

STATE BOARD OF EDUCATION
Action Item
November 18, 2014

SUBJECT: Approval of New Rule 6A-6.0982, Florida Approved Online Course Providers

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1003.499 (2) (b), Florida Statutes

EXECUTIVE SUMMARY

This new rule outlines the process through which organizations and individuals become approved to offer Florida approved virtual courses per section 1003.499, Florida Statutes

Supporting Documentation Included: Proposed Rule 6A-6.0982, Florida Approved Online Course Providers and VSP-03 Florida Course Provider Approval Application

Facilitator/Presenter: Adam Miller, Executive Director, Office of Independent Education and Parental Choice

6A-6.0982 Florida Approved Online Course Providers

(1) Purpose. Section 1003.499(2)(b), Florida Statutes (F.S.) requires the Commissioner of Education to annually publish online a list of providers approved to offer Florida approved courses.

(2) Application Form. Form VSP-03, Course Provider Approval Application is hereby incorporated by reference and made a part of this rule (insert link) to become effective December 2014. A copy of Form VSP-03 may be obtained by contacting the Division of Public Schools, Office of the Chancellor, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) Application. The application to become an approved course provider will be available at www.fldoe.org/Schools/virtualschools/online_catalog.asp beginning November 1, 2014 for the 2015-16 school year and September 1st each year thereafter and must be accessed and submitted electronically. The deadline for filing the application is November 30th for the 2015-16 school year and September 30th each year thereafter.

(a) Pursuant to section 1003.499(3)(a)5., F.S., the applicant must possess prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains or student growth in each subject area and grade level provided for consideration as an instructional program option. Learning gains data for at least one (1) complete school year from one (1) of the following sources must be submitted for each course submitted for approval in this application:

1. Summative assessments approved to meet No Child Left Behind (NCLB) accountability requirements or state-administered End-of-Course (EOC) assessments. The demonstrated gains will be sufficient if either proficiency rate or gains rate, as calculated for purposes of school grades under Rule 6A-1.09981, F.A.C., which is incorporated by reference herein, meet or exceed the state mean. A copy of rule 6A-1.09981, F.A.C., may be obtained by contacting the Division of Public Schools, Office of the Chancellor, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. Equivalent subgroup credit recovery or remediation course data may be considered in determining the equivalency with the state mean, if provided.

For course subjects not addressed by state assessments:

2. Nationally standardized summative achievement tests or nationally standardized interim assessments with multiple assessments to measure learning gains. The demonstrated gains will be sufficient if either proficiency rate or gains rate meet or exceed the national mean. Equivalent subgroup or credit recovery or remediation course data may be considered in determining the equivalency with the national mean, if provided.

3. Proctored EOC assessments or semester examinations that assess Florida standards. Electronic proctoring with appropriately identified students is acceptable. Applicants must submit a signed assurance that non-state level EOC examinations cover Florida course benchmarks. Demonstrated gains will be sufficient if the pass rate on the proctored EOC examination meets or exceeds seventy (70) percent.

(b) In accordance with section 1003.499(3)(a)6., F.S., the applicant ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level that the applicant intends to provide. The curriculum plan must include evidence:

1. That the applicant meets the standards of the International Association for K-12 Online Learning (iNACOL):

2. That its courses and services are aligned to the Florida Student Performance Standards adopted in Rule 6A-1.09401, F.A.C., which is incorporated by reference herein, and measure student attainment of those standards. Each course must align to the course descriptions and benchmarks established pursuant to Rule 6A-1.09412, F.A.C., which is incorporated by reference herein, including:

- a. Where the standard is taught in the course;
- b. How the standard is taught, and
- c. How mastery is assessed.

File names for course alignment documents must include the Florida course codes and titles specified in Florida's most current Course Code Directory incorporated in Rule 6A-1.09441, F.A.C., which is incorporated by reference herein. A copy of rules 6A-1.09401, 6A-1.09412, and 6A-1.09441, F.A.C., may be obtained by contacting the Division of Public Schools, Office of the Chancellor, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

3. That mechanisms are in place to determine and ensure students have satisfied course requirements.

Mechanisms should include:

- a. The use of formative and interim assessments;
- b. A multi-tiered system of student supports, interventions and assistance to ensure student progression toward promotion and graduation requirements;
- c. Curriculum development, activities and assessments based on principles that give all individuals equal opportunities to learn, supporting flexibility in representation, expression, and engagement;
- d. Electronic and information technology accessible to persons with disabilities; and
- e. Strategies to ensure comprehensible instruction for students with limited English proficiency.

Upon request, the applicant will provide access for a virtual walk-through of courses during the review phase of the application process.

(c) The applicant must disclose on a prominent place on its website the disclosure information required under section 1003.499(3)(a)7., F.S. Average student-teacher ratios are to be calculated for each course. Teacher load (the total number of students assigned to a teacher) must also be provided. Student completion rate calculations are to include all students who are enrolled in the course for more than fourteen (14) days. Student performance accountability outcomes are to include student assessment results for all students and by the following subgroups: major racial and ethnic groups, economically disadvantaged students, students with disabilities and students with limited English proficiency. "Major racial and ethnic groups" shall include those groups reported for accountability purposes under the Elementary and Secondary Education Act (ESEA) in any state or, if no such prior reporting is available, shall include, at a minimum: American Indian, Asian, Black/African American, Hispanic, and White. If the course has an EOC, the applicant will publish the results on the website. All disclosure of student performance data must comply with sections 1002.22 and 1002.221, F.S., by avoiding the disclosure of personally identifiable student information. Assessment data for less than ten (10) students must be redacted to prevent disclosure of identifiable student information.

(4) The Department of Education will review each complete application and provide the applicant with a written decision regarding the approval or denial of the application no later than forty-five (45) calendar days after the deadline. Incomplete applications will not be reviewed. Approved course providers will be posted to the website: www.fldoe.org/Schools-virtual-schools.asp .

(5) Notice of Denial. If the application is denied, the applicant will receive written notification identifying the specific areas of deficiency. The applicant shall have thirty (30) calendar days after receipt of the notice of denial to resolve any outstanding issues, and resubmit its application for reconsideration. The applicant will receive a final written notice of approval or denial. If any application is denied a second time, the department will provide a final written notice to the applicant indicating that the application has been administratively closed and that the provider may apply during the next application phase in accordance with subsection (3) of this rule.

(6) Course provider approval will be in effect for three (3) years.

(7) Revocation. The department shall revoke the approval of a course provider who fails to maintain compliance with all the requirements of section 1003.499(3), F. S., or who fails to implement the course(s) as submitted and approved.

Rulemaking Authority 1003.499(3), 1008.31 F.S. Law Implemented 1003.499, 1008.31 F.S. History – New



Florida Department of Education

Course Provider Approval Application

This application form is to be completed by each Individual/Provider seeking approval to offer Florida Approved Courses which shall be listed in the online catalog pursuant to section 1003.499, Florida Statutes.

To be approved, the application and all documentation must be received by the deadline. Approval requires the Applicant to complete all the information requested in all parts of the application and a determination that the Provider meets the compliance requirements set forth in Part 2. Incomplete applications will not be reviewed. The department will provide the Applicant with a written decision regarding the approval or denial of the application no later than forty-five (45) days after the deadline.

If the application is denied, the Applicant will receive written notification identifying the specific areas of deficiency. The Applicant shall have thirty (30) calendar days after receipt of the notice of denial to resolve any outstanding issues and resubmit its application for reconsideration. The Applicant will receive a final written notice of approval or denial.

Please submit completed online applications:

Please direct your questions to Virtualeducation@fldoe.org.

Applicant/Provider Name: _____

Primary Contact Person: _____

Title: _____

Address: _____

City/State/Zip Code: _____

Telephone: _____

Fax: _____

E-mail Address: _____

Part 1 – Requirements

Course Information

Please provide the following information about the course(s) you would like to offer:

Grades levels to be served: K 7
(check all that apply) 1 8
 2 9
 3 10
 4 11
 5 12
 6

Target population: All students
(check all that apply) Dropout Prevention/Academic Intervention
 Credit Recovery
 Vocational/Career Education
 Juvenile Justice
 English Language Learner (ELL)
 Exceptional Student (ESE) – Specify _____
 Academically Talented/Gifted
 Other – Specify: _____

List of Florida course(s) to be offered (include course code numbers and titles from the Florida Course Code Directory at <http://www.fldoe.org/articulation/CCD>), which is adopted in Rule 6A-1.09441, F.A.C.

Disclosure Requirements

Section 1003.499(3)(a)7., F.S., requires the Provider to publish, for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of the application as a course provider and in all contracts negotiated pursuant to this section, all of the following information:

- Certification status and physical location (state of residence) of all administrative and instructional personnel.
- Hours and times of availability of instructional personnel.
- Student-teacher ratios.
- Student completion and successful completion rates.
- Student, educator, and course performance accountability outcomes.

Each approved provider contracted under this section must participate in the statewide assessment program under s. 1008.22, F. S. and in the state’s education performance accountability system under s. 1008.31, F.S.

Provide the link to where this required disclosure information is prominently displayed on your website:

Parent and Student Information Requirements

Section 1003.499(3)(a)4., F.S., requires the Provider to provide to parents and students the following information posted and accessible online for each course. Please describe how you will make this information available to your parents and students.

- How to contact the instructor via phone, email, or online messaging tools.
- How to contact technical support via phone, email, or online messaging tools.
- How to contact the administrative office or an individual offering online courses, including, but not limited to, massive open online courses, via telephone, email, or online messaging tools.
- Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

Part 2 – Verification of Provider Compliance Requirements

For each question in Part 2 of the application, the Applicant must provide the information requested and documentation to support compliance for each requirement. Applications without requested information and documentation will not be considered for approval.

Provider Requirements

1. The Provider is nonsectarian regarding courses, enrollment policies, employment practices, and operations as specified in s. 1003.499(3)(a)1., F.S.

Upload documentation to Support Provider Compliance: published/written nonsectarian policies and procedures.

2. The Provider complies with the antidiscrimination provisions of s. 1000.05, F.S.

Upload documentation to Support Provider Compliance: published/written antidiscrimination policies and procedures.

Staff Requirements

3. All instructional staff are Florida-certified teachers under Chapter 1012, F.S., or certified as adjunct educators under s. 1012.57, F.S.

Upload documentation to Support Provider Compliance: signed assurance the Provider will only use Florida-certified teachers (use Assurance Form at the end of the application); list of current instructional staff teaching in Florida to include full name, area of certification and certification number. If approved and upon implementation, teacher course records submitted to the DOE database will include the information necessary to verify compliance for maintaining approval.

4. All employees or contracted personnel undergo background screenings as required by s. 1012.32, F.S., using state and national criminal history records.

Upload documentation to Support Provider Compliance: signed assurance all employees will undergo background screening (use Assurance Form at the end of the application).

Curriculum and Instruction

5. The Provider ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including all of the following:
 - Courses that meet the International Association for K-12 Online Learning (iNACOL) Standards for K-12 Online Learning and the Southern Regional Education Board.
 - Instructional content and services that align with and measure student attainment of student proficiency in Florida's currently adopted state standards.
 - Mechanisms that determine and ensure that a student has satisfied requirements for successful course completion.

Upload documentation to Support Provider Compliance: Please upload the curriculum and student performance accountability plan required in s. 1008.31, F.S. This plan should include the following items in the order presented below.

- *A completed checklist for the iNACOL National Standards of Quality for Online Courses for each course. Evidence to demonstrate the course meets iNACOL standards must be included for each section of standards included in the checklist. File names for iNACOL documents must include Florida course codes and titles (e.g., iNACOL.1200310.Algebra1). The standards can be downloaded at: <http://www.inacol.org/resources/publications/national-quality-standards>*
- *For each course the Provider proposes to offer, a completed Florida online course alignment document that includes all of the standards/benchmarks listed for the course on the following website: <http://www.floridastandards.org> which is in accordance with Rule 6A-1.09412, F.A.C. For each standard/benchmark listed, evidence of alignment must specify where the standard/benchmark is taught in the course, how it is taught and how mastery is assessed. File names for alignment documents must include Florida course codes and course titles as specified in the most current Course Code Directory located at: <http://www.fldoe.org/articulation/CCD/> (e.g., 1200310.Algebra1) which is incorporated into Rule 6A-1.09441, F.A.C. For Advanced Placement (AP) courses, in lieu of course alignment documents, please provide evidence the course has been approved by the College Board and is included in the most current AP Ledger. All course documents shall be uploaded by subject and within subject, by grade level.*
- *A description of the methods used to measure student attainment of Florida's current state standards/benchmarks. At minimum, please address each of the following (one paragraph per bulleted item):*

- *Use of formative and interim assessments to provide feedback to students and teachers, to modify curriculum and monitor student progress. Please include documentation to show assessment tools used to inform and guide instruction are valid (measure what students are expected to know) and reliable (consistent for students at the same level of knowledge and understanding)*
- *Curriculum development to include activities and assessments based on principles that gives all individuals equal opportunities to learn, supporting flexibility in representation, expression, and engagement*
- *Use of electronic and information technology accessible for students with disabilities*
- *Use of strategies to ensure comprehensible instruction for students with limited English proficiency*

Student Performance and Program Accountability

6. The Provider ensures student participation in statewide assessment program as required by s. 1008.22, F.S.

Documentation to Support Provider Compliance: past student participation rates on state or other standardized assessments; signed assurance that Provider will adhere to state testing requirements; written policies related to and notification of testing requirements for parents and students.

7. The Provider possesses prior successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains or student growth in each subject area and grade level provided for consideration as an instructional program option. For a provider without sufficient prior, successful experience offering online courses, the department may conditionally approve the provider to offer courses measured by the statewide assessment program pursuant to s. 1008.22, F.S. Conditional approval is valid for 1 year. Renewal of provider approval is contingent on sufficient performance data available demonstrating success in accordance with s. 1003.499, F.S. and State Board Education Rule.

Documentation to Support Provider Compliance:

Learning gains data for at least one complete school year from one of the following sources must be submitted for each course submitted for approval in this application:

1. *Summative assessments approved to meet No Child Left Behind (NCLB) accountability requirements or state-administered End of Course assessments. The demonstrated gains will be sufficient if either proficiency rate or gains rate, as calculated for purposes of school grades under Rule 6A-1.09981, F.A.C., meet or exceed the state mean. Equivalent subgroup or credit recovery or remediation course data may be considered in determining the equivalency with the state mean, if provided.*

For course subjects not addressed by state assessments:

2. *Nationally standardized summative achievement tests or nationally standardized interim assessments with multiple assessments to measure learning gains. The demonstrated gains will be sufficient if either proficiency rate or gains rate meet or exceed the national mean. Equivalent subgroup or credit recovery or remediation course data may be considered in determining the equivalency with the national mean, if provided.*

3. *Proctored end-of course assessments or semester examinations that assess Florida standards. Electronic proctoring with appropriately identified students is acceptable. Applicants must submit a signed assurance that non-state level end-of-course examinations cover Florida course benchmarks. Demonstrated gains will be sufficient if the pass rate on the proctored end-of-course examination meets or exceeds 70%.*

At a minimum, data shall include: the number of students enrolled, the number of students tested, the percentage of students tested, and performance results over the cohort period specified in the categories above. Student performance data are to be aggregated by subject area and grade level. The Provider may also submit data at a finer level of aggregation, such as by course level or subgroups within each subject area or grade. In addition, the Provider shall, upon the department's request, provide individual student performance data in the categories described above, as needed to determine if the Provider's student learning gains are sufficient to meet the requirements of section 1003.499, F. S., and Rule 6A-6.0982, F.A.C. The period shall comprise the most recent data available. The data shall include all students in the subject area and grade level under review. Any definitions or materials needed to comprehend the assessment results must be provided.

Student Data and Reporting

8. The provider has the capacity to comply with and/or to provide the necessary information to school districts to timely meet state data reporting requirements related to student information, funding and accountability as delineated at the following website:
www.fldoe.org/eias/dataweb/download.asp --pursuant to State Board of Education Rule 6A-1.0014, F.A.C.

Documentation to Support Provider Compliance: Description of knowledge and expertise related to Florida's data reporting requirements; written policies and procedures for ensuring the timely and accurate submission of student and course data; signed assurance Provider will provide this information to districts as required to meet state reporting requirements.

9. The Provider's data management systems ensure all student information remains confidential, as required by the Family Educational Rights and Privacy Act (FERPA) [ss. 1002.22 and 1002.221, F.S.].

Upload documentation to Support Provider Compliance: Description of measures taken to ensure the confidentiality and security of all student data to include collecting, storing and transmitting data.

Florida Department of Education Course Provider Approval Application

ASSURANCES

1. The applicant will provide each course covered by the application in accordance with all applicable federal and state laws, rules, statutes and regulations.
2. The applicant will only hire Florida-certified instructional personnel under Chapter 1012, Florida Statutes (F.S.).
3. The applicant will ensure all employees and contracted personnel will undergo background screening as required by section 1012.32, F.S., using state and national criminal history records and the applicant will provide a list of employees to each school district contracting with the applicant for verification of compliance.
4. All curriculum and course content is aligned with Florida's currently adopted state standards under section 1003.41, F.S.
5. All of the applicant's Advanced Placement courses have been approved by the College Board's AP Course Audit and are included in the current AP Ledger and Florida's Course Code Directory (State Board of Education Rule 6A-1.09441, F.A.C.). All of the applicant's other accelerated course offerings have been validated by the appropriate program organization.
6. The applicant retains responsibility for the quality and content of courses it offers, including courses revised after time of application whether developed by applicant or acquired via third-party contractual agreements, partnerships or other agreements related to the content or delivery of online courses.
7. The applicant's web systems meet conformance level A of the [World Wide Web Consortium's Web Accessibility Initiative \(WAI\) Web Content Accessibility Guidelines \(WCAG\) 2.0](#), pursuant to the requirements of iNACOL's National Standards for Quality Online Courses.
8. The applicant will adhere to requirements for student participation in state assessment tests as specified in section 1003.499(3)(b), F.S. The applicant assures that non-state level end-of-course examinations cover Florida course benchmarks.
9. The applicant will provide student, staff and course data to school districts for timely submission of the required record formats to the Department of Education. This includes, but is not limited to, correct student IDs, course titles, and course numbers, as defined in the department Data Elements (<http://www.fldoe.org/eias/dataweb/download.asp>), pursuant to State Board of Education Rule 6A-1.0014, F.A.C.
10. The applicant agrees to inform the department's Virtual Education Office in writing of any substantial changes to its virtual courses. For purposes of this paragraph, a change is substantial

if the content of the application by which the courses were approved has become obsolete due to the proposed change.

I certify that the applicant will adhere to each of the assurances contained in this application for approval as a course provider. I further certify all responses to this application are a true and accurate representation of the applicant's compliance with section 1003.499, F.S.

_____/_____/_____
Signature *Date Signed* *Telephone Number*

Printed name

Title