida-accredited charter 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.

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<sup>30</sup> Section 1007.23(1), F.S.

<sup>31</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>32</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 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.

- administered or proctored by qualified contractors at sites that meet specified requirements of the SBE rules<sup>33</sup>.

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>34</sup>. The bill conforms to current law regarding prohibiting individuals from knowingly and willfully violating test security rules in accordance with the SBE rules.<sup>35</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 charter 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.

### B. SECTION DIRECTORY:

**Section 1.** Creates 1007.012, F.S.; establishing the Florida Flexible Option Initiative; defining the term "Florida –accredited charter course as it relates to the initiative; providing for application of certain courses and assessments toward promotion, graduation, and degree attainment; requiring that Florida-accredited charter courses and their assessments be annually identified, approved, published, and shared for consideration by certain students and entities; requiring the Commissioner of Education and the Chancellor of the State University System to approve each Florida-accredited charter course and its assessments; requiring the Articulation Coordinating Committee to annually publish and share a list of approved Florida-accredited charter courses, their assessments, and other courses.

**Section 2:** Amends s. 1008.24, F.S.; authorizing a school district, a Florida College System institution, and a state university to contract with qualified contractors to administer and proctor statewide standardized assessments or assessments associated with Florida-accredited charter courses; authorizing the Department of Education to contract for these services on behalf of the state or a school; district, Florida College System institution, or state university; providing that assessments may be administered or proctored by qualified contractors at sites that meet certain criteria.

**Section 3.** Provides an effective date of July 1, 2013.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

Unknown. See DRAFTING ISSUES or OTHER COMMENTS.

#### 2. Expenditures:

Unknown, potentially significant.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

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

<sup>34</sup> HB 843 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>35</sup> Section 1008.24(1), F.S.

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Unknown. See DRAFTING ISSUES or OTHER COMMENTS.

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None provided.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not describe the students that are eligible to participate, the courses that are available, how students will enroll in the courses, or the amount of credit students will earn. Likewise, the bill does not describe the process for approving courses or providers, how providers and courses will be evaluated and held accountable, and the amount of funding available to pay for such courses.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**