



Education Committee

Wednesday, January 27, 2016

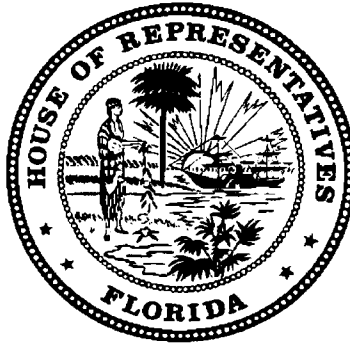
9:00 a.m. – 11:00 a.m.

102 HOB

Meeting Packet

Steve Crisafulli
Speaker

H. Marlene O'Toole
Chair



AGENDA

Education Committee
Wednesday, January 27, 2016
9:00 a.m. – 11:00 a.m.

102 HOB

- I. Call to Order and Roll Call – Chair O’Toole
- II. Welcome - Chair O’Toole
- III. Consideration of the following bill(s):
 - CS/HB 341 Public Educational Facilities by Education Appropriations Subcommittee, Raschein
 - CS/HB 495 Florida Association of Centers for Independent Living by Education Appropriations Subcommittee, Harrell
 - HB 7019 Postsecondary Access and Affordability by Higher Education & Workforce Subcommittee, Porter
 - CS/HB 7021 Reading Instruction by Education Appropriations Subcommittee, K-12 Subcommittee, Adkins
- IV. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 341 Public Educational Facilities
SPONSOR(S): Education Appropriations Subcommittee; Raschein
TIED BILLS: IDEN./SIM. **BILLS:** SB 576

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Appropriations Subcommittee	13 Y, 0 N, As CS	Butler	Heflin
2) Education Committee		Banner <i>AB</i>	Mizereck <i>MM</i>

SUMMARY ANALYSIS

A Florida College System (FCS) institution has limited authority to plan and construct facilities and acquire additional property. In 2008, the Legislature authorized the campus of a FCS institution within a municipality designated as an area of critical state concern and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth, to construct dormitories for up to 100 beds for FCS institution students. The bill expands authority for a Florida College System (FCS) institution to construct dormitories of up to 300 beds.

Florida Keys Community College is the only FCS institution that currently meets the criteria outlined in the bill. Florida Keys College Campus Foundation, Inc., a direct-support organization (DSO), currently operates the campus' 100-bed dormitory.

The bill specifies that state funds and tuition fees and revenues may not be used for construction, debt service, maintenance, or operation of the dormitories. Additionally, dormitory beds constructed after July 1, 2016 may not be financed through the issuance of a bond.

The bill becomes effective on July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

A Florida College System (FCS) institution has limited authority to plan and construct facilities and acquire additional property.¹ In 2008, the Legislature authorized the campus of a FCS institution within a municipality designated as an area of critical state concern² and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth, to construct dormitories for up to 100 beds for FCS institution students. The dormitories are exempt from the building permit allocation system and may be constructed up to 45 feet in height if:

- The dormitories are otherwise consistent with the comprehensive plan;
- The FCS institution has a hurricane evacuation plan requiring all dormitory occupants to be evacuated 48 hours in advance of tropical force winds; and
- Transportation is provided for dormitory occupants during an evacuation.³

Florida Keys Community College (FKCC) in Monroe County is the only college for which this provision is applicable.

The board of trustees of a FCS institution is authorized to permit the use of property, facilities, and personal services at an institution by any FCS institution direct-support organization.⁴ The Florida Keys College Campus Foundation, Inc. (Campus Foundation) was formed on May 10, 2010 for the purpose of receiving, investing, and administering real and personal property including, but not limited to, a student housing building for the benefit of the College.⁵ During the 2010-11 fiscal year, FKCC's Board of Trustees approved agreements with the Campus Foundation which initiated the process for dormitory construction.

Florida statute prohibits a statewide direct-support organization to use public funds to acquire, construct, maintain, or operate any facilities.⁶ In addition, a Florida College System institution board of trustees must authorize all debt, including lease-purchase agreements, incurred by a direct-support organization. Revenues of the Florida College System institution may not be pledged to debt issued by direct-support organizations.⁷

On November 1, 2010, the Campus Foundation, under the approval of the college's board of trustees, issued a 30-year \$8,305,000 bond bearing a seven percent per annum interest rate to pay for the construction of a new 100-bed college dormitory. Bond payments began May 1, 2012, and are due semiannually thereafter on May 1 and November 1 in each year until maturity on November 1, 2042.

The 100 bed dormitory constructed on the FKCC campus became operational in 2011. The occupancy rate has averaged 98 percent during the past three fall terms (2012, 2013, and 2014).

¹ Section 1013.40, F.S.

² The Department of Economic Opportunity, the state land planning agency, may recommend to the Administration Commission specific areas of critical state concern. Section 380.05(2), F.S., provides the criteria for designating an area of critical state concern. Designated areas of critical state concern are provided at <http://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern>

³ Section 1013.40(4), F.S.

⁴ Section 1004.70, F.S.

⁵ http://www.myflorida.com/audgen/pages/pdf_files/2012-145.pdf

⁶ Section 1004.71(4)(a), F.S.

⁷ Section 1004.70(4)(e), F.S.

Effect of Proposed Changes

The bill expands authority for a Florida College System (FCS) institution to construct dormitories of up to 300 beds when the campus is located within a municipality designated as an area of critical state concern and having a comprehensive plan and land development regulations containing a building permit allocation system that limits annual growth. Current law authorizes dormitory construction of up to 100 beds.⁸

Since Florida Keys Community College is the only applicable FCS institution, and currently has a 100 bed dormitory, it will be authorized to construct 200 additional dormitory beds. FKCC enrolls approximately 1,348 students. The bill clarifies that state funds and tuition and fee revenues may not be used for construction, debt service payments, maintenance, or operation of dormitories. The additional dormitory beds may not be financed through the issuance of a bond.

B. SECTION DIRECTORY:

Section 1: Amends s. 1013.40(4), F.S., modifying the number of dormitory beds that a FCS institution is authorized to construct, and providing funding and financing restrictions.

Section 2: Provides an effective date of July 1, 2016

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The current 12-month costs to students in Lagoon Landing, the Florida Keys Community College campus dormitory, are approximately \$12,230 per year, or \$1,019 per month, which includes utilities, cable, and high-speed wireless internet. Costs are competitive with off-campus Key West accommodations. Students may enter into two-semester contracts for fall and spring terms, or a summer single semester contract.⁹ Building new dorms will increase opportunities for students to live on campus.

D. FISCAL COMMENTS:

Funding for construction, debt service, maintenance and operation of the dormitories are to be supported through the Florida Keys College Campus Foundation. The bill clarifies that state funds and tuition and fee revenues may not be used for construction, debt service payments, maintenance, or operation of such dormitories. Additional dormitory beds constructed after July 1, 2016 shall not be financed through the issuance of a bond.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Rule 6A-2.0010, F.A.C., will require a slight revision to increase the number of dormitory beds allowed from 100 to 300.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

This analysis is drafted to the strike-all amendment as adopted by the Education Appropriations Subcommittee on January 19, 2016. The bill was reported favorably as a committee substitute. The amendment revises the number of additional beds that may be constructed from 400, as provided in the original bill to 300. The amendment clarifies that state funds and tuition and fee revenues may not be used for construction, debt service payments, maintenance, or operation of dormitories. Additionally, the amendment provides that dormitory beds constructed after July 1, 2016 may not be financed through the issuance of a bond.

⁹ Lagoon Landing Residence Hall information - <https://www.fkcc.edu/future-students/housing/>
STORAGE NAME: h0341b.EDC.DOCX
DATE: 1/25/2016

A bill to be entitled

An act relating to public educational facilities;
 amending s. 1013.40, F.S.; revising the maximum number
 of beds for which a student dormitory may be
 constructed by certain Florida College System
 institutions; prohibiting the use of state funds and
 tuition and fee revenues for construction, debt
 service payments, maintenance, or operation of such
 dormitories; prohibiting dormitories constructed after
 a certain date from being financed through the
 issuance of bonds; providing an effective date.

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

Section 1. Subsection (4) of section 1013.40, Florida
 Statutes, is amended to read:

1013.40 Planning and construction of Florida College
 System institution facilities; property acquisition.—

(4) The campus of a Florida College System institution
 within a municipality designated as an area of critical state
 concern, as defined in s. 380.05, and having a comprehensive
 plan and land development regulations containing a building
 permit allocation system that limits annual growth, may
 construct dormitories for up to 300 ~~400~~ beds for Florida College
 System institution students. Such dormitories are ~~shall be~~
 exempt from the building permit allocation system and may be

27 | constructed up to 45 feet in height if the dormitories ~~provided~~
 28 | ~~that they~~ are otherwise consistent with the comprehensive plan,
 29 | the Florida College System institution has a hurricane
 30 | evacuation plan that requires all dormitory occupants to be
 31 | evacuated 48 hours in advance of tropical force winds, and ~~that~~
 32 | transportation is provided for dormitory occupants during an
 33 | evacuation. State funds and tuition and fee revenues may not be
 34 | used for construction, debt service payments, maintenance, or
 35 | operation of such dormitories. Additional dormitories
 36 | constructed after July 1, 2016, may not be financed through the
 37 | issuance of bonds.

38 | Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 495 Florida Association of Centers for Independent Living
SPONSOR(S): Education Appropriations Subcommittee; Harrell
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 202

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	10 Y, 0 N	Cherry	Bishop
2) Education Appropriations Subcommittee	11 Y, 0 N, As CS	deNagy	Heflin
3) Education Committee		Cherry TC	Mizereck KKM

SUMMARY ANALYSIS

In 2005, the Florida Legislature established the James Patrick Memorial Work Incentive Personal Attendant Services Program to provide personal care attendants for eligible persons with severe and chronic disabilities of all kinds. The bill renames the program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program and expands its services to assist disabled adults with securing and maintaining employment.

The bill also expands the responsibilities of the Florida Association of Centers for Independent Living, which is tasked with administering the program. In addition, the existing oversight group is reestablished as an oversight committee with revised membership.

The bill does not appear to have a fiscal impact on the state or local governments. See Fiscal Comments.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law establishes and provides a funding source for the Personal Care Attendant Program that provides personal care attendants for eligible persons with severe and chronic disabilities of all kinds.¹ The program was established as a pilot in 2002 and made permanent and statewide in 2005.² Currently, there are 16 Centers for Independent Living operating in Florida.³ The most recent data shows that the centers provided independent living services to 21,938 people from October 1, 2013 to September 30, 2014.⁴

Persons eligible to participate in the program must:

- Be at least 18 years of age, a legal resident of this state and be significantly and chronically disabled;
- Require a personal care attendant for assistance with or support for at least two activities of daily living such as bathing and dressing and as defined in s. 429.02, F.S.;
- Require a personal care attendant in order to maintain substantial gainful employment; and
- Be able to acquire and direct a personal care attendant.

The Florida Endowment Foundation for Vocational Rehabilitation (FEFVR) is required to enter into an agreement with the Florida Association of Centers for Independent Living (FACIL) to administer the program.⁵ FACIL provides training to program participants on hiring and managing a personal care attendant.⁶ FACIL must also, in cooperation with an oversight group, adopt and revise policies and procedures governing the Personal Care Attendant Program and training program.

Funding to administer the program are paid from two sources:

- Tax Collection Enforcement Diversion Program; and
- Fees from the Motorcycle Specialty License Plate.⁷

The Florida Endowment Foundation for Vocational Rehabilitation (also known as the Able Trust) serves as a direct-support organization of the division of Vocational Rehabilitation within the Department of Education.⁸ The principal of the endowment comes from two percent of the deposits of civil penalties by county courts⁹ and legislative appropriations.¹⁰ In Fiscal Year 2015-16, the legislature appropriated \$549,823 in general revenue funds to FEFVR.¹¹

Tax Collection Enforcement Diversion Program

In conjunction with the establishment of the Personal Care Attendant Program, the Department of Revenue was directed, in cooperation with FACIL and state attorneys, to select judicial circuits in which to operate a tax collection enforcement diversion program ("tax diversion program") to collect unpaid

¹ Section 413.402, F.S.

² Chapters Chapter 2002-286 and 2005-172, L.O.F.

³ See http://rehabworks.org/indep_living.shtml (last visited on November 23, 2015).

⁴ See E-mail from Government Relations Office, Florida Department of Education (November 24, 2015) (on file with the House Education Committee).

⁵ Section 413.402, F.S.

⁶ *Id.* 413.402(2)(a), F.S.

⁷ Sections 413.4021(1) and 320.08068(4)(d), F.S.

⁸ Section 413.615(4)(a)

⁹ Section 318.21

¹⁰ Section 413.615(4)(b)

¹¹ Chapter 2015-232, L.O.F.

sales taxes from delinquent business owners.¹² Fifty percent of the collections from the tax diversion program are deposited into the operating account of the Able Trust to be used to operate the Personal Care Attendant Program and to contract with the state attorneys participating in the tax diversion program.¹³

Motorcycle Specialty (Bikers Care) License Plate Fees

The Department of Highway Safety and Motor Vehicles (DHSMV) offers a specialty license plate to any owner or lessee of a motorcycle who chooses to pay the additional cost.¹⁴ The DHSMV collects an annual use fee of \$20 from the sale of each motorcycle specialty license plate and distributes the fees to the Able Trust. The Able Trust is permitted to retain a maximum of 10 percent of the funds for administrative costs and distribute the remaining funds as follows:

- Twenty percent to the Brain and Spinal Cord Injury Program Trust Fund;
- Twenty percent to Prevent Blindness Florida;
- Twenty percent to the Blind Services Foundation of Florida;
- Twenty percent to support the Personal Care Attendant Program; and
- Twenty percent to the Florida Association for Centers for Independent Living.¹⁵

Effect of Proposed Changes

The bill renames the James Patrick Memorial Work Incentive Personal Attendant Services Program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program. In addition to the provision of personal care attendants currently being offered to eligible participants, the bill requires other support and services necessary to maintain competitive employment or self-employment to be made available to eligible persons in the program.

The bill defines competitive employment as public or private sector employment in which:

- The employee earns wages and benefits that are commensurate with his or her qualifications;
- The wages are comparable to persons with similar jobs in that industry or profession; and
- The employment allows the employee to work in comparable conditions to those experienced by the general workforce in that industry or profession.

The bill requires FACIL to provide training to program participants on the hiring and managing of a personal care attendant and other skills needed to effectively access and manage the support and services provided in the program. FACIL must also provide administrative services to ensure the financial integrity of the program. The maximum monthly reimbursement provided to program participants is subject to approval by the oversight committee.

The bill changes the portion of funding available to FACIL to administer the program. Current law provides that FACIL receive 12 percent of the funds paid to or on behalf of participants in the program. The bill provides that FACIL will be reimbursed up to 12 percent of the total funds deposited into the program from the FEFVR account for the previous fiscal year or the budget approved for the previous fiscal year, whichever is greater.

The bill renames the existing oversight group as the Oversight Committee and changes its membership. The bill adds the director of the Division of Vocational Rehabilitation or designee, a human resources professional or individual who has significant experience managing and operating a business based in the state appointed by the Speaker of the House of Representatives, a program participant appointed by the President of the Senate, the director of the advisory council on brain and spinal cord injuries or designee, and a financial management professional appointed by the Governor.

¹² Section 413.4021, F.S.

¹³ Section 413.4021(1), F.S. The contract amount for each state attorney cannot exceed \$50,000.

¹⁴ Section 320.08068(2), F.S.

¹⁵ Section 320.08069(4), F.S.

The Oversight Committee is tasked with providing program oversight, approving the maximum monthly reimbursement available to program participants, advising FACIL on policies and procedures, and approving the program's annual operating budget for administration and oversight.

In addition, the bill increases the amount available to contract with state attorneys participating in the tax collection enforcement diversion program from \$50,000 to not more than \$75,000 per state attorney. The bill also changes the name of the entity receiving 20 percent of the funds distributed to the Able Trust from the sale of specialty motorcycle licenses to the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program.

B. SECTION DIRECTORY:

Section 1. Amends s. 413.402, F.S., requiring that a specified agreement be maintained; renaming the James Patrick Memorial Work Incentive Personal Attendant Services Program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program; requiring the program to provide additional support and services; requiring the association, in consultation with the Oversight Committee, to adopt and revise certain policies and procedures and to provide technical assistance and support under certain circumstances; requiring the program to reimburse the Florida Association of Centers for Independent Living for certain costs approved by the oversight committee; revising membership of the committee; and renaming the committee as the Oversight Committee.

Section 2. Amends s. 413.4021, F.S., revising the maximum amount of specified funds for each state attorney which may be used to administer the personal attendant and employment assistance program.

Section 3. Amends s. 320.08068, F.S., making technical and conforming changes.

Section 4. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill expands the scope of services to disabled persons to include employment assistance to eligible program participants to be provided by FACIL. FACIL estimates an increase of \$231,926 in spending for the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program (program) if the bill becomes law.¹⁶ Current yearly expenditures for the program are \$1.2 million.¹⁷ The program received \$2.2 million in revenues in the current fiscal year.¹⁸

The Revenue Estimating Conference (REC) convened on September 3, 2015 to adopt a forecast of revenues collected from the Tax Collection Enforcement Diversion Program. The FY 2014-15 actual numbers showed a 9.1 percent increase in revenues over the previous year. The REC estimated an average of a 1.5 percent increase each year over the next 4 years due to population growth, bringing the total to over \$4 million each year.¹⁹ Fifty percent of the collections from the tax diversion program are deposited into the operating account of the Able Trust to be used to operate the program and to contract with the state attorneys participating in the tax diversion program.²⁰

The bill also increases the amount of funds available to contract with the state attorneys' offices participating in the tax collection enforcement diversion program from \$50,000 to not more than \$75,000 for each office. Currently, there are 7 state attorneys' offices participating in the program.²¹ The increase will result in \$175,000 going to the state attorneys' offices. The increase may result in more state attorneys' offices participating in the program, which would further increase the total revenues for the Tax Collection Enforcement Diversion Program.

The bill will not have a fiscal impact to the Department of Education.²²

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

¹⁶ Proposed JP-PAS Program Budget 2015-16, Florida Association of Centers for Independent Living (on file with the House Education Appropriations Subcommittee)

¹⁷ James Patrick Memorial Personal Attendant Services Program Financial Report for October 1, 2015 – November 20, 2015, The Able Trust, The Florida Endowment Foundation for Vocational Rehabilitation, Inc.

¹⁸ *Id.*

¹⁹ Revenue Estimating Conference, Tax Collection Enforcement Diversion Program, September 3, 2015, Executive Summary

²⁰ Section 413.4021(1), F.S. The contract amount for each state attorney cannot exceed \$50,000.

²¹ Jacksonville, Clearwater, Miami, Tampa, West Palm Beach, Fort Lauderdale, and Fort Meyers. Revenue Estimating Conference, Tax Collection Enforcement Diversion Program, September 3, 2015, Executive Summary

²² See E-mail from Government Relations Office, Florida Department of Education (December 17, 2015) (on file with the House Education Appropriations Subcommittee).

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 19, 2016, the Education Appropriations Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment changed provisions relating to the oversight committee's responsibilities and the make-up of its members.

This analysis is drafted to the committee substitute as passed by the Education Appropriations Subcommittee.

1 A bill to be entitled

2 An act relating to the Florida Association of Centers
3 for Independent Living; amending s. 413.402, F.S.;
4 requiring that a specified agreement be maintained;
5 renaming the James Patrick Memorial Work Incentive
6 Personal Attendant Services Program as the James
7 Patrick Memorial Work Incentive Personal Attendant
8 Services and Employment Assistance Program; defining a
9 term; requiring the program to provide additional
10 support and services; revising eligibility
11 requirements; expanding the kinds of training
12 required; requiring the association, in cooperation
13 with the Oversight Committee for the James Patrick
14 Memorial Work Incentive Personal Attendant Services
15 and Employment Assistance Program, to adopt and revise
16 certain policies and procedures and to provide
17 technical assistance and support under certain
18 circumstances; providing that the maximum monthly
19 reimbursement provided to program participants is
20 subject to approval by the oversight committee;
21 requiring the program to reimburse the Florida
22 Association of Centers for Independent Living for
23 certain costs approved by the oversight committee;
24 prohibiting such reimbursement from exceeding a
25 certain amount; establishing the oversight committee;
26 providing the oversight committee's purpose; providing

27 for committee membership; amending s. 413.4021, F.S.;

28 revising the maximum amount of specified funds for

29 each state attorney which may be used to administer

30 the personal attendant and employment assistance

31 program and to contract with the state attorneys

32 participating in the tax collection enforcement

33 diversion program; amending s. 320.08068, F.S.; making

34 a technical change; conforming a provision to changes

35 made by the act; providing an effective date.

36

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

38

39 Section 1. Section 413.402, Florida Statutes, is amended

40 to read:

41 413.402 James Patrick Memorial Work Incentive Personal

42 ~~care~~ Attendant Services and Employment Assistance Program.—The

43 Florida Endowment Foundation for Vocational Rehabilitation shall

44 maintain ~~enter into an agreement, no later than October 1, 2008,~~

45 with the Florida Association of Centers for Independent Living

46 to administer the James Patrick Memorial Work Incentive Personal

47 Attendant Services and Employment Assistance Program and shall

48 remit sufficient funds monthly to meet the requirements of

49 subsection (5).

50 (1) As used in this section, the term "competitive and

51 integrated employment" means employment in the public or private

52 sector in which the employee earns comparable wages and

53 benefits, commensurate with his or her qualifications and
 54 experience, and works in comparable conditions to those
 55 experienced by the general workforce in that industry or
 56 profession.

57 (2) The program shall ~~to~~ provide personal care attendants
 58 and other support and services necessary to enable ~~to~~ persons
 59 eligible under subsection (3) who have significant ~~severe~~ and
 60 chronic disabilities to obtain or maintain competitive and
 61 integrated employment, including self-employment ~~of all kinds~~
 62 and who are eligible under subsection (1). Effective July 1,
 63 2008, the Florida Association of Centers for Independent Living
 64 shall receive 12 percent of the funds paid to or on behalf of
 65 participants from funds to be deposited with the Florida
 66 Endowment Foundation for Vocational Rehabilitation pursuant to
 67 ss. ~~320.08068(4)(d) and 413.4021(1) to administer the program.~~
 68 For the purpose of ensuring continuity of services, a memorandum
 69 of understanding shall be executed between the parties to cover
 70 the period between July 1, 2008, and the execution of the final
 71 agreement.

72 (3)~~(1)~~ In order to be eligible to participate in the
 73 program, a person must:

74 (a) Be at least 18 years of age, be a legal resident of
 75 this state, and be significantly and chronically disabled.+

76 (b) As determined by a physician, psychologist, or
 77 psychiatrist, require a personal care attendant for assistance
 78 with or support for at least two activities of daily living as

79 defined in s. 429.02., ~~as determined by a physician,~~
 80 ~~psychologist, or psychiatrist,~~

81 (c) Require a personal care attendant and, as needed,
 82 other support and services in order to accept an offer of
 83 employment and commence working or to a job or maintain
 84 competitive and integrated substantial gainful employment.; ~~and~~

85 (d) Be able to acquire and direct the support and services
 86 provided pursuant to this section, including the services of a
 87 personal care attendant.

88 ~~(4)(2)~~(a) The Florida Association of Centers for
 89 Independent Living shall provide program participants with
 90 appropriate training to program participants on the hiring and
 91 management of managing a personal care attendant and on other
 92 self-advocacy skills needed to effectively access and manage the
 93 support and services provided under this section. ~~and,~~

94 (b) In cooperation with the oversight committee
 95 established in subsection (6), the Florida Association of
 96 Centers for Independent Living shall oversight group described
 97 in paragraph (b), adopt and, as necessary, revise the policies
 98 and procedures governing the operation of the personal care
 99 attendant program and the training program required in paragraph
 100 (a); however, the maximum monthly reimbursement provided to
 101 program participants is subject to approval by the oversight
 102 committee. The Florida Association of Centers for Independent
 103 Living shall also provide technical assistance to program
 104 participants and administrative support services to the program

105 and the oversight committee and shall implement appropriate
 106 internal financial controls to ensure program integrity.

107 (5) The James Patrick Memorial Work Incentive Personal
 108 Attendant Services and Employment Assistance Program shall
 109 reimburse the Florida Association of Centers for Independent
 110 Living monthly for payments made to program participants and for
 111 costs associated with program administration and oversight in
 112 accordance with the annual operating budget approved by the
 113 oversight committee established pursuant to subsection (6). The
 114 annual operating budget for costs associated with program
 115 administration and oversight may not exceed 12 percent of the
 116 funds deposited with the Florida Endowment Foundation for
 117 Vocational Rehabilitation pursuant to ss. 320.08068(4)(d) and
 118 413.4021(1) for the previous fiscal year or the budget approved
 119 for the previous fiscal year, whichever amount is greater.

120 (6) The Oversight Committee for the James Patrick Memorial
 121 Work Incentive Personal Attendant Services and Employment
 122 Assistance Program is established for the purpose of providing
 123 program oversight, approving the maximum monthly reimbursement
 124 available to program participants, advising the Florida
 125 Association of Centers for Independent Living on policies and
 126 procedures, and approving the program's annual operating budget
 127 for administration and oversight. The oversight committee shall
 128 also approve and maintain the schedule of eligible services for
 129 which program participants may be reimbursed subject to the
 130 requirements and limitations of paragraph (3)(c) which, at a

131 minimum, must include personal care attendant services.

132 (a) The oversight committee shall consist of the following
 133 members:

134 1. The director of the Division of Vocational
 135 Rehabilitation or his or her designee;

136 2. A human resources professional or an individual who has
 137 significant experience managing and operating a business based
 138 in this state, appointed by the Speaker of the House of
 139 Representatives;

140 3. A program participant, appointed by the President of
 141 the Senate;

142 4. The director of the advisory council on brain and
 143 spinal cord injuries or his or her designee; and

144 5. A financial management professional, appointed by the
 145 Governor.

146 (b) The appointed members shall serve for a term
 147 concurrent with the term of the official who made the
 148 appointment and shall serve at the pleasure of such official.

149 ~~(b) The oversight group shall include, but need not be~~
 150 ~~limited to, a member of the Florida Association of Centers for~~
 151 ~~Independent Living, a person who is participating in the~~
 152 ~~program, and one representative each from the Department of~~
 153 ~~Revenue, the Department of Children and Families, the Division~~
 154 ~~of Vocational Rehabilitation in the Department of Education, the~~
 155 ~~Medicaid program in the Agency for Health Care Administration,~~
 156 ~~the Florida Endowment Foundation for Vocational Rehabilitation,~~

157 ~~and the Brain and Spinal Cord Injury Program in the Department~~
 158 ~~of Health.~~

159 Section 2. Subsection (1) of section 413.4021, Florida
 160 Statutes, is amended to read:

161 413.4021 Program participant selection; tax collection
 162 enforcement diversion program.—The Department of Revenue, in
 163 coordination with the Florida Association of Centers for
 164 Independent Living and the Florida Prosecuting Attorneys
 165 Association, shall select judicial circuits in which to operate
 166 the program. The association and the state attorneys' offices
 167 shall develop and implement a tax collection enforcement
 168 diversion program, which shall collect revenue due from persons
 169 who have not remitted their collected sales tax. The criteria
 170 for referral to the tax collection enforcement diversion program
 171 shall be determined cooperatively between the state attorneys'
 172 offices and the Department of Revenue.

173 (1) Notwithstanding ~~the provisions of~~ s. 212.20, 50
 174 percent of the revenues collected from the tax collection
 175 enforcement diversion program shall be deposited into the
 176 special reserve account of the Florida Endowment Foundation for
 177 Vocational Rehabilitation, to be used to administer the James
 178 Patrick Memorial Work Incentive Personal ~~care~~ Attendant Services
 179 and Employment Assistance Program and to contract with the state
 180 attorneys participating in the tax collection enforcement
 181 diversion program in an amount of not more than \$75,000 ~~\$50,000~~
 182 for each state attorney.

183 Section 3. Paragraph (d) of subsection (4) of section
 184 320.08068, Florida Statutes, is amended to read:

185 320.08068 Motorcycle specialty license plates.—

186 (4) A license plate annual use fee of \$20 shall be
 187 collected for each motorcycle specialty license plate. Annual
 188 use fees shall be distributed to The Able Trust as custodial
 189 agent. The Able Trust may retain a maximum of 10 percent of the
 190 proceeds from the sale of the license plate for administrative
 191 costs. The Able Trust shall distribute the remaining funds as
 192 follows:

193 (d) Twenty percent to the Florida Endowment Foundation for
 194 Vocational Rehabilitation to support the James Patrick Memorial
 195 Work Incentive Personal Care Attendant Services and Employment
 196 Assistance Program pursuant to s. 413.402.

197 Section 4. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7019 PCB HEWS 16-01 Postsecondary Access and Affordability
SPONSOR(S): Higher Education & Workforce Subcommittee, Porter
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Higher Education & Workforce Subcommittee	11 Y, 0 N	Banner	Bishop
1) Education Appropriations Subcommittee	12 Y, 0 N	deNagy	Heflin
2) Education Committee		Banner <i>AB</i>	Mizereck <i>FLM</i>

SUMMARY ANALYSIS

Promotes college affordability by:

- Requiring public postsecondary institutions to publicly notice any proposal to increase tuition or fees at least 28 days prior to consideration by the board of trustees.
- Eliminating the ability for state universities to seek approval from the Board of Governors (BOG) for an increase in the tuition differential fee.
- Clarifying that preeminent universities may increase the tuition differential by no more than 6 percent only if they meet specific performance benchmarks established by the BOG.
- Removing the requirement that seventy percent of revenues generated by the tuition differential fee be spent on undergraduate education.
- Removing the authority for the BOG to delegate the establishment of tuition for graduate and professional programs and out-of-state fees to the university boards of trustees.
- Requiring the SBE and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition and fees, financial aid policies, and textbook costs) and submit an annual report to the Governor, Senate President, and Speaker of the House of Representatives.
- Enhancing the current textbook affordability law to provide students with sufficient time and information to seek out the lowest available prices by:
 - Authorizing state universities and Florida College System institutions to create innovative price structures for instructional materials by incorporating the cost of integrated digital materials into the cost of specific courses.
 - Requiring public postsecondary institutions to conduct cost benefit analyses and report annually to chancellors on implementation of textbook affordability policies;
 - Requiring chancellors to summarize institutional reports and submit a summary to SBE and BOG respectively; and
 - Requiring public postsecondary institution boards of trustees to report, by semester, the cost variance among sections and length of time textbooks and other materials are in use for all general education courses. This provision expires July 1, 2018.

The bill may result in significant cost savings to students when institutions incorporate required textbook and instructional materials costs into the cost of the course because institutions will be able to negotiate with publishers to obtain significantly lower prices on such instructional materials. The bill will also result in lower revenues for state universities due to the removal of the ability for universities to seek approval from the BOG for an increase in the tuition differential fee. See FISCAL COMMENTS.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Tuition Differential

Present Situation

The tuition differential fee was established in 2007 as a mechanism to generate revenue for state universities to improve the quality of direct undergraduate instruction and support services.¹ Revenues from this fee are also used to provide financial aid to undergraduate students exhibiting financial need.²

During the 2009 Legislative Session, Senate Bill 762³ prescribed more specific expenditure requirements related to the revenues generated by this fee. The law requires that seventy percent of the revenues be expended for purposes of undergraduate education, such as increasing course offerings, improving graduation rates, decreasing student-faculty ratios and use of adjunct professors, improving efficiency, and reducing the number of students enrolling in excess credit hours. The remaining thirty percent, or an equivalent amount from private sources, is to provide financial aid to undergraduate students exhibiting financial need. Current law prohibits these funds from supplanting the amount of need-based aid provided from financial aid fee revenues, direct appropriations for student financial assistance, or other private sources. If the entire amount of tuition and fees for resident students receiving Pell grants has been met, the remaining revenues dedicated to student financial aid may be used in the same manner as the seventy percent set aside for undergraduate education.⁴

State universities are prohibited from increasing the tuition differential fee unless the institution is designated as a preeminent state research university. The annual percentage increase is limited to six percent contingent upon meeting or exceeding performance standard targets established by the Board of Governors (BOG). A preeminent university may increase its tuition differential by up to two percent for meeting each of these specified performance targets:

- Increase in 6-year graduation rate for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System;
- Increase in the total annual research expenditures; and
- Increase in the total patents awarded by the United State Patent and Trademark Office for the most recent years.⁵

Current law outlines twelve specific academic and research excellence standards for preeminent research programs. Institutions must meet at least eleven of them to be designated by the BOG as a preeminent state research university.⁶ The University of Florida and Florida State University are the only two state universities that have been designated as preeminent state research universities.

Effect of Proposed Changes

The bill authorizes state universities to continue to assess a tuition differential fee if the fee was approved prior to July 1, 2015. However, the bill removes the ability for universities to seek approval from the BOG for an increase in the tuition differential fee, effectively capping tuition differential fees at universities not designated as preeminent to the level in place as of July 1, 2015. The bill further

¹ Chapter 2007-225, L.O.F.

² Section 1009.24(16), F.S.

³ Chapter 2009-98, L.O.F.

⁴ Section 1009.24(16)(a), F.S.

⁵ Section 1009.24(16)3., F.S.

⁶ Section 1001.7065, F.S.

clarifies that institutions with preeminent research university status may increase the tuition differential fee by no more than 6 percent provided they meet the specified performance benchmarks established by the BOG.

The bill also removes the provision requiring state universities to expend seventy percent of tuition differential fee revenues on specific purposes related to undergraduate instruction; however the requirement to expend thirty percent on student financial aid remains in effect.

State University and Florida College System Institution Tuition and Fees

Present Situation

Current law authorizes the Board of Governors (BOG), or the board's designee, to establish tuition for graduate and professional programs and out-of-state fees for all programs.⁷ The BOG has adopted regulations related to the adoption of tuition and fees at state universities. The regulations authorize undergraduate tuition per credit hour to be charged as established in law and that each university board of trustees (UBOT) set out-of-state fees, graduate fees and myriad other associated student fees.⁸ All university actions pertaining to undergraduate student tuition and fees require BOG approval and do not become effective until such approval is received.⁹

Boards of Trustees Meetings

BOG regulation requires the board to authorize all fees assessed to students and that only tuition and fees outlined in the board regulations may be charged.¹⁰ The BOG's regulation development procedures for the university boards of trustees (UBOT) require that UBOTs give at least 30 days notice prior to any proposed adoption or repeal of a regulation. Notice of the proposed regulation, amendment or repeal must be published on a clearly marked area of the institution's website and include a summary of the proposed action, the full text of the proposed action, a reference to the authority for the regulation, the university official initiating the proposed action and a procedure for commenting on the proposed action. Following the adoption by the UBOT, the regulation must be provided to the BOG for adoption. All regulations pertaining to student tuition and fees require BOG approval and do not become effective until such approval is received.¹¹

BOG staff surveyed each university to obtain information regarding the meeting notice policies for their boards of trustees. The majority of the university boards of trustees post meeting notices and/or materials on the institution website at least 7 days prior to the meeting. One institution posts meeting notices and/or materials at least 10 days in advance and several others at least 14 days in advance of the meeting. One institution also posts meeting notices in the local newspaper. In addition, three institutions indicated that meeting dates are provided as far in advance as an entire academic year.¹²

The State Board of Education has adopted a rule related to student fees. The rule authorizes each FCS institution board of trustees to establish, publish, collect, and budget student fees, and establish dates for the payment of such fees.¹³ Department of Education (DOE) staff surveyed the Florida College System (FCS) institutions to obtain information regarding the meeting notice policies for their boards of trustees. The majority of FCS institutions post meeting notices and/or materials their websites 7 to 14 days in advance of the meeting. Many institutions also indicated that the president

⁷ Section 1009.24(4)(b), F.S.

⁸ Board of Governors Regulation 7.001

⁹ Board of Governors, Regulation Development Procedure for University Boards of Trustees, *available at* <http://www.flbog.edu/aboutsus/ubt.php> (last viewed September 18, 2015).

¹⁰ Board of Governors Regulation 7.003

¹¹ Board of Governors, Regulation Development Procedure for University Boards of Trustees, *available at* <http://www.flbog.edu/aboutsus/ubt.php> (last viewed September 18, 2015).

¹² Email, Board of Governors, General Counsel (September 18, 2015)

¹³ Rule 6A-14.054, F.A.C.

speaks with student groups (e.g., student government association) to discuss consideration of tuition changes. In addition, several institutions indicated that meeting dates are provided as far in advance as an entire academic year.¹⁴

Effect of Proposed Changes

The bill removes the authority for the BOG to delegate the establishment of tuition for graduate and professional programs and out-of-state fees for all programs to the university boards of trustees.

The bill requires that each state university and FCS institution board of trustees publicly notice and notify all enrolled students of any proposal to increase tuition or fees at least 28 days before its consideration at a board of trustees meeting. The notice must be posted on the institution's website and issued in a press release. Additionally, the notice must include the day and time of the meeting, specific details of the original tuition and fee, the rationale for the increase and intended use of the funds generated by the increase in tuition rate or fee.

College Affordability

Present Situation

The average published annual cost of attendance for a full-time, undergraduate Florida resident at a state university for the 2013-14 academic year is \$20,529 for students living on campus and \$11,407 for students living off-campus with family. Comparably, at Florida College System (FCS) institutions, the average published annual cost of attendance for a full-time, Florida resident is \$16,511 for students living on campus and \$8,514 for students living off-campus with family.¹⁵ The cost of attendance data published by these institutions represents a general estimate and does not account for any financial assistance a student may receive.¹⁶

The average 2015-16 in-state tuition and fees at public four-year institutions in Florida is \$5,943, an increase of 7.4 percent over the last five years.¹⁷ The average 2014-15 in-state tuition and fees at public two-year institutions in Florida is \$3,156, an increase of 14.2 percent over the last five years.¹⁸ Nationally, the average cost of attendance has increased 6.4 percent at public four-year institutions and 14.8 percent at public two-year institutions from 2011-12 to 2013-14.¹⁹

Of the full-time resident undergraduates attending state universities, approximately 40 percent have a family income below \$40,000. At FCS institutions, approximately 50 percent of students have a family income below \$40,000.²⁰ According to the United States Department of Education Office of Federal

¹⁴ Email, Department of Education, Florida College System (September 28, 2015).

¹⁵ Email, Florida Department of Education, Division of Florida Colleges and Florida Board of Governors, State University System (March 10, 2015)

¹⁶ Florida Board of Governors, *Affordability Study: presentation to the Education Appropriations Subcommittee* (March 4, 2015) available at

[http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

¹⁷ Board of Governors, Tuition and Fees, available at <http://www.flbog.edu/about/budget/current.php> (last visited September 24, 2015).

¹⁸ Florida Department of Education, Division of Florida Colleges, Tuition and Fees

¹⁹ U.S. Department of Education, College Affordability and Transparency Center, <http://collegecost.ed.gov/catc/> (last visited September 18, 2015)

²⁰ Florida Board of Governors, *Affordability Study: presentation to the Education Appropriations Subcommittee* (March 4, 2015) available at

[http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

Student Aid, 253,170 students enrolled in FCS institutions and 114,056 students enrolled in state universities have received federal Pell Grants for the 2014-15 year.²¹

Current law regarding textbook affordability requires FCS institutions and state universities to post textbooks required for each course offered during the upcoming term at least 30 days prior to the beginning of the term. The posted list must include the International Standard Book Number (ISBN) for each required textbook or other identifying information, which must include, at a minimum: the title, all authors listed, publishers, edition number, copyright date, published date and any other relevant information necessary to identify the required textbook. Additionally, the State Board of Education (SBE) and the BOG are required to adopt policies, procedures, and guidelines for the implementation of efforts to further minimize the cost of textbooks for students while ensuring that the quality of education and academic freedom is maintained.²²

Effect of Proposed Changes

The bill requires the SBE and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition & fees, financial aid policies, and textbook and instructional materials costs) and submit an annual report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31st of each year.

The bill also enhances the current textbook affordability law to provide students with sufficient time and information to seek out the lowest available prices by requiring each FCS institution and state university board of trustees to examine, by semester, the cost of textbooks and instructional materials by course and section for all general education courses offered at the institution. This examination is intended to identify the variance in the cost of textbooks and instructional materials among different sections of the same course and the percentage of materials that remained in use for more than one term. All courses identified to have a wide variance in cost or frequent changes in textbook or instructional material selection shall be identified and sent to the appropriate academic department chair for review. This provision shall expire on July 1, 2018, unless reviewed and reenacted.

The bill also requires each postsecondary institution to conduct cost benefit analyses that consider the following guiding principles:

- Purchasing digital textbooks in bulk;
- Expanding the use of open-access textbooks and instructional materials;
- Providing rental options for textbooks and instructional materials;
- Increasing the availability and use of affordable digital textbooks and learning objects;
- Developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials; and
- Examining the length of time textbooks and instructional materials remain in use.

The bill authorizes state universities and Florida College System institutions to create innovative price structures for instructional materials by incorporating the cost of integrated digital materials into the cost of specific courses.

Each FCS institution and state university board of trustees shall report to their respective chancellor by September 30 of each year, the institution's textbook and instructional material selection process for general education courses with identified cost variances and high-enrollment courses, specific initiatives designed to reduce costs, policies implemented to address the guiding principles of the cost-benefit analysis, and the number of courses and sections that were unable to meet the textbook and instructional material posting deadline. By November 1 of each year, each chancellor is required to provide a summary of the institution reports to the SBE and BOG, as appropriate.

²¹ U.S. Department of Education, Federal Student Aid, <https://studentaid.ed.gov/sa/about/data-center/student/title-iv> (last visited September 28, 2015) (Data reported does not include Florida Polytechnic University).

²² Section 1004.085(3), F.S.

The bill extends the textbook affordability requirements to instructional materials which is defined as educational materials used within a course that are available in either print or digital format. Each FCS institution and state university must post in the course registration system and on its website a hyperlink to both required and recommended textbooks and course materials for each course being offered during the upcoming term.

The bill also requires FCS institutions and state universities to consult with school districts in identifying practices that impact the cost of dual enrollment textbooks and instructional materials to school districts, including the length of time textbook and related instructional materials should remain in use.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.7065, F.S., adding instructional materials to those costs not included in tuition at the Preeminent State Research University Institute for Online Learning at the University of Florida.

Section 2. Creates s. 1004.084, F.S., requiring the Board of Governors and the State Board of Education to annually identify strategies and initiatives aimed at promoting college affordability, including, but not limited to, tuition and fees, financial aid policies, cost of attendance, and the cost of textbooks and instructional materials. The bill also requires the submission of an annual report, by December 31, on identified college affordability initiatives.

Section 3. Amends s. 1004.085, F.S., providing a definition of "instructional materials"; requiring Florida College System institutions and state universities post prominently in course registrations systems and websites hyperlinks to lists of required and recommended textbooks and instructional materials for courses offered during the upcoming term; requiring postsecondary institutions to consult with school districts on the cost of dual enrollment textbooks; requiring postsecondary institutions to conduct cost-benefit analyses; requiring Florida College System institutions and state universities to annually report textbook affordability information to their respective chancellors; and requiring the Florida College System institution and state university boards of trustees to compile information regarding the instructional materials selection process for high enrollment courses and general education courses with a cost variance and overall instructional material affordability and report annually to the State Board of Education and Board of Governors, respectively. The bill also requires Florida College System institutions and state universities to examine, by semester, the cost of textbooks and materials for all general education courses to identify any variance in cost across different sections of the same courses. This provision expires July 1, 2018.

Section 4. Amends s. 1009.23, F.S., requiring each Florida College System institution to publicly notice any proposal to increase tuition or fees at least 28 days prior to it being considered at a board of trustees meeting; authorizing FCS institutions to assess an instructional materials user fee for courses that require integrated digital materials that are included as part of their learning management systems.

Section 5. Amends s. 1009.24, F.S., removing the Board of Governor's authority to delegate the establishment of tuition for graduate and professional programs and out-of-state fees to the university boards of trustees; clarifying that materials and supplies fees may include integrated course materials and texts delivered digitally or through other technologies that are required for and used in a course; authorizing state universities to continue assessing tuition differential fees approved prior to July 1, 2015; eliminating the ability for a state university to seek approval for an increase in the tuition differential fee; clarifying that preeminent universities may increase the tuition differential by no more than 6 percent provided they meet specific performance benchmarks established by the Board of Governors; removing the requirement that seventy percent of tuition differential fee revenues be expended for the purpose of undergraduate education; and requiring each state university to publicly notice any proposal to increase tuition or fees at least 28 days prior to it being considered at a Board of Trustees meeting.

Section 6. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill removes the ability for universities to seek approval from the BOG for an increase in the tuition differential fee, effectively capping tuition differential fees at universities not designated as preeminent at the level in place as of July 1, 2015. This provision reduces the ability for universities to increase revenues in the Education and General Student and Other Fees Trust Fund.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Students at state universities and colleges will benefit from having a sufficient amount of time and information to seek out the lowest available prices for textbooks and instructional materials. In addition, students may realize significant cost savings when institutions incorporate required textbook and instructional materials costs into the cost of the course because institutions will be able to negotiate with publishers to obtain significantly lower prices on such instructional materials.

D. FISCAL COMMENTS:

None.

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:

B. RULE-MAKING AUTHORITY:

The bill may require the State Board of Education to modify rules relating to textbook affordability and Florida College System institution boards of trustees meeting notice policies.

The bill may also require the Board of Governors to modify regulations relating to textbook affordability, the delegation of the establishment of graduate and professional tuition and all out-of-state fees to the university boards of trustees, tuition differential fees, and Board of Governors and university boards of trustees meeting notice policies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 18, 2015, the Higher Education and Workforce Subcommittee adopted two amendments authorizing state universities and Florida College System institutions to create innovative price structures for instructional materials by incorporating the cost of integrated digital materials into the cost of specific courses.

This analysis is drafted to the bill as amended and passed by the Higher Education and Workforce Subcommittee.

1 A bill to be entitled
2 An act relating to postsecondary access and
3 affordability; amending s. 1001.7065, F.S.; specifying
4 that the costs of instructional materials are not
5 included in tuition for certain online degree
6 programs; creating s. 1004.084, F.S.; requiring the
7 Board of Governors of the State University System and
8 the State Board of Education to submit annual reports
9 to the Governor and Legislature relating to college
10 affordability; amending s. 1004.085, F.S.; revising
11 provisions relating to textbook affordability to
12 include instructional materials; defining the term
13 "instructional materials"; requiring Florida College
14 System institution and state university boards of
15 trustees to identify wide variances in the costs of,
16 and frequency of changes in the selection of,
17 textbooks and instructional materials for certain
18 courses; requiring the boards of trustees to send a
19 list of identified courses to the academic department
20 chairs for review; requiring Florida College System
21 institutions and state universities to post certain
22 information on their websites; requiring the State
23 Board of Education and Board of Governors to receive
24 input from specified individuals and entities before
25 adopting textbook and instructional materials
26 affordability policies; providing for legislative

27 review and repeal of specified provisions; requiring
 28 postsecondary institutions to consult with certain
 29 school districts to identify certain practices;
 30 requiring cost-benefit analyses relating to textbooks
 31 and instructional materials; providing reporting
 32 requirements; amending s. 1009.23, F.S.; authorizing
 33 Florida College System institution instructional
 34 materials user fees; requiring Florida College System
 35 institutions to provide a public notice relating to
 36 increases in tuition and fees; amending s. 1009.24,
 37 F.S.; revising provisions relating to state university
 38 materials and supplies fees; revising provisions
 39 relating to the assessment of a tuition differential
 40 by a state university board of trustees; revising
 41 requirements for the use of tuition differential
 42 revenues; deleting a requirement that a certain
 43 percentage of tuition differential revenues be used
 44 for the purpose of improvements in the quality of
 45 undergraduate education; requiring state universities
 46 to provide a public notice relating to increases in
 47 tuition and fees; providing an effective date.

48

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

50

51 Section 1. Paragraph (k) of subsection (4) of section
 52 1001.7065, Florida Statutes, is amended to read:

53 1001.7065 Preeminent state research universities program.—

54 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR
 55 ONLINE LEARNING.—A state research university that, as of July 1,
 56 2013, meets all 12 of the academic and research excellence
 57 standards identified in subsection (2), as verified by the Board
 58 of Governors, shall establish an institute for online learning.
 59 The institute shall establish a robust offering of high-quality,
 60 fully online baccalaureate degree programs at an affordable cost
 61 in accordance with this subsection.

62 (k) The university shall establish a tuition structure for
 63 its online institute in accordance with this paragraph,
 64 notwithstanding any other provision of law.

65 1. For students classified as residents for tuition
 66 purposes, tuition for an online baccalaureate degree program
 67 shall be set at no more than 75 percent of the tuition rate as
 68 specified in the General Appropriations Act pursuant to s.
 69 1009.24(4) and 75 percent of the tuition differential pursuant
 70 to s. 1009.24(16). No distance learning fee, fee for campus
 71 facilities, or fee for on-campus services may be assessed,
 72 except that online students shall pay the university's
 73 technology fee, financial aid fee, and Capital Improvement Trust
 74 Fund fee. The revenues generated from the Capital Improvement
 75 Trust Fund fee shall be dedicated to the university's institute
 76 for online learning.

77 2. For students classified as nonresidents for tuition
 78 purposes, tuition may be set at market rates in accordance with

79 the business plan.

80 3. Tuition for an online degree program shall include all
 81 costs associated with instruction, materials, and enrollment,
 82 excluding costs associated with the provision of textbooks and
 83 instructional materials pursuant to s. 1004.085 and physical
 84 laboratory supplies.

85 4. Subject to the limitations in subparagraph 1., tuition
 86 may be differentiated by degree program as appropriate to the
 87 instructional and other costs of the program in accordance with
 88 the business plan. Pricing must incorporate innovative
 89 approaches that incentivize persistence and completion,
 90 including, but not limited to, a fee for assessment, a bundled
 91 or all-inclusive rate, and sliding scale features.

92 5. The university must accept advance payment contracts
 93 and student financial aid.

94 6. Fifty percent of the net revenues generated from the
 95 online institute of the university shall be used to enhance and
 96 enrich the online institute offerings, and 50 percent of the net
 97 revenues generated from the online institute shall be used to
 98 enhance and enrich the university's campus state-of-the-art
 99 research programs and facilities.

100 7. The institute may charge additional local user fees
 101 pursuant to s. 1009.24(14) upon the approval of the Board of
 102 Governors.

103 8. The institute shall submit a proposal to the president
 104 of the university authorizing additional user fees for the

105 provision of voluntary student participation in activities and
 106 additional student services.

107 Section 2. Section 1004.084, Florida Statutes, is created
 108 to read:

109 1004.084 College affordability.-

110 (1) The Board of Governors and the State Board of
 111 Education shall annually identify strategies to promote college
 112 affordability for all Floridians by evaluating, at a minimum,
 113 the impact of:

114 (a) Tuition and fees on undergraduate, graduate, and
 115 professional students at public colleges and universities and
 116 graduate assistants employed by public universities.

117 (b) Federal, state, and institutional financial aid
 118 policies on the actual cost of attendance for students and their
 119 families.

120 (c) The costs of textbooks and instructional materials.

121 (2) By December 31 of each year, beginning in 2016, the
 122 Board of Governors and the State Board of Education shall submit
 123 a report on their respective college affordability initiatives
 124 to the Governor, the President of the Senate, and the Speaker of
 125 the House of Representatives.

126 Section 3. Section 1004.085, Florida Statutes, is amended
 127 to read:

128 1004.085 Textbook and instructional materials
 129 affordability.-

130 (1) As used in this section, the term "instructional

131 materials" means educational materials for use within a course
 132 which may be available in printed or digital format.

133 (2)~~(1)~~ An ~~No~~ employee of a Florida College System
 134 institution or state university may not demand or receive any
 135 payment, loan, subscription, advance, deposit of money, service,
 136 or anything of value, present or promised, in exchange for
 137 requiring students to purchase a specific textbook or
 138 instructional material for coursework or instruction.

139 (3)~~(2)~~ An employee may receive:

140 (a) Sample copies, instructor copies, or instructional
 141 materials. These materials may not be sold for any type of
 142 compensation if they are specifically marked as free samples not
 143 for resale.

144 (b) Royalties or other compensation from sales of
 145 textbooks or instructional materials that include the
 146 instructor's own writing or work.

147 (c) Honoraria for academic peer review of course
 148 materials.

149 (d) Fees associated with activities such as reviewing,
 150 critiquing, or preparing support materials for textbooks or
 151 instructional materials pursuant to guidelines adopted by the
 152 State Board of Education or the Board of Governors.

153 (e) Training in the use of course materials and learning
 154 technologies.

155 (4) Each Florida College System institution and state
 156 university board of trustees shall, each semester, examine the

157 cost of textbooks and instructional materials by course and
 158 course section for all general education courses offered at the
 159 institution to identify any variance in the cost of textbooks
 160 and instructional materials among different sections of the same
 161 course and the percentage of textbooks and instructional
 162 materials that remain in use for more than one term. Courses
 163 that have a wide variance in costs among sections or that have
 164 frequent changes in textbook and instructional materials
 165 selections shall be identified and a list of such courses sent
 166 to the appropriate academic department chair for review. This
 167 subsection is repealed July 1, 2018, unless reviewed and saved
 168 from repeal through reenactment by the Legislature.

169 (5)(3) Each Florida College System institution
 170 institutions and state university universities shall post
 171 prominently in the course registration system and on its website
 172 on their websites, as early as is feasible, but at least 45 not
 173 less than 30 days before prior to the first day of class for
 174 each term, a hyperlink to lists list of each textbook required
 175 and recommended textbooks and instructional materials for at
 176 least 95 percent of all courses and each course sections offered
 177 at the institution during the upcoming term. The lists posted
 178 list must include the International Standard Book Number (ISBN)
 179 for each required and recommended textbook and instructional
 180 material or other identifying information, which must include,
 181 at a minimum, all of the following: the title, all authors
 182 listed, publishers, edition number, copyright date, published

183 date, and other relevant information necessary to identify the
 184 specific ~~textbook or~~ textbooks or instructional materials
 185 required and recommended for each course. The State Board of
 186 Education and the Board of Governors shall include in the
 187 policies, procedures, and guidelines adopted under subsection
 188 (6) ~~(4)~~ certain limited exceptions to this notification
 189 requirement for classes added after the notification deadline.

190 (6) ~~(4)~~ After receiving input from students, faculty,
 191 bookstores, and publishers, the State Board of Education and the
 192 Board of Governors each shall adopt textbook and instructional
 193 materials affordability policies, procedures, and guidelines for
 194 implementation by Florida College System institutions and state
 195 universities, respectively, that further efforts to minimize the
 196 cost of textbooks and instructional materials for students
 197 attending such institutions while maintaining the quality of
 198 education and academic freedom. The policies, procedures, and
 199 guidelines shall address ~~provide for the following:~~

200 (a) The establishment of deadlines for an instructor or
 201 department to notify the bookstore of required and recommended
 202 textbooks and instructional materials so that the bookstore may
 203 verify availability, source lower cost options when practicable,
 204 explore alternatives with faculty when academically appropriate,
 205 and maximize the availability of used textbooks and
 206 instructional materials ~~That textbook adoptions are made with~~
 207 ~~sufficient lead time to bookstores so as to confirm availability~~
 208 ~~of the requested materials and, where possible, ensure maximum~~

209 ~~availability of used books.~~

210 (b) Confirmation by the course instructor or academic
 211 department offering the course, before the textbook or
 212 instructional materials adoption is finalized ~~That, in the~~
 213 ~~textbook adoption process, of~~ the intent to use all items
 214 ordered, particularly each individual item sold as part of a
 215 bundled package, ~~is confirmed by the course instructor or the~~
 216 ~~academic department offering the course before the adoption is~~
 217 ~~finalized.~~

218 (c) Determination by ~~That~~ a course instructor or the
 219 academic department offering the course ~~determines~~, before a
 220 textbook or instructional material is adopted, of the extent to
 221 which a new edition differs significantly and substantively from
 222 earlier versions and the value to the student of changing to a
 223 new edition or the extent to which an open-access textbook or
 224 instructional material is available ~~may exist and be used.~~

225 (d) ~~That the establishment of policies shall address~~ The
 226 availability of required and recommended textbooks and
 227 instructional materials to students otherwise unable to afford
 228 the cost, including consideration of the extent to which an
 229 open-access textbook or instructional material may be used.

230 (e) Participation by ~~That~~ course instructors and academic
 231 departments ~~are encouraged to participate~~ in the development,
 232 adaptation, and review of open-access textbooks and
 233 instructional materials and, in particular, open-access
 234 textbooks and instructional materials for high-demand general

235 | education courses.

236 | (f) Consultation with school districts to identify
 237 | practices that impact the cost of dual enrollment textbooks and
 238 | instructional materials to school districts, including, but not
 239 | limited to, the length of time that textbooks and instructional
 240 | materials remain in use.

241 | (g) Selection of textbooks and instructional materials
 242 | through cost-benefit analyses that enable students to obtain the
 243 | highest-quality product at the lowest available price, by
 244 | considering:

245 | 1. Purchasing digital textbooks in bulk.

246 | 2. Expanding the use of open-access textbooks and
 247 | instructional materials.

248 | 3. Providing rental options for textbooks and
 249 | instructional materials.

250 | 4. Increasing the availability and use of affordable
 251 | digital textbooks and learning objects.

252 | 5. Developing mechanisms to assist in buying, renting,
 253 | selling, and sharing textbooks and instructional materials.

254 | 6. The length of time that textbooks and instructional
 255 | materials remain in use.

256 | (7) The board of trustees of each Florida College System
 257 | institution and state university shall report, by September 30
 258 | of each year, beginning in 2016, to the Chancellor of the
 259 | Florida College System or the Chancellor of the State University
 260 | System, as applicable, the textbook and instructional materials

261 selection process for general education courses with a wide cost
 262 variance identified pursuant to subsection (4) and high-
 263 enrollment courses; specific initiatives of the institution
 264 designed to reduce the costs of textbooks and instructional
 265 materials; policies implemented in accordance with subsection
 266 (6); the number of courses and course sections that were not
 267 able to meet the textbook and instructional materials posting
 268 deadline for the previous academic year; and any additional
 269 information determined by the chancellors. By November 1 of each
 270 year, beginning in 2016, each chancellor shall provide a summary
 271 of the information provided by institutions to the State Board
 272 of Education and the Board of Governors, as applicable.

273 Section 4. Paragraph (a) of subsection (12) of section
 274 1009.23, Florida Statutes, is amended, and subsection (20) is
 275 added to that section, to read:

276 1009.23 Florida College System institution student fees.—

277 (12)(a) In addition to tuition, out-of-state, financial
 278 aid, capital improvement, student activity and service, and
 279 technology fees authorized in this section, each Florida College
 280 System institution board of trustees is authorized to establish
 281 fee schedules for the following user fees and fines: laboratory
 282 fees, which do not apply to a distance learning course; parking
 283 fees and fines; library fees and fines; instructional materials
 284 fees, including, but not limited to, fees for integrated course
 285 materials and texts delivered digitally or through other
 286 technologies that are, or the licenses of which are, required

287 | for and used in a specific course; fees and fines relating to
 288 | facilities and equipment use or damage; access or identification
 289 | card fees; duplicating, photocopying, binding, or microfilming
 290 | fees; standardized testing fees; diploma replacement fees;
 291 | transcript fees; application fees; graduation fees; and late
 292 | fees related to registration and payment. Such user fees and
 293 | fines shall not exceed the cost of the services provided and
 294 | shall only be charged to persons receiving the service. A
 295 | Florida College System institution may not charge any fee except
 296 | as authorized by law. Parking fee revenues may be pledged by a
 297 | Florida College System institution board of trustees as a
 298 | dedicated revenue source for the repayment of debt, including
 299 | lease-purchase agreements, with an overall term of not more than
 300 | 7 years, including renewals, extensions, and refundings, and
 301 | revenue bonds with a term not exceeding 20 years and not
 302 | exceeding the useful life of the asset being financed. Florida
 303 | College System institutions shall use the services of the
 304 | Division of Bond Finance of the State Board of Administration to
 305 | issue any revenue bonds authorized by this subsection. Any such
 306 | bonds issued by the Division of Bond Finance shall be in
 307 | compliance with the provisions of the State Bond Act. Bonds
 308 | issued pursuant to the State Bond Act may be validated in the
 309 | manner established in chapter 75. The complaint for such
 310 | validation shall be filed in the circuit court of the county
 311 | where the seat of state government is situated, the notice
 312 | required to be published by s. 75.06 shall be published only in

313 the county where the complaint is filed, and the complaint and
 314 order of the circuit court shall be served only on the state
 315 attorney of the circuit in which the action is pending.

316 (20) Each Florida College System institution shall
 317 publicly notice and notify all enrolled students of any proposal
 318 to increase tuition or fees at least 28 days before its
 319 consideration at a board of trustees meeting. The notice must:

320 (a) Include the date and time of the meeting at which the
 321 proposal will be considered.

322 (b) Specifically outline the details of existing tuition
 323 and fees, the rationale for the proposed increase, and how the
 324 funds from the proposed increase will be used.

325 (c) Be posted on the institution's website and issued in a
 326 press release.

327 Section 5. Paragraph (b) of subsection (4), paragraph (i)
 328 of subsection (14), and subsection (16) of section 1009.24,
 329 Florida Statutes, are amended, and subsection (20) is added to
 330 that section, to read:

331 1009.24 State university student fees.—

332 (4)

333 (b) The Board of Governors, ~~or the board's designee,~~ may
 334 establish tuition for graduate and professional programs, and
 335 out-of-state fees for all programs. Except as otherwise provided
 336 in this section, the sum of tuition and out-of-state fees
 337 assessed to nonresident students must be sufficient to offset
 338 the full instructional cost of serving such students. However,

339 adjustments to out-of-state fees or tuition for graduate
 340 programs and professional programs may not exceed 15 percent in
 341 any year.

342 (14) Except as otherwise provided in subsection (15), each
 343 university board of trustees is authorized to establish the
 344 following fees:

345 (i) Materials and supplies fees to offset the cost of
 346 materials or supplies, including, but not limited to, integrated
 347 course materials and texts delivered digitally or through other
 348 technologies that are, or the licenses of which are, required
 349 for and used ~~consumed~~ in the course of the student's
 350 instructional activities, excluding the cost of equipment
 351 replacement, repairs, and maintenance.

352
 353 With the exception of housing rental rates and except as
 354 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)
 355 shall be based on reasonable costs of services. The Board of
 356 Governors shall adopt regulations and timetables necessary to
 357 implement the fees and fines authorized under this subsection.
 358 The fees assessed under this subsection may be used for debt
 359 only as authorized under s. 1010.62.

360 (16) Each university board of trustees may assess
 361 ~~establish~~ a tuition differential for undergraduate courses if
 362 such fee was approved by the Board of Governors before July 1,
 363 2015 ~~upon receipt of approval from the Board of Governors.~~
 364 ~~However, beginning July 1, 2014, the Board of Governors may only~~

365 | ~~approve the establishment of or an increase in tuition~~
 366 | ~~differential for a state research university designated as a~~
 367 | ~~preeminent state research university pursuant to s.~~
 368 | ~~1001.7065(3).~~ The tuition differential shall promote
 369 | improvements in the quality of ~~undergraduate~~ education and shall
 370 | provide financial aid to undergraduate students who exhibit
 371 | financial need.

372 | (a) ~~Thirty~~ Seventy percent of the revenues from the
 373 | ~~tuition differential shall be expended for purposes of~~
 374 | ~~undergraduate education. Such expenditures may include, but are~~
 375 | ~~not limited to, increasing course offerings, improving~~
 376 | ~~graduation rates, increasing the percentage of undergraduate~~
 377 | ~~students who are taught by faculty, decreasing student-faculty~~
 378 | ~~ratios, providing salary increases for faculty who have a~~
 379 | ~~history of excellent teaching in undergraduate courses,~~
 380 | ~~improving the efficiency of the delivery of undergraduate~~
 381 | ~~education through academic advisement and counseling, and~~
 382 | ~~reducing the percentage of students who graduate with excess~~
 383 | ~~hours. This expenditure for undergraduate education may not be~~
 384 | ~~used to pay the salaries of graduate teaching assistants. Except~~
 385 | ~~as otherwise provided in this subsection, the remaining 30~~
 386 | percent of the revenues from the tuition differential, or the
 387 | equivalent amount of revenue from private sources, shall be
 388 | expended to provide financial aid to undergraduate students who
 389 | exhibit financial need, including students who are scholarship
 390 | recipients under s. 1009.984, to meet the cost of university

391 attendance. This expenditure for need-based financial aid shall
 392 not supplant the amount of need-based aid provided to
 393 undergraduate students in the preceding fiscal year from
 394 financial aid fee revenues, the direct appropriation for
 395 financial assistance provided to state universities in the
 396 General Appropriations Act, or from private sources. The total
 397 amount of tuition differential waived under subparagraph (b)7.
 398 ~~(b)8.~~ may be included in calculating the expenditures for need-
 399 based financial aid to undergraduate students required by this
 400 subsection. This expenditure for need-based financial aid is not
 401 required if the entire tuition and fee costs of resident
 402 students who have applied for and received Pell Grant funds have
 403 been met and the university has excess funds remaining from the
 404 30 percent of the revenues from the tuition differential
 405 required to be used to assist students who exhibit financial
 406 need, ~~the university may expend the excess portion in the same~~
 407 ~~manner as required for the other 70 percent of the tuition~~
 408 ~~differential revenues.~~

409 (b) Each tuition differential is subject to the following
 410 conditions:

411 1. The tuition differential may be assessed on one or more
 412 undergraduate courses or on all undergraduate courses at a state
 413 university.

414 2. The tuition differential may vary by course or courses,
 415 by campus or center location, and by institution. Each
 416 university board of trustees shall strive to maintain and

417 increase enrollment in degree programs related to math, science,
 418 high technology, and other state or regional high-need fields
 419 when establishing tuition differentials by course.

420 ~~3. For each state university that is designated as a~~
 421 ~~preeminent state research university by the Board of Governors,~~
 422 ~~pursuant to s. 1001.7065, the aggregate sum of tuition and the~~
 423 ~~tuition differential may be increased by no more than 6 percent~~
 424 ~~of the total charged for the aggregate sum of these fees in the~~
 425 ~~preceding fiscal year. The tuition differential may be increased~~
 426 ~~if the university meets or exceeds performance standard targets~~
 427 ~~for that university established annually by the Board of~~
 428 ~~Governors for the following performance standards, amounting to~~
 429 ~~no more than a 2-percent increase in the tuition differential~~
 430 ~~for each performance standard:~~

431 ~~a. An increase in the 6-year graduation rate for full-~~
 432 ~~time, first-time-in-college students, as reported annually to~~
 433 ~~the Integrated Postsecondary Education Data System.~~

434 ~~b. An increase in the total annual research expenditures.~~

435 ~~c. An increase in the total patents awarded by the United~~
 436 ~~States Patent and Trademark Office for the most recent years.~~

437 3.4. The aggregate sum of undergraduate tuition and fees
 438 per credit hour, including the tuition differential, may not
 439 exceed the national average of undergraduate tuition and fees at
 440 4-year degree-granting public postsecondary educational
 441 institutions.

442 4.5. The tuition differential shall not be included in any

443 award under the Florida Bright Futures Scholarship Program
 444 established pursuant to ss. 1009.53-1009.538.

445 ~~5.6.~~ Beneficiaries having prepaid tuition contracts
 446 pursuant to s. 1009.98(2)(b) which were in effect on July 1,
 447 2007, and which remain in effect, are exempt from the payment of
 448 the tuition differential.

449 ~~6.7.~~ The tuition differential may not be charged to any
 450 student who was in attendance at the university before July 1,
 451 2007, and who maintains continuous enrollment.

452 ~~7.8.~~ The tuition differential may be waived by the
 453 university for students who meet the eligibility requirements
 454 for the Florida public student assistance grant established in
 455 s. 1009.50.

456 ~~9. Subject to approval by the Board of Governors, the~~
 457 ~~tuition differential authorized pursuant to this subsection may~~
 458 ~~take effect with the 2009 fall term.~~

459 (c) Each state university that is designated as a
 460 preeminent state research university by the Board of Governors
 461 pursuant to s. 1001.7065 may increase the tuition differential
 462 annually in accordance with this subsection. However, the
 463 aggregate sum of tuition and the tuition differential may be
 464 increased by no more than 6 percent of the total charged for the
 465 aggregate sum of these fees in the preceding fiscal year. The
 466 tuition differential may be increased only if the university
 467 meets or exceeds performance standard targets for that
 468 university established annually by the Board of Governors for

469 the following performance standards, amounting to no more than a
 470 2-percent increase in the tuition differential for each
 471 performance standard:

472 1. An increase in the 6-year graduation rate for full-
 473 time, first-time-in-college students, as reported annually to
 474 the Integrated Postsecondary Education Data System.

475 2. An increase in total annual research expenditures.

476 3. An increase in total patents awarded by the United
 477 States Patent and Trademark Office for the most recent years.

478 ~~(c) A university board of trustees may submit a proposal~~
 479 ~~to the Board of Governors to implement a tuition differential~~
 480 ~~for one or more undergraduate courses. At a minimum, the~~
 481 ~~proposal shall:~~

482 ~~1. Identify the course or courses for which the tuition~~
 483 ~~differential will be assessed.~~

484 ~~2. Indicate the amount that will be assessed for each~~
 485 ~~tuition differential proposed.~~

486 ~~3. Indicate the purpose of the tuition differential.~~

487 ~~4. Indicate how the revenues from the tuition differential~~
 488 ~~will be used.~~

489 ~~5. Indicate how the university will monitor the success of~~
 490 ~~the tuition differential in achieving the purpose for which the~~
 491 ~~tuition differential is being assessed.~~

492 ~~(d) The Board of Governors shall review each proposal and~~
 493 ~~advise the university board of trustees of approval of the~~
 494 ~~proposal, the need for additional information or revision to the~~

495 ~~proposal, or denial of the proposal. The Board of Governors~~
 496 ~~shall establish a process for any university to revise a~~
 497 ~~proposal or appeal a decision of the board.~~

498 (d)~~(e)~~ The Board of Governors shall submit a report to the
 499 President of the Senate, the Speaker of the House of
 500 Representatives, and the Governor describing the implementation
 501 of ~~the provisions of~~ this subsection no later than February 1 of
 502 each year. The report shall ~~summarize proposals received by the~~
 503 ~~board during the preceding fiscal year and actions taken by the~~
 504 ~~board in response to such proposals. In addition, the report~~
 505 ~~shall~~ provide the following information for each university that
 506 assesses ~~has been approved by the board to assess~~ a tuition
 507 differential:

508 1. The course or courses for which the tuition
 509 differential was assessed and the amount assessed.

510 2. The total revenues generated by the tuition
 511 differential.

512 3. With respect to waivers authorized under subparagraph
 513 (b)7. ~~(b)8.~~, the number of students eligible for a waiver, the
 514 number of students receiving a waiver, and the value of waivers
 515 provided.

516 4. Detailed expenditures of the revenues generated by the
 517 tuition differential.

518 5. Changes in retention rates, graduation rates, the
 519 percentage of students graduating with more than 110 percent of
 520 the hours required for graduation, pass rates on licensure

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2016

521 examinations, the number of undergraduate course offerings, the
 522 percentage of undergraduate students who are taught by faculty,
 523 student-faculty ratios, and the average salaries of faculty who
 524 teach undergraduate courses.

525 (e)-(f) ~~A No~~ state university is not ~~shall be~~ required to
 526 lower a any tuition differential that was approved by the Board
 527 of Governors and in effect before July 1, 2015 ~~prior to January~~
 528 ~~1, 2009~~, in order to comply with ~~the provisions of this~~
 529 subsection.

530 (20) Each state university shall publicly notice and
 531 notify all enrolled students of any proposal to increase tuition
 532 or fees at least 28 days before its consideration at a board of
 533 trustees meeting. The notice must:

534 (a) Include the date and time of the meeting at which the
 535 proposal will be considered.

536 (b) Specifically outline the details of existing tuition
 537 and fees, the rationale for the proposed increase, and how the
 538 funds from the proposed increase will be used.

539 (c) Be posted on the university's website and issued in a
 540 press release.

541 Section 6. This act shall take effect July 1, 2016.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Porter offered the following:

Amendment (with title amendment)

Between lines 168 and 169, insert:

6 (5) Each Florida College System institution and state
 7 university board of trustees is authorized to adopt policies
 8 that allow for the use of innovative pricing techniques and
 9 payment options for digital textbooks and instructional
 10 materials. Such policies may include bulk pricing arrangements
 11 that enable students to purchase integrated course materials and
 12 texts delivered digitally or through other technologies that
 13 are, or the licenses of which are, required for use within a
 14 course. Innovative pricing techniques and payment options must
 15 include an opt out provision for students and may be approved
 16 only if there is documented evidence that the options reduce the
 17 cost of textbooks and instructional materials for students.



Amendment No. 1

18
19
20
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24
25

T I T L E A M E N D M E N T

Remove line 18 and insert:

courses; authorizing the boards of trustees to adopt policies to
allow for the use of innovative pricing techniques and payment
options for digital textbooks and instructional materials;
requiring the boards of trustees to send a



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Porter offered the following:

Amendment (with directory and title amendments)

Remove lines 277-315

D I R E C T O R Y A M E N D M E N T

Remove lines 273-275 and insert:

Section 4. Subsection (20) of section 1009.23, Florida Statutes, is created to read:

T I T L E A M E N D M E N T

Remove lines 32-34 and insert:

requirements; amending s. 1009.23, F.S.; requiring Florida College System



Amendment No.3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Porter offered the following:

Amendment (with directory and title amendments)

Remove lines 342-359

D I R E C T O R Y A M E N D M E N T

Remove lines 327-328 and insert:

Section 5. Paragraph (b) of subsection (4), and subsection
(16) of section 1009.24,



T I T L E A M E N D M E N T

Remove lines 37-38 and insert:

F.S.; revising provisions

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 7021 PCB KTS 16-01 Reading Instruction
SPONSOR(S): Education Appropriations Subcommittee, K-12 Subcommittee, Adkins
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-12 Subcommittee	9 Y, 0 N	Brink	Fudge
1) Education Appropriations Subcommittee	12 Y, 0 N, As CS	Seifert	Heflin
2) Education Committee		Brink 	Mizereck 

SUMMARY ANALYSIS

After a period of steady improvement on the FCAT reading assessment and National Assessment of Education Progress during the 2000s, reading scores over the past several years have seen a decreased rate of growth, including for students in 3rd grade. The rate of 3rd grade students performing below grade level in reading has consistently exceeded 40 percent over the past several years. Although the law requires districts to implement interventions and supports for struggling readers, teachers may not receive adequate training in effective strategies to improve the reading performance of all students, including those with conditions such as dyslexia. To help schools identify struggling readers more quickly and implement effective instruction and interventions, the bill:

- Requires the Just Read, Florida! Office to provide training in explicit, systematic, and multisensory strategies and identify core instructional and intervention materials that incorporate those strategies.
- Requires school districts to use core and supplemental intervention materials identified by the Office in order to receive instructional materials funds.
- Requires teacher preparation programs to provide candidates for specified certification areas training in explicit, systematic, and multisensory reading strategies. Candidates for renewal of a certificate in the specified areas or for a reading endorsement must also receive training in those strategies.
- Prohibits districts from waiting until a student receives a failing grade in reading to initiate interventions.
- Enhances communication to parents by requiring the Department of Education to develop a handbook that districts must provide to parents of students with a substantial reading deficiency and requiring school districts to regularly update the parents on their child's progress.
- Extends early warning system coverage to students in kindergarten through grade 5 and specifies that a substantial reading deficiency is an indicator for students in kindergarten through grade 3.
- Requires teachers who teach retained 3rd graders to hold a reading certificate or endorsement.
- Promotes transparency by requiring the Commissioner of Education to annually report to the State Board of Education district reading performance information and identify effective intervention and support strategies used by school districts to improve the performance of struggling readers.
- Requires the department to periodically review certification and coverage areas that involve reading instruction and recommend changes to improve training and instruction.
- Requires prekindergarten instructors to receive training in explicit, systematic, and multisensory reading instruction and requires VPK program providers to provide specialized reading instruction to students who exhibit a deficiency in emergent literacy skills.

The bill has a fiscal impact of \$344,848 to the Just Read, Florida! Office for workload based on requirements contained in the bill. See FISCAL COMMENTS.

The bill is effective upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Florida's history of reading instruction reform dates back to the early 1970s.¹ Since then, the state has implemented a number of initiatives to improve the reading performance of Florida's students. By 2001, Florida established statewide, standardized assessments to measure how well students in grades 3 through 10 had learned the state's reading standards.² Also in 2001, Florida Governor Jeb Bush established the Just Read, Florida! initiative, which aimed at helping students become successful, independent readers.³ The Legislature formally created the Just Read, Florida! Office within the Department of Education in 2006.⁴

The Office must:

- Train highly effective reading coaches.
- Create multiple designations of effective reading instruction, with accompanying credentials, which encourage all teachers to integrate reading instruction into their content areas.
- Train K-12 teachers and school principals on effective content-area-specific reading strategies. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the K-12 curriculum.
- Provide parents with information and strategies for assisting their children in reading in the content area.
- Provide technical assistance to school districts in the development and implementation of district plans for use of the research-based reading instruction allocation and annually review and approve such plans.⁵
- Review, evaluate, and provide technical assistance to school districts' implementation of the K-12 comprehensive reading plan.
- Work with the Florida Center for Reading Research to provide information on research-based reading programs and effective reading in the content area strategies.
- Periodically review the Sunshine State Standards for reading at all grade levels.
- Periodically review teacher certification examinations, including alternative certification exams, to ascertain whether the examinations measure the skills needed for research-based reading instruction and instructional strategies for teaching reading in the content areas.
- Work with initial teacher preparation programs to integrate research-based reading instructional strategies and reading in the content area instructional strategies into teacher preparation programs.
- Administer grants and perform other functions as necessary to meet the goal that all students read at grade level.⁶

After a period of steady improvement on the FCAT reading assessment and National Assessment of Education Progress reading assessment during the 2000s, the growth rate of reading scores has

¹ Florida Department of Education, *History of Reading Policy in Florida: hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015).

² Florida Department of Education, *A Chronology of Events: 2001*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/history-of-fls-statewide-assessment/assessment-chronology/hsap01.stml> (last visited on Nov. 7, 2015).

³ Exec. Order No. 01-260 (2001).

⁴ Section 8, ch. 2006-74, L.O.F.

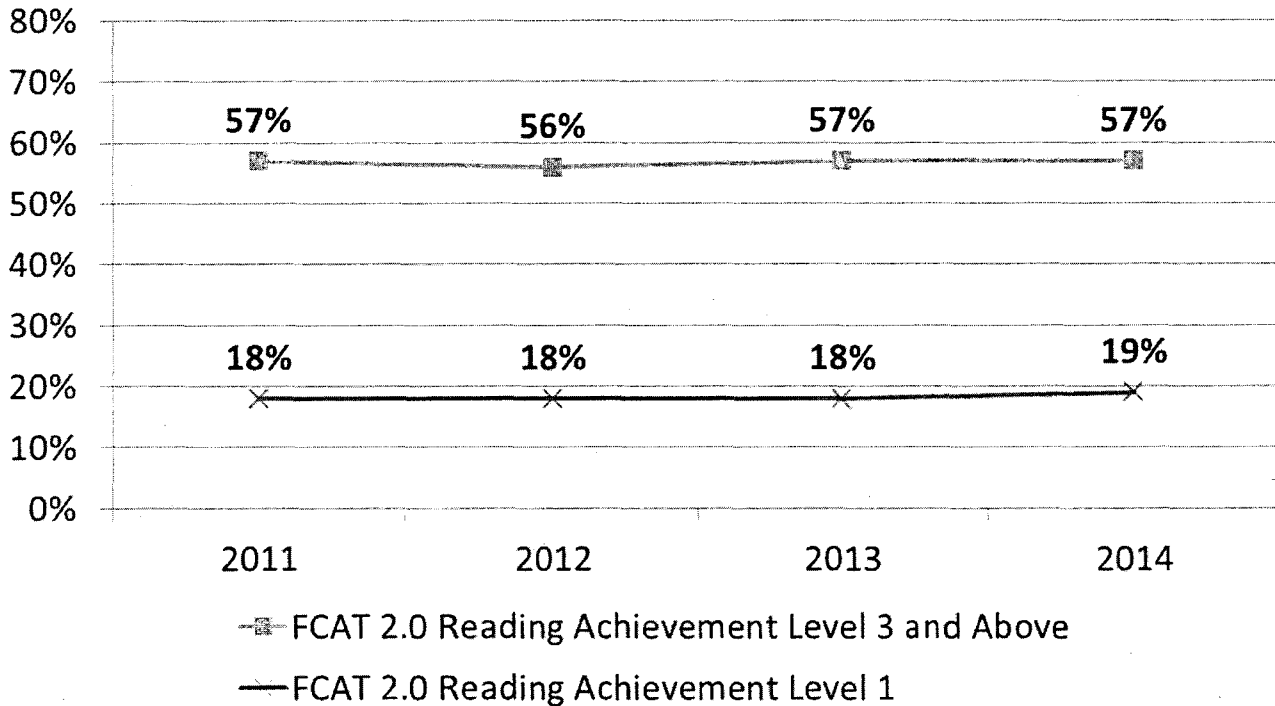
⁵ Requirements relating to district reading plans are found in s. 1011.62(9), F.S.

⁶ Section 1001.215, F.S.

decreased, including for students in 3rd grade. The rate of 3rd grade students performing below grade level in reading has consistently eclipsed 40 percent over the past several years.⁷

Student Performance on Statewide Assessments in Reading

Grade 3 Reading Results



Although the law requires districts to implement interventions and supports for struggling readers, many teachers may not receive adequate training to implement effective strategies to improve the reading performance of many students, including those with conditions such as dyslexia.⁸

A 2015 study by the Office of Program Policy Analysis and Government Accountability (OPPAGA) identified a number of barriers to providing instruction and intervention to struggling readers, including findings that:

- Teacher preparation programs do not sufficiently focus on identifying and assisting struggling readers;
- Professional development may not provide the information teachers need to address student reading deficiencies;
- The reading endorsement process does not require that teachers demonstrate knowledge of basic aspects of reading such as phonological awareness; and
- Students do not always receive appropriate intervention programs to meet their individual needs.⁹

⁷ See Florida Department of Education, *History of Reading Policy in Florida: hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015.); The Nation’s Report Card, *2015 Reading State Snapshot Report: Florida Grade 4* (2015), available at <https://nces.ed.gov/nationsreportcard/subject/publications/stt2015/pdf/2016008FL4.pdf> (indicating growth in 4th grade reading scores by only 1 average scale score point since 2009); The Nation’s Report Card, *2015 Reading State Snapshot Report: Florida Grade 8* (2015), available at <https://nces.ed.gov/nationsreportcard/subject/publications/stt2015/pdf/2016008FL8.pdf> (indicating a decrease in 8th grade reading scores by 1 average scale score point since 2009).

⁸ University of Florida, *Teacher Preparation & Struggling Readers: hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015).

A significant portion of students who need specialized reading instruction and intervention include students who have poor phonological processing skills, including students with conditions such as dyslexia.¹⁰ However, research shows that children who are likely to have difficulties learning to read, whether because of conditions like dyslexia or other reasons, can be identified as early as prekindergarten.¹¹ By 1st grade, differences between dyslexic and typical readers in reading scores and verbal IQ become evident, making early identification and intervention critical. Implementing effective reading programs as early as kindergarten or preschool can close the achievement gap.¹²

Research has uncovered reading instruction and intervention strategies that are proven to improve the reading performance of all students, including struggling readers. Such instruction is explicit and systematic (increasing difficulty over time at an appropriate pace), and incorporates multisensory techniques which simultaneously engage multiple senses at once, such as touch, hearing, and sight.¹³

Reading Instruction and Intervention

Present Situation

The law requires school districts to identify students with deficiencies in reading. For kindergarten through grade 3, students who exhibit a “substantial reading deficiency” based upon locally determined or statewide assessments or through teacher observations must be given intensive reading instruction immediately following the identification of the deficiency.¹⁴ Each student who does not achieve a Level 3 or above on the statewide, standardized English Language Arts (ELA) assessment (administered in grades 3 through 10) must be evaluated to determine the nature of the student’s difficulty, the areas of academic need, and strategies for providing academic supports to improve the student’s performance.¹⁵

Within the first 30 days of the school year, each school must administer a statewide kindergarten screening to each kindergarten student in the school district.¹⁶ The screening must provide objective data concerning each student’s readiness for kindergarten and progress in attaining the Voluntary

⁹ See Office of Program Policy and Government Accountability, *OPPAGA Research on Programs and Strategies for K-12 Struggling Readers: hearing before the House K-12 Education Subcommittee* (Oct. 20, 2015). Other studies have shown that teacher knowledge of reading science is crucial to effective reading instruction. See e.g., National Council on Teacher Quality, *What Education Schools Aren’t Teaching about Reading and What Elementary Teachers Aren’t Learning* (June 2006), available at http://www.nctq.org/nctq/images/nctq_reading_study_exec_summ.pdf; Cunningham & Ryan O’Donnell, *Teacher Knowledge in Early Literacy* (April 2015), at 450, available at http://www.researchgate.net/publication/275581846_Teachers_Knowledge_about_Beginning_Reading_Development_and_Instruction

¹⁰ Dyslexia is a term used to refer to a specific type of learning disability that is neurological in origin and is characterized by difficulties with accurate and fluent word recognition and by poor spelling and decoding abilities. It is caused by a deficit in the phonological component of language that is unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. See Florida Center for Reading Research, Technical Report No. 8, *Dyslexia: A Brief for Educators, Parents, and Legislators in Florida* (2007), available at http://www.fcrr.org/TechnicalReports/Dyslexia_Technical_Assistance_Paper-Final.pdf.

¹¹ See Florida Center for Reading Research, Technical Report No. 8, *Dyslexia: A Brief for Educators, Parents, and Legislators in Florida* (2007), at 3 available at http://www.fcrr.org/TechnicalReports/Dyslexia_Technical_Assistance_Paper-Final.pdf. See also Nemours BrightStart!, *Happy Readers, Healthy Kids: Nemours BrightStart! Research and Tools for a Path to Reading Success*.

¹² See Sally Shaywitz et al., *Achievement Gap in Reading Is Present as Early as First Grade and Persists through Adolescence*, 167 J. Pediatrics 1121, 1124-25 (2015).

¹³ University of Florida Literacy Initiative, *Teacher Preparation and Struggling Readers; hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015).

¹⁴ Section 1008.25(5)(a), F.S. Students in kindergarten through 2nd grade do not participate in statewide, standardized assessments.

¹⁵ Section 1008.25(4)(a).

¹⁶ Section 1002.69, F.S.

Prekindergarten Education (VPK) Program performance standards.¹⁷ The screener selected by the department is the Florida Kindergarten Readiness Screener-Work Sampling System.¹⁸

Students who do not meet school district or state requirements for satisfactory performance in ELA and mathematics must be covered by a federally required plan such as an individual education plan (IEP), a schoolwide system of progress monitoring, or an individualized progress monitoring plan.¹⁹

District school boards must prioritize allocation of remedial and supplemental instruction resources first to students who are deficient in reading by the end of grade 3 and then to students who fail to meet performance levels required for promotion consistent with the district's student progression plan.²⁰

School districts have a variety of intervention options available to help students improve their academic performance, from instructional materials to intervention systems that allow teachers and schools monitor the progress of students and determine appropriate supports. The law requires districts to develop and implement a multi-tiered system of supports (MTSS), which utilizes a problem-solving process to identify and support student needs based upon available data, including attendance, behavior and discipline, statewide assessment, and progress monitoring data.²¹ The process must include parent involvement, student observation, review of data, vision and hearing screening to rule out sensory deficits, and evidence-based interventions implemented in the general education environment.²²

MTSS consists of three tiers, with each tier providing increasingly intensive instruction and support depending on a student's needs and response to the interventions provided. MTSS involves monitoring screening and early warning data to identify students at risk before they fail.²³ At tier 1, students receive instruction in the general classroom setting, using core curriculum materials.²⁴ If students do not make adequate progress based on the instruction, they are provided instruction in smaller groups using supplemental intervention materials targeted to their identified areas of deficiency. Students who do not respond sufficiently to tier 2 instruction are provided intensive interventions in small group and one-to-one instructional settings in tier 3. Tier 3 students who continue to struggle may be identified for an evaluation to determine eligibility for exceptional student education.²⁵

¹⁷ *Id.*; s. 1002.67(1), F.S.

¹⁸ Florida Department of Education, *PMRN for Public Schools*, <http://www.fldoe.org/academics/standards/just-read-fl/fair/public-school.html> (last visited Nov. 9, 2015).

¹⁹ Section 1008.25(4)(b), F.S.

²⁰ Section 1008.25(3), F.S.

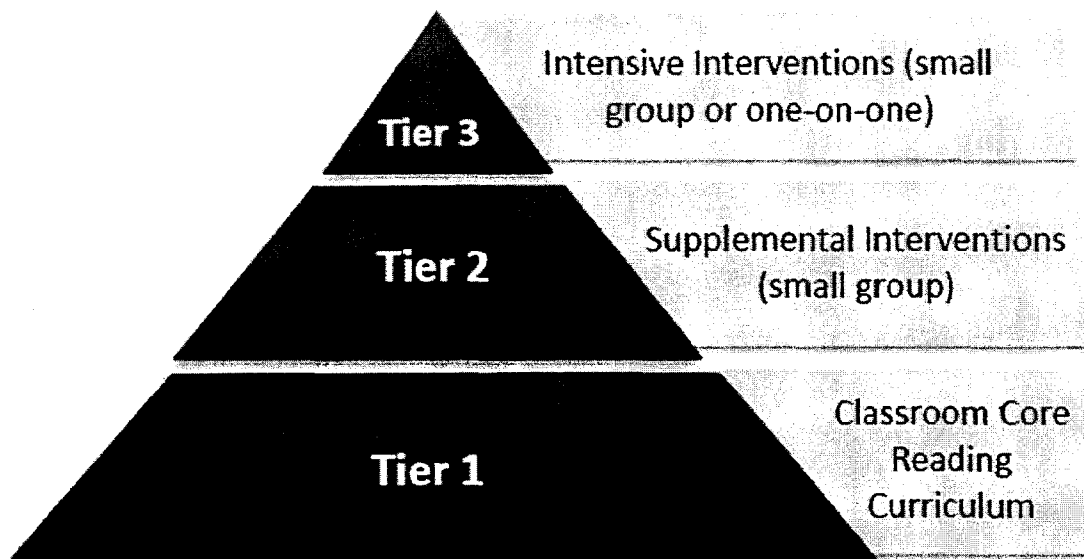
²¹ See Rules 6A-6.0331(1) and 6A-1.099811(2)(r), F.A.C.

²² Rule 6A-6.0331(a), F.S.

²³ See University of South Florida Institute for School Reform, *Multi-tiered Systems of Support (MTSS): Evidence-Based Model to Improve the Performance of ALL Students, Including Those with Disabilities: hearing before the House K-12 Education Subcommittee* (Oct. 7, 2015).

²⁴ See Office of Program Policy and Government Accountability, *OPPAGA Research on Programs and Strategies for K-12 Struggling Readers: hearing before the House K-12 Education Subcommittee* (Oct. 20, 2015). Tier 1 instruction is intended for 100% of students in the general classroom setting. Tier 2 is intended for approximately 20% of students, and tier 3 provides the most intensive interventions to approximately 5% of students.

²⁵ See *id.* The department has aligned the criteria for exceptional education eligibility with the MTSS to increase access to instruction and supports in a timely and efficient way. See rules 6A-6.0331 and 6A-6.03018, F.A.C. See also University of South Florida Institute for School Reform, *Multi-tiered Systems of Support (MTSS): Evidence-Based Model to Improve the Performance of ALL Students, Including Those with Disabilities: hearing before the House K-12 Education Subcommittee* (Oct. 7, 2015).



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Teachers typically administer interventions; however, at some schools, districts provide other staff, such as interventionists, to assist teachers in delivering the interventions. The timeline for administering interventions may vary by school level. OPPAGA's 2015 study indicates that elementary schools often provide interventions during a dedicated time in the school day, whereas middle and high schools often provide interventions during intensive reading classes.²⁷

A school district has discretion to retain a student at any grade level if, after implementing a progress monitoring plan for a student identified as having an academic deficiency, subsequent evaluations of the student indicate that the deficiency has not been remediated. Retention is mandatory for 3rd graders who score at Level 1 on the statewide, standardized ELA assessment, unless the student meets a good cause exemption.²⁸ Good cause exemptions exist for a student who:

- Is limited English proficient and has had less than two years of instruction in an English for Speakers of Other Languages program.
- Has a disability for which the IEP indicates that participation in the statewide assessment program is not appropriate.
- Demonstrates an acceptable level of performance on an alternative standardized reading or ELA assessment approved by the state board.
- Demonstrates, through a student portfolio, that he or she is performing at least at Level 2 on the statewide, standardized ELA assessment.
- Has a disability, takes the statewide, standardized ELA assessment, and has an IEP or a Section 504 plan indicating that he or she has received intensive remediation in reading and ELA for more than two years but still demonstrates a deficiency and was previously retained in kindergarten, 1st grade, 2nd grade, or 3rd grade.
- Has received intensive remediation in reading and ELA for two or more years but still demonstrates a deficiency and who was previously retained in kindergarten, 1st grade, 2nd grade, or 3rd grade for a total of two years. Intensive reading instruction provided to a student so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for the student.²⁹

²⁶ Office of Program Policy and Government Accountability, *OPPAGA Research on Programs and Strategies for K-12 Struggling Readers: hearing before the House K-12 Education Subcommittee* (Oct. 20, 2015).

²⁷ *See id.*

²⁸ Section 1008.25(5)(a)-(b), F.S.

²⁹ Section 1008.25(6)(b), F.S.

A student who is retained in 3rd grade must be provided a teacher rated “highly effective” and intensive interventions in reading to remedy the student’s specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district’s summer reading camp, and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade.³⁰ Further, the school district must provide the student a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include, but are not limited to:

- Integration of science and social studies content within the 90-minute block.
- Small group instruction.
- Reduced teacher-student ratios.
- More frequent progress monitoring.
- Tutoring or mentoring.
- Transition classes containing 3rd and 4th grade students.
- Extended school day, week, or year.³¹

Districts must establish at each school, when applicable, an intensive acceleration class for retained 3rd grade students who subsequently score Level 1 on the statewide, standardized ELA assessment. The class must focus on increasing a child’s reading and English Language Arts skill level at least two grade levels in one school year.³²

The class must:

- Be provided to a student in grade 3 who scores Level 1 on the statewide, standardized English Language Arts assessment and who was retained in grade 3 the prior due to scoring Level 1;
- Have a reduced teacher-student ratio;
- Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 academic standards in other core subject areas;
- Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year; and
- Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

Each district school board must annually report to the parent of each student, in a format determined by the board, the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The evaluation of each student’s progress must be based upon the student’s classroom work, observations, tests, district and state assessments, and other relevant information. The student’s results on each statewide assessment test must be provided to the parent.³³

The law requires school districts to hire reading coaches (also referred to as literacy coaches) for schools determined to have the greatest need. Reading coaches who are funded using the district’s Research-Based Reading Instruction Allocation must be hired as a full-time coach.³⁴

³⁰ Section 1008.25(7)(b), F.S.

³¹ *Id.*

³² Section 1008.25(7)(b)5., F.S. This provision is obsolete, as the law now prohibits retaining a student more than once in third grade. See s. 1008.25(6)(b)6., F.S.

³³ Section 1008.25(8)(a), F.S.

³⁴ Rule 6A-6.053(6)(e), F.A.C.

All schools utilizing reading coaches must implement the Just Read, Florida! reading/literacy coach model. The model requires that coaches support and provide initial and ongoing professional development to teachers in:

- Each of the major reading components,³⁵ as needed, based on an analysis of student performance data.
- Administration and analysis of instructional assessments.
- Providing differentiated instruction and intensive intervention.

In addition, reading coaches must, among other things:

- Model effective instructional strategies for teachers.
- Train teachers in data analysis and using data to differentiate instruction.
- Provide daily support to classroom teachers.
- Work with teachers to ensure that research-based reading programs (comprehensive core reading programs, supplemental reading programs and comprehensive intervention reading programs) are implemented with fidelity.
- Help lead and support reading leadership teams at their school(s).
- Continue to increase their knowledge base in best practices in reading instruction, intervention, and instructional reading strategies.
- Work with all teachers in the school they serve, prioritizing their time to those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in classrooms.
- Work frequently with students in whole and small group instruction in the context of modeling and coaching in other teachers' classrooms.
- Spend limited time administering or coordinating assessments.³⁶

Currently, an individual may be hired as a reading coach if he or she has a minimum of a bachelor's degree and advanced coursework or professional development in reading. The reading coach must be endorsed or K-12 certified in the area of reading; however, the law still allows individuals to be hired as a reading coach if they are working toward their reading certification or endorsement by completing a minimum of two reading endorsement competencies of 60 inservice hours each or six semester hours of college coursework in reading per year.

The Office of Early Learning is required to develop and adopt performance standards for students in the VPK Program.³⁷ The standards must address, among other things, the age-appropriate progress of students in the development of emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. The Office must periodically review and revise the performance standards for the statewide kindergarten screening and align the standards to those established by the State Board of Education for student performance on statewide, standardized assessments.³⁸

Effect of Proposed Changes

Intervention and Instruction

The bill requires district school boards, when allocating remedial and supplemental instruction resources, to give the highest priority to students in kindergarten through grade 3 who have a substantial reading deficiency, instead of just those students in grade 3.

³⁵ The major components include phonemic awareness; phonics; vocabulary development; reading fluency, including oral reading skills; and reading comprehension Rule 6A-6.0331(6)(d)1., F.A.C.

³⁶ Rule 6A-6.053(6)(e), F.A.C.

³⁷ Section 1002.67(1)(a), F.S.

³⁸ Section 1002.67(1)(b), F.S.

The bill requires that students in kindergarten through grade 3 who are identified as having a substantial reading deficiency be provided an individual progress monitoring plan, a federal plan (such as an individual education plan), or both if necessary, and eliminates the requirement that a student be covered by a schoolwide progress monitoring plan. The bill does not prohibit or otherwise preclude the use of a schoolwide plan; however, once a student is identified as having a substantial reading deficiency, instructional strategies and goals must be developed based on the individual student's needs. Such students must be provided intensive, explicit, systematic, and multisensory reading interventions immediately following identification of the substantial deficiency. The State Board of Education must identify in rule guidelines for determining whether a student in kindergarten through grade 3 has a substantial reading deficiency.

The bill prohibits schools from waiting until a student receives a failing grade at the end of the grading period to identify the deficiency and initiate interventions. Consequently, schools should increase the use of predictive data to guide instructional strategies, encourage consistent evaluation of student progress in response to instruction in the general classroom setting, and provide more frequent communication with parents on the progress of their child.

The bill requires that the interventions school districts provide to students who are retained in 3rd grade include evidence-based, explicit, systematic, and multisensory instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Beginning July 1, 2018, retained 3rd grade students must be taught by a teacher who holds a reading certification or endorsement. This is in addition to the current requirement that the teacher be rated "highly effective."

The bill expands the intensive acceleration course currently provided to retained 3rd graders to also include students who were previously retained in kindergarten, 1st grade, or 2nd grade. The intensive acceleration reading course must include:

- Uninterrupted reading instruction for the majority of the school contact time each day and opportunity to master the grade 4 Next Generation Sunshine State standards in other core subject areas through content-rich, nonfiction texts.
- Small group instruction.
- Reduced teacher-student ratios.
- The use of explicit, systematic, and multisensory reading interventions, including intensive language and vocabulary instruction and use of a speech-language therapist if necessary, that has proven results in accelerating student reading achievement within the same school year.
- A read at home plan.

The bill requires school districts to assist schools and teachers with implementing explicit, systematic, and multisensory reading instruction and intervention strategies for students promoted to 4th grade with a good cause exemption.

The bill also requires VPK providers to implement intensive, explicit, and systematic instruction for participants who exhibit a deficiency in emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. The bill clarifies that the Office of Early Learning, rather than the State Board of Education, has rulemaking authority related to VPK pre- and post-assessments and adoption of VPK standards.

Parental Notification

The bill revises requirements for providing information to parents of a K-3 student with a substantial reading deficiency. Under the bill, if a K-3 student is identified with a substantial reading deficiency, the district must inform the parent of opportunities to observe effective instruction and intervention in the classroom and to receive literacy instruction from the school or through community adult literacy

initiatives. The school must also provide the parent opportunities to receive strategies, including multisensory strategies, through a read at home plan to help the parent provide additional reading instruction at home.

Once a parent is notified that his or her child has a substantial reading deficiency, the school must update the parent of the student's progress at least once every two weeks. The updates must be in writing and must explain any additional interventions or supports that will be used to accelerate the student's progress if current strategies are not working.

The bill requires the department to develop a handbook that schools must provide to parents if their child is identified with a substantial reading deficiency. The handbook must be made available online and must include the following information:

- An overview of the requirements for interventions and supports that districts must provide to students who do not make adequate academic progress.
- An overview of the procedural requirements for initiating and conducting evaluations to determine eligibility for exceptional education. This must include an explanation that diagnosis of a medical condition, alone, is not sufficient to establish eligibility for exceptional education. However, a diagnosis may be used to document how the condition relates to the student's eligibility determination and may be disclosed in an eligible student's individualized education plan when necessary to inform school personnel responsible for implementing the plan.
- Characteristics of conditions associated with learning disorders, including dyslexia, dysgraphia, dyscalculia, and developmental aphasia.
- A list of resources that support informed parent involvement in decision-making processes for students who have difficulty with learning.

Teacher Preparation and Professional Development, Certification, and Endorsement

Present Situation

Certification and Endorsement

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the department.³⁹ Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.⁴⁰ The purpose of certification is to require school-based personnel to "possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools."⁴¹

The department issues three types of educator certificates: professional (Florida's highest type of full-time educator certification),⁴² temporary,⁴³ and athletic coaching.⁴⁴ The professional certificate is valid for five years and is renewable.⁴⁵ The temporary certificate is valid for three years and is nonrenewable.

³⁹ Sections 1012.55(1) and 1002.33(12)(f), F.S.

⁴⁰ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certificated individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

⁴¹ Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

⁴² Rule 6A-4.004(2), F.A.C.

⁴³ Rule 6A-4.004(1)(a)2., F.A.C.; rule 6A-4.004(1)(a), F.A.C. The department also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Sections 1012.56(7)(c) and 1012.54, F.S.; rule 6A-4.001(1), F.A.C.

⁴⁴ Section 1012.55(2), F.S.

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;⁴⁶
- Demonstrate mastery of general knowledge;⁴⁷
- Demonstrate mastery of subject area knowledge;⁴⁸ and
- Demonstrate mastery of professional preparation and education competence.⁴⁹

Certification reciprocity is granted to educators who hold a valid professional standard teaching certificate for a subject area issued by another state or the National Board for Professional Teaching Standards (NBPTS).⁵⁰ These individuals are deemed to have met the requirements for Florida professional certification, including mastery of general knowledge, subject area knowledge, and professional preparation and education competence.⁵¹

Each educator certificate has subject area "coverage"--a designation on the certificate that indicates the field in which the educator has content knowledge (e.g., Mathematics, grades 6-12). An "endorsement" is a "rider" shown on an educator certificate that signifies the educator has knowledge of instructional strategies that target particular levels, stages of development, or circumstances (e.g., Reading Endorsement or Endorsement in English for Speakers of Other Languages).

To add subject area coverage or an endorsement to a professional certificate or temporary certificate, an educator must submit an application and the required fee and complete requirements as specified in state board rule.

The specialization requirements for a K-12 reading certification are:

- A master's or higher degree with a graduate major in reading; or
- A bachelor's or higher degree with 30 semester hours in reading to include the following areas:
 - Six semester hours in foundations of reading instruction to include the elementary and secondary levels.
 - Six semester hours in diagnosis of reading disabilities and techniques of corrective or remedial reading.
 - Three semester hours in educational measurement.
 - Three semester hours in literature for children or adolescents.
 - Three semester hours in methods of teaching language arts at the elementary or secondary level.
 - Three semester hours in administration and interpretation of instructional assessments with instructional strategies and materials based upon scientifically based reading research for the prevention and remediation of reading difficulties.

⁴⁵ Section 1012.56(7)(a), F.S.; see rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The department also issues a nonrenewable 2-year temporary certificate and a nonrenewable 5-year professional certificate that allows an applicant with a bachelor's degree in the area of speech-language impairment to complete a master's degree in speech-language impairment. Section 1012.56(7)(c), F.S.; rule 6A-4.004(3), F.A.C.

⁴⁶ Section 1012.56(2)(a)-(f), F.S.

⁴⁷ Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited Nov. 8, 2015).

⁴⁸ Section 1012.56(2)(h) and (5), F.S.

⁴⁹ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited Nov. 8, 2015).

⁵⁰ Section 1012.56(5)(e)-(f), F.S.; see rules 6A-4.002(1)(i)-(j) and 6A-4.003(2), F.A.C. (flush-left provisions following paragraph (2)(e)); Florida Department of Education, *Reciprocity for Out-of-State Teachers and Administrators*, <http://www.fldoe.org/edcert/level1.asp> (last visited Nov. 6, 2015).

⁵¹ Section 1012.56(3)(c)-(d), (5)(e)-(f), and (6)(c)-(d), F.S.; rule 6A-4.002(1)(i)1. and (j), F.A.C.

- Three semester hours in a supervised reading practicum to obtain practical experience in increasing the reading performance of a student(s) with the prescription and utilization of appropriate strategies and materials based upon scientifically based reading research to address the prevention, identification, and intervention of reading difficulties.⁵²

The specialization requirements for a reading endorsement are a bachelor's or higher degree with certification in an academic, degreed vocational, administrative, or specialty class coverage and 15 semester hours in reading coursework, based upon scientifically based reading research with a focus on both the prevention and remediation of reading difficulties, to include the following:

- Six semester hours in understanding reading as a process of student engagement in both fluent decoding of words and construction of meaning;
- Three semester hours in the administration and interpretation of instructional assessments to include screening, diagnosis, and progress monitoring with purposes of prevention, identification, and remediation of reading difficulties;
- Three semester hours in understanding how to prescribe, differentiate instruction, and utilize appropriate strategies and materials based upon scientifically based reading research in order to address the prevention, identification, and remediation of reading difficulties in order to increase reading performance; and,
- Three semester hours in a supervised practicum to obtain practical experience in increasing the reading performance of a student(s) with the prescription and utilization of appropriate strategies and materials based upon scientifically based reading research to address the prevention, identification, and remediation of reading difficulties.⁵³

To renew their professional certificate, an educator must submit an application, pay a fee, and earn at least six college credits or 120 inservice points.⁵⁴ At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.⁵⁵ In addition to credits or inservice points required in the subject area, credits or inservice points may be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.⁵⁶

Any professional certificate holder must complete at least one college credit, or 20 inservice points, or a combination thereof, in the instruction of students with disabilities prior to renewing their certificate.⁵⁷ The law allows a professional certificate holder to use college credits or inservice points earned through training in teaching students of limited English proficiency or students with disabilities and training in teaching reading in excess of six semester hours during one certificate-validity period toward renewal of the professional certificate during the subsequent validity periods.⁵⁸

Certification in subject areas may also be renewed by earning a passing score on the corresponding Florida-developed subject area test or standardized examination specified in state board rule.⁵⁹

⁵² Rule 6A-4.0291, F.A.C.

⁵³ Rule 6A-4.0292, F.A.C.

⁵⁴ Section 1012.585(3)(a), F.S. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.; see rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

⁵⁵ Section 1012.585(3)(a), F.S.

⁵⁶ Section 1012.585(3)(a), F.S.

⁵⁷ Section 1012.585(3)(d), F.S.; rule 6A-4.0051, F.A.C.

⁵⁸ Section 1012.585(3)(d)1., F.S.

⁵⁹ Section 1012.585(3)(b), F.S., *as amended* by s. 5, ch. 2014-32, L.O.F. For the purposes of renewing a professional certificate, passage of a subject area examination is equivalent to three semester hours of college credit. Rule 6A-4.0051(1)(b), F.A.C.

Teacher Preparation Programs

Teacher preparation programs are state-approved programs offered by postsecondary institutions and public school districts through which candidates for an educator certificate can, attain an educator certificate.⁶⁰

Two types of teacher preparation programs are initial teacher preparation programs and educator preparation institutes. Initial teacher preparation programs are “traditional” teacher preparation programs that require candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Such programs result in qualification for a professional educator certificate. Educator preparation institutes are “alternative” certification programs offered by postsecondary institutions for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a professional educator certificate.

The state board is charged with maintaining a system for development and approval of initial teacher preparation programs.⁶¹ The department is responsible for approving programs based on evidence of a program’s capacity to meet the requirements for continued program approval established in law and state board rule.⁶² The requirements for continued program approval are:

- Documentation that each candidate has met the admission requirements;⁶³
- Documentation that the program and each program completer have met the curriculum requirements;⁶⁴ and
- Evidence of performance in other specified areas.⁶⁵

The department must approve an educator preparation institute certification program if the institute provides evidence of the institute’s capacity to implement a competency-based program that includes each of the following:

- The areas addressed by the uniform core curricula for initial teacher preparation programs;⁶⁶
- An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification, which is based on an assessment of his or her competency in the areas addressed by the uniform core curricula;
- Field experiences appropriate to the certification subject area specified in the educational plan with a diverse population of students in a variety of settings under the supervision of qualified educators; and
- A certification ombudsman to facilitate the process and procedures required for participants who complete the program to meet any requirements related to the background screening requirements.⁶⁷

Continued approval of educator preparation institutes is determined by the Commissioner of Education based on a periodic review of these areas:

⁶⁰ See Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/profdev/approval.asp> (last visited Nov. 9, 2015).

See also rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

⁶¹ Section 1004.04(1), F.S.

⁶² See s. 1004.04(3)(a), F.S.; 6A-5.066, F.A.C.

⁶³ Section 1004.04(4)(a)1., F.S.

⁶⁴ Section 1004.04(4)(a)2., F.S.

⁶⁵ Section 1004.04(4)(a)3., F.S.

⁶⁶ See ss. 1004.85(3)(a)1. and 1004.04(2)(b), F.S.

⁶⁷ Section 1004.85(3)(a)4., F.S.

- Documentation from the program that each program completer has met the requirements established in law;
- Evidence of performance in each other specified areas.⁶⁸

The uniform core curricula for teacher preparation programs must include content in scientifically based reading instruction contained in the reading endorsement competencies adopted by the State Board of Education.⁶⁹ The reading endorsement competencies include five major components:

- Competency 1: Foundations of Reading Instruction
- Competency 2: Application of Research-Based Instructional Practices
- Competency 3: Foundations of Assessment
- Competency 4: Foundations and Applications of Differentiated Instruction
- Competency 5: Demonstration of Accomplishment (Culminating Practicum)

Students at an initial teacher preparation program who are a candidate in prekindergarten-primary (age 3-Grade 3), elementary (K-6), reading (K-12) and exceptional student education (K-12) certification programs must be prepared in reading endorsement competencies 1 through 4.⁷⁰ Candidates in educator preparation institutes and district professional development certification programs must be prepared in only competencies 1 and 2.⁷¹

Professional Development

Florida law requires a number of entities, including the department, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations, to work collaboratively to develop a coordinated system of professional development. The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.⁷²

Each school district is required to develop a professional development system in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations.⁷³

Effect of Proposed Changes

Certification and Endorsement

Beginning January 1, 2018, candidates for a reading endorsement or certification in an area involving elementary reading must first demonstrate competence in:

- Explicit, systematic, and multisensory approaches to reading instruction;
- Identifying characteristics of conditions such as dyslexia and other causes of poor phonological processing; and
- Using predictive and other data to make instructional decisions.

⁶⁸ Section 1004.85(4)(b), F.S.

⁶⁹ See ss. 1004.04(2)(b)3. and 1004.85(3)(a)c., F.S. See also rules 6A-4.0163 and 6A-5.066(1)(hh)4., F.A.C.

⁷⁰ Rule 6A-5.066(1)(hh)4.a., F.A.C.

⁷¹ Rule 6A-5.066(1)(hh)4.b., F.A.C.

⁷² Section 1012.98(1), F.S.

⁷³ Section 1012.98(4)(b), F.S.

The State Board of Education must identify in rule the certificates for which competence in these areas must be demonstrated during the certification process and establish a procedure by which out-of-state candidates can meet this requirement.

By July 1, 2017, and at least once every five years thereafter, the department must review specialization and coverage area requirements in the elementary, reading, and exceptional student educational areas. At the conclusion of each review, the department must recommend to the State Board of Education changes to the specialization and coverage area requirements based upon any instructional or intervention strategies identified by the department that are proven to improve student reading performance.

Beginning January 1, 2018, candidates seeking to renew a certificate identified by the state board must complete a minimum of 2 college credit hours (equivalent to 40 inservice points or 40 hours) in the use of explicit, systematic, and multisensory approaches to reading instruction and intervention. The training must be provided by approved Florida teacher preparation programs or school district professional development programs.

The bill limits the training that may satisfy certification renewal requirements for teachers who hold a certificate in an area that involves reading instruction or intervention for K-6 students. However, the bill specifies that scientifically researched, knowledge-based reading literacy which includes explicit, systematic, and multisensory approaches to reading instruction and intervention may be applied to any specialization area.

The bill provides that inservice points earned through participation in professional growth components in a school district's plan for inservice educational training may not be used to satisfy specialization requirements for renewal, but may be used to satisfy nonspecialization requirements. The bill eliminates the authority to use credit or points earned for service as a trainer or as a part of a committee or council towards the fulfillment of the credit requirements.

The bill specifies that the Office must review teacher certification and alternative certification requirements, as well as examinations, to determine whether skills needed for evidence-based reading instruction are measured.

Teacher Preparation and Professional Development

The bill requires school district professional development systems to provide all elementary instructional personnel without a reading endorsement training sufficient to earn the endorsement before renewal or attainment of their professional certificate. To reduce duplication, the bill expressly authorizes the department to recommend consolidation of endorsement areas and requirements to the State Board of Education.

In addition, each school district must provide professional development to classroom teachers, reading coaches, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills; incorporating instructional techniques into the general education setting that are proven to improve reading performance for all students; and using predictive data to make instructional decisions based on individual student needs. The training must help teachers to integrate phonemic awareness; phonics, word study, and spelling; reading fluency; vocabulary, including academic vocabulary; and text comprehension strategies into an explicit, systematic, and multisensory approach to reading instruction and intervention.

The bill requires the uniform core curricula used by teacher preparation programs and educator preparation institutes to include explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve reading performance for all students. To qualify for continued approval, programs must provide training in explicit, systematic, and multisensory instructional approaches; identifying characteristics of conditions such as dyslexia; and using predictive

and other data to make instructional decisions based on a student's needs. The training must occur both in coursework and in field experiences.

The bill requires the Just Read, Florida! Office to identify proven reading instruction and intervention strategies⁷⁴ and provide training to teachers, reading coaches, and principals on explicit, systematic, and multisensory reading instruction and integration of content-rich, nonfiction texts in other core subject areas. The Office must also help initial teacher preparation programs and educator preparation institutes to integrate explicit, systematic, and multisensory reading instruction and intervention strategies into their curricula.

The bill requires emergent literacy training courses for prekindergarten teachers, used in part to satisfy training requirements for licensed and family child care providers, to address early identification of and intervention for struggling readers.

Instructional Materials

Present Situation

By July 1 each year and before instructional materials funds may be released to the school district, the district's superintendent must certify to the commissioner that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs. The report must verify that training was provided and that the materials are being implemented as designed.⁷⁵

Effect of Proposed Changes

The bill requires the Just Read, Florida! Office to post on its website a list of K-5 core reading materials and supplemental intervention reading materials that meet, at a minimum, all of the following criteria:

- Use of an explicit, systematic, sequential, and multisensory approach to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension.
- Incorporation of cooperative learning strategies.
- Incorporation of one-to-one or small group instructional strategies.
- Incorporation of decodable or phonetic text instructional strategies.
- Provision of teacher training on well-specified teaching methods and instructional processes designed to implement the materials.

The purpose of the list is to provide districts access to quality instructional materials that incorporate the instructional strategies in which teachers and teacher candidates must receive training as required by the bill.

Under the bill, each district school superintendent must certify to the commissioner, prior to the release of instructional material funds, that the district's K-5 core and supplemental intervention reading materials are listed on the Just Read, Florida! Office website. The certification requirement applies to core reading materials starting with the next English language arts instructional materials adoption cycle, which will occur in 2019.⁷⁶

As part of the certification, the district school superintendent must report the number and percentage of K-5 instructional personnel who have received training on the use of the core and supplemental

⁷⁴ The bill defines "reading interventions" as evidence-based strategies frequently used to remediate reading deficiencies and include individual instruction, tutoring, or mentoring that target specific reading skills and abilities.

⁷⁵ Section 1011.67(2), F.S.

⁷⁶ Florida Department of Education, *Florida Instructional Materials Adoption Schedule for Adoption Years 2015-2016 through 2019-2020* (Feb. 3, 2015), available at <http://www.fldoe.org/core/fileparse.php/5574/urlt/AdoptionCycle.pdf>.

intervention reading materials. The superintendent must also explain how and when the remaining K-5 instructional personnel will receive the training, including those newly hired by the district.

Early Warning Systems

Present Situation

Florida law requires each school that includes any of grades 6, 7, or 8 to implement an early warning system to identify students who are at risk of not graduating from high school. Early warning systems are used to monitor middle grades students using attendance, behavior, and academic performance indicators shown by research to be reliable indicators of students at risk of dropping out.⁷⁷ Once a student is identified as being off track, research-based intervention techniques are initiated to help the student get back on track to graduate on time.⁷⁸

In Florida, the following indicators must be used to monitor middle grades students:

- Attendance below 90 percent.
- Course failure in English language arts or mathematic.
- One or more in-school or out-of-school suspensions.
- Scoring a Level 1 score on the statewide, standardized reading or mathematics assessments.⁷⁹

When a student exhibits two or more early warning indicators, the school must convene the school's child study team,⁸⁰ or a similar team established to implement the school's early warning system, to determine appropriate intervention strategies for the student.⁸¹ The team may be the student's IEP team, if applicable, or any other team the school establishes for the purpose of academic intervention. The school must provide the student's parent with at least 10 days' written notice of the meeting. The notice must indicate the meeting's purpose, time, and location, and the opportunity for the parent to participate in the meeting.

Each school that includes any of grades 6, 7, or 8 must include annually in its school improvement plan the following information and data on the school's early warning system:

- A list of the early warning indicators used in the system.
- The number of students identified by the system as exhibiting two or more early warning indicators.
- The number of students by grade level that exhibit each indicator.
- A description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system.

Students identified by a school's early warning system are eligible to receive services funded through the dropout prevention and academic intervention programs, subject to appropriation in the General Appropriations Act.⁸²

⁷⁷ Section 1001.42(18)(b), F.S.

⁷⁸ Robert Balfanz, *Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief*, National Middle School Association, June 2009, at 10-11; Diplomas Now, *Diplomas Now Benefits Students, their Schools, and Communities: hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

⁷⁹ Districts may prescribe additional early warning indicators for schools to use. Section 1001.42(18)(b)1., F.S.

⁸⁰ School child study teams are convened by school principals to help enforce school attendance requirements pursuant to s. 1003.26, F.S.

⁸¹ Section 1001.42(18)(b)2., F.S.

⁸² Section 1003.53(1)(c)4., F.S.

Effect of Proposed Changes

The bill revises requirements related to early warning systems by extending coverage to include students in kindergarten through grade 5 and by clarifying that a school-based team must monitor early warning system data. The bill specifies that a school psychologist may be a part of the team. The bill includes a substantial reading deficiency as an early warning indicator for students in kindergarten through grade 3 and clarifies that course failure constitutes an indicator if it occurs during any grading period.

To allow for more efficient use of time and resources, the bill requires the team to convene and determine appropriate intervention strategies for a student exhibiting two or more indicators only if the student is not already being served by an intervention program. The bill eliminates the 10-day parental notice requirement but requires that parents be consulted in the development of any intervention strategies.

The bill requires that data and information relating to the exhibited indicators must be used to inform any intervention strategies provided to a student identified by the early warning system.

Reading Performance Reporting

Present Situation

School Districts

Each district school board must annually report to the parent of each student, in a format determined by the board, the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. The student's results on each statewide assessment test must be provided to the parent.⁸³

Each district school board must annually publish on the district website and in the local newspaper the following information on the prior school year:

- The provisions relating to public school student progression and the district school board's policies and procedures on student retention and promotion.
- By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.⁸⁴
- By grade, the number and percentage of all students retained in grades 3 through 10.
- Information on the total number of students who were promoted for good cause, by each category of good cause.
- Any revisions to the district school board's policy on student retention and promotion from the prior year.⁸⁵

Commissioner of Education

The commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.⁸⁶ Part of the commissioner's responsibilities is to

⁸³ Section 1008.25(8)(a), F.S.

⁸⁴ As of the 2014-2015 school year, the reading portion of the FCAT has been replaced by the statewide, standardized ELA assessment (Florida Standards Assessment).

⁸⁵ Section 1008.25(9)(b), F.S.

⁸⁶ Section 1008.345(1), F.S.

report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. Currently, the report must include:

- For each school district:
 - The percentage of students, by school and grade level, demonstrating learning growth in English language arts and mathematics.
 - The percentage of students, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in English language arts and mathematics.
- Intervention and support strategies used by school boards whose students in both the highest and lowest quartiles exceed the statewide average learning growth for students in those quartiles.
- Intervention and support strategies used by school boards whose schools provide educational services to youth in Department of Juvenile Justice programs that demonstrate learning growth in English Language Arts and mathematics that exceeds the statewide average learning growth for students in those subjects.

Effect of Proposed Changes

The bill specifies that the commissioner's report and recommendations must be provided to the state board as well as the Legislature on an annual basis. The bill requires the report to include, in addition to information currently required, the reading performance information each district must annually publish on its website and in the local newspaper. The bill also requires the commissioner's annual report to include, based upon a review of each district's reading plan, intervention and support strategies that were effective in improving the reading performance of students who are identified as having a substantial reading deficiency.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.215, F.S., revising the duties of the Just Read, Florida! Office.

Section 2. Amends s. 1001.42, F.S., requiring certain schools to include specific information in the school's improvement plan; requiring certain schools to implement an early warning system for students who meet specific criteria; requiring certain school personnel to monitor data from the early warning system and perform certain duties when a student exhibits specified indicators.

Section 3. Amends s. 1002.20, F.S., revising requirements for notifying a parent of a student with a substantial reading deficiency.

Section 4. Amends s. 1002.59, F.S., revising the emergent literacy and performance standards training course requirements to include specific reading instruction.

Section 5. Amends s. 1002.67, F.S., requiring the Office of Early Learning to approve specific Voluntary Prekindergarten Education Program assessments and establish requirements for individuals administering the assessments; requiring certain prekindergarten students to receive specific reading instruction.

Section 6. Amends s. 1002.69, F.S., conforming provisions; requiring data from the statewide kindergarten screening to be used to identify certain students.

Section 7. Amends s. 1004.04, F.S., revising core curricula requirements for certain teacher preparation programs to include certain reading instruction and interventions.

Section 8. Amends s. 1004.85, F.S., requiring certain educator preparation institutes to provide evidence of specified reading instruction as a condition of program approval.

Section 9. Amends s. 1008.25, F.S., requiring district school boards to allocate certain instruction resources to certain students deficient in reading; revising criteria and requiring the State Board of Education to identify guidelines for determining whether certain students have a substantial deficiency in reading; revising the required plans for certain students deficient in reading; revising the parental notification requirements for students with a substantial deficiency in reading; requiring a school to provide updates to parents of students who receive certain services; requiring the Department of Education to develop a handbook containing specific information for parents of students with a substantial reading deficiency; requiring schools to provide certain instruction to students who received a good cause exemption from retention; revising grounds for such good cause exemption; revising intervention requirements for certain retained students; revising provisions relating to the Intensive Acceleration Class for retained students in certain grades; revising student progress evaluation requirements.

Section 10. Amends s. 1008.345, F.S., revising reporting requirements of the Commissioner of Education relating to the state system of school improvement and education accountability.

Section 11. Amends s. 1011.67, F.S., revising the contents of a comprehensive staff development plan required for each school district; requiring certain information to be included in a certification provided to the commissioner from each district school superintendent.

Section 12. Creates s. 1012.567, F.S., requiring candidates for an educator certificate in certain areas to demonstrate competence in specified areas; providing that a teacher certification from another state does not meet competency requirements; requiring the state board to identify teacher certification areas in which candidates must demonstrate competence; requiring certain teacher preparation courses to provide specific instruction in order to receive approval; providing requirements for an endorsement in reading instruction; providing for review of specialization and coverage area requirements for certain education area certifications; providing for rulemaking.

Section 13. Amends s. 1012.585, F.S., revising requirements for renewal of professional teaching certificates.

Section 14. Amends s. 1012.586, F.S., authorizing the department to recommend consolidation of endorsement areas and requirements for endorsements for teacher certificate.

Section 15. Amends s. 1012.98, F.S., revising duties and requirements for implementation of the School Community Professional Development Act.

Section 16. Provides that the bill is effective upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Department of Education estimated a need for 2 FTE positions for the Just Read! Florida office to complete the additional workload required by the bill. The total cost for those 2 positions is estimated at \$294,848 in recurring general revenue. There is also estimated a need for OPS research assistants to assist with the development and implementation of additional professional development requirements in the bill. The OPS funding would be nonrecurring for the 2016-17 fiscal year and is estimated to be \$50,000.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill clarifies that the Office of Early Learning, rather than the State Board of Education, has rulemaking authority related to VPK pre- and post-assessments and adoption of VPK standards. The bill also requires the state board to adopt rules concerning educator certification and reading endorsement training requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 18, 2015, the K-12 Subcommittee reported the bill favorably as amended. The amendments:

- Clarify the duties of the Just Read, Florida! Office related to training and review of the Next Generation Sunshine State Standards for English language arts.
- Specify that supplemental materials identified by the Office on its website must be materials used for interventions.
- Specify that a school psychologist may be part of the team that monitors early warning system data.
- Clarify that the emergent literacy course for prekindergarten teachers must address early identification and intervention for students who struggle with emergent literacy skills.
- Require that parents be provided multisensory strategies they can use to help their child with reading as part of a read at home plan.

- Specify that the 90-minute reading block for retained 3rd grade students must integrate informational texts in science and social studies.
- Restores language requiring 3rd grade students who are retained for the second time to receive uninterrupted reading instruction for the majority of student contact time each day and be provided instruction in other core subject areas using informational texts.
- Clarify that training in the use of predictive data also address the use of other types of data.

On December 1, 2015, the Education Appropriations Subcommittee reported the bill favorably with one amendment. The amendment provided an appropriation to the Department of Education based on their estimated needs to implement the provisions of the bill. The amendment authorizes two full-time equivalent positions and a total budget authority of \$344,848.

This analysis is drafted to the bill as amended and passed by the Education Appropriations Subcommittee.

1 A bill to be entitled
2 An act relating to reading instruction; amending s.
3 1001.215, F.S.; revising the duties of the Just Read,
4 Florida! Office; amending s. 1001.42, F.S.; requiring
5 certain schools to include specific information in the
6 school's improvement plan; requiring certain schools
7 to implement an early warning system for students who
8 meet specific criteria; requiring certain school
9 personnel to monitor data from the early warning
10 system and perform certain duties when a student
11 exhibits specified indicators; amending s. 1002.20,
12 F.S.; revising requirements for notifying a parent of
13 a student with a substantial reading deficiency;
14 amending s. 1002.59, F.S.; revising the emergent
15 literacy and performance standards training course
16 requirements to include specific reading instruction;
17 amending s. 1002.67, F.S.; requiring the Office of
18 Early Learning to approve specific Voluntary
19 Prekindergarten Education Program assessments and
20 establish requirements for individuals administering
21 the assessments; requiring certain prekindergarten
22 students to receive specific reading instruction;
23 amending s. 1002.69, F.S.; conforming provisions;
24 requiring data from the statewide kindergarten
25 screening to be used to identify certain students;
26 amending s. 1004.04, F.S.; revising core curricula

27 requirements for certain teacher preparation programs
 28 to include certain reading instruction and
 29 interventions; amending s. 1004.85, F.S.; requiring
 30 certain educator preparation institutes to provide
 31 evidence of specified reading instruction as a
 32 condition of program approval; amending s. 1008.25,
 33 F.S.; requiring district school boards to allocate
 34 certain instruction resources to certain students
 35 deficient in reading; revising criteria and requiring
 36 the State Board of Education to identify guidelines
 37 for determining whether certain students have a
 38 substantial deficiency in reading; revising the
 39 required plans for certain students deficient in
 40 reading; revising the parental notification
 41 requirements for students with a substantial
 42 deficiency in reading; requiring a school to provide
 43 updates to parents of students who receive certain
 44 services; requiring the Department of Education to
 45 develop a handbook containing specific information for
 46 parents of students with a substantial reading
 47 deficiency; requiring schools to provide certain
 48 instruction to students who received a good cause
 49 exemption from retention; revising grounds for such
 50 good cause exemption; revising intervention
 51 requirements for certain retained students; revising
 52 provisions relating to the Intensive Acceleration

53 Class for retained students in certain grades;
 54 revising student progress evaluation requirements;
 55 amending s. 1008.345, F.S.; revising reporting
 56 requirements of the Commissioner of Education relating
 57 to the state system of school improvement and
 58 education accountability; amending s. 1011.67, F.S.;
 59 revising the contents of a comprehensive staff
 60 development plan required for each school district;
 61 requiring certain information to be included in a
 62 certification provided to the commissioner from each
 63 district school superintendent; creating s. 1012.567,
 64 F.S.; requiring candidates for an educator certificate
 65 in certain areas to demonstrate competence in
 66 specified areas; providing that a teacher
 67 certification from another state does not meet
 68 competency requirements; requiring the state board to
 69 identify teacher certification areas in which
 70 candidates must demonstrate competence; requiring
 71 certain teacher preparation courses to provide
 72 specific instruction in order to receive approval;
 73 providing requirements for an endorsement in reading
 74 instruction; providing for review of specialization
 75 and coverage area requirements for certain education
 76 area certifications; providing for rulemaking;
 77 amending s. 1012.585, F.S.; revising requirements for
 78 renewal of professional teaching certificates;

79 amending s. 1012.586, F.S.; authorizing the department
 80 to recommend consolidation of endorsement areas and
 81 requirements for endorsements for teacher certificate;
 82 amending s. 1012.98, F.S.; revising duties and
 83 requirements for implementation of the School
 84 Community Professional Development Act; providing an
 85 appropriation and authorizing positions; providing an
 86 effective date.

87

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

89

90 Section 1. Section 1001.215, Florida Statutes, is amended
 91 to read:

92 1001.215 Just Read, Florida! Office.—There is created in
 93 the Department of Education the Just Read, Florida! Office. The
 94 office is ~~shall be~~ fully accountable to the Commissioner of
 95 Education and shall:

96 (1) Train ~~highly effective~~ reading coaches.

97 (2) Create multiple designations of effective reading
 98 instruction, with accompanying credentials, to enable ~~which~~
 99 ~~encourage~~ all teachers to integrate reading instruction into
 100 their content areas.

101 (3) Provide training to ~~Train~~ K-12 teachers, reading
 102 coaches, and school principals on effective content-area-
 103 specific reading strategies; the integration of content-rich,
 104 nonfiction texts from other core subject areas into reading

105 instruction; and explicit, systematic, and multisensory
 106 approaches to reading instruction that are proven to improve the
 107 reading performance of all students. For secondary teachers,
 108 emphasis shall be on technical text. These strategies must be
 109 developed for all content areas in the K-12 curriculum.

110 (4) Provide parents with information and strategies for
 111 assisting their children in reading, including reading in the
 112 content areas area.

113 (5) Provide technical assistance to school districts in
 114 the development and implementation of district plans for use of
 115 the research-based reading instruction allocation provided in s.
 116 1011.62(9) and annually review and approve such plans.

117 (6) Review, evaluate, and provide technical assistance to
 118 school districts' implementation of the K-12 comprehensive
 119 reading plan required in s. 1011.62(9).

120 (7) Work with the Florida Center for Reading Research to
 121 identify effective research-based and evidence-based reading
 122 instructional and intervention ~~provide information on research-~~
 123 ~~based reading programs and effective reading in the content area~~
 124 strategies. Reading intervention strategies are evidence-based
 125 strategies frequently used to remediate reading deficiencies and
 126 include individual instruction, tutoring, or mentoring that
 127 targets specific reading skills and abilities.

128 (8) Periodically review the Next Generation Sunshine State
 129 Standards for English Language Arts to determine their
 130 appropriateness at each grade level ~~reading at all grade levels.~~

131 (9) Periodically review teacher certification requirements
 132 and examinations, including alternative certification
 133 requirements and examinations ~~exams~~, to ascertain whether the
 134 examinations measure the skills needed for evidence-based
 135 ~~research-based~~ reading instruction and instructional strategies
 136 for teaching reading, including reading in the content areas.

137 (10) Work with teacher preparation programs approved
 138 pursuant to ss. ~~s.~~ 1004.04 and 1004.85 to integrate effective,
 139 research-based, and evidence-based reading instructional and
 140 intervention strategies; ~~and~~ reading in ~~the~~ content area
 141 instructional strategies; and explicit, systematic, and
 142 multisensory reading instructional strategies into teacher
 143 preparation programs.

144 (11) Post on its website a list of core reading materials
 145 and supplemental intervention reading materials for kindergarten
 146 through grade 5 that meet, at a minimum, all of the following
 147 criteria:

148 (a) Use of an explicit, systematic, sequential, and
 149 multisensory approach to teaching phonemic awareness, phonics,
 150 vocabulary, fluency, and text comprehension.

151 (b) Incorporation of cooperative learning strategies.

152 (c) Incorporation of one-to-one or small group
 153 instructional strategies.

154 (d) Incorporation of decodable or phonetic text
 155 instructional strategies.

156 (e) Provision of teacher training on well-specified

157 teaching methods and instructional processes designed to
 158 implement the materials.

159 (12)~~(11)~~ Administer grants and perform other functions as
 160 necessary to help ~~meet the goal that all~~ students read at their
 161 highest potential ~~grade level.~~

162 Section 2. Paragraphs (a) and (b) of subsection (18) of
 163 section 1001.42, Florida Statutes, are amended to read:

164 1001.42 Powers and duties of district school board.—The
 165 district school board, acting as a board, shall exercise all
 166 powers and perform all duties listed below:

167 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 168 Maintain a system of school improvement and education
 169 accountability as provided by statute and State Board of
 170 Education rule. This system of school improvement and education
 171 accountability shall be consistent with, and implemented
 172 through, the district's continuing system of planning and
 173 budgeting required by this section and ss. 1008.385, 1010.01,
 174 and 1011.01. This system of school improvement and education
 175 accountability shall comply with the provisions of ss. 1008.33,
 176 1008.34, 1008.345, and 1008.385 and include the following:

177 (a) School improvement plans.—

178 1. The district school board shall annually approve and
 179 require implementation of a new, amended, or continuation school
 180 improvement plan for each school in the district. If a school
 181 has a significant gap in achievement on statewide, standardized
 182 assessments administered pursuant to s. 1008.22 by one or more

183 student subgroups, as defined in the federal Elementary and
184 Secondary Education Act (ESEA), 20 U.S.C. s.
185 6311(b)(2)(C)(v)(II); has not significantly increased the
186 percentage of students passing statewide, standardized
187 assessments; has not significantly increased the percentage of
188 students demonstrating Learning Gains, as defined in s. 1008.34
189 and as calculated under s. 1008.34(3)(b), who passed statewide,
190 standardized assessments; or has significantly lower graduation
191 rates for a subgroup when compared to the state's graduation
192 rate, that school's improvement plan shall include strategies
193 for improving these results. The state board shall adopt rules
194 establishing thresholds and for determining compliance with this
195 subparagraph.

196 2. A school that serves any students in kindergarten
197 through grade ~~includes any of grades 6, 7, or 8~~ shall include
198 annually in its school improvement plan information and data on
199 the school's early warning system required under paragraph (b),
200 including a list of the early warning indicators used in the
201 system, the number of students identified by the system as
202 exhibiting two or more early warning indicators, the number of
203 students by grade level that exhibit each early warning
204 indicator, and a description of all intervention strategies
205 employed by the school to improve the academic performance of
206 students identified by the early warning system. The plan must
207 also ~~In addition, a school that includes any of grades 6, 7, or~~
208 ~~8 shall describe in its school improvement plan~~ the strategies

209 used by the school to implement and evaluate the instructional
 210 practices ~~for middle grades~~ emphasized by the district's
 211 professional development system pursuant to s. 1012.98(4)(b)9.
 212 and 10.

213 (b) Early warning system.—

214 1. A school that serves any students in kindergarten
 215 through grade ~~includes any of grades 6, 7, or 8~~ shall implement
 216 an early warning system to identify students in these grades ~~6,~~
 217 ~~7, and 8~~ who need additional support to improve academic
 218 performance and stay engaged in school. The early warning system
 219 must include the following early warning indicators:

220 a. Attendance below 90 percent, regardless of whether
 221 absence is excused or a result of out-of-school suspension.

222 b. One or more suspensions, whether in school or out of
 223 school.

224 c. Course failure in English Language Arts or mathematics
 225 during any grading period.

226 d. A Level 1 score on the statewide, standardized
 227 assessments in English Language Arts or mathematics or, for
 228 students in kindergarten through grade 3, a substantial reading
 229 deficiency as provided in s. 1008.25(5)(a).

230
 231 A school district may identify additional early warning
 232 indicators for use in a school's early warning system.

233 2. A school-based team responsible for implementing the
 234 requirements of this paragraph shall monitor the data from the

235 early warning system in subparagraph (a)2. The team may include
 236 a school psychologist. When a student exhibits two or more early
 237 warning indicators, the team shall ~~school's child study team~~
 238 ~~under s. 1003.02 or a school-based team formed for the purpose~~
 239 ~~of implementing the requirements of this paragraph shall convene~~
 240 ~~to~~ determine, in consultation with the student's parent,
 241 appropriate intervention strategies for the student unless the
 242 student is already being served by an intervention program at
 243 the direction of a school-based, multidisciplinary team. Data
 244 and information relating to a student's early warning indicators
 245 must be used to inform any intervention strategies provided to
 246 the student ~~The school shall provide at least 10 days' written~~
 247 ~~notice of the meeting to the student's parent, indicating the~~
 248 ~~meeting's purpose, time, and location, and provide the parent~~
 249 ~~the opportunity to participate.~~

250 Section 3. Subsection (11) of section 1002.20, Florida
 251 Statutes, is amended to read:

252 1002.20 K-12 student and parent rights.—Parents of public
 253 school students must receive accurate and timely information
 254 regarding their child's academic progress and must be informed
 255 of ways they can help their child to succeed in school. K-12
 256 students and their parents are afforded numerous statutory
 257 rights including, but not limited to, the following:

258 (11) STUDENTS WITH READING DEFICIENCIES.—The parent of any
 259 K-3 student who exhibits a substantial reading deficiency shall
 260 be immediately notified of the student's deficiency pursuant to

261 s. 1008.25(5) and ~~with a description and explanation, in terms~~
 262 ~~understandable to the parent, of the exact nature of the~~
 263 ~~student's difficulty in learning and lack of achievement in~~
 264 ~~reading;~~ shall be consulted in the development of a plan, as
 265 described in s. 1008.25(4)(b); ~~and shall be informed that the~~
 266 ~~student will be given intensive reading instruction until the~~
 267 ~~deficiency is corrected. This subsection operates in addition to~~
 268 ~~the remediation and notification provisions contained in s.~~
 269 ~~1008.25 and in no way reduces the rights of a parent or the~~
 270 ~~responsibilities of a school district under that section.~~

271 Section 4. Subsection (1) of section 1002.59, Florida
 272 Statutes, is amended to read:

273 1002.59 Emergent literacy and performance standards
 274 training courses.-

275 (1) The office shall adopt minimum standards for one or
 276 more training courses in emergent literacy for prekindergarten
 277 instructors. Each course must comprise 5 clock hours and provide
 278 instruction in explicit, systematic, and multisensory
 279 instruction ~~strategies and techniques~~ to address the age-
 280 appropriate progress of prekindergarten students in developing
 281 emergent literacy skills, including oral communication,
 282 knowledge of print and letters, phonemic and phonological
 283 awareness, and vocabulary and comprehension development. Each
 284 course must address early identification of and intervention for
 285 students experiencing difficulties with emergent literacy skills
 286 and ~~also~~ provide resources containing strategies that allow

287 students with disabilities and other special needs to derive
 288 maximum benefit from the Voluntary Prekindergarten Education
 289 Program. Successful completion of an emergent literacy training
 290 course approved under this section satisfies requirements for
 291 approved training in early literacy and language development
 292 under ss. 402.305(2)(d)5., 402.313(6), and 402.3131(5).

293 Section 5. Paragraphs (a) and (c) of subsection (3) of
 294 section 1002.67, Florida Statutes, are amended, and paragraph
 295 (d) is added to that subsection, to read:

296 1002.67 Performance standards; curricula and
 297 accountability.—

298 (3)

299 (a) Contingent upon legislative appropriation, each
 300 private prekindergarten provider and public school in the
 301 Voluntary Prekindergarten Education Program must implement an
 302 evidence-based pre- and post-assessment that has been approved
 303 by the office rule of the State Board of Education.

304 (c) The pre- and post-assessment must be administered by
 305 individuals meeting requirements established by the office rule
 306 ~~of the State Board of Education~~.

307 (d) Students who exhibit a deficiency in emergent literacy
 308 skills, including oral communication, knowledge of print and
 309 letters, phonemic and phonological awareness, and vocabulary and
 310 comprehension development, must be provided intensive, explicit,
 311 and systematic instruction.

312 Section 6. Subsections (1) and (2) of section 1002.69,

313 Florida Statutes, are amended to read:

314 1002.69 Statewide kindergarten screening; kindergarten
 315 readiness rates; state-approved prekindergarten enrollment
 316 screening; good cause exemption.—

317 (1) The department shall adopt a statewide kindergarten
 318 screening that assesses the readiness of each student for
 319 kindergarten based upon the performance standards adopted by the
 320 office ~~department~~ under s. 1002.67(1) for the Voluntary
 321 Prekindergarten Education Program. The department shall require
 322 that each school district administer the statewide kindergarten
 323 screening to each kindergarten student in the school district
 324 within the first 30 school days of each school year. Nonpublic
 325 schools may administer the statewide kindergarten screening to
 326 each kindergarten student in a nonpublic school who was enrolled
 327 in the Voluntary Prekindergarten Education Program.

328 (2) The statewide kindergarten screening shall provide
 329 objective data concerning each student's readiness for
 330 kindergarten and progress in attaining the performance standards
 331 adopted by the office under s. 1002.67(1). Data from the
 332 screening, along with other available data, must be used to
 333 identify students in need of intervention and support pursuant
 334 to s. 1008.25(5).

335 Section 7. Paragraphs (b) and (c) of subsection (2) of
 336 section 1004.04, Florida Statutes, are amended to read:

337 1004.04 Public accountability and state approval for
 338 teacher preparation programs.—

339 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

340 (b) The rules to establish uniform core curricula for each
 341 state-approved teacher preparation program must include, but are
 342 not limited to, the following:

- 343 1. The Florida Educator Accomplished Practices.
- 344 2. The state-adopted content standards.
- 345 3. Scientifically researched reading instruction,
 346 including explicit, systematic, and multisensory approaches to
 347 reading instruction and intervention that are proven to improve
 348 reading performance for all students.
- 349 4. Content literacy and mathematics practices.
- 350 5. Strategies appropriate for the instruction of English
 351 language learners.
- 352 6. Strategies appropriate for the instruction of students
 353 with disabilities.
- 354 7. School safety.

355 (c) Each candidate must receive instruction and be
 356 assessed on the uniform core curricula in the candidate's area
 357 or areas of program concentration, including reading instruction
 358 under s. 1012.567, as applicable, during course work and field
 359 experiences.

360 Section 8. Paragraphs (a) and (b) of subsection (3) of
 361 section 1004.85, Florida Statutes, are amended to read:

362 1004.85 Postsecondary educator preparation institutes.—

363 (3) Educator preparation institutes approved pursuant to
 364 this section may offer competency-based certification programs

365 specifically designed for noneducation major baccalaureate
 366 degree holders to enable program participants to meet the
 367 educator certification requirements of s. 1012.56. An educator
 368 preparation institute choosing to offer a competency-based
 369 certification program pursuant to the provisions of this section
 370 must implement a program previously approved by the Department
 371 of Education for this purpose or a program developed by the
 372 institute and approved by the department for this purpose.
 373 Approved programs shall be available for use by other approved
 374 educator preparation institutes.

375 (a) Within 90 days after receipt of a request for
 376 approval, the Department of Education shall approve a
 377 preparation program pursuant to the requirements of this
 378 subsection or issue a statement of the deficiencies in the
 379 request for approval. The department shall approve a
 380 certification program if the institute provides evidence of the
 381 institute's capacity to implement a competency-based program
 382 that includes each of the following:

383 1.a. Participant instruction and assessment in the Florida
 384 Educator Accomplished Practices.

385 b. The state-adopted student content standards.

386 c. Scientifically researched reading instruction,
 387 including explicit, systematic, and multisensory approaches to
 388 reading instruction and intervention that are proven to improve
 389 reading performance for all students.

390 d. Content literacy and mathematical practices.

391 e. Strategies appropriate for instruction of English
 392 language learners.

393 f. Strategies appropriate for instruction of students with
 394 disabilities.

395 g. School safety.

396 2. An educational plan for each participant to meet
 397 certification requirements and demonstrate his or her ability to
 398 teach the subject area for which the participant is seeking
 399 certification, which is based on an assessment of his or her
 400 competency in the areas listed in subparagraph 1.

401 3. Field experiences appropriate to the certification
 402 subject area specified in the educational plan with a diverse
 403 population of students in a variety of settings under the
 404 supervision of qualified educators.

405 4. A certification ombudsman to facilitate the process and
 406 procedures required for participants who complete the program to
 407 meet any requirements related to the background screening
 408 pursuant to s. 1012.32 and educator professional or temporary
 409 certification pursuant to s. 1012.56.

410 (b) Each program participant must:

411 1. Meet certification requirements pursuant to s.
 412 1012.56(1) by obtaining a statement of status of eligibility in
 413 the certification subject area of the educational plan and meet
 414 the requirements of s. 1012.56(2)(a)-(f).

415 2. Participate in coursework and field experiences that
 416 are appropriate to his or her educational plan prepared under

417 | paragraph (a), including reading instruction under s. 1012.567,
 418 | as applicable.

419 | 3. Before completion of the program, fully demonstrate his
 420 | or her ability to teach the subject area for which he or she is
 421 | seeking certification by documenting a positive impact on
 422 | student learning growth in a prekindergarten through grade 12
 423 | setting and achieving a passing score on the professional
 424 | education competency examination, the basic skills examination,
 425 | and the subject area examination for the subject area
 426 | certification which is required by state board rule.

427 | Section 9. Subsection (3), paragraph (b) of subsection
 428 | (4), paragraphs (a) and (c) of subsection (5), paragraph (b) of
 429 | subsection (6), subsection (7), and paragraph (a) of subsection
 430 | (8) of section 1008.25, Florida Statutes, are amended, and
 431 | paragraph (d) is added to subsection (5) of that section, to
 432 | read:

433 | 1008.25 Public school student progression; student
 434 | support; reporting requirements.-

435 | (3) ALLOCATION OF RESOURCES.-District school boards shall
 436 | allocate remedial and supplemental instruction resources to
 437 | students in the following priority:

438 | (a) Students in kindergarten through grade 3 who have a
 439 | substantial deficiency ~~are deficient~~ in reading as determined in
 440 | paragraph (5)(a) ~~by the end of grade 3.~~

441 | (b) Students who fail to meet performance levels required
 442 | for promotion consistent with the district school board's plan

443 for student progression required in subsection (2) paragraph
 444 ~~(2)(b)~~.

445 (4) ASSESSMENT AND SUPPORT.—

446 (b) A student who has a substantial reading deficiency as
 447 determined in paragraph (5)(a) or is not meeting the school
 448 ~~district or~~ state requirements for satisfactory performance in
 449 English Language Arts and mathematics must be covered by ~~one of~~
 450 ~~the following plans:~~

451 ~~1.~~ a federally required student plan, such as an
 452 individual education plan, ~~+~~

453 ~~2. A schoolwide system of progress monitoring for all~~
 454 ~~students, except a student who scores Level 4 or above on the~~
 455 ~~English Language Arts and mathematics assessments may be~~
 456 ~~exempted from participation by the principal, or~~

457 ~~3.~~ an individualized progress monitoring plan, or both, as
 458 necessary.

459 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

460 (a) Any student in kindergarten through grade 3 who
 461 exhibits a substantial deficiency in reading, ~~+~~ based upon
 462 screening, diagnostic, progress monitoring, or assessment data;
 463 ~~locally determined or statewide assessments; conducted in~~
 464 ~~kindergarten or grade 1, grade 2, or grade 3, or through teacher~~
 465 observations, ~~+~~ must be provided given intensive, explicit,
 466 systematic, and multisensory reading interventions instruction
 467 immediately following the identification of the reading
 468 deficiency. A school may not wait for a student to receive a

469 failing grade at the end of a grading period to identify the
 470 student as having a substantial reading deficiency and initiate
 471 intensive reading interventions. The student's reading
 472 proficiency must be monitored and the intensive interventions
 473 ~~instruction~~ must continue until the student demonstrates grade
 474 level proficiency in a manner determined by the district, which
 475 may include achieving a Level 3 on the statewide, standardized
 476 English Language Arts assessment. The State Board of Education
 477 shall identify by rule guidelines for determining whether a
 478 student in kindergarten through grade 3 has a substantial
 479 deficiency in reading.

480 (c) The parent of any student who exhibits a substantial
 481 deficiency in reading, as described in paragraph (a), must be
 482 notified in writing of the following:

483 1. That his or her child has been identified as having a
 484 substantial deficiency in reading, including a description and
 485 explanation, in terms understandable to the parent, of the exact
 486 nature of the student's difficulty in learning and lack of
 487 achievement in reading.

488 2. A description of the current services that are provided
 489 to the child.

490 3. A description of the proposed intensive interventions
 491 ~~supplemental instructional services~~ and supports that will be
 492 provided to the child that are designed to remediate the
 493 identified area of reading deficiency.

494 4. That if the child's reading deficiency is not

495 remediated by the end of grade 3, the child must be retained
 496 unless he or she is exempt from mandatory retention for good
 497 cause.

498 5. Opportunities to observe effective instruction and
 499 intervention strategies in the classroom; receive literacy
 500 instruction from the school or through community adult literacy
 501 initiatives; and receive strategies, including multisensory
 502 strategies, through a read-at-home plan the parent can ~~for~~
 503 ~~parents to~~ use in helping his or her ~~their~~ child succeed in
 504 reading proficiency.

505 6. That the statewide, standardized English Language Arts
 506 assessment is not the sole determiner of promotion and that
 507 additional evaluations, portfolio reviews, and assessments are
 508 available to the child to assist parents and the school district
 509 in knowing when a child is reading at or above grade level and
 510 ready for grade promotion.

511 7. The district's specific criteria and policies for a
 512 portfolio as provided in subparagraph (6)(b)4. and the evidence
 513 required for a student to demonstrate mastery of Florida's
 514 academic standards for English Language Arts. A parent of a
 515 student in grade 3 who is identified anytime during the year as
 516 being at risk of retention may request that the school
 517 immediately begin collecting evidence for a portfolio.

518 8. The district's specific criteria and policies for
 519 midyear promotion. Midyear promotion means promotion of a
 520 retained student at any time during the year of retention once

521 the student has demonstrated ability to read at grade level.

522

523 After initial notification, the school shall apprise the parent
 524 of the student's progress in response to the intensive
 525 interventions and supports at least once every 2 weeks. These
 526 communications must be in writing and must explain any
 527 additional interventions or supports that will be used to
 528 accelerate the student's progress if the interventions and
 529 supports already being implemented have not resulted in
 530 improvement.

531 (d) The Department of Education shall develop a handbook
 532 that schools must provide to the parent of a student who is
 533 identified as having a substantial reading deficiency. The
 534 handbook must be made available in an electronic format that is
 535 accessible online and must include the following information:

536 1. An overview of the requirements for interventions and
 537 supports that districts must provide to students who do not make
 538 adequate academic progress.

539 2. An overview of the procedural requirements for
 540 initiating and conducting evaluations for exceptional education
 541 eligibility. The overview must include an explanation that a
 542 diagnosis of a medical condition alone is not sufficient to
 543 establish exceptional education eligibility but may be used to
 544 document how that condition relates to the student's eligibility
 545 determination and may be disclosed in an eligible student's
 546 individual education plan (IEP) when necessary to inform school

547 personnel responsible for implementing the IEP.

548 3. Characteristics of conditions associated with learning
 549 disorders, including dyslexia, dysgraphia, dyscalculia, and
 550 developmental aphasia.

551 4. A list of resources that support informed parent
 552 involvement in decisionmaking processes for students who have
 553 difficulty with learning.

554 (6) ELIMINATION OF SOCIAL PROMOTION.-

555 (b) The district school board may only exempt students
 556 from mandatory retention, as provided in paragraph (5)(b), for
 557 good cause. A student who is promoted to grade 4 with a good
 558 cause exemption shall be provided intensive reading instruction
 559 and intervention that include specialized diagnostic information
 560 and specific reading strategies to meet the needs of each
 561 student so promoted. The school district shall assist schools
 562 and teachers with the implementation of explicit, systematic,
 563 and multisensory reading instruction and intervention strategies
 564 for students promoted with a good cause exemption which research
 565 has shown to be successful in improving reading among students
 566 who have reading difficulties. Good cause exemptions are limited
 567 to the following:

568 1. Limited English proficient students who have had less
 569 than 2 years of instruction in an English for Speakers of Other
 570 Languages program based on the initial date of entry into a
 571 school in the United States.

572 2. Students with disabilities whose individual education

573 plan indicates that participation in the statewide assessment
 574 program is not appropriate, consistent with the requirements of
 575 s. 1008.212.

576 3. Students who demonstrate an acceptable level of
 577 performance on an alternative standardized reading or English
 578 Language Arts assessment approved by the State Board of
 579 Education.

580 4. A student who demonstrates through a student portfolio
 581 that he or she is performing at least at Level 2 on the
 582 statewide, standardized English Language Arts assessment.

583 5. Students with disabilities who take the statewide,
 584 standardized English Language Arts assessment and who have an
 585 individual education plan or a Section 504 plan that reflects
 586 that the student has received intensive instruction in reading
 587 or English Language Arts for more than 2 years but still
 588 demonstrates a deficiency and was previously retained in
 589 kindergarten, grade 1, grade 2, or grade 3.

590 6. Students who have received intensive reading
 591 intervention for 2 or more years but still demonstrate a
 592 deficiency in reading and who were previously retained in
 593 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
 594 years. A student may not be retained more than once in grade 3.

595 ~~7. Students who have received intensive remediation in~~
 596 ~~reading or English Language Arts for 2 or more years but still~~
 597 ~~demonstrate a deficiency and who were previously retained in~~
 598 ~~kindergarten, grade 1, grade 2, or grade 3 for a total of 2~~

599 ~~years. Intensive instruction for students so promoted must~~
 600 ~~include an altered instructional day that includes specialized~~
 601 ~~diagnostic information and specific reading strategies for each~~
 602 ~~student. The district school board shall assist schools and~~
 603 ~~teachers to implement reading strategies that research has shown~~
 604 ~~to be successful in improving reading among low performing~~
 605 ~~readers.~~

606 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
 607 STUDENTS.—

608 (a) Students retained under ~~the provisions of~~ paragraph
 609 (5) (b) must be provided intensive interventions in reading to
 610 ameliorate the student's specific reading deficiency and prepare
 611 the student for promotion to the next grade. These
 612 interventions, ~~as identified by a valid and reliable diagnostic~~
 613 ~~assessment. This intensive intervention must include:~~

614 1. Evidence-based, explicit, systematic, and multisensory
 615 reading instruction in phonemic awareness, phonics, fluency,
 616 vocabulary, and comprehension and other strategies prescribed by
 617 the school district. ~~effective instructional strategies,~~

618 2. Participation in the school district's summer reading
 619 camp, which must incorporate the instructional and intervention
 620 strategies under subparagraph 1, and appropriate teaching
 621 ~~methodologies necessary to assist those students in becoming~~
 622 ~~successful readers, able to read at or above grade level, and~~
 623 ~~ready for promotion to the next grade.~~

624 3. A minimum of 90 minutes of daily, uninterrupted reading

625 instruction incorporating the instructional and intervention
 626 strategies under subparagraph 1. This instruction may include:

627 ~~(b) Each school district shall:~~

628 ~~1. Provide third grade students who are retained under the~~
 629 ~~provisions of paragraph (5)(b) with intensive instructional~~
 630 ~~services and supports to remediate the identified areas of~~
 631 ~~reading deficiency, including participation in the school~~
 632 ~~district's summer reading camp as required under paragraph (a)1~~
 633 ~~and a minimum of 90 minutes of daily, uninterrupted,~~
 634 ~~scientifically research-based reading instruction which includes~~
 635 ~~phonemic awareness, phonics, fluency, vocabulary, and~~
 636 ~~comprehension and other strategies prescribed by the school~~
 637 ~~district, which may include, but are not limited to:~~

638 a. Integration of content-rich, nonfiction texts in
 639 science and social studies ~~content~~ within the 90-minute block.

640 b. Small group instruction.

641 c. Reduced teacher-student ratios.

642 d. More frequent progress monitoring.

643 e. Tutoring or mentoring.

644 f. Transition classes containing 3rd and 4th grade
 645 students.

646 g. Extended school day, week, or year.

647 (b) Each school district shall:

648 1.2. Provide written notification to the parent of a
 649 student who is retained under ~~the provisions of~~ paragraph (5)(b)
 650 that his or her child has not met the proficiency level required

651 for promotion and the reasons the child is not eligible for a
652 good cause exemption as provided in paragraph (6)(b). The
653 notification must comply with paragraph (5)(c) ~~the provisions of~~
654 ~~s. 1002.20(15)~~ and must include a description of proposed
655 interventions and supports that will be provided to the child to
656 remediate the identified areas of reading deficiency.

657 2.3. Implement a policy for the midyear promotion of a
658 student retained under ~~the provisions of~~ paragraph (5)(b) who
659 can demonstrate that he or she is a successful and independent
660 reader and performing at or above grade level in reading or,
661 upon implementation of English Language Arts assessments,
662 performing at or above grade level in English Language Arts.
663 Tools that school districts may use in reevaluating a student
664 retained may include subsequent assessments, alternative
665 assessments, and portfolio reviews, in accordance with rules of
666 the State Board of Education. Students promoted during the
667 school year after November 1 must demonstrate proficiency levels
668 in reading equivalent to the level necessary for the beginning
669 of grade 4. The rules adopted by the State Board of Education
670 must include standards that provide a reasonable expectation
671 that the student's progress is sufficient to master appropriate
672 grade 4 level reading skills.

673 3.4. Provide students who are retained under ~~the~~
674 ~~provisions of~~ paragraph (5)(b) with a highly effective teacher
675 as determined by the teacher's performance evaluation under s.
676 1012.34, and, beginning July 1, 2018, the teacher must also be

677 certified or endorsed in reading.

678 4.5. Establish at each school, when applicable, an
 679 intensive reading acceleration course ~~Class~~ for any student
 680 retained in grade 3 who was previously retained in kindergarten,
 681 grade 1, or grade 2 students who subsequently score Level 1 on
 682 ~~the required statewide, standardized assessment identified in s.~~
 683 ~~1008.22. The focus of the Intensive Acceleration Class shall be~~
 684 ~~to increase a child's reading and English Language Arts skill~~
 685 ~~level at least two grade levels in 1 school year. The intensive~~
 686 reading acceleration course must provide the following Class
 687 shall:

688 a. Uninterrupted reading instruction for the majority of
 689 student contact time each day and opportunities to master the
 690 grade 4 Next Generation Sunshine State Standards in other core
 691 subject areas through content-rich, nonfiction texts.

692 b. Small group instruction.

693 c. Reduced teacher-student ratios.

694 d. The use of explicit, systematic, and multisensory
 695 reading interventions, including intensive language and
 696 vocabulary instruction and use of a speech-language therapist if
 697 necessary, that have proven results in accelerating student
 698 reading achievement within the same school year.

699 e. A read-at-home plan.

700 ~~a. Be provided to a student in grade 3 who scores Level 1~~
 701 ~~on the statewide, standardized English Language Arts assessment~~
 702 ~~and who was retained in grade 3 the prior year because of~~

703 ~~scoring Level 1.~~

704 ~~b. Have a reduced teacher-student ratio.~~

705 ~~c. Provide uninterrupted reading instruction for the~~

706 ~~majority of student contact time each day and incorporate~~

707 ~~opportunities to master the grade 4 Next Generation Sunshine~~

708 ~~State Standards in other core subject areas.~~

709 ~~d. Use a reading program that is scientifically research-~~

710 ~~based and has proven results in accelerating student reading~~

711 ~~achievement within the same school year.~~

712 ~~e. Provide intensive language and vocabulary instruction~~

713 ~~using a scientifically research-based program, including use of~~

714 ~~a speech-language therapist.~~

715 (8) ANNUAL REPORT.—

716 (a) In addition to the requirements in paragraph (5)(b),

717 each district school board must annually report to the parent of

718 each student the progress of the student toward achieving state

719 and district expectations for proficiency in English Language

720 Arts, science, social studies, and mathematics. The district

721 school board must report to the parent the student's results on

722 each statewide, standardized assessment. The evaluation of each

723 student's progress must be based upon the student's classroom

724 work, observations, tests, district and state assessments,

725 response to intensive interventions provided under paragraph

726 (5)(a), and other relevant information. Progress reporting must

727 be provided to the parent in writing in a format adopted by the

728 district school board.

729 Section 10. Subsection (5) of section 1008.345, Florida
 730 Statutes, is amended to read:

731 1008.345 Implementation of state system of school
 732 improvement and education accountability.-

733 (5) The commissioner shall annually report to the State
 734 Board of Education and the Legislature and recommend changes in
 735 state policy necessary to foster school improvement and
 736 education accountability. The report shall include:

737 (a) For each school district:

738 1. The percentage of students, by school and grade level,
 739 demonstrating learning growth in English Language Arts and
 740 mathematics.

741 2. The percentage of students, by school and grade level,
 742 in both the highest and lowest quartiles demonstrating learning
 743 growth in English Language Arts and mathematics.

744 3. The information contained in the school district's
 745 annual report required under s. 1008.25(8).

746 (b) Intervention and support strategies used by school
 747 districts ~~boards~~ whose students in both the highest and lowest
 748 quartiles exceed the statewide average learning growth for
 749 students in those quartiles.

750 (c) Intervention and support strategies used by school
 751 districts ~~boards~~ whose schools provide educational services to
 752 youth in Department of Juvenile Justice programs that
 753 demonstrate learning growth in English Language Arts and
 754 mathematics that exceeds the statewide average learning growth

755 | for students in those subjects.

756 | (d) Based upon a review of each school district's reading
 757 | plan submitted pursuant to s. 1011.62(9), intervention and
 758 | support strategies used by school districts that were effective
 759 | in improving the reading performance of students, as indicated
 760 | by student performance data, who are identified as having a
 761 | substantial reading deficiency pursuant to s. 1008.25(5)(a).

762 |

763 | School reports shall be distributed pursuant to this subsection
 764 | and s. 1001.42(18)(c) and according to rules adopted by the
 765 | State Board of Education.

766 | Section 11. Subsection (2) of section 1011.67, Florida
 767 | Statutes, is amended to read:

768 | 1011.67 Funds for instructional materials.—

769 | (2)(a) Annually by July 1 and before ~~prior~~ to the release
 770 | of instructional materials funds, each district school
 771 | superintendent shall certify to the Commissioner of Education
 772 | that the district school board has approved a comprehensive
 773 | staff development plan that supports fidelity of implementation
 774 | of instructional materials programs, including. ~~The report shall~~
 775 | ~~include~~ verification that training was provided; and that the
 776 | materials are being implemented as designed; and, beginning
 777 | April 1, 2019, for core reading materials and supplemental
 778 | intervention reading materials used in kindergarten through
 779 | grade 5, that the materials have been identified by the Just
 780 | Read, Florida! Office as meeting the requirements of s.

781 1001.215(11). This paragraph does not preclude school districts
 782 from purchasing or using other materials to supplement reading
 783 instruction and provide additional skills practice.

784 (b) Each district school superintendent shall, as part of
 785 the certification under paragraph (a), report the number and
 786 percentage of the district's K-5 instructional personnel who
 787 have received training to implement the core and supplemental
 788 intervention reading materials. The district school
 789 superintendent shall also report the process and timeline by
 790 which the remaining K-5 personnel will be provided the training,
 791 including those newly hired by the district.

792 Section 12. Section 1012.567, Florida Statutes, is created
 793 to read:

794 1012.567 Certification and endorsement of elementary
 795 reading instructors.-

796 (1) CERTIFICATION.-

797 (a) Beginning January 1, 2018, a candidate for an educator
 798 certificate in an area involving reading instruction or
 799 intervention for any students in kindergarten through grade 6
 800 must, as part of the certification process, demonstrate
 801 competence in the following:

802 1. Identifying characteristics of conditions such as
 803 dyslexia and other causes of diminished phonological processing
 804 skills.

805 2. Using explicit, systematic, and multisensory approaches
 806 to reading instruction and intervention that are proven to

807 improve reading performance for all students.

808 3. Using predictive and other data to make instructional
 809 decisions based on individual student needs.

810

811 The State Board of Education shall adopt by rule the minimum
 812 requirements for instruction provided by teacher preparation
 813 programs and school districts for this purpose.

814 (b) Documentation of a valid professional standard
 815 teaching certificate issued by another state is not sufficient
 816 to meet the requirements of paragraph (a). The State Board of
 817 Education shall establish a procedure by which a candidate who
 818 holds a certificate issued by another state may demonstrate
 819 competence as required in paragraph (a).

820 (c) The State Board of Education shall identify by rule
 821 certification areas in which candidates must demonstrate
 822 competence as provided in paragraph (a) as part of the
 823 certification process.

824 (d) To receive initial or continued approval, a teacher
 825 preparation program under s. 1004.04 or s. 1004.85 must provide
 826 instruction in the skills and strategies listed in paragraph (a)
 827 to candidates for certificates in the areas identified by the
 828 state board pursuant to paragraph (c).

829 (2) ENDORSEMENT.—Beginning January 1, 2018, the
 830 specialization requirements for an endorsement in reading
 831 instruction must include at least 3 semester hours of
 832 instruction in explicit, systematic, and multisensory approaches

833 | to reading instruction and intervention that are proven to
 834 | improve reading performance for all students. This instruction
 835 | may be incorporated into semester hour requirements established
 836 | in State Board of Education rule.

837 | (3) REVIEW.—By July 1, 2017, and at least once every 5
 838 | years thereafter, the department shall conduct a review of
 839 | specialization and coverage area requirements in the elementary,
 840 | reading, and exceptional student educational areas. At the
 841 | conclusion of each review, the department shall recommend to the
 842 | State Board of Education changes to the specialization and
 843 | coverage area requirements based upon any identified
 844 | instructional or intervention strategies proven to improve
 845 | student reading performance.

846 | (4) STATE BOARD RULES.—The State Board of Education shall
 847 | adopt rules pursuant to ss. 120.536 and 120.54 as necessary to
 848 | implement this section.

849 | Section 13. Paragraph (a) of subsection (3) of section
 850 | 1012.585, Florida Statutes, is amended, and paragraph (f) is
 851 | added to that subsection, to read:

852 | 1012.585 Process for renewal of professional
 853 | certificates.—

854 | (3) For the renewal of a professional certificate, the
 855 | following requirements must be met:

856 | (a) The applicant must earn a minimum of 6 college credits
 857 | or 120 inservice points or a combination thereof. For each area
 858 | of specialization to be retained on a certificate, the applicant

859 must earn at least 3 of the required credit hours or equivalent
 860 inservice points in the specialization area. Education in
 861 "clinical educator" training pursuant to s. 1004.04(5)(b) and
 862 credits or points that provide training in the area of
 863 scientifically researched, knowledge-based reading literacy,
 864 including explicit, systematic, and multisensory approaches to
 865 reading instruction and intervention; ~~and~~ computational skills
 866 acquisition;~~;~~ exceptional student education;~~;~~ normal child
 867 development;~~;~~ and the disorders of development may be applied
 868 toward any specialization area. Credits or points that provide
 869 training in the areas of drug abuse, child abuse and neglect,
 870 strategies in teaching students having limited proficiency in
 871 English, or dropout prevention, or training in areas identified
 872 in the educational goals and performance standards adopted
 873 pursuant to ss. 1000.03(5) and 1008.345 may be applied toward
 874 any specialization area, except specialization areas identified
 875 by State Board of Education rule as involving reading
 876 instruction or intervention for any students in kindergarten
 877 through grade 6 under s. 1012.567(1)(c). Credits or points
 878 earned through approved summer institutes may be applied toward
 879 the fulfillment of these requirements. Inservice points may also
 880 be earned by participation in professional growth components
 881 approved by the State Board of Education and specified pursuant
 882 to s. 1012.98 in the district's approved master plan for
 883 inservice educational training; however, such points may not be
 884 used to satisfy the specialization requirements of this

885 ~~paragraph, including, but not limited to, serving as a trainer~~
 886 ~~in an approved teacher training activity, serving on an~~
 887 ~~instructional materials committee or a state board or commission~~
 888 ~~that deals with educational issues, or serving on an advisory~~
 889 ~~council created pursuant to s. 1001.452.~~

890 (f) Beginning January 1, 2018, an applicant for renewal of
 891 a professional certificate in any area of certification
 892 identified by State Board of Education rule pursuant to s.
 893 1012.567(1)(c) must earn a minimum of 2 college credits or the
 894 equivalent inservice points in the use of explicit, systematic,
 895 and multisensory approaches to reading instruction and
 896 intervention. Such training must be provided by teacher
 897 preparation programs under s. 1004.04 or s. 1004.85 or approved
 898 school district professional development systems under s.
 899 1012.98. The requirements in this paragraph may not add to the
 900 total hours required by the department for continuing education
 901 or inservice training.

902 Section 14. Subsection (1) of section 1012.586, Florida
 903 Statutes, is amended to read:

904 1012.586 Additions or changes to certificates; duplicate
 905 certificates.—A school district may process via a Department of
 906 Education website certificates for the following applications of
 907 public school employees:

908 (1) Addition of a subject coverage or endorsement to a
 909 valid Florida certificate on the basis of the completion of the
 910 appropriate subject area testing requirements of s.

911 1012.56(5)(a) or the completion of the requirements of an
 912 approved school district program or the inservice components for
 913 an endorsement. To reduce duplication, the department may
 914 recommend the consolidation of endorsement areas and
 915 requirements to the State Board of Education.

916
 917 The employing school district shall charge the employee a fee
 918 not to exceed the amount charged by the Department of Education
 919 for such services. Each district school board shall retain a
 920 portion of the fee as defined in the rules of the State Board of
 921 Education. The portion sent to the department shall be used for
 922 maintenance of the technology system, the web application, and
 923 posting and mailing of the certificate.

924 Section 15. Paragraph (b) of subsection (4) of section
 925 1012.98, Florida Statutes, is amended, and paragraph (e) is
 926 added to subsection (3) of that section, to read:

927 1012.98 School Community Professional Development Act.—

928 (3) The activities designed to implement this section
 929 must:

930 (e) Provide all elementary grades instructional personnel
 931 without a reading endorsement with training sufficient to earn
 932 the endorsement before attainment or renewal of a professional
 933 certificate pursuant to s. 1012.56 or s. 1012.585.

934 (4) The Department of Education, school districts,
 935 schools, Florida College System institutions, and state
 936 universities share the responsibilities described in this

937 section. These responsibilities include the following:

938 (b) Each school district shall develop a professional
 939 development system as specified in subsection (3). The system
 940 shall be developed in consultation with teachers, teacher-
 941 educators of Florida College System institutions and state
 942 universities, business and community representatives, and local
 943 education foundations, consortia, and professional
 944 organizations. The professional development system must:

945 1. Be approved by the department. All substantial
 946 revisions to the system shall be submitted to the department for
 947 review for continued approval.

948 2. Be based on analyses of student achievement data and
 949 instructional strategies and methods that support rigorous,
 950 relevant, and challenging curricula for all students. Schools
 951 and districts, in developing and refining the professional
 952 development system, shall also review and monitor school
 953 discipline data; school environment surveys; assessments of
 954 parental satisfaction; performance appraisal data of teachers,
 955 managers, and administrative personnel; and other performance
 956 indicators to identify school and student needs that can be met
 957 by improved professional performance.

958 3. Provide inservice activities coupled with followup
 959 support appropriate to accomplish district-level and school-
 960 level improvement goals and standards. The inservice activities
 961 for instructional personnel shall focus on analysis of student
 962 achievement data, ongoing formal and informal assessments of

963 student achievement, identification and use of enhanced and
 964 differentiated instructional strategies that emphasize rigor,
 965 relevance, and reading in the content areas, enhancement of
 966 subject content expertise, integrated use of classroom
 967 technology that enhances teaching and learning, classroom
 968 management, parent involvement, and school safety.

969 4. Include a master plan for inservice activities,
 970 pursuant to rules of the State Board of Education, for all
 971 district employees from all fund sources. The master plan shall
 972 be updated annually by September 1, must be based on input from
 973 teachers and district and school instructional leaders, and must
 974 use the latest available student achievement data and research
 975 to enhance rigor and relevance in the classroom. Each district
 976 inservice plan must be aligned to and support the school-based
 977 inservice plans and school improvement plans pursuant to s.
 978 1001.42(18). Each district inservice plan must provide a
 979 description of the training that middle grades instructional
 980 personnel and school administrators receive on the district's
 981 code of student conduct adopted pursuant to s. 1006.07;
 982 integrated digital instruction and competency-based instruction
 983 and CAPE Digital Tool certificates and CAPE industry
 984 certifications; classroom management; student behavior and
 985 interaction; extended learning opportunities for students; and
 986 instructional leadership. District plans must be approved by the
 987 district school board annually in order to ensure compliance
 988 with subsection (1) and to allow for dissemination of research-

989 based best practices to other districts. District school boards
 990 must submit verification of their approval to the Commissioner
 991 of Education no later than October 1, annually. Each school
 992 principal may establish and maintain an individual professional
 993 development plan for each instructional employee assigned to the
 994 school as a seamless component to the school improvement plans
 995 developed pursuant to s. 1001.42(18). An individual professional
 996 development plan must be related to specific performance data
 997 for the students to whom the teacher is assigned, define the
 998 inservice objectives and specific measurable improvements
 999 expected in student performance as a result of the inservice
 1000 activity, and include an evaluation component that determines
 1001 the effectiveness of the professional development plan.

1002 5. Include inservice activities for school administrative
 1003 personnel that address updated skills necessary for
 1004 instructional leadership and effective school management
 1005 pursuant to s. 1012.986.

1006 6. Provide for systematic consultation with regional and
 1007 state personnel designated to provide technical assistance and
 1008 evaluation of local professional development programs.

1009 7. Provide for delivery of professional development by
 1010 distance learning and other technology-based delivery systems to
 1011 reach more educators at lower costs.

1012 8. Provide for the continuous evaluation of the quality
 1013 and effectiveness of professional development programs in order
 1014 to eliminate ineffective programs and strategies and to expand

1015 effective ones. Evaluations must consider the impact of such
 1016 activities on the performance of participating educators and
 1017 their students' achievement and behavior.

1018 9. For middle grades, emphasize:

1019 a. Interdisciplinary planning, collaboration, and
 1020 instruction.

1021 b. Alignment of curriculum and instructional materials to
 1022 the state academic standards adopted pursuant to s. 1003.41.

1023 c. Use of small learning communities; problem-solving,
 1024 inquiry-driven research and analytical approaches for students;
 1025 strategies and tools based on student needs; competency-based
 1026 instruction; integrated digital instruction; and project-based
 1027 instruction.

1028
 1029 Each school that includes any of grades 6, 7, or 8 must include
 1030 in its school improvement plan, required under s. 1001.42(18), a
 1031 description of the specific strategies used by the school to
 1032 implement each item listed in this subparagraph.

1033 10. Provide training to reading coaches, classroom
 1034 teachers, and school administrators in effective methods of
 1035 identifying characteristics of conditions such as dyslexia and
 1036 other causes of diminished phonological processing skills;
 1037 incorporating instructional techniques into the general
 1038 education setting that are proven to improve reading performance
 1039 for all students; and using predictive and other data to make
 1040 instructional decisions based on individual student needs. The

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2016

1041 training must help teachers integrate phonemic awareness;
1042 phonics, word study, and spelling; reading fluency; vocabulary,
1043 including academic vocabulary; and text comprehension strategies
1044 into an explicit, systematic, and multisensory approach to
1045 reading instruction and intervention.

1046 Section 16. For the 2016-2017 fiscal year, the sums of
1047 \$286,850 in recurring funds and \$57,998 in nonrecurring funds
1048 from the General Revenue Fund are appropriated to the Department
1049 of Education, and two full-time equivalent positions with
1050 associated salary rate of 190,000 are authorized, for the
1051 purpose of implementing this act.

1052 Section 17. This act shall take effect upon becoming a
1053 law.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Adkins offered the following:

Amendment

5 Remove lines 105-158 and insert:
 6 instruction; and evidence-based reading strategies identified in
 7 subsection (7). For secondary teachers, emphasis shall be on
 8 technical text. These strategies must be developed for all
 9 content areas in the K-12 curriculum.

10 (4) Provide parents with information and strategies for
 11 assisting their children in reading, including reading in the
 12 content areas ~~area~~.

13 (5) Provide technical assistance to school districts in
 14 the development and implementation of district plans for use of
 15 the research-based reading instruction allocation provided in s.
 16 1011.62(9) and annually review and approve such plans.

17 (6) Review, evaluate, and provide technical assistance to



Amendment No. 1

18 school districts' implementation of the K-12 comprehensive
19 reading plan required in s. 1011.62(9).

20 (7) Work with the Florida Center for Reading Research to
21 identify effective research-based and evidence-based reading
22 instructional and intervention programs that incorporate
23 explicit, systematic, sequential, and multisensory approaches to
24 teaching phonemic awareness, phonics, vocabulary, fluency, and
25 text comprehension and incorporate decodable or phonetic text
26 instructional strategies ~~provide information on research-based~~
27 ~~reading programs and effective reading in the content area~~
28 strategies. Reading intervention includes evidence-based
29 strategies frequently used to remediate reading deficiencies and
30 include individual instruction, tutoring, or mentoring that
31 targets specific reading skills and abilities.

32 (8) Periodically review the Next Generation Sunshine State
33 Standards for English Language Arts to determine their
34 appropriateness at each grade level ~~reading at all grade levels.~~

35 (9) Periodically review teacher certification requirements
36 and examinations, including alternative certification
37 requirements and examinations ~~exams~~, to ascertain whether the
38 examinations measure the skills needed for evidence-based
39 ~~research-based~~ reading instruction and instructional strategies
40 for teaching reading, including reading in the content areas.

41 (10) Work with teacher preparation programs approved
42 pursuant to ss. s- 1004.04 and 1004.85 to integrate effective,
43 research-based, and evidence-based reading instructional and



Amendment No. 1

44 | intervention strategies; ~~and~~ reading in ~~the~~ content area
45 | instructional strategies; and explicit, systematic, and
46 | multisensory reading instructional strategies into teacher
47 | preparation programs.



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Adkins offered the following:

Amendment (with title amendment)

Between lines 311 and 312, insert:

6 (e) The office shall identify by rule guidelines for
 7 determining whether a student has exhibited a deficiency in
 8 emergent literacy skills.

9 (f) The office shall provide examples of appropriate
 10 instructional strategies and supports to remediate identified
 11 deficiencies in emergent literacy skills.

13 -----
 14 **T I T L E A M E N D M E N T**

Between lines 22 and 23, insert:

16 requiring the office to identify certain guidelines in rule and
 17 to provide examples of certain instructional strategies;



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Harrell offered the following:

Amendment

5 Remove lines 523-553 and insert:

6 After initial notification, the school shall apprise the parent,
 7 at least monthly, of the student's growth toward meeting goals
 8 based on the student's grade level and the Next Generation
 9 Sunshine State Standards for English Language Arts. These
 10 communications must be in writing and must explain any
 11 additional interventions or supports that will be used to
 12 accelerate the student's progress if the interventions and
 13 supports already being implemented have not resulted in
 14 improvement.

15 (d) The Department of Education shall develop a handbook
 16 that schools must provide to the parent of a student who is
 17 identified as having a substantial reading deficiency. The



Amendment No. 3

18 handbook must be made available in an electronic format that is
19 accessible online and must include the following information:

20 1. An overview of the requirements for interventions and
21 supports that districts must provide to students who do not make
22 adequate academic progress.

23 2. An overview of the procedural requirements for
24 initiating and conducting evaluations for exceptional education
25 eligibility. The overview must include an explanation that a
26 diagnosis of a medical condition alone is not sufficient to
27 establish exceptional education eligibility but may be used to
28 document how that condition relates to the student's eligibility
29 determination and may be disclosed in an eligible student's
30 individual education plan (IEP) when necessary to inform school
31 personnel responsible for implementing the IEP.

32 3. Characteristics of conditions associated with learning
33 disorders, including dyslexia, dysgraphia, dyscalculia, and
34 developmental aphasia and other information to support informed
35 parent involvement in decisionmaking processes for students who
36 have difficulty with learning. The terms dyslexia and
37 dyscalculia have the same meaning as used in the Diagnostic and
38 Statistical Manual of Mental Disorders, Fifth Edition, published
39 by the American Psychiatric Association.



Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
2 Representative Adkins offered the following:

Amendment

5 Remove lines 674-676 and insert:
6 provisions of paragraph (5) (b), including students participating
7 in the school district's summer reading camp under subparagraph
8 (a)2., with a highly effective teacher as determined by the
9 teacher's performance evaluation under s. 1012.34, and,
10 beginning July 1, 2019, the teacher must also be



Amendment No.5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Adkins offered the following:

Amendment

5 Remove lines 777-791 and insert:

6 July 1, 2020, for core reading materials and supplemental
 7 intervention reading materials used in kindergarten through
 8 grade 5, that the materials meet the requirements of s.
 9 1001.215(7). This paragraph does not preclude school districts
 10 from purchasing or using other materials to supplement reading
 11 instruction and provide additional skills practice.



Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Adkins offered the following:

Amendment (with title amendment)

Remove lines 797-836 and insert:

6 (a) Beginning January 1, 2019, an applicant for an
 7 educator certificate in an area involving reading instruction or
 8 intervention for any students in kindergarten through grade 6
 9 must, as part of the certification process, demonstrate
 10 competence in the following:

11 1. Identifying characteristics of conditions such as
 12 dyslexia and other causes of diminished phonological processing
 13 skills.

14 2. Using explicit, systematic, and multisensory approaches
 15 to reading instruction and intervention that are proven to
 16 improve reading performance for all students.

17 3. Using predictive and other data to make instructional



Amendment No. 6

18 decisions based on individual student needs.

19
20 The State Board of Education shall adopt by rule the minimum
21 requirements for instruction provided by teacher preparation
22 programs and school districts for this purpose and methods for
23 demonstrating competence in accordance with this section.

24 (b) Documentation of a valid professional standard
25 teaching certificate issued by another state is not sufficient
26 to meet the requirements of paragraph (a). The State Board of
27 Education shall establish a procedure by which a candidate who
28 holds a certificate issued by another state may demonstrate
29 competence as required in paragraph (a).

30 (c) The State Board of Education shall identify by rule
31 certification areas in which candidates must demonstrate
32 competence as provided in paragraph (a) as part of the
33 certification process.

34 (d) To receive initial or continued approval, a teacher
35 preparation program under s. 1004.04 or s. 1004.85 must provide
36 instruction in the skills and strategies listed in paragraph (a)
37 to candidates for certificates in the areas identified by the
38 state board pursuant to paragraph (c).

39 (2) ENDORSEMENT.—Beginning with applications for a reading
40 endorsement received on January 1, 2019, and thereafter, the
41 specialization requirements for an endorsement in reading
42 instruction must include at least 3 semester hours of
43 instruction in explicit, systematic, and multisensory approaches



Amendment No. 6

44 | to reading instruction and intervention that are proven to
45 | improve reading performance for all students. This instruction
46 | may be incorporated into semester hour requirements established
47 | in State Board of Education rule. Reading endorsement
48 | competencies must be aligned instructional and intervention
49 | strategies in accordance with s. 1001.215(7).

50

51

52

T I T L E A M E N D M E N T

53

Remove line 74 and insert:

54

instruction; requiring alignment of reading endorsement

55

competencies with certain content; providing for review of

56

specialization



Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Adkins offered the following:

Amendment

5 Remove lines 890-893 and insert:

6 (f) An applicant for renewal of a professional certificate
 7 in any area of certification identified by State Board of
 8 Education rule pursuant to s. 1012.567(1)(c) with a beginning
 9 validity date of July 1, 2019, or thereafter must earn a minimum
 10 of 2 college credits or the



Amendment No. 8

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Education Committee
 2 Representative Adkins offered the following:

Amendment

5 Remove lines 924-1045 and insert:

6 Section 15. Paragraph (b) of subsection (4) of section
7 1012.98, Florida Statutes, is amended to read:

8 1012.98 School Community Professional Development Act.—

9 (4) The Department of Education, school districts,
 10 schools, Florida College System institutions, and state
 11 universities share the responsibilities described in this
 12 section. These responsibilities include the following:

13 (b) Each school district shall develop a professional
 14 development system as specified in subsection (3). The system
 15 shall be developed in consultation with teachers, teacher-
 16 educators of Florida College System institutions and state
 17 universities, business and community representatives, and local



Amendment No. 8

18 education foundations, consortia, and professional
19 organizations. The professional development system must:

20 1. Be approved by the department. All substantial
21 revisions to the system shall be submitted to the department for
22 review for continued approval.

23 2. Be based on analyses of student achievement data and
24 instructional strategies and methods that support rigorous,
25 relevant, and challenging curricula for all students. Schools
26 and districts, in developing and refining the professional
27 development system, shall also review and monitor school
28 discipline data; school environment surveys; assessments of
29 parental satisfaction; performance appraisal data of teachers,
30 managers, and administrative personnel; and other performance
31 indicators to identify school and student needs that can be met
32 by improved professional performance.

33 3. Provide inservice activities coupled with followup
34 support appropriate to accomplish district-level and school-
35 level improvement goals and standards. The inservice activities
36 for instructional personnel shall focus on analysis of student
37 achievement data, ongoing formal and informal assessments of
38 student achievement, identification and use of enhanced and
39 differentiated instructional strategies that emphasize rigor,
40 relevance, and reading in the content areas, enhancement of
41 subject content expertise, integrated use of classroom
42 technology that enhances teaching and learning, classroom
43 management, parent involvement, and school safety.

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Amendment No. 8

44 4. Include a master plan for inservice activities,
45 pursuant to rules of the State Board of Education, for all
46 district employees from all fund sources. The master plan shall
47 be updated annually by September 1, must be based on input from
48 teachers and district and school instructional leaders, and must
49 use the latest available student achievement data and research
50 to enhance rigor and relevance in the classroom. Each district
51 inservice plan must be aligned to and support the school-based
52 inservice plans and school improvement plans pursuant to s.
53 1001.42(18). Each district inservice plan must provide a
54 description of the training that middle grades instructional
55 personnel and school administrators receive on the district's
56 code of student conduct adopted pursuant to s. 1006.07;
57 integrated digital instruction and competency-based instruction
58 and CAPE Digital Tool certificates and CAPE industry
59 certifications; classroom management; student behavior and
60 interaction; extended learning opportunities for students; and
61 instructional leadership. District plans must be approved by the
62 district school board annually in order to ensure compliance
63 with subsection (1) and to allow for dissemination of research-
64 based best practices to other districts. District school boards
65 must submit verification of their approval to the Commissioner
66 of Education no later than October 1, annually. Each school
67 principal may establish and maintain an individual professional
68 development plan for each instructional employee assigned to the
69 school as a seamless component to the school improvement plans

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Amendment No. 8

70 developed pursuant to s. 1001.42(18). An individual professional
71 development plan must be related to specific performance data
72 for the students to whom the teacher is assigned, define the
73 inservice objectives and specific measurable improvements
74 expected in student performance as a result of the inservice
75 activity, and include an evaluation component that determines
76 the effectiveness of the professional development plan.

77 5. Include inservice activities for school administrative
78 personnel that address updated skills necessary for
79 instructional leadership and effective school management
80 pursuant to s. 1012.986.

81 6. Provide for systematic consultation with regional and
82 state personnel designated to provide technical assistance and
83 evaluation of local professional development programs.

84 7. Provide for delivery of professional development by
85 distance learning and other technology-based delivery systems to
86 reach more educators at lower costs.

87 8. Provide for the continuous evaluation of the quality
88 and effectiveness of professional development programs in order
89 to eliminate ineffective programs and strategies and to expand
90 effective ones. Evaluations must consider the impact of such
91 activities on the performance of participating educators and
92 their students' achievement and behavior.

93 9. For middle grades, emphasize:

94 a. Interdisciplinary planning, collaboration, and
95 instruction.



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96 b. Alignment of curriculum and instructional materials to
97 the state academic standards adopted pursuant to s. 1003.41.

98 c. Use of small learning communities; problem-solving,
99 inquiry-driven research and analytical approaches for students;
100 strategies and tools based on student needs; competency-based
101 instruction; integrated digital instruction; and project-based
102 instruction.

103
104 Each school that includes any of grades 6, 7, or 8 must include
105 in its school improvement plan, required under s. 1001.42(18), a
106 description of the specific strategies used by the school to
107 implement each item listed in this subparagraph.

108 10. Provide training to reading coaches, classroom
109 teachers, and school administrators in effective methods of
110 identifying characteristics of conditions such as dyslexia and
111 other causes of diminished phonological processing skills;
112 incorporating instructional techniques into the general
113 education setting that are proven to improve reading performance
114 for all students; and using predictive and other data to make
115 instructional decisions based on individual student needs. The
116 training must help teachers integrate phonemic awareness;
117 phonics, word study, and spelling; reading fluency; vocabulary,
118 including academic vocabulary; and text comprehension strategies
119 into an explicit, systematic, and multisensory approach to
120 reading instruction and intervention. Each district must provide
121 all elementary grades instructional personnel access to training



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122 | sufficient to meet the requirements of ss. 1012.567(2) and

123 | 1012.585(f).

124 |