



PreK-12 Quality Subcommittee

March 14, 2017

2:00 PM

Reed Hall (102 HOB)

Meeting Packet

**Richard Corcoran
Speaker**

**Jake Raburn
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

PreK-12 Quality Subcommittee

Start Date and Time: Tuesday, March 14, 2017 02:00 pm
End Date and Time: Tuesday, March 14, 2017 07:00 pm
Location: Reed Hall (102 HOB)
Duration: 5.00 hrs

Consideration of the following bill(s):


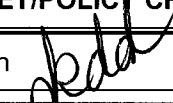
PCS for HB 79 -- Education
HB 293 Middle School Study by Burton
PCS for HB 303 -- Religious Expression in Public Schools
HB 773 K-12 Student Assessments by Diaz, M., Sprowls
HB 1111 Teacher Certification by Plasencia
HB 1331 Education by Grall

Presentation by the Future Farmers of America

NOTICE FINALIZED on 03/10/2017 4:16PM by Jones.Missy

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 79 Education
SPONSOR(S): PreK-12 Quality Subcommittee
TIED BILLS: None **IDEN./SIM. BILLS:** SB 656

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Quality Subcommittee		Brink 	Duncan 

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 reading strategies and identify instructional and intervention programs that incorporate those strategies.
- Requires school districts to use core and supplemental intervention materials which incorporate strategies 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.
- 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.

The fiscal impact of the bill is indeterminate. See FISCAL COMMENTS, *infra*.

The bill takes effect July1, 2017.

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.shtml> (last visited on Nov. 7, 2015).

³ Exec. Order No. 01-260 (2001).

⁴ Section 8, ch. 2006-74, L.O.F.

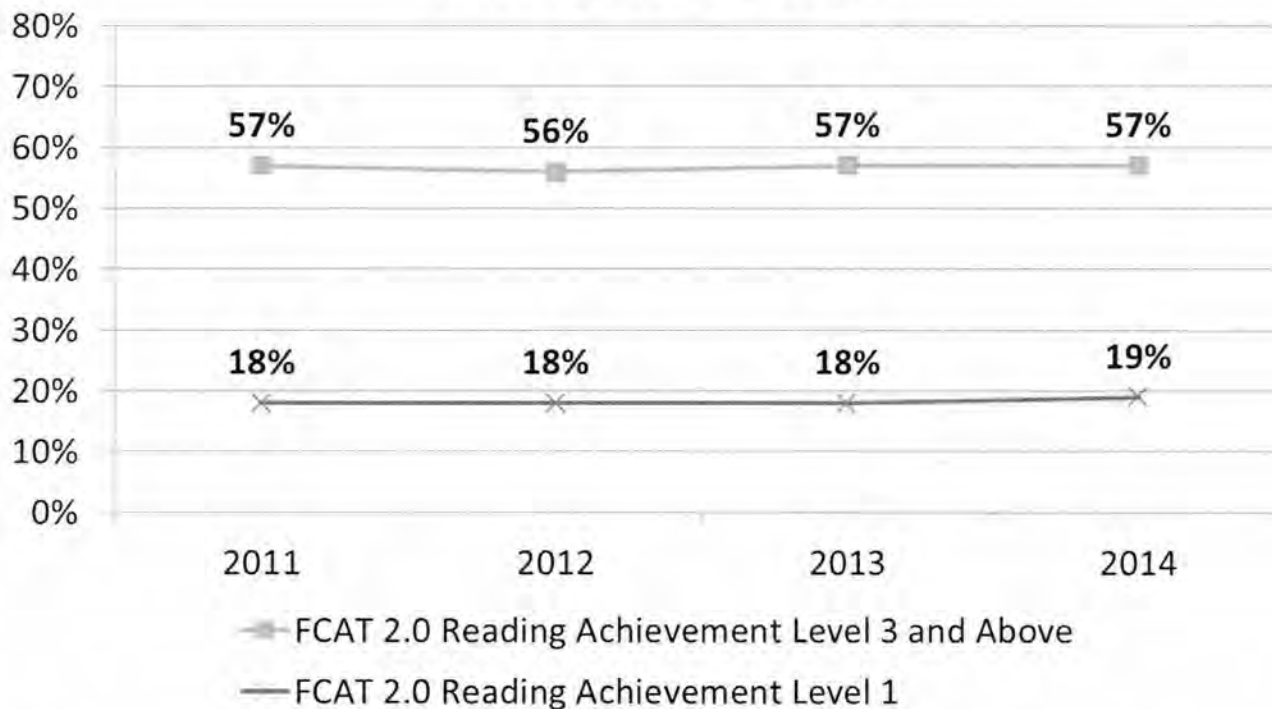
⁵ Requirements relating to district reading plans are found in s. 1011.62(9), F.S.

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



Based on the Florida Standards Assessment (FSA) for English Language Arts, first implemented in the 2014-2015 school year, the percentage of 3rd grade students performing below grade level increased to 47 percent in 2015 and 45.6 percent in 2016.⁸

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.⁹

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;

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 Florida Department of Education, PK-12 Education Information Portal, <https://edstats.fldoe.org/SASPortal/main.do> (last visited Mar. 9, 2017).

⁹ University of Florida, *Teacher Preparation & Struggling Readers: hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015).

- 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.¹⁰

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.¹¹ 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.¹² 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.¹³

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.¹⁴

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.¹⁵ 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.¹⁶

¹⁰ 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

¹¹ 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.

¹² 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*.

¹³ 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).

¹⁴ University of Florida Literacy Initiative, *Teacher Preparation and Struggling Readers; hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015).

¹⁵ Section 1008.25(5)(a), F.S. Students in kindergarten through 2nd grade do not participate in statewide, standardized assessments.

¹⁶ Section 1008.25(4)(a).

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.¹⁷ The screening must provide objective data concerning each student's readiness for kindergarten and progress in attaining the Voluntary Prekindergarten Education (VPK) Program performance standards.¹⁸ The screener selected by the department is the Florida Kindergarten Readiness Screener-Work Sampling System.¹⁹

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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.²³

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.²⁴

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.²⁵ 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.²⁶

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.²⁷ At tier 1, students receive instruction in the general classroom setting, using core curriculum materials.²⁸ If students do not make adequate progress based on the instruction, they are provided instruction in smaller groups using

¹⁷ Section 1002.69, F.S.

¹⁸ *Id.*; s. 1002.67(1), F.S.

¹⁹ Florida Department of Education, *PMRN for Public Schools*, <http://www.fldoe.org/academics/standards/just-read-fl/fair/public-school.stml> (last visited Nov. 9, 2015).

²⁰ Section 1002.69, F.S.

²¹ *Id.*; s. 1002.67(1), F.S.

²² Florida Department of Education, *PMRN for Public Schools*, <http://www.fldoe.org/academics/standards/just-read-fl/fair/public-school.stml> (last visited Nov. 9, 2015). On January 9, 2017, the department issued an Intent to Award a contract to Renaissance Learning, Inc. to provide the kindergarten readiness screener. See Florida Department of Education, Bid No. ITN 2017-11 Intent to Award (Jan. 9 2017).

²³ Section 1008.25(4)(b), F.S.

²⁴ Section 1008.25(3), F.S.

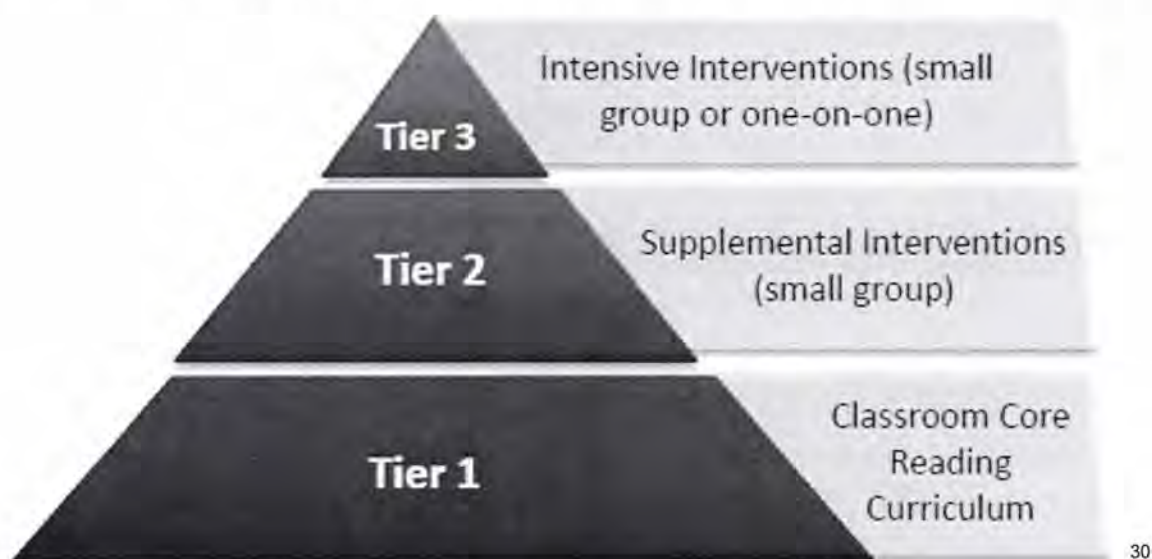
²⁵ See Rules 6A-6.0331(1) and 6A-1.099811(2)(r), F.A.C.

²⁶ Rule 6A-6.0331(a), F.S.

²⁷ 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).

²⁸ 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.

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.²⁹



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.³¹

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.³² 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

²⁹ 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).

³⁰ 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).

³¹ See *id.*

³² Section 1008.25(5)(a)-(b), F.S.

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.³³

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.³⁴ 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.³⁵

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.³⁶

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

³³ Section 1008.25(6)(b), F.S.

³⁴ Section 1008.25(7)(b), F.S.

³⁵ *Id.*

³⁶ 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.

relevant information. The student's results on each statewide assessment test must be provided to the parent.³⁷

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.³⁸

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,³⁹ 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.⁴⁰

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.

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. The bill requires that data from

³⁷ Section 1008.25(8)(a), F.S.

³⁸ Rule 6A-6.053(6)(e), F.A.C.

³⁹ 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.

⁴⁰ Rule 6A-6.053(6)(e), F.A.C.

the kindergarten screening, along with other available data, be used to identify students in need of intervention and support.

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, 2019, 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 also deletes duplicative language regarding good cause exemptions for retained third-grade students and requires intensive interventions for any student with a substantial reading deficiency who may be promoted using a good cause exemption. Students who have been retained for a total of two years between kindergarten and grade three and who have received intensive reading intervention for 2 or more years but still demonstrate a reading deficiency remain eligible for a good cause exemption. No student may be retained more than once in grade 3.

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.

Parental Notification

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 and other information to support informed parent involvement in decision-making processes for students who have difficulty with learning.

For purposes of the handbook, the bill provides that the terms "dyslexia" and "dyscalculia" have the same meaning as used in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association.⁴¹

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.⁴² 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.⁴³ 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."⁴⁴

The department issues three types of educator certificates: professional (Florida's highest type of full-time educator certification),⁴⁵ temporary,⁴⁶ and athletic coaching.⁴⁷ The professional certificate is valid for five years and is renewable.⁴⁸ The temporary certificate is valid for three years and is nonrenewable.

⁴¹ The manual states that the term dyslexia "refers to a pattern of learning difficulties characterized by problems with accurate or fluent word recognition, poor decoding, and poor spelling abilities." The manual states that the term dyscalculia "refers to a pattern of difficulties characterized by problems processing numerical information, learning arithmetic facts, and performing accurate or fluent calculations." American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders, 5th Edition* (2013), at 67.

⁴² Sections 1012.55(1) and 1002.33(12)(f), F.S.

⁴³ 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.

⁴⁴ Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

⁴⁵ Rule 6A-4.004(2), F.A.C.

⁴⁶ 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.

⁴⁷ Section 1012.55(2), F.S.

⁴⁸ 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

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;⁴⁹
- Demonstrate mastery of general knowledge;⁵⁰
- Demonstrate mastery of subject area knowledge;⁵¹ and
- Demonstrate mastery of professional preparation and education competence.⁵²

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).⁵³ 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.⁵⁴

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.
 - 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

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.

⁴⁹ Section 1012.56(2)(a)-(f), F.S.

⁵⁰ 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).

⁵¹ Section 1012.56(2)(h) and (5), F.S.

⁵² 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).

⁵³ 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).

⁵⁴ 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.

of appropriate strategies and materials based upon scientifically based reading research to address the prevention, identification, and intervention of reading difficulties.⁵⁵

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.⁵⁶

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.⁵⁷ At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.⁵⁸ 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.⁵⁹

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.⁶⁰ 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, as well as 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.⁶¹

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.⁶²

⁵⁵ Rule 6A-4.0291, F.A.C.

⁵⁶ Rule 6A-4.0292, F.A.C.

⁵⁷ 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).

⁵⁸ Section 1012.585(3)(a), F.S.

⁵⁹ Section 1012.585(3)(a), F.S.

⁶⁰ Section 1012.585(3)(d), F.S.; rule 6A-4.0051, F.A.C.

⁶¹ Section 1012.585(3)(d)1., F.S.

⁶² 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.⁶³

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.⁶⁴ 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.⁶⁵ The requirements for continued program approval are:

- Documentation that each candidate has met the admission requirements,⁶⁶
- Documentation that the program and each program completer have met the curriculum requirements;⁶⁷ and
- Evidence of performance in other specified areas.⁶⁸

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,⁶⁹
- 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.⁷⁰

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

⁶³ See Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/profdev/approval.asp> (last visited Nov. 9, 2015). See also ss. 1004.04(3)(a) and 1004.85(1), F.S.; rule 6A-5.066, F.A.C.

⁶⁴ Section 1004.04(1), F.S.

⁶⁵ See s. 1004.04(3)(a), F.S.; 6A-5.066, F.A.C.

⁶⁶ Section 1004.04(4)(a)1., F.S.

⁶⁷ Section 1004.04(4)(a)2., F.S.

⁶⁸ Section 1004.04(4)(a)3., F.S.

⁶⁹ See ss. 1004.85(3)(a)1. and 1004.04(2)(b), F.S.

⁷⁰ 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.⁷¹

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.⁷² 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 4.⁷³ Candidates in educator preparation institutes and district professional development certification programs must be prepared in only competencies 1 and 2.⁷⁴

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.⁷⁵

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.⁷⁶

Effect of Proposed Changes

Certification and Endorsement

Beginning January 1, 2019, applicants for a 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.

The specialization requirements for reading endorsements, beginning with applications for an endorsement received on January 1, 2019 and thereafter, must include at least three semester hours of

⁷¹ Section 1004.85(4)(b), F.S.

⁷² 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.

⁷³ Rule 6A-5.066(1)(hh)4.a., F.A.C.

⁷⁴ Rule 6A-5.066(1)(hh)4.b., F.A.C.

⁷⁵ Section 1012.98(1), F.S.

⁷⁶ Section 1012.98(4)(b), F.S.

instruction in explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve reading performance for all students. In addition, the reading endorsement competencies must be aligned with the instructional and intervention strategies identified by the Just Read, Florida! Office.

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, 2018, 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.

The bill requires an applicant for renewal of an identified professional certificate with a beginning validity date of July 1, 2020, or thereafter to 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 Just Read, Florida! 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

To reduce duplication, the bill expressly authorizes the department to recommend consolidation of endorsement areas and requirements to the State Board of Education.

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 school district professional development systems must provide all elementary instructional personnel access to training sufficient to satisfy endorsement and certification renewal requirements under the bill.

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 strategies⁷⁷ 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.

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.⁷⁸

Effect of Proposed Changes

The bill requires the Just Read, Florida! Office to identify effective research-based and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, sequential, and multisensory approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies.

Beginning July 1, 2021, 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 incorporate the instructional and intervention strategies identified by the Just Read, Florida! Office. The certification requirement applies to core reading materials starting with the next English language arts instructional materials adoption cycle, which will occur in 2020.⁷⁹

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

⁷⁷ 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.

⁷⁸ Section 1011.67(2), F.S.

⁷⁹ 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>.

relevant information. The student's results on each statewide assessment test must be provided to the parent.⁸⁰

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.⁸¹
- 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.⁸²

Commissioner of Education

The commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.⁸³ Part of the commissioner's responsibilities is to 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.

⁸⁰ Section 1008.25(8)(a), F.S.

⁸¹ 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).

⁸² Section 1008.25(9)(b), F.S.

⁸³ Section 1008.345(1), F.S.

Section 2. Amends s. 1002.20, F.S.; revising requirements for notifying a parent of a student with a substantial reading deficiency.

Section 3. Amends s. 1002.69, F.S.; requiring data from the statewide kindergarten screening to be used to identify certain students.

Section 4. Amends s. 1004.04, F.S.; revising core curricula requirements for certain teacher preparation programs to include certain reading instruction and interventions; revising certain requirements related to clinical education training and preservice field experiences.

Section 5. Amends s. 1004.85, F.S.; requiring certain educator preparation institutes to provide evidence of specified reading and technology instruction as a condition of program approval and continued approval.

Section 6. 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; providing that students with a substantial reading deficiency must be covered by certain plans; revising the parental notification requirements for students with a substantial deficiency in reading; requiring the Department of Education to develop or contract with another entity to develop a handbook containing specific information for parents of students with a substantial reading deficiency; defining the terms "dyslexia" and "dyscalculia"; 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 7. 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 8. Amends s. 1011.67, F.S.; revising the contents of a comprehensive staff development plan required for each school district to receive instructional materials funds.

Section 9. Amends s. 1012.585, F.S.; revising requirements for renewal of professional teaching certificates.

Section 10. Amends s. 1012.586, F.S.; authorizing the department to recommend consolidation of endorsement areas and requirements for endorsements for teacher certificates; requiring the department to review and make recommendations regarding certain subject coverage or endorsement requirements; providing construction.

Section 11. Amends s. 1012.98, F.S.; revising duties and requirements for implementation of the School Community Professional Development Act.

Section 12. Provides an effective date.

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 revised duties of the Just Read, Florida! Office, including providing training and identifying strategies and programs for reading instruction, may require additional staffing to complete. The number of positions and associated salaries and benefits are unknown at this time. Therefore, the fiscal impact of the bill is indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules concerning educator certification and reading endorsement training requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled

2 An act relating to education; amending s. 1001.215,
3 F.S.; revising the duties of the Just Read, Florida!
4 Office; amending s. 1002.20, F.S.; revising
5 requirements for notifying a parent of a student with
6 a substantial reading deficiency; amending s. 1002.69,
7 F.S.; conforming provisions; requiring data from the
8 statewide kindergarten screening to be used to
9 identify certain students; amending s. 1004.04, F.S.;
10 revising core curricula requirements for certain
11 teacher preparation programs to include certain
12 reading instruction and interventions; revising
13 certain requirements related to clinical education
14 training and preservice field experiences; amending s.
15 1004.85, F.S.; requiring certain educator preparation
16 institutes to provide evidence of specified reading
17 and technology instruction as a condition of program
18 approval and continued approval; amending s. 1008.25,
19 F.S.; requiring district school boards to allocate
20 certain instruction resources to certain students
21 deficient in reading; revising criteria and requiring
22 the State Board of Education to identify guidelines
23 for determining whether certain students have a
24 substantial deficiency in reading; providing that
25 students with a substantial reading deficiency must be

26 covered by certain plans; revising the parental
 27 notification requirements for students with a
 28 substantial deficiency in reading; requiring the
 29 Department of Education to develop or contract with
 30 another entity to develop a handbook containing
 31 specific information for parents of students with a
 32 substantial reading deficiency; defining the terms
 33 "dyslexia" and "dyscalculia"; requiring schools to
 34 provide certain instruction to students who received a
 35 good cause exemption from retention; revising grounds
 36 for such good cause exemption; revising intervention
 37 requirements for certain retained students; revising
 38 provisions relating to the Intensive Acceleration
 39 Class for retained students in certain grades;
 40 revising student progress evaluation requirements;
 41 amending s. 1008.345, F.S.; revising reporting
 42 requirements of the Commissioner of Education relating
 43 to the state system of school improvement and
 44 education accountability; amending s. 1011.67, F.S.;
 45 revising the contents of a comprehensive staff
 46 development plan required for each school district to
 47 receive instructional materials funds; amending s.
 48 1012.585, F.S.; revising requirements for renewal of
 49 professional teaching certificates; amending s.
 50 1012.586, F.S.; authorizing the department to

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51 recommend consolidation of endorsement areas and
 52 requirements for endorsements for teacher
 53 certificates; requiring the department to review and
 54 make recommendations regarding certain subject
 55 coverage or endorsement requirements; providing
 56 construction; amending s. 1012.98, F.S.; revising
 57 duties and requirements for implementation of the
 58 School Community Professional Development Act;
 59 providing an effective date.

60
 61 Be It Enacted by the Legislature of the State of Florida:

62
 63 Section 1. Section 1001.215, Florida Statutes, is amended
 64 to read:

65 1001.215 Just Read, Florida! Office.—There is created in
 66 the Department of Education the Just Read, Florida! Office. The
 67 office is ~~shall be~~ fully accountable to the Commissioner of
 68 Education and shall:

- 69 (1) Train ~~highly effective~~ reading coaches.
 70 (2) Create multiple designations of effective reading
 71 instruction, with accompanying credentials, to enable ~~which~~
 72 ~~encourage~~ all teachers to integrate reading instruction into
 73 their content areas.
 74 (3) Provide training to ~~Train~~ K-12 teachers, reading
 75 coaches, and school principals on effective content-area-

76 specific reading strategies; the integration of content-rich
77 texts from other core subject areas into reading instruction;
78 evidence-based reading strategies identified in subsection (7);
79 and technology tools to improve student reading performance. For
80 secondary teachers, emphasis shall be on technical text. These
81 strategies must be developed for all content areas in the K-12
82 curriculum.

83 (4) Provide parents with information and strategies for
84 assisting their children in reading, including reading in the
85 content areas area.

86 (5) Provide technical assistance to school districts in
87 the development and implementation of district plans for use of
88 the research-based reading instruction allocation provided in s.
89 1011.62(9) and annually review and approve such plans.

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

93 (7) Work with the Florida Center for Reading Research to
94 identify evidence-based reading instructional and intervention
95 programs that incorporate explicit, systematic, sequential, and
96 multisensory approaches to teaching phonemic awareness, phonics,
97 vocabulary, fluency, and text comprehension and incorporate
98 decodable or phonetic text instructional ~~provide information on~~
99 ~~research-based reading programs and effective reading in the~~
100 ~~content area~~ strategies. Reading intervention includes evidence-

101 based strategies frequently used to remediate reading
 102 deficiencies and includes individual instruction, tutoring,
 103 mentoring, or the use of technology that targets specific
 104 reading skills and abilities.

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

108 (9) Periodically review teacher certification requirements
 109 and examinations, including alternative certification
 110 requirements and examinations ~~exams~~, to ascertain whether the
 111 examinations measure the skills needed for evidence-based
 112 ~~research-based~~ reading instruction and instructional strategies
 113 for teaching reading, including reading in the content areas.

114 (10) Work with teacher preparation programs approved
 115 pursuant to ss. ~~s.~~ 1004.04 and 1004.85 to integrate effective,
 116 research-based, and evidence-based reading instructional and
 117 intervention strategies; ~~and~~ reading in the content area
 118 instructional strategies; and explicit, systematic, and
 119 multisensory reading instructional strategies into teacher
 120 preparation programs.

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

124 Section 2. Subsection (11) of section 1002.20, Florida
 125 Statutes, is amended to read:

126 1002.20 K-12 student and parent rights.—Parents of public
 127 school students must receive accurate and timely information
 128 regarding their child's academic progress and must be informed
 129 of ways they can help their child to succeed in school. K-12
 130 students and their parents are afforded numerous statutory
 131 rights including, but not limited to, the following:

132 (11) STUDENTS WITH READING DEFICIENCIES.—The parent of any
 133 K-3 student who exhibits a substantial reading deficiency shall
 134 be immediately notified of the student's deficiency pursuant to
 135 s. 1008.25(5) and ~~with a description and explanation, in terms~~
 136 ~~understandable to the parent, of the exact nature of the~~
 137 ~~student's difficulty in learning and lack of achievement in~~
 138 ~~reading,~~ shall be consulted in the development of a plan, as
 139 described in s. 1008.25(4)(b); ~~and shall be informed that the~~
 140 ~~student will be given intensive reading instruction until the~~
 141 ~~deficiency is corrected. This subsection operates in addition to~~
 142 ~~the remediation and notification provisions contained in s.~~
 143 ~~1008.25 and in no way reduces the rights of a parent or the~~
 144 ~~responsibilities of a school district under that section.~~

145 Section 3. Subsection (2) of section 1002.69, Florida
 146 Statutes, is amended to read:

147 1002.69 Statewide kindergarten screening; kindergarten
 148 readiness rates; state-approved prekindergarten enrollment
 149 screening; good cause exemption.—

150 (2) The statewide kindergarten screening shall provide

151 objective data concerning each student's readiness for
 152 kindergarten and progress in attaining the performance standards
 153 adopted by the office under s. 1002.67(1). Data from the
 154 screening, along with other available data, must be used to
 155 identify students in need of intervention and support pursuant
 156 to s. 1008.25(5).

157 Section 4. Paragraph (b) of subsection (2), paragraph (a)
 158 of subsection (4), and subsection (5) of section 1004.04,
 159 Florida Statutes, are amended to read:

160 1004.04 Public accountability and state approval for
 161 teacher preparation programs.—

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

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

166 1. The Florida Educator Accomplished Practices.

167 2. The state-adopted content standards.

168 3. Scientifically researched and evidence-based reading
 169 instruction strategies, including explicit, systematic, and
 170 multisensory approaches to reading instruction and intervention
 171 which are proven to improve reading performance for all
 172 students.

173 4. Content literacy and mathematics practices.

174 5. Strategies appropriate for the instruction of English
 175 language learners.

176 6. Strategies appropriate for the instruction of students
177 with disabilities.

178 7. School safety.

179 (4) CONTINUED PROGRAM APPROVAL.—Continued approval of a
180 teacher preparation program shall be based upon evidence that
181 the program continues to implement the requirements for initial
182 approval and upon significant, objective, and quantifiable
183 measures of the program and the performance of the program
184 completers.

185 (a) The criteria for continued approval must include each
186 of the following:

187 1. Documentation ~~from the program~~ that each program
188 candidate met the admission requirements provided in subsection
189 (3).

190 2. Documentation ~~from the program~~ that the program and
191 each program completer have met the requirements provided in
192 subsection (2).

193 3. Documentation that each program completer received
194 instruction in technology literacy through the program's
195 content-area and pedagogy coursework.

196 ~~4.3.~~ Evidence of performance in each of the following
197 areas:

198 a. Placement rate of program completers into instructional
199 positions in Florida public schools and private schools, if
200 available.

201 b. Rate of retention for employed program completers in
202 instructional positions in Florida public schools.

203 c. Performance of students in prekindergarten through
204 grade 12 who are assigned to in-field program completers on
205 statewide assessments using the results of the student learning
206 growth formula adopted under s. 1012.34.

207 d. Performance of students in prekindergarten through
208 grade 12 who are assigned to in-field program completers
209 aggregated by student subgroup, as defined in the federal
210 Elementary and Secondary Education Act (ESEA), 20 U.S.C. s.
211 6311(b)(2)(C)(v)(II), as a measure of how well the program
212 prepares teachers to work with a diverse population of students
213 in a variety of settings in Florida public schools.

214 e. Results of program completers' annual evaluations in
215 accordance with the timeline as set forth in s. 1012.34.

216 f. Production of program completers in statewide critical
217 teacher shortage areas as identified in s. 1012.07.

218 (5) PRESERVICE FIELD EXPERIENCE.—All postsecondary
219 instructors, school district personnel and instructional
220 personnel, and school sites preparing instructional personnel
221 through preservice field experience courses and internships
222 shall meet special requirements. District school boards may pay
223 student teachers during their internships.

224 (a) All individuals in postsecondary teacher preparation
225 programs who instruct or supervise preservice field experience

226 courses or internships in which a candidate demonstrates his or
 227 her impact on student learning growth shall have the following:
 228 specialized training in clinical supervision; at least 3 years
 229 of successful, relevant prekindergarten through grade 12
 230 teaching, student services, or school administration experience;
 231 and an annual demonstration of experience in a relevant
 232 prekindergarten through grade 12 school setting as defined by
 233 State Board of Education rule.

234 (b)1. All school district personnel and instructional
 235 personnel who supervise or direct teacher preparation students
 236 during field experience courses or internships taking place in
 237 this state in which candidates demonstrate an impact on student
 238 learning growth must have evidence of "clinical educator"
 239 training, a valid professional certificate issued pursuant to s.
 240 1012.56, and at least 3 years of teaching experience in
 241 prekindergarten through grade 12 and must have earned an
 242 effective or highly effective rating on the prior year's
 243 performance evaluation under s. 1012.34 or be a peer evaluator
 244 under the district's evaluation system approved under s.
 245 1012.34. The State Board of Education shall approve the training
 246 requirements.

247 2. All instructional personnel who supervise or direct
 248 teacher preparation students during field experience courses or
 249 internships in another state, in which a candidate demonstrates
 250 his or her impact on student learning growth, through a Florida

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251 online or distance program must have received "clinical
252 educator" training or its equivalent in that state, hold a valid
253 professional certificate issued by the state in which the field
254 experience takes place, and have at least 3 years of teaching
255 experience in prekindergarten through grade 12.

256 3. All instructional personnel who supervise or direct
257 teacher preparation students during field experience courses or
258 internships, in which a candidate demonstrates his or her impact
259 on student learning growth, on a United States military base in
260 another country through a Florida online or distance program
261 must have received "clinical educator" training or its
262 equivalent, hold a valid professional certificate issued by the
263 United States Department of Defense or a state or territory of
264 the United States, and have at least 3 years teaching experience
265 in prekindergarten through grade 12.

266 (c) Preservice field experience must include candidate
267 practice and demonstration of the uniform core curricula
268 specific to the candidates' area or areas of program
269 concentration with a diverse population of students in a variety
270 of settings. The length of structured field experiences may be
271 extended to ensure that candidates achieve the competencies
272 needed to meet certification requirements.

273 (d) Postsecondary teacher preparation programs in
274 cooperation with district school boards and approved private
275 school associations shall select the school sites for preservice

276 field experience activities based upon the qualifications of the
 277 supervising personnel as described in this subsection and the
 278 needs of the candidates. These sites must represent the full
 279 spectrum of school communities, including, but not limited to,
 280 schools located in urban settings. In order to be selected,
 281 school sites must demonstrate commitment to the education of
 282 public school students and to the preparation of future
 283 teachers.

284 Section 5. Paragraph (a) of subsection (3) of section
 285 1004.85, Florida Statutes, is amended, and paragraph (c) is
 286 added to subsection (4) of that section, to read:

287 1004.85 Postsecondary educator preparation institutes.—

288 (3) Educator preparation institutes approved pursuant to
 289 this section may offer competency-based certification programs
 290 specifically designed for noneducation major baccalaureate
 291 degree holders to enable program participants to meet the
 292 educator certification requirements of s. 1012.56. An educator
 293 preparation institute choosing to offer a competency-based
 294 certification program pursuant to the provisions of this section
 295 must implement a program previously approved by the Department
 296 of Education for this purpose or a program developed by the
 297 institute and approved by the department for this purpose.
 298 Approved programs shall be available for use by other approved
 299 educator preparation institutes.

300 (a) Within 90 days after receipt of a request for

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301 approval, the Department of Education shall approve a
302 preparation program pursuant to the requirements of this
303 subsection or issue a statement of the deficiencies in the
304 request for approval. The department shall approve a
305 certification program if the institute provides evidence of the
306 institute's capacity to implement a competency-based program
307 that includes each of the following:

308 1.a. Participant instruction and assessment in the Florida
309 Educator Accomplished Practices.

310 b. The state-adopted student content standards.

311 c. Scientifically researched and evidence-based reading
312 instruction strategies, including explicit, systematic, and
313 multisensory approaches to reading instruction and intervention
314 which are proven to improve reading performance for all
315 students.

316 d. Content literacy and mathematical practices.

317 e. Strategies appropriate for instruction of English
318 language learners.

319 f. Strategies appropriate for instruction of students with
320 disabilities.

321 g. School safety.

322 2. An educational plan for each participant to meet
323 certification requirements and demonstrate his or her ability to
324 teach the subject area for which the participant is seeking
325 certification, which is based on an assessment of his or her

326 competency in the areas listed in subparagraph 1.

327 3. Field experiences appropriate to the certification
 328 subject area specified in the educational plan with a diverse
 329 population of students in a variety of settings under the
 330 supervision of qualified educators.

331 4. A certification ombudsman to facilitate the process and
 332 procedures required for participants who complete the program to
 333 meet any requirements related to the background screening
 334 pursuant to s. 1012.32 and educator professional or temporary
 335 certification pursuant to s. 1012.56.

336 (4) Continued approval of each program approved pursuant
 337 to this section shall be determined by the Commissioner of
 338 Education based upon a periodic review of the following areas:

339 (c) Documentation that each program completer received
 340 instruction in technology literacy through the program's
 341 content-area and pedagogy coursework.

342 Section 6. Subsection (3), paragraphs (a) and (c) of
 343 subsection (5), paragraph (b) of subsection (6), subsection (7),
 344 and paragraph (a) of subsection (8) of section 1008.25, Florida
 345 Statutes, are amended, paragraph (c) is added to subsection (4),
 346 and paragraph (d) is added to subsection (5) of that section, to
 347 read:

348 1008.25 Public school student progression; student
 349 support; reporting requirements.—

350 (3) ALLOCATION OF RESOURCES.—District school boards shall

351 allocate remedial and supplemental instruction resources to
 352 students in the following priority:

353 (a) Students in kindergarten through grade 3 who have a
 354 substantial deficiency are deficient in reading as determined in
 355 paragraph (5) (a) by the end of grade 3.

356 (b) Students who fail to meet performance levels required
 357 for promotion consistent with the district school board's plan
 358 for student progression required in subsection (2) paragraph
 359 (2)(b).

360 (4) ASSESSMENT AND SUPPORT.—

361 (c) A student who has a substantial reading deficiency as
 362 determined in paragraph (5) (a) must be covered by a federally
 363 required student plan, such as an individual education plan or
 364 an individualized progress monitoring plan, or both, as
 365 necessary.

366 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

367 (a) Any student in kindergarten through grade 3 who
 368 exhibits a substantial deficiency in reading, based upon
 369 screening, diagnostic, progress monitoring, or assessment data;
 370 locally determined or statewide assessments; conducted in
 371 kindergarten or grade 1, grade 2, or grade 3, or through teacher
 372 observations, must be provided given intensive, explicit,
 373 systematic, and multisensory reading interventions instruction
 374 immediately following the identification of the reading
 375 deficiency. A school may not wait for a student to receive a

376 failing grade at the end of a grading period to identify the
377 student as having a substantial reading deficiency and initiate
378 intensive reading interventions. The student's reading
379 proficiency must be monitored and the intensive interventions
380 ~~instruction~~ must continue until the student demonstrates grade
381 level proficiency in a manner determined by the district, which
382 may include achieving a Level 3 on the statewide, standardized
383 English Language Arts assessment. The State Board of Education
384 shall identify by rule guidelines for determining whether a
385 student in kindergarten through grade 3 has a substantial
386 deficiency in reading.

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

390 1. That his or her child has been identified as having a
391 substantial deficiency in reading, including a description and
392 explanation, in terms understandable to the parent, of the exact
393 nature of the student's difficulty in learning and lack of
394 achievement in reading.

395 2. A description of the current services that are provided
396 to the child.

397 3. A description of the proposed intensive interventions
398 ~~supplemental instructional services~~ and supports that will be
399 provided to the child that are designed to remediate the
400 identified area of reading deficiency.

401 4. That if the child's reading deficiency is not
402 remediated by the end of grade 3, the child must be retained
403 unless he or she is exempt from mandatory retention for good
404 cause.

405 5. strategies , including multisensory strategies, through
406 a read-at-home plan the parent can for parents to use in helping
407 his or her their child succeed in reading ~~proficiency~~.

408 6. That the statewide, standardized English Language Arts
409 assessment is not the sole determiner of promotion and that
410 additional evaluations, portfolio reviews, and assessments are
411 available to the child to assist parents and the school district
412 in knowing when a child is reading at or above grade level and
413 ready for grade promotion.

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

421 8. The district's specific criteria and policies for
422 midyear promotion. Midyear promotion means promotion of a
423 retained student at any time during the year of retention once
424 the student has demonstrated ability to read at grade level.
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(d) The Department of Education shall develop or contract with another entity to develop a handbook that schools must provide to the parent of a student who is identified as having a substantial reading deficiency. The handbook must be made available in an electronic format that is accessible online and must include the following information:

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

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

3. Characteristics of conditions associated with specific learning disorders, including dyslexia, dysgraphia, dyscalculia, and developmental aphasia and other information to support informed parent involvement in decisionmaking processes for students who have difficulty with learning. For purposes of this subparagraph, the terms "dyslexia" and "dyscalculia" have the

451 same meanings as used in the Diagnostic and Statistical Manual
 452 of Mental Disorders, Fifth Edition, published by the American
 453 Psychiatric Association.

454 (6) ELIMINATION OF SOCIAL PROMOTION.—

455 (b) The district school board may only exempt students
 456 from mandatory retention, as provided in paragraph (5)(b), for
 457 good cause. A student who is promoted to grade 4 with a good
 458 cause exemption shall be provided intensive reading instruction
 459 and intervention that include specialized diagnostic information
 460 and specific reading strategies to meet the needs of each
 461 student so promoted. The school district shall assist schools
 462 and teachers with the implementation of explicit, systematic,
 463 and multisensory reading instruction and intervention strategies
 464 for students promoted with a good cause exemption which research
 465 has shown to be successful in improving reading among students
 466 who have reading difficulties. Good cause exemptions are limited
 467 to the following:

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

472 2. Students with disabilities whose individual education
 473 plan indicates that participation in the statewide assessment
 474 program is not appropriate, consistent with the requirements of
 475 s. 1008.212.

476 3. Students who demonstrate an acceptable level of
 477 performance on an alternative standardized reading or English
 478 Language Arts assessment approved by the State Board of
 479 Education.

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

483 5. Students with disabilities who take the statewide,
 484 standardized English Language Arts assessment and who have an
 485 individual education plan or a Section 504 plan that reflects
 486 that the student has received intensive instruction in reading
 487 or English Language Arts for more than 2 years but still
 488 demonstrates a deficiency and was previously retained in
 489 kindergarten, grade 1, grade 2, or grade 3.

490 6. Students who have received intensive reading
 491 intervention for 2 or more years but still demonstrate a
 492 deficiency in reading and who were previously retained in
 493 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
 494 years. A student may not be retained more than once in grade 3.

495 ~~7. Students who have received intensive remediation in~~
 496 ~~reading or English Language Arts for 2 or more years but still~~
 497 ~~demonstrate a deficiency and who were previously retained in~~
 498 ~~kindergarten, grade 1, grade 2, or grade 3 for a total of 2~~
 499 ~~years. Intensive instruction for students so promoted must~~
 500 ~~include an altered instructional day that includes specialized~~

501 ~~diagnostic information and specific reading strategies for each~~
 502 ~~student. The district school board shall assist schools and~~
 503 ~~teachers to implement reading strategies that research has shown~~
 504 ~~to be successful in improving reading among low performing~~
 505 ~~readers.~~

506 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
 507 STUDENTS.—

508 (a) Students retained under ~~the provisions of paragraph~~
 509 (5) (b) must be provided intensive interventions in reading to
 510 ameliorate the student's specific reading deficiency and prepare
 511 the student for promotion to the next grade. These
 512 interventions, as identified by a valid and reliable diagnostic
 513 assessment. This intensive intervention must include:

514 1. Evidence-based, explicit, systematic, and multisensory
 515 reading instruction in phonemic awareness, phonics, fluency,
 516 vocabulary, and comprehension and other strategies prescribed by
 517 the school district. effective instructional strategies,

518 2. Participation in the school district's summer reading
 519 camp, which must incorporate the instructional and intervention
 520 strategies under subparagraph 1, and appropriate teaching
 521 methodologies necessary to assist those students in becoming
 522 successful readers, able to read at or above grade level, and
 523 ready for promotion to the next grade.

524 3. A minimum of 90 minutes of daily, uninterrupted reading
 525 instruction incorporating the instructional and intervention

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526 strategies under subparagraph 1. This instruction may include:

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

528 ~~1. Provide third grade students who are retained under the~~
529 ~~provisions of paragraph (5)(b) with intensive instructional~~
530 ~~services and supports to remediate the identified areas of~~
531 ~~reading deficiency, including participation in the school~~
532 ~~district's summer reading camp as required under paragraph (a),~~
533 ~~and a minimum of 90 minutes of daily, uninterrupted,~~
534 ~~scientifically research-based reading instruction which includes~~
535 ~~phonemic awareness, phonics, fluency, vocabulary, and~~
536 ~~comprehension and other strategies prescribed by the school~~
537 ~~district, which may include, but are not limited to:~~

538 a. Integration of content-rich texts in science and social
539 studies ~~content~~ within the 90-minute block.

540 b. Small group instruction.

541 c. Reduced teacher-student ratios.

542 d. More frequent progress monitoring.

543 e. Tutoring or mentoring.

544 f. Transition classes containing 3rd and 4th grade
545 students.

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

547 (b) Each school district shall:

548 ~~1.2-~~ Provide written notification to the parent of a
549 student who is retained under the ~~provisions of~~ paragraph (5)(b)
550 that his or her child has not met the proficiency level required

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

557 2.3. Implement a policy for the midyear promotion of a
 558 student retained under ~~the provisions of~~ paragraph (5) (b) who
 559 can demonstrate that he or she is a successful and independent
 560 reader and performing at or above grade level in reading or,
 561 upon implementation of English Language Arts assessments,
 562 performing at or above grade level in English Language Arts.
 563 Tools that school districts may use in reevaluating a student
 564 retained may include subsequent assessments, alternative
 565 assessments, and portfolio reviews, in accordance with rules of
 566 the State Board of Education. Students promoted during the
 567 school year after November 1 must demonstrate proficiency levels
 568 in reading equivalent to the level necessary for the beginning
 569 of grade 4. The rules adopted by the State Board of Education
 570 must include standards that provide a reasonable expectation
 571 that the student's progress is sufficient to master appropriate
 572 grade 4 level reading skills.

573 3.4. Provide students who are retained under the
 574 provisions of paragraph (5) (b), including students participating
 575 in the school district's summer reading camp under subparagraph

576 (a)2., with a highly effective teacher as determined by the
 577 teacher's performance evaluation under s. 1012.34, and,
 578 beginning July 1, 2020, the teacher must also be certified or
 579 endorsed in reading.

580 ~~4.5.~~ Establish at each school, when applicable, an
 581 intensive reading acceleration course ~~Class~~ for any student
 582 retained in grade 3 who was previously retained in kindergarten,
 583 grade 1, or grade 2 students who subsequently score Level 1 on
 584 ~~the required statewide, standardized assessment identified in s.~~
 585 ~~1008.22. The focus of the Intensive Acceleration Class shall be~~
 586 ~~to increase a child's reading and English Language Arts skill~~
 587 ~~level at least two grade levels in 1 school year. The intensive~~
 588 reading acceleration course must provide the following ~~Class~~
 589 ~~shall:~~

590 a. Uninterrupted reading instruction for the majority of
 591 student contact time each day and opportunities to master the
 592 grade 4 Next Generation Sunshine State Standards in other core
 593 subject areas through content-rich texts.

594 b. Small group instruction.

595 c. Reduced teacher-student ratios.

596 d. The use of explicit, systematic, and multisensory
 597 reading interventions, including intensive language, phonics,
 598 and vocabulary instruction, and use of a speech-language
 599 therapist if necessary, that have proven results in accelerating
 600 student reading achievement within the same school year.

601 e. A read-at-home plan.
 602 ~~a. Be provided to a student in grade 3 who scores Level 1~~
 603 ~~on the statewide, standardized English Language Arts assessment~~
 604 ~~and who was retained in grade 3 the prior year because of~~
 605 ~~scoring Level 1.~~
 606 ~~b. Have a reduced teacher student ratio.~~
 607 ~~c. Provide uninterrupted reading instruction for the~~
 608 ~~majority of student contact time each day and incorporate~~
 609 ~~opportunities to master the grade 4 Next Generation Sunshine~~
 610 ~~State Standards in other core subject areas.~~
 611 ~~d. Use a reading program that is scientifically research-~~
 612 ~~based and has proven results in accelerating student reading~~
 613 ~~achievement within the same school year.~~
 614 ~~e. Provide intensive language and vocabulary instruction~~
 615 ~~using a scientifically research based program, including use of~~
 616 ~~a speech language therapist.~~
 617 (8) ANNUAL REPORT.—
 618 (a) In addition to the requirements in paragraph (5)(b),
 619 each district school board must annually report to the parent of
 620 each student the progress of the student toward achieving state
 621 and district expectations for proficiency in English Language
 622 Arts, science, social studies, and mathematics. The district
 623 school board must report to the parent the student's results on
 624 each statewide, standardized assessment. The evaluation of each
 625 student's progress must be based upon the student's classroom

626 work, observations, tests, district and state assessments,
 627 response to intensive interventions provided under paragraph
 628 (5) (a), and other relevant information. Progress reporting must
 629 be provided to the parent in writing in a format adopted by the
 630 district school board.

631 Section 7. Subsection (5) of section 1008.345, Florida
 632 Statutes, is amended to read:

633 1008.345 Implementation of state system of school
 634 improvement and education accountability.-

635 (5) The commissioner shall annually report to the State
 636 Board of Education and the Legislature and recommend changes in
 637 state policy necessary to foster school improvement and
 638 education accountability. The report shall include:

639 (a) For each school district:

640 1. The percentage of students, by school and grade level,
 641 demonstrating learning growth in English Language Arts and
 642 mathematics.

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

646 3. The information contained in the school district's
 647 annual report required pursuant to s. 1008.25(8).

648 (b) Intervention and support strategies used by school
 649 districts ~~boards~~ whose students in both the highest and lowest
 650 quartiles exceed the statewide average learning growth for

651 students in those quartiles.

652 (c) Intervention and support strategies used by school
653 districts ~~boards~~ whose schools provide educational services to
654 youth in Department of Juvenile Justice programs that
655 demonstrate learning growth in English Language Arts and
656 mathematics that exceeds the statewide average learning growth
657 for students in those subjects.

658 (d) Based upon a review of each school district's reading
659 plan submitted pursuant to s. 1011.62(9), intervention and
660 support strategies used by school districts that were effective
661 in improving the reading performance of students, as indicated
662 by student performance data, who are identified as having a
663 substantial reading deficiency pursuant to s. 1008.25(5)(a).

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665 School reports shall be distributed pursuant to this subsection
666 and s. 1001.42(18)(c) and according to rules adopted by the
667 State Board of Education.

668 Section 8. Subsection (2) of section 1011.67, Florida
669 Statutes, is amended to read:

670 1011.67 Funds for instructional materials.—

671 (2) Annually by July 1 and before ~~prior to~~ the release of
672 instructional materials funds, each district school
673 superintendent shall certify to the Commissioner of Education
674 that the district school board has approved a comprehensive
675 staff development plan that supports fidelity of implementation

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676 of instructional materials programs, including. ~~The report shall~~
677 ~~include~~ verification that training was provided; and that the
678 materials are being implemented as designed; and, beginning July
679 1, 2021, for core reading materials and reading intervention
680 materials used in kindergarten through grade 5, that the
681 materials meet the requirements of s. 1001.215(7). This
682 paragraph does not preclude school districts from purchasing or
683 using other materials to supplement reading instruction and
684 provide additional skills practice.

685 Section 9. Paragraph (a) of subsection (3) of section
686 1012.585, Florida Statutes, is amended, and paragraph (f) is
687 added to that subsection, to read:

688 1012.585 Process for renewal of professional
689 certificates.—

690 (3) For the renewal of a professional certificate, the
691 following requirements must be met:

692 (a) The applicant must earn a minimum of 6 college credits
693 or 120 inservice points or a combination thereof. For each area
694 of specialization to be retained on a certificate, the applicant
695 must earn at least 3 of the required credit hours or equivalent
696 inservice points in the specialization area. Education in
697 "clinical educator" training pursuant to s. 1004.04(5)(b) and
698 credits or points that provide training in the area of
699 scientifically researched, knowledge-based reading literacy,
700 including explicit, systematic, and multisensory approaches to

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701 reading instruction, intervention, and developing phonemic
702 awareness; and computational skills acquisition; ~~exceptional~~
703 ~~student education;~~ normal child development; and the disorders
704 of development may be applied toward any specialization area.
705 Credits or points that provide training in the areas of drug
706 abuse, child abuse and neglect, strategies in teaching students
707 having limited proficiency in English, or dropout prevention, or
708 training in areas identified in the educational goals and
709 performance standards adopted pursuant to ss. 1000.03(5) and
710 1008.345 may be applied toward any specialization area, except
711 specialization areas identified by State Board of Education rule
712 that include reading instruction or intervention for any
713 students in kindergarten through grade 6. Credits or points
714 earned through approved summer institutes may be applied toward
715 the fulfillment of these requirements. Inservice points may also
716 be earned by participation in professional growth components
717 approved by the State Board of Education and specified pursuant
718 to s. 1012.98 in the district's approved master plan for
719 inservice educational training; however, such points may not be
720 used to satisfy the specialization requirements of this
721 paragraph, including, but not limited to, serving as a trainer
722 in an approved teacher training activity, serving on an
723 instructional materials committee or a state board or commission
724 that deals with educational issues, or serving on an advisory
725 council created pursuant to s. 1001.452.

726 (f) An applicant for renewal of a professional certificate
 727 in any area of certification identified by State Board of
 728 Education rule that includes reading instruction or intervention
 729 for any students in kindergarten through grade 6, with a
 730 beginning validity date of July 1, 2020, or thereafter, must
 731 earn a minimum of 2 college credits or the equivalent inservice
 732 points in the use of explicit, systematic, and multisensory
 733 approaches to reading instruction, intervention, and developing
 734 phonemic awareness. Such training must be provided by teacher
 735 preparation programs under s. 1004.04 or s. 1004.85 or approved
 736 school district professional development systems under s.
 737 1012.98. The requirements in this paragraph may not add to the
 738 total hours required by the department for continuing education
 739 or inservice training.

740 Section 10. Subsection (1) of section 1012.586, Florida
 741 Statutes, is amended to read:

742 1012.586 Additions or changes to certificates; duplicate
 743 certificates.—A school district may process via a Department of
 744 Education website certificates for the following applications of
 745 public school employees:

746 (1) Addition of a subject coverage or endorsement to a
 747 valid Florida certificate on the basis of the completion of the
 748 appropriate subject area testing requirements of s.
 749 1012.56(5)(a) or the completion of the requirements of an
 750 approved school district program or the inservice components for

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751 an endorsement.

752 (a) To reduce duplication, the department may recommend
753 the consolidation of endorsement areas and requirements to the
754 State Board of Education.

755 (b) By July 1, 2018, and at least once every 5 years
756 thereafter, the department shall conduct a review of existing
757 subject coverage or endorsement requirements in the elementary,
758 reading, and exceptional student educational areas. The review
759 must include reciprocity requirements for out-of-state
760 certificates and requirements for demonstrating competency in
761 the reading instruction professional development topics listed
762 in s. 1012.98(4)(b)10. At the conclusion of each review, the
763 department shall recommend to the state board changes to the
764 subject coverage or endorsement requirements based upon any
765 identified instruction or intervention strategies proven to
766 improve student reading performance, including phonemic
767 awareness; phonics, word study, and spelling; reading fluency;
768 vocabulary, including academic vocabulary; and text
769 comprehension strategies and explicit, systematic, and
770 multisensory approaches to reading instruction and intervention.
771 This paragraph does not authorize the state board to establish
772 any new certification subject coverage.

773

774 The employing school district shall charge the employee a fee
775 not to exceed the amount charged by the Department of Education

776 for such services. Each district school board shall retain a
 777 portion of the fee as defined in the rules of the State Board of
 778 Education. The portion sent to the department shall be used for
 779 maintenance of the technology system, the web application, and
 780 posting and mailing of the certificate.

781 Section 11. Paragraph (b) of subsection (4) of section
 782 1012.98, Florida Statutes, is amended to read:

783 1012.98 School Community Professional Development Act.—

784 (4) The Department of Education, school districts,
 785 schools, Florida College System institutions, and state
 786 universities share the responsibilities described in this
 787 section. These responsibilities include the following:

788 (b) Each school district shall develop a professional
 789 development system as specified in subsection (3). The system
 790 shall be developed in consultation with teachers, teacher-
 791 educators of Florida College System institutions and state
 792 universities, business and community representatives, and local
 793 education foundations, consortia, and professional
 794 organizations. The professional development system must:

795 1. Be approved by the department. All substantial
 796 revisions to the system shall be submitted to the department for
 797 review for continued approval.

798 2. Be based on analyses of student achievement data and
 799 instructional strategies and methods that support rigorous,
 800 relevant, and challenging curricula for all students. Schools

801 and districts, in developing and refining the professional
802 development system, shall also review and monitor school
803 discipline data; school environment surveys; assessments of
804 parental satisfaction; performance appraisal data of teachers,
805 managers, and administrative personnel; and other performance
806 indicators to identify school and student needs that can be met
807 by improved professional performance.

808 3. Provide inservice activities coupled with followup
809 support appropriate to accomplish district-level and school-
810 level improvement goals and standards. The inservice activities
811 for instructional personnel shall focus on analysis of student
812 achievement data, ongoing formal and informal assessments of
813 student achievement, identification and use of enhanced and
814 differentiated instructional strategies that emphasize rigor,
815 relevance, and reading in the content areas, enhancement of
816 subject content expertise, integrated use of classroom
817 technology that enhances teaching and learning, classroom
818 management, parent involvement, and school safety.

819 4. Include a master plan for inservice activities,
820 pursuant to rules of the State Board of Education, for all
821 district employees from all fund sources. The master plan shall
822 be updated annually by September 1, must be based on input from
823 teachers and district and school instructional leaders, and must
824 use the latest available student achievement data and research
825 to enhance rigor and relevance in the classroom. Each district

826 inservice plan must be aligned to and support the school-based
827 inservice plans and school improvement plans pursuant to s.
828 1001.42(18). Each district inservice plan must provide a
829 description of the training that middle grades instructional
830 personnel and school administrators receive on the district's
831 code of student conduct adopted pursuant to s. 1006.07;
832 integrated digital instruction and competency-based instruction
833 and CAPE Digital Tool certificates and CAPE industry
834 certifications; classroom management; student behavior and
835 interaction; extended learning opportunities for students; and
836 instructional leadership. District plans must be approved by the
837 district school board annually in order to ensure compliance
838 with subsection (1) and to allow for dissemination of research-
839 based best practices to other districts. District school boards
840 must submit verification of their approval to the Commissioner
841 of Education no later than October 1, annually. Each school
842 principal may establish and maintain an individual professional
843 development plan for each instructional employee assigned to the
844 school as a seamless component to the school improvement plans
845 developed pursuant to s. 1001.42(18). An individual professional
846 development plan must be related to specific performance data
847 for the students to whom the teacher is assigned, define the
848 inservice objectives and specific measurable improvements
849 expected in student performance as a result of the inservice
850 activity, and include an evaluation component that determines

851 the effectiveness of the professional development plan.

852 5. Include inservice activities for school administrative
 853 personnel that address updated skills necessary for
 854 instructional leadership and effective school management
 855 pursuant to s. 1012.986.

856 6. Provide for systematic consultation with regional and
 857 state personnel designated to provide technical assistance and
 858 evaluation of local professional development programs.

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

862 8. Provide for the continuous evaluation of the quality
 863 and effectiveness of professional development programs in order
 864 to eliminate ineffective programs and strategies and to expand
 865 effective ones. Evaluations must consider the impact of such
 866 activities on the performance of participating educators and
 867 their students' achievement and behavior.

868 9. For middle grades, emphasize:

869 a. Interdisciplinary planning, collaboration, and
 870 instruction.

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

873 c. Use of small learning communities; problem-solving,
 874 inquiry-driven research and analytical approaches for students;
 875 strategies and tools based on student needs; competency-based

876 instruction; integrated digital instruction; and project-based
 877 instruction.

878

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

883 10. Provide training to reading coaches, classroom
 884 teachers, and school administrators in effective methods of
 885 identifying characteristics of conditions such as dyslexia and
 886 other causes of diminished phonological processing skills;
 887 incorporating instructional techniques into the general
 888 education setting which are proven to improve reading
 889 performance for all students; and using predictive and other
 890 data to make instructional decisions based on individual student
 891 needs. The training must help teachers integrate phonemic
 892 awareness; phonics, word study, and spelling; reading fluency;
 893 vocabulary, including academic vocabulary; and text
 894 comprehension strategies into an explicit, systematic, and
 895 multisensory approach to reading instruction and intervention.
 896 Each district must provide all elementary grades instructional
 897 personnel access to training sufficient to meet the requirements
 898 of s. 1012.585(3)(f).

899 Section 12. This act shall take effect upon becoming a
 900 law.

PCS for HB79

2017

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 293 Middle School Study
SPONSOR(S): Burton and others
TIED BILLS: IDEN./SIM. BILLS: SB 360

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee		McAlarney <i>MA</i>	Duncan <i>pbdd</i>
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

HB 293 directs the Florida Department of Education to conduct a comprehensive study of states with high-performing students in grades 6 through 8 in reading and mathematics, based on the states' performance on the National Assessment of Educational Progress. The findings of the study must be reported to the Governor, the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives by December 2017. The study must include a review of the following general topics:

- Academic expectations and instructional strategies.
- The availability of student support services.
- Attendance policies and student mobility issues.
- Teacher quality.
- Middle school administrator leadership and performance.
- Parental and community involvement.

See FISCAL COMMENTS.

The bill provides an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

National and International Assessments

In addition to the administration of statewide, standardized assessments, Florida school districts are required to participate in the administration of the National Assessment of Educational Progress (NAEP), or similar national or international assessments, both for the national sample and for any state-by-state comparison programs, as directed by the commissioner.¹

The National Assessment of Educational Progress (NAEP)

The NAEP is the largest nationally representative assessment of students' knowledge and performance in a variety of subject areas, including but not limited to mathematics, reading, and writing.² The NAEP provides results on subject matter achievement or student populations, subgroups of student populations, and under certain circumstances, by selected large urban school districts.³ The NAEP in reading and mathematics is administered to a representative sample of students in grades 4 and 8 every two years.⁴ The NAEP reports assessment results using three achievement levels:⁵

- Basic – A student achieving the Basic level demonstrates a partial mastery of prerequisite knowledge and skills that are fundamental for proficient work at each grade.
- Proficient – A student achieving the Proficient level demonstrates solid academic performance at the grade assessed. Students reaching this level have demonstrated competency over challenging subject matter, including subject-matter knowledge, application of such knowledge to real-world situations, and analytical skills appropriate to the subject matter.
- Advanced – A student achieving the Advanced level demonstrates superior performance.

According to the DOE, participation in the NAEP provides a basis for comparing the knowledge and skills of Florida students with students in other states, jurisdictions, and with the nation as a whole.⁶ The most recent results available are from 2015, which were released in October 2015. NAEP reading and mathematics were administered in March 2017; however, the results are not yet available.⁷

NAEP Reading

The following table shows performance trends of students in grade 8 on the NAEP reading assessment compared to the national average.⁸

¹ Section 1008.22(2), F.S.

² National Center for Education Statistics, National Assessment of Educational Progress (NAEP), *NAEP Overview*, <https://nces.ed.gov/nationsreportcard/about/> (last visited March 10, 2017). Additional NAEP subject area assessments include science, the arts, civics, economics, geography, U.S. History, and Technology and Engineering Literacy. *Id.*

³ *Id.*

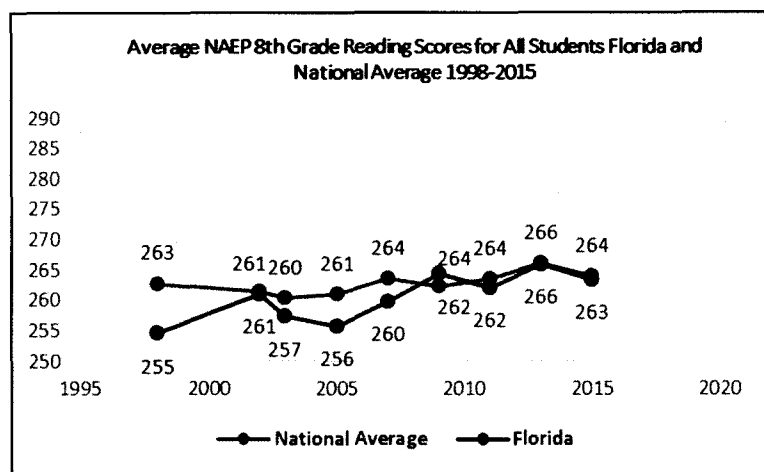
⁴ The Nation's Report Card, *Overview of the Nation's Report Card – What subjects does NAEP assess, and how are subjects chosen?*, <https://nationsreportcard.gov/faq.aspx#q9> (last visited March 10, 2017).

⁵ National Center for Education Statistics, NAEP Achievement Levels, <https://nces.ed.gov/nationsreportcard/achievement.aspx> (last visited March 10, 2017).

⁶ Florida Department of Education, National & International Assessments, <http://www.fldoe.org/accountability/assessments/national-international-assessments/> (last visited March 10, 2017).

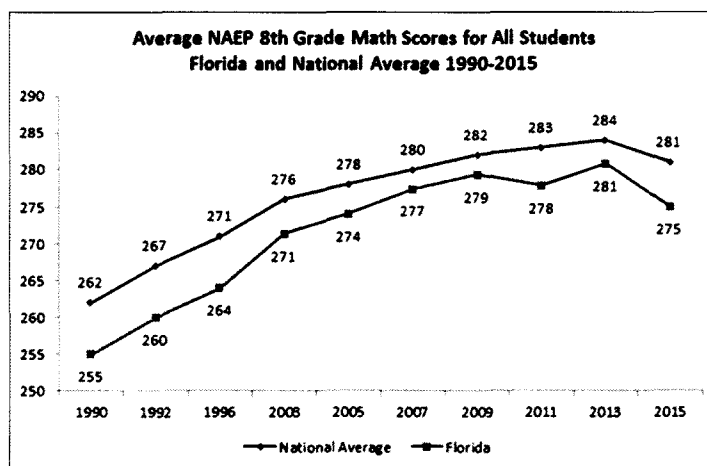
⁷ Email, Florida Department of Education, 2017 Agency Legislative Bill Analysis, HB 293 (March 8, 2017).

⁸ Email, Foundation for Florida's Future, (Feb. 27, 2017).



NAEP Mathematics

The following table shows performance trends of students in grade 8 on the NAEP mathematics assessment compared to the national average.⁹



Florida's Statewide, Standardized Assessment Program

The statewide assessment program for Florida's public schools includes statewide, standardized assessments for English Language Arts (ELA) (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Algebra II, Geometry, Biology I, Civics, and U.S. History; and the Statewide Science Assessment (grades 5 and 8).¹⁰

The assessments measure the extent to which students have mastered Florida's academic content standards, the Next-Generation Sunshine State Standards (NGSSS) and Florida Standards.¹¹ The grade-level ELA and math assessments and Algebra I, Geometry, and Algebra II EOC assessments

⁹ *Id.*

¹⁰ Sections 1008.22(3), 1003.4156, and 1003.4282, F.S. Retake administrations are offered for the Grade 10 FSA ELA and Algebra I EOC assessment. Florida Department of Education, Division of Public Schools, *2016-17 Statewide Assessment Schedule Revisions and 2017-18 Preliminary Schedule Release*, Memorandum (August 1, 2016), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7699/dps-2016-125.pdf>.

¹¹ See Florida Department of Education, *ESEA Flexibility Request* (August 21, 2015) at 98, available at <http://www.fldoe.org/core/fileparse.php/5637/urlt/15WaiverRenewalESEA.pdf> [hereinafter referred to as *ESEA Flexibility Request*].

are referred to as the Florida Standards Assessments (FSA). EOC assessments count as 30 percent of a student's final course grade.¹²

Results from the assessments are used to calculate school grades and school improvement ratings¹³ and determine student readiness for promotion to 4th grade and high school graduation.¹⁴ In addition, school districts use student performance data from the assessments in the performance evaluations for instructional personnel and school administrators.¹⁵

Florida and federal law require that all public school students participate in statewide, standardized ELA and math assessments at least annually beginning in the 3rd grade.¹⁶ Federal law also requires that students participate in a standardized science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.¹⁷ The requirements for students in Florida are as follows:¹⁸

- ELA
 - Grades 3-10: annual participation in the FSA-ELA
- Math
 - Grades 3-8: annual participation in the math FSA
 - High school:
 - Algebra I EOC and Geometry assessments
 - (If enrolled) Algebra II EOC assessment
- Science
 - Grades 5 and 8: Statewide Science Assessment
 - High school: Biology I EOC assessment
- Social Studies
 - Middle school: Civics EOC assessment
 - High school: U.S. History EOC assessment

The law also provides that middle school students enrolled in a course with an associated EOC assessment must take the EOC assessment for that course and may not take the corresponding grade-level statewide, standardized assessment.¹⁹ For example, an 8th grade student who is enrolled in Algebra I must take the Algebra I EOC assessment and may not be administered the 8th grade FSA math assessment.²⁰

All statewide, standardized assessments and EOC assessments must use scaled scores and achievement levels.²¹ Achievement levels must range from 1 through 5, with level 1 being the lowest achievement level, level 5 being the highest achievement level, and level 3 indicating satisfactory performance on an assessment.²²

Trends in student performance on statewide, standardized reading, ELA, and mathematics assessments for the middle grades are indicated below.

Reading and English Language Arts

¹² Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.

¹³ See ss. 1008.34 and 1008.341, F.S.

¹⁴ See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

¹⁵ See s. 1012.34(3)(a)1., F.S.; rules 6A-5.030(2)(a), F.A.C.

¹⁶ See s. 1008.22(3)(a); 20 U.S.C. s. 6311(b)(2)(v)(I).

¹⁷ See 20 U.S.C. s. 6311(b)(2)(B)(v)(II).

¹⁸ See s. 1008.22(3)(a) and (b), F.S.

¹⁹ Section 1008.22(3)(b)2., F.S. For example, an 8th grade student who is enrolled in Algebra I must take the Algebra I EOC assessment and may not be administered the 8th grade FSA math assessment.

²⁰ Section 1008.22(3)(b)2., F.S.

²¹ Section 1008.22(3)(e), F.S. and Rule 6A-1.09422, F.A.C.

²² *Id.*

The following table shows performance trends of students in grade 6 scoring at each achievement level on the statewide, standardized Reading and ELA assessment, as applicable.²³

Grade 6 Student Performance on Statewide, Standardized Reading or ELA Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0 Reading	17%	24%	29%	19%	10%
2011-12	FCAT 2.0 Reading	19%	24%	28%	19%	10%
2012-13	FCAT 2.0 Reading	19%	23%	28%	20%	10%
2013-14	FCAT 2.0 Reading	16%	23%	28%	20%	11%
2014-15	FSA ELA	24%	26%	22%	21%	8%
2015-16	FSA ELA	22%	26%	22%	21%	8%

The following table shows performance trends of students in grade 7 scoring at each achievement level on the statewide, standardized Reading and ELA assessment, as applicable.²⁴

Grade 7 Student Performance on Statewide, Standardized Reading or ELA Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0 Reading	18%	24%	29%	19%	10%
2011-12	FCAT 2.0 Reading	18%	25%	29%	19%	11%
2012-13	FCAT 2.0 Reading	20%	23%	27%	19%	11%
2013-14	FCAT 2.0 Reading	21%	23%	27%	19%	11%
2014-15	FSA ELA	25%	24%	23%	18%	11%
2015-16	FSA ELA	27%	24%	22%	17%	10%

The following table shows performance trends of students in grade 8 scoring at each achievement level on the statewide, standardized Reading and ELA assessment, as applicable.²⁵

Grade 8 Student Performance on Statewide, Standardized Reading or ELA Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0 Reading	19%	28%	26%	17%	10%
2011-12	FCAT 2.0 Reading	17%	27%	26%	18%	12%
2012-13	FCAT 2.0 Reading	17%	27%	26%	19%	11%
2013-2014	FCAT 2.0 Reading	18%	25%	25%	19%	12%
2014-2015	FSA ELA	23%	22%	26%	18%	11%
2015-2016	FSA ELA	22%	21%	26%	19%	12%

Mathematics

The following table shows performance trends of students in grade 6 scoring at each achievement level on the statewide, standardized mathematics assessment.²⁶

Grade 6 Student Performance on Statewide, Standardized Mathematics Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0	22%	24%	26%	18%	9%
2011-12	FCAT 2.0	23%	25%	25%	18%	10%
2012-13	FCAT 2.0	23%	24%	25%	18%	10%
2013-14	FCAT 2.0	23%	23%	24%	19%	11%
2014-15	FSA	26%	24%	23%	19%	8%
2015-16	FSA	26%	24%	23%	18%	8%

²³ Email, Florida Department of Education (Feb. 28, 2017).

²⁴ *Id.*

²⁵ *Id.*

²⁶ Email, Florida Department of Education (Feb. 28, 2017).

The following table shows performance trends of students in grade 7 scoring at each achievement level on the statewide, standardized mathematics assessment.²⁷

Grade 7 Student Performance on Statewide, Standardized Mathematics Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0	20%	24%	28%	18%	10%
2011-12	FCAT 2.0	20%	24%	27%	18%	10%
2012-13	FCAT 2.0	21%	24%	27%	18%	9%
2013-14	FCAT 2.0	21%	23%	28%	19%	9%
2014-15	FSA	25%	23%	27%	16%	9%
2015-16	FSA	27%	21%	27%	17%	9%

The following table shows performance trends of students in grade 8 scoring at each achievement level on the statewide, standardized mathematics assessment.²⁸

Grade 8 Student Performance on Statewide, Standardized Mathematics Assessment						
Year	Test	Level 1	Level 2	Level 3	Level 4	Level 5
2010-11	FCAT 2.0	22%	22%	30%	16%	10%
2011-12	FCAT 2.0	22%	21%	30%	16%	11%
2012-13	FCAT 2.0	25%	24%	31%	14%	6%
2013-14	FCAT 2.0	28%	25%	29%	12%	6%
2014-15	FSA	29%	26%	26%	12%	7%
2015-16	FSA	28%	24%	26%	12%	10%

Effect of Proposed Changes

HB 293 requires the Florida Department of Education (DOE) to conduct a comprehensive study of states with high-performing students in grades 6 through 8 in reading and mathematics, based on the states' performance on the National Assessment of Educational Progress (NAEP).

The study must include a review, at a minimum, of the following:

- Academic expectation and instructional strategies. These strategies include:
 - Alignment of elementary and middle grades expectations with high school graduation requirements;
 - Research-based instructional practices in reading and mathematics, including those targeting low-performing students;
 - The rigor of the curriculum and courses and the availability of accelerated courses; and
 - The availability of student support services.
- Attendance policies and student mobility issues.
- Teacher quality, which includes:
 - Teacher certification and recertification requirements;
 - Teacher preparedness to teach rigorous courses;
 - Teacher recruitment and vacancy issues; and
 - Staff development requirements and the availability of effective training.
- Middle school administrator leadership and performance; and

²⁷ *Id.*

²⁸ *Id.*

- Parental and community involvement.

The bill requires the DOE to submit a report on its findings and make recommendations to improve middle school student performance, to the Governor, the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives by December 2017. The bill provides for expiration of the provisions related to the comprehensive study after the submission of the final report.

The bill provides an effective date of July 1, 2017.

B. SECTION DIRECTORY:

Section 1 Directs the Department of Education to conduct a comprehensive study of states with high-performing students in grades 6-8 in reading and mathematics, based upon the states' performance on the National Assessment of Educational Progress.

Section 2 Provides an effective date of July 1, 2017

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The DOE may incur costs to conduct the comprehensive study.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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:

According to the Florida Department of Education:

In November 2015, the department analyzed how other high-performing states define and report their state assessment achievement level results. This study used *Education Week's Quality Counts* (2015) rank, which was based on NAEP 2013 results, to determine the top 10 ranked states in grades 4 and 8 reading and mathematics and looked at the percentage at or above the 2015 NAEP Proficient level, the percentage at or above the state's cut point for proficiency/meeting expectations, and the difference between these two measurements. The study also performed this analysis on the most populated states (California, Texas, New York and Illinois). The results of the analysis were presented to the State Board of Education on December 4, 2015, and are posted at <http://fldoe.org/core/fileparse.php/13152/urlt/NAEPANALYSIS.pdf>.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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A bill to be entitled
 An act relating to a middle school study; requiring
 the Department of Education to conduct a comprehensive
 study of states with nationally recognized high-
 performing middle schools in reading and mathematics;
 requiring a report to the Governor, the State Board of
 Education, and the Legislature by a specified time;
 providing for expiration; providing an effective date.

WHEREAS, since 1998, Florida has seen a continuing trend of
 reading improvement in the elementary school grades, which has
 led to an increase of 17 percentage points in reading at or
 above proficiency for 4th grade students on the National
 Assessment of Educational Progress, while Florida's 8th grade
 students achieved only an increase of 7 percentage points, and

WHEREAS, since 2003, Florida's 4th grade students have
 demonstrated an increase of 11 percentage points in mathematics
 at or above proficiency on the national assessment, while
 Florida's 8th grade students have shown an increase of only 3
 percentage points, and

WHEREAS, since 2013, Florida's middle school students'
 proficiencies on the national assessment in both reading and
 mathematics have remained flat or decreased, and

WHEREAS, Massachusetts, New Hampshire, Vermont,
 Connecticut, and New Jersey are the top performing states in the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

26 percentage of 4th and 8th grade students scoring at or above
 27 proficiency in reading on the national assessment, and

28 WHEREAS, Massachusetts, Minnesota, New Hampshire, New
 29 Jersey, and Washington are the top performing states in the
 30 percentage of 4th and 8th grade students scoring at or above
 31 proficiency in mathematics on the national assessment, and

32 WHEREAS, Florida's academic expectations for students in
 33 both reading and mathematics were raised in 2010 and 2014, and

34 WHEREAS, the performance of Florida's middle school
 35 students on the state assessments in reading has remained flat
 36 since the state's standards were raised, while their performance
 37 in mathematics increased slightly between 2015 and 2016, and

38 WHEREAS, success in the middle school grades is a predictor
 39 of academic success in high school and college and career
 40 readiness, NOW, THEREFORE,

41
 42 Be It Enacted by the Legislature of the State of Florida:

43
 44 Section 1. Comprehensive study on middle school
 45 performance.—

46 (1) The Department of Education shall conduct a
 47 comprehensive study of states with high-performing students in
 48 grades 6 through 8 in reading and mathematics, based on the
 49 states' performance on the National Assessment of Educational
 50 Progress.

51 (2) The study must include a review, at a minimum, of all
 52 of the following:

53 (a) Academic expectations and instructional strategies,
 54 including:

55 1. Alignment of elementary and middle grades expectations
 56 with high school graduation requirements;

57 2. Research-based instructional practices in reading and
 58 mathematics, including those targeting low-performing students;

59 3. The rigor of the curriculum and courses and the
 60 availability of accelerated courses; and

61 4. The availability of student support services.

62 (b) Attendance policies and student mobility issues.

63 (c) Teacher quality, including:

64 1. Teacher certification and recertification requirements;

65 2. Teacher preparedness to teach rigorous courses;

66 3. Teacher recruitment and vacancy issues; and

67 4. Staff development requirements and the availability of
 68 effective training.

69 (d) Middle school administrator leadership and
 70 performance.

71 (e) Parental and community involvement.

72 (3) The department shall submit a report on its findings
 73 and make recommendations to improve middle school student

74 performance to the Governor, the State Board of Education, the

75 President of the Senate, and the Speaker of the House of

HB 293

2017

76 Representatives by December 2017.

77 (4) This section expires upon submission of the final
78 report.

79 Section 2. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 303 Religious Expression in Public Schools
SPONSOR(S): PreK-12 Quality Subcommittee
TIED BILLS: None **IDEN./SIM. BILLS:** SB 360

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Quality Subcommittee		McAlarney	Duncan

SUMMARY ANALYSIS

The Proposed Committee Substitute for HB 303 authorizes a student to:

- Express religious beliefs in written and oral assignments free from discrimination.
- Wear jewelry that displays a religious message or symbol to the same extent as secular types of jewelry that displays messages or symbols are permitted.
- Engage in and organize religious groups before, during, and after the school day in the same manner and to the same extent that secular student organizations and groups are permitted.

The bill requires a school district to:

- Allow a religious group the same access to the same school facilities for assembling as given to a secular group and allow a religious or secular group to advertise or announce its meetings.
- Permit school personnel to participate in religious activities on school grounds that are student-initiated and at reasonable times before or after the school day as long as the activities are voluntary and do not conflict with the duties and responsibilities of such school personnel.

The bill provides that these provisions may be enforced pursuant to s. 761.04, F.S., relating to attorney's fees and costs, authorized by the Religious Freedom Restoration Act of 1998.

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

The bill provides an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Federal and State Law Regarding Religion

The relationship between religion and government in the United States is governed by the First Amendment to the U.S. Constitution,¹ which both prevents the government from establishing religion and protects privately initiated expression and activities from government interference and discrimination.

The First Amendment to the U.S. Constitution states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Similarly, Article I, Section 3 of the Florida Constitution states:

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety.

Both the U.S. Constitution and the Florida Constitution contain an Establishment Clause, Free Exercise Clause, and protect individual freedom of speech and expression.²

Establishment of Religion

The Establishment Clause of the First Amendment to the U.S. Constitution requires the government, including public school officials, to maintain neutrality in its treatment of religion.³ Accordingly, teachers and other school personnel, as government officials, may not lead students in prayer, devotional readings from religious texts, or other religious practices.⁴

Free Exercise of Religion

The protections of the Free Exercise Clause direct that no law may discriminate against some or all religious beliefs or regulate or prohibit conduct undertaken for religious reasons.⁵ Florida courts have generally interpreted Florida's Free Exercise Clause as coequal to the federal clause.⁶

Students may pray, read religious texts, or study religious materials in a non-disruptive manner when not engaged in school activities or instruction.⁷ School authorities are permitted to regulate such activities, but must do so in a manner that does not discriminate against religious expression.⁸

¹ U.S. Const., Amend. 1.

² U.S. Const., Amend. 1; Art. I, s. 3, Fla. Const.

³ U.S. Department of Education, *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html (last visited March 9, 2017); see also *Everson v. Board of Education*, 330 U.S. 1, 18 (1947).

⁴ *Engle v. Vitale*, 370 U.S. 421 (1962) (invalidating state laws directing the use of teacher-led prayer in public schools) and *School District of Abington Township Pennsylvania et al. v. Shempp et al.*, 374 U.S. 203 (1963) (invalidating state laws requiring public schools to begin the school day with Bible readings).

⁵ *Church of the Lukimi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 532 (1993).

⁶ *Warner v. City of Boca Raton*, 887 So. 2d 1023, 1030 (citing *Toca v. State*, 834 So. 2d 204, 208 (Fla. 2d DCA 2002)).

Additionally, the Florida Religious Freedom Restoration Act (RFRA) specifically protects a person's right to the free exercise of religion.⁹ The RFRA provides that government cannot burden the exercise of religion unless there is a compelling government interest and it is the least restrictive means of accomplishing that interest.¹⁰

The Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964, as amended, prohibits employment discrimination based on race, color, religion, sex, and national origin.¹¹ As such, a school district may not discriminate against an employee on the basis of his or her religion. For purposes of the Civil Rights Act, the term "religion" includes all aspects of religious observance, practice, or belief.¹²

The Equal Access Act

The Equal Access Act¹³ makes it unlawful for any public secondary school that receives federal financial assistance and maintains a limited open forum¹⁴ to deny equal access or fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of religious, political, philosophical, or other content of speech at such meetings.¹⁵

A public secondary school is deemed to offer a fair opportunity to students who wish to conduct a meeting within its limited open forum if such school uniformly provides that:¹⁶

1. The meeting is voluntary and student-initiated;
2. There is no sponsorship of the meeting by the school, the government, or its agents or employees;
3. Employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
4. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
5. Nonschool persons do not direct, conduct, control, or regularly attend such activities of student groups.

The U.S. Supreme Court has held that the Equal Access Act does not violate the Establishment Clause of the First Amendment to the U.S. Constitution.¹⁷ The Equal Access Act applies to public secondary schools¹⁸ and does not address the applicability of the Act to elementary or middle schools.¹⁹

⁷ U.S. Department of Education, *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html (last visited March 9, 2017).

⁸ *Board of Education of Westside Community Schools, etc. et al. v. Mergens et al.*, 496 U.S. 226 (1990).

⁹ See ch. 761, F.S.

¹⁰ Section 761.03, F.S.

¹¹ 42 U.S.C. s. 2000e.; U.S. Equal Employment Opportunity Commission, *Title VII of the Civil Rights Act of 1964*, <https://www.eeoc.gov/laws/statutes/titlevii.cfm> (last visited March 9, 2017).

¹² 42 U.S.C. s. 2000e(j).

¹³ 20 U.S.C. s. 4071.

¹⁴ A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurricular related student groups to meet on school premises during instructional time. 20 U.S.C. s. 4071(b). This is a different standard from the "limited public forum" specified in SB 436. See *East High Gay Straight Alliance v. Board of Education of Salt Lake City School District*, 81 F. Supp. 2d 1199, 1200 n.1 (D. Utah 1999) (citing *Mergens*, 496 U.S. at 242).

¹⁵ 20 U.S.C. s. 4071(a).

¹⁶ *Id.* at (c).

¹⁷ *Mergens*, 496 U.S. at 253.

¹⁸ A "secondary school" means a public school which provides secondary education as determined by state law. 20 U.S.C. 4072(1). A secondary school in Florida is described as a high school. Section 1003.01(2), F.S.

¹⁹ The U.S. Supreme Court has noted that no meaning can be derived from the decision by Congress not to address elementary schools in the Equal Access Act. *Good News Club v. Milford Central School*, 533 U.S. 98, 118 n.8 (2001).

Guidance on Religious Expression in Public Schools

The DOE is required to annually distribute the federal guidelines on “Religious Expression in Public Schools” published by the U.S. Department of Education to all district school board members, district superintendents, school principals, and teachers for informational purposes.²⁰

Attorney’s Fees and Costs

Florida law provides that the prevailing plaintiff in any action or proceeding to enforce a provision of the Religious Freedom and Restoration Act, chapter 761, F.S., is entitled to reasonable attorney’s fees and costs to be paid by the government.²¹

Effect of Proposed Changes

The bill authorizes voluntary expression of religious beliefs by students in public schools. A student may express religious beliefs in homework, artwork, and other written and oral assignments free from discrimination based on the religious content.²² Such assignments must be evaluated based on relevant academic standards, and neither penalized nor rewarded on account of religious content.²³

In addition to permitting written and oral religious expression, the bill authorizes students to wear jewelry that displays a religious message or symbol²⁴ to the same extent that students are permitted to wear secular jewelry.

The bill also authorizes students to organize religious activities before, during, and after the school day to the same extent that students may engage in secular activities, expression, or groups. A religious group may be given access to the same school facilities for assembling as given to secular groups without discrimination based on the religious content of the group’s expression. Further, the bill authorizes a religious group to advertise or announce its meetings to the same extent that a secular group may advertise or announce its meetings.²⁵ Students at such schools may organize during noninstructional time.²⁶ The bill appears to extend this right to students in public elementary and middle schools.

The bill provides that a school district may not prevent school personnel from participating in religious activities on school grounds that are initiated by students at reasonable times before or after the school day if such activities are voluntary and do not conflict with the responsibilities or assignments of such personnel. Pursuant to the Establishment Clause of the First Amendment to the U.S. Constitution, teachers, school administrators, or other school employees generally may not actively participate in prayer or similar religious activities with students on school grounds, unless the overall context makes clear such employees are not participating in their official capacity.²⁷

²⁰ Section 1002.205, F.S.; *see also* U.S. Department of Education, *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html (last visited March 9, 2017).

²¹ Section 761.04, F.S.

²² *See* U.S. Department of Education, *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html (last visited March 9, 2017). As an example, if a teacher’s assignment involves writing a poem, the work of a student who submits a poem in the form of a prayer should be judged on the basis of academic standards, such as literary quality. *Id.*

²³ *Id.*

²⁴ An example of jewelry that displays a religious message or symbol may include a rosary necklace (*see Chalifoux v. New Caney Independent School District*, 976 F. Supp. 659 (S.D. Tex. 1997)).

²⁵ *See* Equal Access Act; 20 U.S.C. s. 4071.

²⁶ “A public secondary school has a limited open forum whenever such school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.” *Id.* at (b).

²⁷ U.S. Department of Education, *Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools*, https://www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html (last visited March 9, 2017). For example, teachers

The rights provided under the bill may be enforced pursuant to s. 761.04, F.S., relating to attorney's fees and costs authorized by the Religious Freedom Restoration Act of 1998.

The bill provides an effective date of July 1, 2017.

B. SECTION DIRECTORY:

Section 1. Creates subsection (25) of s. 1002.20, F.S., to include student rights including religious expression, religious jewelry, and religious organizations.

Section 2. Amends s. 1002.205, F.S. prohibiting school districts from preventing school personnel from participating in student initiated religious activities on school grounds.

Section 3. Provides an effective date of July 1, 2017.

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:

None.

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.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to religious expression in public
 3 schools; amending s. 1002.02, F.S.; prohibiting
 4 penalty or reward for a student's religious expression
 5 in coursework, artwork, or other specified
 6 assignments; authorizing a student to wear jewelry
 7 displaying religious messages or symbols; authorizing
 8 a student to organize prayer groups, religious clubs,
 9 and other religious gatherings; requiring that a
 10 school district provide religious groups with equal
 11 access to school facilities; authorizing religious
 12 groups to advertise or announce meetings in the same
 13 manner and to the same extent as secular groups;
 14 authorizing the rights established to be enforced
 15 pursuant to the attorney's fees and costs authorized
 16 under the Religious Freedom Restoration Act of 1998;
 17 amending s. 1002.205, F.S.; prohibiting a school
 18 district from preventing school personnel from
 19 participating in voluntary, student-initiated
 20 religious activities on school grounds under specified
 21 circumstances; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:
 24

25 Section 1. Subsection (25) is added to section 1002.20,

26 Florida Statutes, to read:

27 1002.20 K-12 student and parent rights.—Parents of public
 28 school students must receive accurate and timely information
 29 regarding their child's academic progress and must be informed
 30 of ways they can help their child to succeed in school. K-12
 31 students and their parents are afforded numerous statutory
 32 rights including, but not limited to, the following:

33 (25) RELIGIOUS LIBERTIES. —

34 (a) Religious expression. -- A student may express his or
 35 her religious beliefs in coursework, artwork, and other written
 36 and oral assignments free from discrimination. A student's
 37 homework and classroom assignments shall be evaluated,
 38 regardless of their religious content, based on expected
 39 academic standards relating to the course curriculum and
 40 requirements. A student may not be penalized or rewarded based
 41 on the religious content of his or her work if the coursework,
 42 artwork, or other written or oral assignments require a
 43 student's viewpoint to be expressed.

44 (b) Religious jewelry. -- A student may wear jewelry that
 45 displays a religious message or symbol in the same manner and to
 46 the same extent that secular types of jewelry that displays
 47 messages or symbols are permitted to be worn.

48 (c) Religious organization. -- A student may organize
 49 prayer groups, religious clubs, and other religious gatherings
 50 before, during, and after the school day in the same manner and

51 to the same extent that a student is permitted to organize
52 secular activities and groups. A religious group may be given
53 access to the same school facilities for assembling as given to
54 secular groups without discrimination based on the religious
55 content of the group's expression. A group that meets for prayer
56 or other religious speech may advertise or announce its meetings
57 in the same manner and to the same extent that a secular group
58 may advertise or announce its meetings.

59
60 The rights provided by this subsection may be enforced pursuant
61 to s. 761.04.

62 Section 2. Section 1002.205, Florida Statutes, is amended
63 to read:

64 1002.205 Guidelines on religious expression;
65 distribution.—The Department of Education shall each year
66 distribute for informational purposes to all district school
67 board members, district school superintendents, school
68 principals, and teachers the entire guidelines on "Religious
69 Expression in Public Schools" published by the United States
70 Department of Education, as updated from time to time. In
71 addition, a school district may not prevent school personnel
72 from participating in religious activities on school grounds
73 that are initiated by students at reasonable times before or
74 after the school day if such activities are voluntary and do not
75 conflict with the responsibilities or assignments of such

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76 personnel. The rights provided under this section may be
77 enforced pursuant to s. 761.04.

78 Section 3. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 773 K-12 Student Assessments
SPONSOR(S): Diaz, Jr. and others
TIED BILLS: None IDEN./SIM. BILLS: SB 926

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR or BUDGET/POLICY CHIEF. Row 1: 1) PreK-12 Quality Subcommittee, Brink, Duncan. Row 2: 2) PreK-12 Appropriations Subcommittee. Row 3: 3) Education Committee.

SUMMARY ANALYSIS

The bill revises requirements relating to the statewide assessment program as follows:

- Beginning with the 2017-2018 school year, the statewide, standardized English language arts (ELA) assessment in grades 3-10 and mathematics assessment in grades 3 through 8 must be administered no earlier than the last 3 weeks of the school year.
The bill exempts the "grade 3 Reading assessment" from the new testing window.
The results from the statewide, standardized ELA and mathematics assessments must be reported to the student's current teacher and to the student's teacher for the subsequent school year before the start of the school year. It must contain information related to the student's performance, including:
- identification of areas of strength and areas in need of improvement;
- ways the student's parent can assist his or her child based on the results;
- longitudinal data based on the student's previous performance, if available;
- a comparison of the student's score with other students in the school district, state, and, if available, other states; and
- predictive information on how the student might perform on college entrance assessments.

The bill requires that any new contract for the statewide, standardized ELA and mathematics assessments must define a Level 3 achievement score as "proficient."

The bill requires the Commissioner of Education to review the SAT and ACT to determine their alignment with Florida's academic standards for ELA and mathematics. The commissioner must submit a report with the review's findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2017.

The bill also requires school districts to provide results from a district-required local assessment to a student's teacher within 7 days after the assessment is administered.

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Statewide Assessment Program

Present Situation

Assessments and Assessment Schedules

Florida's statewide accountability system, as of the beginning of the 2016-2017 school year, comprises the following:

- **Rigorous academic standards** that establish what knowledge and skills students in kindergarten through grade 12 need to learn¹
- **Statewide, standardized assessments** to measure student achievement of the standards in specified subject areas and grade levels²
- **School and district grades** based on student achievement of the standards and other indicators of school and district quality as well as school improvement ratings based on student learning growth³
- **School recognition** funds that award schools for improving or achieving high levels of performance⁴
- **Performance evaluation criteria** for teachers and administrators based in part on student achievement of the standards⁵
- **Public reporting** of school, district, and teacher performance⁶
School improvement requirements to help struggling schools incorporate best practices and, when needed, to fundamentally restructure schools that continue to fail⁷

The statewide assessment program for Florida's public schools includes statewide, standardized assessments for ELA (grades 3-10) and mathematics (grades 3-8); end-of-course (EOC) assessments for Algebra I, Algebra II, Geometry, Biology I, Civics, and U.S. History; and the Statewide Science Assessment (grades 5 and 8).⁸ The assessments measure the extent to which students have mastered Florida's academic content standards, the Next-Generation Sunshine State Standards (NGSSS) and Florida Standards.⁹ The grade-level ELA and math assessments and Algebra I, Geometry, and Algebra II EOC assessments are referred to as the Florida Standards Assessments (FSA). EOC assessments count as 30 percent of a student's final course grade.¹⁰ Results from the assessments are used to calculate school grades and school improvement ratings¹¹ and determine student readiness for promotion to 4th grade and high school graduation.¹² In addition, school districts use student

¹ Section 1003.41, F.S.; rule 6A-1.09401, F.A.C.

² Section 1008.22(3), F.S.

³ Section 1008.34, F.S.; alternative schools may receive a school improvement rating pursuant to s. 1008.341, F.S.; exceptional student education centers may receive a school improvement rating pursuant to s. 1008.3415, F.S.

⁴ Section 1008.36, F.S.

⁵ Section 1012.34, F.S.

⁶ See ss. 1001.42(18), 1002.20(16), 1008.22(11), 1008.341(1), and 1012.34(1)(c), F.S.

⁷ Section 1008.33, F.S.; rule 6A-1.099811, F.A.C.

⁸ Sections 1008.22(3), 1003.4156, and 1003.4282, F.S. Retake administrations are offered for the Grade 10 FSA ELA and Algebra I EOC assessment. Florida Department of Education, Division of Public Schools, *2016-17 Statewide Assessment Schedule Revisions and 2017-18 Preliminary Schedule Release*, Memorandum (August 1, 2016), available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7699/dps-2016-125.pdf>.

⁹ See Florida Department of Education, *ESEA Flexibility Request* (August 21, 2015) at 98, available at <http://www.fldoe.org/core/fileparse.php/5637/urlt/15WaiverRenewalESEA.pdf> [hereinafter referred to as *ESEA Flexibility Request*].

¹⁰ Sections 1003.4156(1)(c)-(d) and 1003.4282(3), F.S.

¹¹ See ss. 1008.34 and 1008.341, F.S.

¹² See ss. 1008.25(5) and 1003.4282(3)(a) and (b), F.S.

performance data from the assessments in the performance evaluations for instructional personnel and school administrators.¹³

By August of each year, the Commissioner of Education must publish a uniform assessment calendar on the DOE website that includes assessment and reporting schedules for the next 2 school years.¹⁴ Results for all statewide, standardized assessments, including EOC assessments, must be made available no later than the week of June 8. School districts must administer the assessments in accordance with the assessment schedule established by the commissioner.¹⁵

The assessment calendar consists of testing windows, or the range of dates during which districts and schools may choose to administer a given assessment.¹⁶ Inside of the state window, districts establish their own windows during which the district will administer a given assessment.

Spring 2017 Assessments (Regular Administration)¹⁷	
February 27-March 3, 2017	Grades 4-7 English Language Arts – Writing
February 27-March 10, 2017	Grades 8-10 English Language Arts – Writing
March 27-April 7, 2017	Grade 3 English Language Arts – Reading
April 10-May 12, 2017	Grades 4-10 English Language Arts – Reading Grades 3-8 Mathematics
April 17-May 12, 2017	Algebra I, Geometry, Algebra II EOC Assessments
April 17-May 19, 2017	Biology I, Civics, U.S. History EOC Assessments
May 1-5, 2017	Grades 5 & 8 Science

The law has required the gradual transition to computer-based assessments beginning with the 2015-2016 school year.¹⁸ Currently, all assessments, except the grade 3 ELA assessment, and the writing portion of the ELA assessment for grades 4-7 are administered on computers. The grade 3 ELA assessment will be administered as a computer-based test beginning with the 2017-2018 school year.¹⁹ A student may take a paper-based assessment if indicated by his or her individual education plan as a necessary accommodation.²⁰ Windows for EOC assessments are longer than windows for comprehensive, grade-level tests to allow more flexibility for middle schools and high schools to administer the assessments.²¹

Use of computer-based testing provides for a shorter scoring process but requires a longer testing window based on the available facilities and testing devices at each participating school. The writing portion of the ELA assessment includes hand scoring by human graders. This requires the window to open earlier than other assessment windows so that scores can be calculated in time to meet statutory deadlines.²² The grade 3 ELA assessment is also administered earlier so that decisions related to 4th grade promotion can be made prior to the completion of the school year.

To graduate from high school with a standard high school diploma, a student must successfully complete 24 course credits, participate in end-of-course assessments for Algebra I, Geometry, Biology,

¹³ See s. 1012.34(3)(a)1., F.S.; rules 6A-5.030(2)(a), F.A.C.

¹⁴ Section 1008.22(7)(b), F.S.

¹⁵ Section 1008.22(7)(a), F.S.

¹⁶ Florida Department of Education, *2016-2017 Uniform Statewide Assessment Calendar* (2016), available at <http://fldoe.org/core/fileparse.php/5663/urlt/K12UniformAssessmentCalendar16-17.doc>.

¹⁷ Florida Department of Education, *Florida Statewide Assessment Program 2016-2017 Schedule* (2016), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-7514/dps-2015-175a.pdf>.

¹⁸ See s. 1008.22(3)(d)1., F.S. See also Florida Department of Education, *Florida's Transition to Computer-Based Testing for Statewide Assessments 2014-18* (2016), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-7048/dps-2014-81b.pdf>.

¹⁹ See *id.* The grade 3 ELA assessment does not include a separate writing component.

²⁰ Florida Department of Education, *Computer-based Testing*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/computer-based-testing.stml> (last visited Mar. 13, 2017).

²¹ Email, Florida Department of Education, Bureau of K-12 Student Assessment (Nov. 3, 2016).

²² *Id.*

and U.S. History. Students must also participate in 9th and 10th grade statewide, standardized assessments for English Language Arts (ELA). Students must pass the Algebra I EOC assessment and the 10th grade statewide, standardized ELA assessment, or earn a concordant or comparative score on the SAT, ACT, or PERT, as applicable, to graduate.

Student Performance

A student's performance on a statewide, standardized assessment is determined using a scaled score based on total points earned and an achievement level ranging from Level 1 (lowest level) through Level 5 (highest level). A Level 3 score is considered satisfactory, or passing.²³ Passing scores for each assessment are set by the State Board of Education.²⁴ The DOE defines each level as follows:²⁵

Level 1	Level 2	Level 3	Level 4	Level 5
Inadequate: Highly likely to need substantial support for the next grade	Below Satisfactory: Likely to need substantial support for the next grade	Satisfactory: May need additional support for the next grade	Proficient: Likely to excel in the next grade	Mastery: Highly likely to excel in the next grade

Florida's, achievement levels are established through a multi-step process of setting cut scores based on industry standards. The process has been utilized six times since 1998 and involves:

- input from over 300 educators based on test content;
- input from a reactor panel comprising K-12 and postsecondary educators and leaders, business leaders, and community leaders; and
- input of the public through three rule-development workshops.²⁶

While Florida's assessment system establishes five achievement levels, other systems may include fewer levels. The National Assessment of Educational Progress (NAEP), or "America's Report Card," has three defined achievement levels: "Basic," "Proficient," and "Advanced." "Proficient" means "demonstrated competency over challenging subject matter, including subject-matter knowledge, application of such knowledge to real-world situations, and analytical skills appropriate to the subject matter."²⁷ Several other states use four achievement levels, setting the cut point, or the point where students meet expectations for the assessment, at the third-highest level.²⁸

Whether "Proficient" as defined for the NAEP means grade-level performance has been heavily debated. Proponents for alignment of grade level expectations to the "Proficient" level have argued that it is important to continue to push expectations for students higher in order to catch up to countries that have higher scores on international assessments, such as Singapore, and to promote a consistent concept of grade-level performance among states. Opponents of the alignment have argued that "Proficient" is aspirational and unreasonably high to be considered a legitimate grade-level expectation and that NAEP assessments and state assessments measure different skills and standards.²⁹

²³ Section 1008.22(3)(e)1., F.S.; rule 6A-1.09981(2)(c), F.A.C.

²⁴ Section 1008.22(3)(e)2., F.S.

²⁵ Florida Department of Education, Bureau of K-12 Student Assessment, *2015-16 FSA ELA and Mathematics Fact Sheet* (2016), available at www.fldoe.org/core/fileparse.php/5663/urlt/ELA-MathFSAFS1516.pdf.

²⁶ Florida Department of Education, *State Board Analysis on Other States' Cut Points as Compared to NAEP Performance* (2015), available at <http://fldoe.org/core/fileparse.php/13152/urlt/NAEPANALYSIS.pdf>.

²⁷ The National Center for Education Statistics, *NAEP Achievement Levels*, <https://nces.ed.gov/nationsreportcard/achievement.aspx> (last visited Mar. 12, 2017).

²⁸ Florida Department of Education, *State Board Analysis on Other States' Cut Points as Compared to NAEP Performance* (2015), available at <http://fldoe.org/core/fileparse.php/13152/urlt/NAEPANALYSIS.pdf>.

²⁹ See e.g., Tom Loveless, *The NAEP Proficiency Myth*, <https://www.brookings.edu/blog/brown-center-chalkboard/2016/06/13/the-naep-proficiency-myth/> (last visited Mar. 12, 2017); Center for Public Education, *The Proficiency Debate: At a Glance*, <http://www.centerforpubliceducation.org/Main-Menu/Evaluating-performance/The-proficiency-debate-At-a-glance> (last visited Mar. 12, 2017).

To illustrate, 75 percent of 4th grade students in Florida who took the 2015 NAEP Reading assessment achieved a “Basic” rating while 39 percent achieved a “Proficient” rating. In 2016, 52 percent of Florida’s 4th grade students achieved a Level 3 on the statewide, standardized ELA assessment, while 26 percent achieved a Level 4.

2015 FL 4 th Grade NAEP Reading ³⁰	% Basic	75%
	% Proficient	39%
2016 4 th FL Grade ELA Assessment ³¹	% Level 3	52%
	% Level 4	26%

These data suggest that Florida’s Level 3 and Level 4 standards are more rigorous than the NAEP “Basic” and “Proficient” levels, respectively. Currently, School Public Accountability Reports indicate the percentage of students who achieve each level of performance (1-5) at the school, district, and state levels on a given state assessment.³² Thus, whether a student is performing at a proficient level (Level 4) can easily be determined.

Data show little correlation between NAEP performance and state cut scores. Among the 10 highest performing states based on the Quality Counts ranking, the differential between the state cut points and the “Proficient” standard on the 2015 NAEP Grade 8 Mathematics standard varies widely. The third-highest performing state, New Jersey, had 22 percent more students meet the NAEP “Proficient” mark than achieve the “Met Expectations” cut score on its state assessment. By contrast, the 6th highest performing state, Minnesota, had 10 percent fewer students meet the NAEP “Proficient” mark than achieve the “Meets Standards” cut point on its state assessment.

Effect of Proposed Changes

The bill requires, beginning with the 2017-2018 school year, the ELA assessment in grades 3-10 and the mathematics assessment in grades 3 through 8 to be administered no earlier than the last 3 weeks of the school year. The bill specifies that the testing window for these assessments may be no longer than 3 weeks and exempts the grade 3 “Reading” assessment from the requirements of the bill. The bill does not expressly include state EOC assessments under these requirements.

The bill requires any new contract for the statewide, standardized ELA and mathematics assessments entered into after July 1, 2017, to administer the assessments quarterly for students who have been identified through competency-based education as having mastered the content and who are prepared to take the applicable assessment.

The bill also requires that, beginning with any contract for the statewide, standardized ELA and mathematics assessments entered into after July 1, 2017, “achievement level 3 shall be defined as proficient for each new assessment.” It is unclear whether the effect of the provision is to nominally equate “proficient” with “satisfactory” or to require that a Level 3 score signify the attainment of higher achievement standards.

³⁰ National Center for Education Statistics, *State Profiles*, <https://nces.ed.gov/nationsreportcard/states/> (last visited Mar. 13, 2017) (review based on the state profile for Florida).

³¹ Florida Department of Education, *Florida PK-20 Education Information Portal*, <https://edstats.fldoe.org/SASPortal/public> (last visited Mar. 13, 2017) (review based on 2016 ELA assessment data for 4th grade students).

³² See e.g., Florida Department of Education, *School, District, and State Public Accountability Report for A.L. Mebane Middle School 2014-15*, available at http://doeweb-prd.doe.state.fl.us/eds/nclbpar/year1415/nclb1415.cfm?dist_schl=1_221.

According to the Florida Department of Education, if the Level 3 cut point is aligned to the NAEP “Proficient” level, the percentage of students passing assessments required for graduation would decrease from 51 percent to 36 percent.³³

Reporting Assessment Results

Present Situation

The law requires that state assessment contracts entered into or renewed after April 14, 2015, must provide for a student’s performance on state assessments to be provided to the student’s teachers and parents by the end of the school year, unless the commissioner determines that extenuating circumstances exist and reports the circumstances to the state board.³⁴ The law also requires that assessment and reporting schedules must provide the earliest possible reporting of student assessment results to school districts.³⁵

The law does not specify what information must be included when assessment results are provided to teachers or parents; however, sample reports are currently provided on the DOE website.³⁶ The report for the 3rd grade ELA assessment includes the achievement level the student earned on the assessment, the number of points possible and points earned in each “reporting category,” and the percentage of students in the school, district, and state at each achievement level for the assessment.³⁷

The law also requires school districts to provide a student’s performance results on a district-required local assessment to the student’s teachers and parents no later than 30 days after administering the assessment. This requirement does not apply if the superintendent determines that extenuating circumstances exist and reports the circumstances to the district school board.

Effect of Proposed Changes

The bill requires that the results of the statewide, standardized ELA and mathematics assessments be reported in an “easy-to read and understandable” format to each student’s current teacher of record and to each student’s teacher of record for the subsequent school year before the start of the school year. The report must include, at a minimum:

- a clear explanation of the student’s performance on the applicable assessments;
- information identifying the student’s areas of strength and areas in need of improvement;
- specific actions that may be taken, and the available resources that may be used, by the student’s parent to assist the student based on his or her areas of strength and areas in need of improvement;
- longitudinal information, if available, on the student’s progress in each subject area based on previous statewide, standardized assessment data;
- comparative information showing the student’s score compared to other students in the school district, in the state or, if available, in other states; and
- predictive information, if available, showing the linkage between the scores attained by the student on the statewide, standardized assessments and the scores he or she may potentially attain on nationally recognized college entrance examinations.

³³ Florida Department of Education, *State Board Analysis on Other States’ Cut Points as Compared to NAEP Performance* (2015), available at <http://fldoe.org/core/fileparse.php/13152/urlt/NAEPANALYSIS.pdf>.

³⁴ See ss. 7 and 15, ch. 2015-6, L.O.F., codified at s. 1008.22(3)(g)2., F.S.

³⁵ Section 1008.22(7)(a), F.S.

³⁶ Florida Department of Education, *Understanding the New Score Report*, <http://fldoe.org/accountability/assessments/fsa-report.shtml> (last visited Mar. 13, 2017).

³⁷ See e.g., Florida Department of Education, *The Florida Standards Assessment English Language Arts Grade 3 Score Report* (2016), available at <http://fldoe.org/core/fileparse.php/5651/urlt/3ELATemplate.pdf>.

The bill also requires that a student's performance on a district-required local assessment be provided to the student's teacher within 7 days after the assessment was administered.

High School State Assessments

The *Every Student Succeeds Act* (ESSA)³⁸ is a federal law that reauthorized and substantially revised the *Elementary and Secondary Education Act of 1965* (ESEA). ESSA is the successor to the *No Child Left Behind Act of 2001* (NCLB).³⁹ Like its predecessors NCLB and ESEA, the goal of ESSA is to improve elementary and secondary education in public schools by conditioning the receipt of federal funds on the implementation of federal requirements. In order to receive Title I funds under ESSA, states must implement a statewide accountability system for K-12 public schools. ESSA also offers competitive and noncompetitive grant funds for teacher and school leader development, family engagement, student support, weighted per-pupil funding, and the development of innovative student progression systems and assessment formats.

ESSA requires each state receiving Title I funds to submit a plan that includes:

- **challenging academic standards** for reading or language arts (ELA) and math;⁴⁰
 - **high quality assessments** in ELA, math, and science;⁴¹
 - **long-term goals** for all students and student subgroups⁴² in the state, including measurements of interim progress toward meeting the goals;⁴³
 - **multiple indicators** of student success and school quality,⁴⁴ including:
 - academic achievement as measured by statewide assessments in ELA and math;
 - a 4-year graduation rate for high schools;
 - for elementary and middle schools, student growth or another academic indicator;
 - progress of English learners⁴⁵ (EL) toward English proficiency; and
 - an additional indicator of school quality or student success;
 - **annual meaningful differentiation** (i.e., levels of performance) based on the system's indicators;⁴⁶ and
 - **identification of schools**, based on annual meaningful differentiation, that require comprehensive support and improvement or targeted support for specific student subgroups.⁴⁷
- ESSA also requires each state and each local school district to annually publish a report card that provides information on student success, school quality, per-pupil funding, the progress of ELs toward English proficiency, and, for the state, progress toward its long-term goals.⁴⁸

These states must also implement high quality standardized assessments for all students, including:

- annual ELA and math assessments for all students in grades 3-8;
- at least one ELA and one math assessment in high school; and
- at least one science assessment during grades 3-5, 6-9, and 10-12.⁴⁹

³⁸ Pub. L. No. 114-95, 129 Stat. 1802 (Dec. 10, 2015); 20 U.S.C. s. 6301 *et seq.*

³⁹ Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

⁴⁰ 20 U.S.C. s. 6311(b)(1).

⁴¹ 20 U.S.C. s. 6311(b)(2).

⁴² For purposes of statewide accountability systems, student subgroups include economically disadvantaged students, students from major racial and ethnic groups, children with disabilities, and English learners. 20 U.S.C. s. 6311(c)(2).

⁴³ 20 U.S.C. s. 6311(c)(4)(A).

⁴⁴ 20 U.S.C. s. 6311(c)(4)(B).

⁴⁵ An English learner is between 3 to 21 years old; is enrolled or preparing to enroll in an elementary or secondary school; was not born in the U.S. or has a native language other than English; and has difficulties in speaking, reading, writing, or understanding the English language such that the student cannot meet the state's academic standards, cannot achieve in a classroom with instruction in English, or does not have the opportunity to participate fully in society. *See* 20 U.S.C. s. 7801(20).

⁴⁶ 20 U.S.C. s. 6311(c)(4)(C).

⁴⁷ 20 U.S.C. s. 6311(c)(4)(D).

⁴⁸ *See* 20 U.S.C. s. 6311(h)(1) and (2).

⁴⁹ 20 U.S.C. s. 6311(b)(2).

With respect to high school assessments, ESSA states that “[n]othing in this paragraph shall be construed to prohibit a local education agency [at the state’s discretion and upon state approval] from administering a locally selected assessment in lieu of the State-designated” high school ELA, math, or science assessments.⁵⁰ However, any such assessment must:⁵¹

- be approved by the state;
- be nationally recognized;
- be aligned to the state’s academic standards;
- address the depth and breadth of such standards;
- be equivalent in its content coverage, difficulty, and quality to the state assessments;
- provide comparable, valid, and reliable data on academic achievement, as compared to the state assessment, for all students and for each subgroup of students, with results expressed in terms consistent with the state’s academic achievement standards (i.e., Level 1, Level 2, etc.);
- meet the same technical requirements as the state assessments; and
- provide unbiased, rational, and consistent differentiation between schools within the state in order to meet the requirements of the state accountability system.

Some states, including Wisconsin and Wyoming, have submitted plans to use the ACT as the high school assessment for accountability purposes.⁵² However, the U.S. Department of Education, as part of the peer review process for approving state plans, notified both states that they could not receive approval to use the assessment until they submit substantial additional evidence, including documentation of independent alignment studies to show the assessments are aligned to the states’ standards, to support its use.⁵³ The U.S. Department of Education also asked for additional evidence to show that different student subgroups would not be disadvantaged in taking the ACT and that accommodations for students with disabilities are appropriate, effective, do not alter the construct being assessed, and allow meaningful interpretations of results and comparison of scores.⁵⁴

Effect of Proposed Changes

The bill requires the commissioner to review the SAT and ACT to determine their alignment with the core curricular content for high school-level ELA and mathematics established in the Next Generation Sunshine State Standards. The commissioner must submit a report with the results of the review to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Board of Education by December 1, 2017.

B. SECTION DIRECTORY:

Section 1. Requires the Commissioner of Education to review specified college entrance examinations to determine their alignment with the core curricular content for high school-level English Language Arts and mathematics established in state standards; requiring the commissioner to submit a report on the results of such review to the Governor, Legislature, and State Board of Education by a specified date.

Section 2. Amends s. 1008.22, F.S.; conforming a cross-reference; revising provisions relating to achievement levels for certain statewide, standardized assessments; providing requirements for administration of the statewide, standardized English Language Arts and mathematics assessments in

⁵⁰ See 20 U.S.C. s. 6311(b)(2)(H).

⁵¹ 20 U.S.C. s. 6311(b)(2)(H)(i)-(v).

⁵² Catherine Gewertz, *Approval Deferred on ACT for Accountability in Wyo., Wis.*, EDUCATION WEEK (Feb. 7, 2017), available at <https://www.edweek.org/ew/articles/2017/02/08/approval-deferred-on-act-for-accountability-in.html>.

⁵³ See Letter from Ary Amerikaner, Deputy Assistant Secretary U.S. Department of Education, to Jillian Balow, State Superintendent of Public Instruction, Wyoming Department of Education (Dec. 2, 2016), available at <https://www2.ed.gov/admins/lead/account/nclbfinalassess/wy5.pdf>; Letter from Ann Whalen, Senior Advisor to the Secretary, U.S. Department of Education, to Tony Evers, State Superintendent, Wisconsin Department of Public Instruction (Jan. 13, 2017), available at <https://www2.ed.gov/admins/lead/account/nclbfinalassess/wi6.pdf>.

⁵⁴ *Id.*

specified grades; revising provisions relating to reporting requirements for school district-required local assessments; providing reporting requirements for certain student assessment results.

Section 3. Provides an effective date.

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:

None.

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:

The bill requires the grade 3 ELA assessment to be administered during the last 3 weeks of school. The bill then exempts the grade 3 "Reading" assessment from the 3-week requirement. It is unclear what portion of the grade 3 assessment is exempted, however, because the grade 3 ELA assessment does not have a separate reading or writing component.

The bill requires statewide, standardized ELA and mathematics assessments to be administered during the final 3 weeks of the school year. It also requires that the assessment window be no longer than 3 weeks. However, because the last day of school is separately established by each school district, it is unlikely the Department of Education could establish a 3-week state assessment window. The latest school district close date for the 2016-2017 school year is in Dade (June 8) and the earliest date is in Hamilton (May 19), which leaves only a one-day overlap for purposes of a 3-week testing window.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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A bill to be entitled
 An act relating to K-12 student assessments; requiring
 the Commissioner of Education to review specified
 college entrance examinations to determine their
 alignment with the core curricular content for high
 school-level English Language Arts and mathematics
 established in state standards; requiring the
 commissioner to submit a report on the results of such
 review to the Governor, Legislature, and State Board
 of Education by a specified date; amending s. 1008.22,
 F.S.; conforming a cross-reference; revising
 provisions relating to achievement levels for certain
 statewide, standardized assessments; providing
 requirements for administration of the statewide,
 standardized English Language Arts and mathematics
 assessments in specified grades; revising provisions
 relating to reporting requirements for school
 district-required local assessments; providing
 reporting requirements for certain student assessment
 results; providing an effective date.

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

Section 1. The Commissioner of Education shall review the
 SAT and ACT to determine their alignment with the core

26 curricular content for high school-level English Language Arts
 27 and mathematics established in the Next Generation Sunshine
 28 State Standards pursuant to s. 1003.41, Florida Statutes. The
 29 commissioner shall submit a report containing the results of
 30 such review to the Governor, the President of the Senate, the
 31 Speaker of the House of Representatives, and the State Board of
 32 Education by December 1, 2017.

33 Section 2. Paragraphs (c) through (f) and paragraph (g) of
 34 subsection (7) of section 1008.22, Florida Statutes, are
 35 redesignated as paragraphs (e) through (h) and paragraph (j),
 36 respectively, paragraph (e) of subsection (3) and present
 37 paragraphs (b) and (f) of subsection (7) are amended, and new
 38 paragraphs (c), (d), and (i) are added to subsection (7) of that
 39 section, to read:

40 1008.22 Student assessment program for public schools.—

41 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
 42 Commissioner of Education shall design and implement a
 43 statewide, standardized assessment program aligned to the core
 44 curricular content established in the Next Generation Sunshine
 45 State Standards. The commissioner also must develop or select
 46 and implement a common battery of assessment tools that will be
 47 used in all juvenile justice education programs in the state.
 48 These tools must accurately measure the core curricular content
 49 established in the Next Generation Sunshine State Standards.
 50 Participation in the assessment program is mandatory for all

51 school districts and all students attending public schools,
 52 including adult students seeking a standard high school diploma
 53 under s. 1003.4282 and students in Department of Juvenile
 54 Justice education programs, except as otherwise provided by law.
 55 If a student does not participate in the assessment program, the
 56 school district must notify the student's parent and provide the
 57 parent with information regarding the implications of such
 58 nonparticipation. The statewide, standardized assessment program
 59 shall be designed and implemented as follows:

60 (e) Assessment scores and achievement levels.—

61 1. All statewide, standardized EOC assessments and ELA,
 62 mathematics, and Science assessments shall use scaled scores and
 63 achievement levels. Achievement levels shall range from 1
 64 through 5, with level 1 being the lowest achievement level,
 65 level 5 being the highest achievement level, and level 3
 66 indicating satisfactory performance on an assessment. Beginning
 67 with any new contract for the ELA assessment and the mathematics
 68 assessment entered into after July 1, 2017, achievement level 3
 69 shall be defined as proficient for each new assessment.

70 2. The state board shall designate by rule a passing score
 71 for each statewide, standardized assessment.

72 3. If the commissioner seeks to revise a statewide,
 73 standardized assessment and the revisions require the state
 74 board to modify performance level scores, including the passing
 75 score, the commissioner shall provide a copy of the proposed

76 scores and implementation plan to the President of the Senate
 77 and the Speaker of the House of Representatives at least 90 days
 78 before submission to the state board for review. Until the state
 79 board adopts the modifications by rule, the commissioner shall
 80 use calculations for scoring the assessment that adjust student
 81 scores on the revised assessment for statistical equivalence to
 82 student scores on the former assessment. The state board shall
 83 adopt by rule the passing score for the revised assessment that
 84 is statistically equivalent to the passing score on the
 85 discontinued assessment for a student who is required to attain
 86 a passing score on the discontinued assessment. The commissioner
 87 may, with approval of the state board, discontinue
 88 administration of the former assessment upon the graduation,
 89 based on normal student progression, of students participating
 90 in the final regular administration of the former assessment. If
 91 the commissioner revises a statewide, standardized assessment
 92 and the revisions require the state board to modify the passing
 93 score, only students taking the assessment for the first time
 94 after the rule is adopted are affected.

95 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

96 (b) By August of each year, beginning in 2016, the
 97 commissioner shall publish on the department's website a uniform
 98 calendar that includes the assessment and reporting schedules
 99 for, at a minimum, the next 2 school years. The uniform calendar
 100 must be provided to school districts in an electronic format

101 that allows each school district and public school to populate
 102 the calendar with, at minimum, the following information for
 103 reporting the district assessment schedules under paragraph (e)
 104 ~~(e)~~:

- 105 1. Whether the assessment is a district-required
 106 assessment or a state-required assessment.
- 107 2. The specific date or dates that each assessment will be
 108 administered.
- 109 3. The time allotted to administer each assessment.
- 110 4. Whether the assessment is a computer-based assessment
 111 or a paper-based assessment.
- 112 5. The grade level or subject area associated with the
 113 assessment.
- 114 6. The date that the assessment results are expected to be
 115 available to teachers and parents.
- 116 7. The type of assessment, the purpose of the assessment,
 117 and the use of the assessment results.
- 118 8. A glossary of assessment terminology.
- 119 9. Estimates of average time for administering state-
 120 required and district-required assessments, by grade level.

121 (c) Beginning with the 2017-2018 school year, the ELA
 122 assessment in grades 3 through 10 and the mathematics assessment
 123 in grades 3 through 8 shall be administered:

- 124 1. With the exception of the grade 3 Reading assessment,
 125 no earlier than during the last 3 weeks of the school year as

126 determined by a district school board's policy pursuant to s.
 127 1001.42(4)(f).

128 2. Within a testing window not to exceed 3 weeks.

129 (d) Beginning with any new contract for the ELA assessment
 130 in grades 3 through 10 and the mathematics assessment in grades
 131 3 through 8 entered into after July 1, 2017, each new assessment
 132 shall be made available once per quarter for students who the
 133 school district has identified through competency-based
 134 education as having mastered the content and who are prepared to
 135 take the applicable assessment.

136 (h) ~~(f)~~ A school district must provide a student's
 137 performance results on district-required local assessments to
 138 the student's teachers within 1 week and to the student's
 139 parents no later than 30 days after administering such
 140 assessments, unless the superintendent determines in writing
 141 that extenuating circumstances exist and reports the extenuating
 142 circumstances to the district school board.

143 (i) The results of statewide, standardized ELA and
 144 mathematics assessments shall be reported in an easy-to-read and
 145 understandable format to each student's current teacher of
 146 record and to each student's teacher of record for the
 147 subsequent school year before the start of that school year. A
 148 report of student assessment results must, at a minimum,
 149 contain:

150 1. A clear explanation of the student's performance on the

151 applicable statewide, standardized assessments.

152 2. Information identifying the student's areas of strength
 153 and areas in need of improvement.

154 3. Specific actions that may be taken, and the available
 155 resources that may be used, by the student's parent to assist
 156 his or her child based on the student's areas of strength and
 157 areas in need of improvement.

158 4. Longitudinal information, if available, on the
 159 student's progress in each subject area based on previous
 160 statewide, standardized assessment data.

161 5. Comparative information showing the student's score
 162 compared to other students in the school district, in the state,
 163 or, if available, in other states.

164 6. Predictive information, if available, showing the
 165 linkage between the scores attained by the student on the
 166 statewide, standardized assessments and the scores he or she may
 167 potentially attain on nationally recognized college entrance
 168 examinations.

169 Section 3. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1111 Teacher Certification
SPONSOR(S): Plasencia
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1474

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee		Brink	Duncan
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

A key contributor to turnover among new teachers is lack of school support. The bill addresses this issue by revising the requirements for a district professional development certification and educator competence program to provide greater emphasis on teacher mentorship and induction support. Under the bill, a temporary certificate holder who completes a Florida Department of Education (DOE) approved program and earns a highly effective rating will qualify for a renewable professional certificate without having to complete additional classwork or pass the Professional Education Test. This saves the teacher time and money.

The bill allows charter schools and charter management organizations to offer a professional development certification and educator competence program and requires the mentorship and induction component of the program to, at a minimum, provide weekly opportunities for mentoring and induction activities, including:

- common planning time;
- ongoing professional development targeted to the teacher's needs;
- opportunities to observe other teachers;
- co-teaching experiences; and
- reflection and followup discussions.

The mentorship and induction activities must be provided for a teacher's first year in the program and may be provided until the teacher attains his or her professional certificate.

The bill requires the DOE to adopt standards for approving a professional development certification and educator competence program, including the mentorship and induction component.

With respect to professional development, the bill allows mentoring activities, including serving as a mentor, to count towards a teacher's inservice requirements for certification renewal. The bill requires professional development activities to provide training to mentors. The training must include components on teacher development, peer coaching, time management, and other related topics as determined by the DOE. The bill requires model professional development programs disseminated by the DOE to include effective mentorship activities to new teachers and training to mentors.

The bill also streamlines the temporary certificate application process.

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Educator Certification

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 Florida Department of Education (DOE).¹ Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must be certified.² 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.”³

The DOE issues three types of educator certificates:

- **Professional Certificate.** The professional certificate is Florida’s highest type of full-time educator certification.⁴ The professional certificate is valid for five years and is renewable.⁵
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.⁶ The temporary certificate is valid for three years and is nonrenewable.⁷
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school’s athletic coach.⁸ DOE issues two types of athletic coaching certificates – one is valid for five years and may be issued for subsequent five-year periods while the other is valid for three years and may be issued only once.⁹ The five-year certificate requires satisfaction of certain specialization requirements established in rule.¹⁰

In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught. An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.¹¹

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

² 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-certified 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.

³ Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

⁴ Rule 6A-4.004(2), F.A.C.

⁵ 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). DOE also issues 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.

⁶ Rule 6A-4.004(1)(a)2., F.A.C.

⁷ Section 1012.56(7), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. DOE 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.

⁸ Section 1012.55(2), F.S.

⁹ Rule 6A-4.004(4), F.A.C. (validity periods expressed in school fiscal years).

¹⁰ See rule 6A-4.0282, F.A.C.

¹¹ Section 1012.57(1) and (4), F.S. An additional annual certification and an additional annual contract may be awarded by the district at its discretion only if the adjunct teacher is rated effective or highly effective during each year of teaching under the adjunct certification. Section 1012.57(4), F.S.

To be eligible for an educator certificate, a person must:¹²

- be at least 18 years of age;
- sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- earn a bachelor's or higher degree from an accredited institution of higher learning¹³ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;¹⁴
- submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- be of good moral character; and
- be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the DOE.¹⁵ Although most of the application process is conducted electronically, certain portions of the process, like notifications of deficiencies in an application and supporting documentation, are sent through conventional postal delivery services which can delay the process. These notices are expected to be fully electronic by November of 2017.¹⁶

To receive a temporary certificate, an applicant must:

- meet the basic eligibility requirements for certification;¹⁷
- obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;¹⁸ and
- do one of the following:
 - demonstrate mastery of subject area knowledge (e.g., passage of the appropriate subject area test);¹⁹ or
 - complete the required degree or content courses specified in state board rule for subject area specialization²⁰ and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.²¹

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position that requires a certificate.²² If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.²³ A temporary certificate is valid for 3 years and is nonrenewable.²⁴

¹² Section 1012.56(2)(a)-(f), F.S.

¹³ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); *see also* 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Regional and National Institutional Accrediting Agencies*, https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized (last visited Mar. 9, 2017) (list of accrediting agencies approved by the U.S. Department of Education).

¹⁴ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

¹⁵ Section 1012.56(1), F.S.; *see s.* 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

¹⁶ Telephone interview with Bureau Chief, Florida Department of Education, Bureau of Educator Certification (Feb. 23, 2017).

¹⁷ Section 1012.56(2)(a)-(f) and (7)(b), F.S.

¹⁸ Section 1012.56(1)(b), F.S.; rule 6A-4.004(1)(a)2., F.A.C.

¹⁹ Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge*, http://www.fldoe.org/edcert/mast_sub.asp (last visited April 28, 2016).

²⁰ Section 1012.56(7)(b), F.S. The degree and content requirements are specified in ch. 6A-4, F.A.C.

²¹ Section 1012.56(2)(c), F.S.; *see* Florida Department of Education, *Certificate Types and Requirements*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/index.shtml> (last visited Mar. 9, 2017).

²² Section 1012.56(7), F.S. (flush-left provisions at end of subsection).

²³ *Id.*

²⁴ *Id.*

An applicant seeking a professional certificate must:

- meet the basic eligibility requirements for certification;²⁵
- demonstrate mastery of general knowledge;²⁶
- demonstrate mastery of subject area knowledge;²⁷ and
- demonstrate mastery of professional preparation and education competence.²⁸

A professional certificate is valid for five years and is renewable.²⁹

Pathways to a professional certificate include:

- successfully completing an approved teacher preparation program at a postsecondary educational institution in Florida or a teacher preparation program from an out-of-state accredited or DOE-approved institution and achieving a passing score on the Professional Education Test (PET), Subject Area Examination (SAE), and General Knowledge Test (GKT) required by state board rule;³⁰
- successfully completing a competency-based professional development certification program offered by a school district or an educator preparation institute (EPI) and passing the PET, SAE, and GKT;³¹
- completing 15 semester hours in professional preparation courses specified in state board rule³² or completing the Professional Training Option for Content Majors;³³ completing requirements for practical experience in teaching;³⁴ completing an approved professional education competence demonstration program;³⁵ and passing the PET, SAE, and GKT;³⁶
- providing documentation of a valid professional standard teaching certificate issued by another U.S. state or by the National Board Professional Teaching Standards (NBPTS);³⁷
- providing documentation of a valid professional standard teaching certificate issued by the American Board for Certification of Teacher Excellence (ABCTE) and completing an approved professional education competence demonstration program;³⁸ or
- completing two semesters of part-time or full-time college teaching experience at an accredited community college, state university, or private college or university that awards associate's or

²⁵ Section 1012.56(2)(a)-(f), F.S.; see *supra* text accompanying notes 12-15.

²⁶ 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 Mar. 9, 2017).

²⁷ Section 1012.56(2)(h) and (5), F.S.

²⁸ 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 Mar. 9, 2017) [hereinafter *Professional Preparation and Education Competence*].

²⁹ Sections 1012.56(7)(a) and 1012.585, F.S.; rule 6A-4.0051(1), F.A.C. See *supra* text accompanying note 5.

³⁰ Section 1012.56(6)(a) and (b), F.S.; see s. 1004.04, F.S.; rule 6A-4.003(1) and (4), F.A.C. (accreditation of teacher education programs). The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.A.C.

³¹ Section 1012.56(6)(g)-(h), F.S.; see ss. 1004.85 and 1012.56(8), F.S.; rule 6A-5.066(2)(b)1.d. and (c)1.d., F.A.C.

³² Section 1012.56(6)(f), F.S.; rule 6A-4.006(2)(a), F.A.C. Separate professional preparation course requirements are established for certification in Agriculture (grades 6-12). Rule 6A-4.006(3)(a), F.A.C.

³³ The Professional Training Option for Content Majors authorizes an approved teacher preparation program at a postsecondary institution in Florida to allow students who do not major in education but do major or minor in a content area (e.g., English major) to satisfy professional preparation course requirements. Rule 6A-5.066(3), F.A.C.

³⁴ *Professional Preparation and Education Competence*, *supra* note 28; see rules 6A-4.002(5) and 6A-4.006(2)(b), F.A.C.

³⁵ Section 1012.56(6)(f), F.S. Each school district must, and a state-supported public or private school may, establish a professional education competence demonstration program that allows the district's or school's instructional staff to demonstrate mastery of professional preparation and education competence through a performance evaluation plan, which documents the staff's classroom application and instructional performance. See s. 1012.56(8)(b), F.S.

³⁶ Section 1012.56(6)(f), F.S.

³⁷ Section 1012.56(6)(c)-(d), F.S.; see rule 6A-4.002(1)(i)-(j), F.A.C.

³⁸ Section 1012.56(6)(d), F.S.; rule 6A-4.002(1)(j), F.A.C.; *Professional Preparation and Education Competence*, *supra* note 27; see *supra* notes 34 (American Board for Certification of Teacher Excellence certificate satisfies all requirements for a professional certificate, except the professional education competence demonstration requirement) and 48 (description of professional education competence demonstration program).

higher degrees or at a nonaccredited institution of higher education identified by the DOE as having a quality program and passing the SAE and PET.³⁹

In 2016, the law was amended to allow an individual to earn a professional certificate covering grades 6 through 12 in a Science, Technology, Engineering, or Mathematics (STEM) subject without having to complete coursework associated with professional preparation and education competence, if the individual:

- meets the basic eligibility requirements for certification;
- demonstrates mastery of general knowledge;
- holds a master's or higher degree in science, technology, engineering, or mathematics;
- passes the PET and the SAE for the correlated educator certificate;
- teaches a high school course in the subject area of the advanced degree; and
- is rated highly effective under the school district's performance evaluation system based in part on student performance as measured by a statewide standardized assessment or an Advanced Placement, Advance International Certificate of Education, or International Baccalaureate examination.⁴⁰

Several of the pathways allow a temporary certificate holder to complete the general knowledge and professional preparation and education competence requirements for a professional certificate while serving as a classroom teacher. These include the college coursework option, EPIs, district professional development certification and education competency programs (professional development certification program), professional training option programs, and the STEM secondary certification pathway. Data from the DOE show that 35 percent of temporary certificate holders do not complete the requirements for a professional certificate by the end of their 3-year temporary certificate.⁴¹

A professional certificate must be renewed every five years.⁴² An educator must submit an application,⁴³ pay a fee,⁴⁴ and earn at least six college credits or 120 inservice points to renew professional certification.⁴⁵ At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.⁴⁶ The renewal period may be extended to include two successive renewal periods up to 10 years to enable educators who are certified in three or more subject areas to earn the required credits or inservice points in each subject area.⁴⁷ In addition to credits or inservice points required in the subject area, credits or inservice points may be earned in

³⁹ Section 1012.56(6)(e), F.S. A non-accredited institution of higher learning is approved as having a quality program if the institution meets one of the following criteria: is accepted for certification purposes by the state department of education where the institution is located; holds a certificate of exemption pursuant to s. 1005.06, F.S.; is a newly created Florida public college or university that offers a bachelor's or higher degree program; is located outside the U.S. and awards a degree that is the equivalent to a bachelor's or higher degree awarded by an accredited or approved institution in the U.S.; or the degree from the institution was accepted by an accredited or approved institution either in transfer or as a basis for admission into the graduate program which resulted in the conferral of a higher degree. Rule 6A-4.003(2), F.A.C.

⁴⁰ Chapter 2016-117, L.O.F.

⁴¹ Florida Department of Education, *Pathways to the Professional Certificate: hearing before the House PreK-12 Quality Subcommittee* (Feb. 15, 2017), available at <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2909&Session=2017&DocumentType=Meeting%20Packets&FileName=pkq%202-15-17.pdf>.

⁴² Section 1012.585(2)(a), F.S.

⁴³ Rule 6A-4.0051(3)(b), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District school boards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

⁴⁴ The fee for a certification renewal is \$75. Rules 6A-4.0051(3)(b), F.A.C. and 6A-4.0012(1)(a)1.

⁴⁵ Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. 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).

⁴⁶ Section 1012.585(3)(a), F.S.

⁴⁷ Section 1012.585(3)(c), F.S.; rule 6A-4.0051(2)(c), F.A.C.

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.⁴⁸

State board rule includes special provisions for teachers of limited English proficient students, teachers of students with disabilities and teachers of reading.⁴⁹ 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.⁵⁰ Temporary certificate holders may 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 toward renewal of the teacher's first professional certificate; however, the training must not have been included within the degree program, and the temporary and professional certificates must be issued for consecutive school years.⁵¹

Applicants for renewal of a professional certificate must earn at least one college credit or the equivalent amount of inservice points in the area of instruction for teaching students with disabilities.⁵²

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.⁵³ Certification by NBPTS is deemed to meet certification renewal requirements for the life of the certificate, in the corresponding certification subject area.⁵⁴

Teacher Preparation

There are various teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials, including.⁵⁵

- **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.⁵⁶
- **Educator Preparation Institutes** are alternative certification programs offered by postsecondary institutions and private providers 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 and require mastery of general knowledge, mastery of subject area knowledge and mastery of professional preparation and education competence.
- **District Professional Development Certification and Education Competency Programs** are cohesive, competency-based professional preparation certification programs offered by Florida public school districts, by which a school district's instructional staff can satisfy the mastery of professional preparation and education competence requirements. In addition to completing the

⁴⁸ Section 1012.585(3)(a), F.S.

⁴⁹ Rule 6A-4.0051(5), F.S.

⁵⁰ Section 1012.585(3)(d)1., F.S.

⁵¹ Section 1012.585(3)(d)2., F.S.

⁵² Section 1012.585(4), F.S. This required training may not add to the total hours required by the DOE for continuing education or inservice training. *Id.*

⁵³ Section 1012.585(3)(b), F.S. 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.

⁵⁴ Section 1012.585(2)(b), F.S.; rule 6A-4.0051(1)(c), F.A.C.

⁵⁵ Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Mar. 9, 2017). *See also* rule 6A-5.066, F.A.C.

⁵⁶ Rule 6A-5.066, F.A.C.

district program, candidates must demonstrate mastery of general knowledge and subject area knowledge.

Professional Development

Florida law requires a number of entities, including the DOE, 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.⁵⁷

Part of the DOE's responsibility in the professional development system is to disseminate to the school community research-based professional development methods and programs that have demonstrated success in meeting identified student needs.⁵⁸ At least one method of dissemination must be through a web-based statewide performance support system, including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available assistance.⁵⁹ In addition, the DOE must disseminate, using the web-based statewide performance-support system, proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, and meeting identified school needs.⁶⁰ The DOE must also disseminate, using web-based technology, research-based best practice methods by which the state and district school boards may evaluate and improve the professional development system.⁶¹

Each school district is required to develop a professional development system in consultation with teachers, teacher-educators of Florida College System (FCS) institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations.⁶² The system must:

- be approved by the DOE, with all substantial revisions thereto also approved by the DOE;
- be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students;
- provide inservice activities with followup support appropriate to accomplish district-level and school-level improvement goals and standards;
- include a master plan for inservice activities, which must be aligned to and support school-based inservice plans and school improvement plans and be approved annually by the district school board;
- include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management;
- provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs;
- provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs;
- provide for the continuous evaluation of the quality and effectiveness of professional developmental programs in order to eliminate ineffective programs and strategies and expand effective ones; and
- for middle grades, emphasize:
 - interdisciplinary planning, collaboration, and instruction;

⁵⁷ Section 1012.98(1), F.S.

⁵⁸ Section 1012.98(4)(a), F.S. The web-based statewide performance support system can be accessed at <https://www.floridaschoolleaders.org>.

⁵⁹ *Id.*

⁶⁰ Section 1012.98(11), F.S.

⁶¹ Section 1012.98(7), F.S.

⁶² Section 1012.98(4)(b), F.S.

- alignment of curriculum and instructional materials to the state academic standards; and
- use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based instruction; integrated digital instruction; and project-based instruction.⁶³

A district school board may contract with independent entities for professional development services and inservice education if the district school board can demonstrate to the Commissioner of Education that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.⁶⁴

Teacher Mentoring and Induction

Teacher induction programs “aim to improve the performance and retention of new hires and to enhance the skills and prevent the loss of new teachers with the ultimate goal of improving students growth and learning.”⁶⁵ Data show that recent concerns over staffing shortages are primarily related to retaining new teachers rather than recruiting them, as beginning teachers leave the profession at a higher clip than experienced ones or teachers who retire.⁶⁶ Beginning teachers who leave the profession often report a lack of adequate administrative support as a motivating factor.⁶⁷ This has led to a significant portion of the teacher workforce consisting more of beginning teachers as well as an increase in participation in teacher induction programs.⁶⁸ However, there is great variation in the quality of induction opportunities offered to new teachers between states and school districts.⁶⁹

Generally, teacher induction has a positive effect on retaining new teachers. Further, participation in certain activities is correlated with higher rates of retention, including having a peer mentor in the subject area and having common planning time.⁷⁰

Florida law has no provisions related to new teacher induction other than requiring the assignment of a peer mentor as part of a district program.⁷¹ Although a peer mentor must hold a valid professional certificate, have at least 3 years of teaching experience in prekindergarten through grade 12, and have a rating of effective or highly effective on the prior year’s performance evaluation,⁷² the law does not expressly establish mentor training and mentoring activities requirements.

Effect of Proposed Changes

To help districts recruit and retain new teachers, the bill enhances requirements for the peer mentor component of a district program and establishes a mentorship and induction-based pathway to a professional educator certificate. Under the bill, a temporary certificate holder who completes a DOE-approved district program and who has a highly effective district performance evaluation rating will receive a professional certificate without having to sit for additional coursework or take the Professional Education Test (PET).

⁶³ Section 1012.98(4)(b), F.S.

⁶⁴ Section 1012.98(9), F.S.

⁶⁵ RICHARD INGERSOLL, *Beginning Teacher Induction: What the Data Tell Us*, http://www.edweek.org/ew/articles/2012/05/16/kappan_ingersoll.h31.html (last visited Mar. 6, 2017).

⁶⁶ *See id.*

⁶⁷ *Id.*

⁶⁸ *See id.*

⁶⁹ *See id.* *See also* The New Teacher Center, *Support from the Start: A 50-State Review of Policies on New Educator Induction and Mentoring* (2016) at iii-iv, available at <https://newteachercenter.org/wp-content/uploads/2016ExecSummaryStatePolicies.pdf>.

⁷⁰ *See* RICHARD INGERSOLL, *Beginning Teacher Induction: What the Data Tell Us*, http://www.edweek.org/ew/articles/2012/05/16/kappan_ingersoll.h31.html (last visited Mar. 6, 2017).

⁷¹ *See* s. 1012.56(8)(a)3., F.S.

⁷² *Id.* School district personnel evaluation systems differentiate among four levels of performance: Highly Effective; Effective; Needs improvement (or Developing for instructional personnel in their first 3 years of employment who need improvement); and Unsatisfactory. Section 1012.34(2)(e), F.S.

The bill requires that the mentorship and induction component of a district's professional development certification program, at a minimum, provide weekly opportunities for mentoring and induction activities, including:

- common planning time;
- ongoing professional development targeted to a mentee teacher's needs;
- opportunities to observe other teachers;
- co-teaching experiences; and
- reflection and followup discussions.

The bill requires that the mentorship and induction activities must be provided for the teacher's first year in the program and may be provided until the teacher attains his or her professional certificate. The bill requires that a principal who is rated highly effective must be provided flexibility in selecting professional development activities for the mentorship and induction component so long as they are approved by the DOE.

The bill allows charter schools and charter management organizations to offer a DOE-approved professional development certification program.

The bill requires the DOE to adopt standards for the approval of professional development certification programs, including standards for the teacher mentorship and induction component, by December 31, 2017. The standards for the teacher mentorship and induction component must include:

- program administration and evaluation;
- mentor roles, selection, and training;
- beginning teacher assessment and professional development; and
- teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices.

Each school district, charter school, or charter management organization, wishing to provide a professional development certification program must submit its program, including the teacher mentorship and induction component, to the DOE for approval no later than June 30, 2018. Beginning January 1, 2019, a teacher may not satisfy requirements for a professional certificate through a professional development certification program unless the program has been approved by the DOE. As a result, teachers can complete the requirements for a professional certificate based on current program requirements through December 31, 2018, at the latest.

The bill allows participation in a district program as a mentor or a mentee to count toward a teacher's inservice specialization requirements for renewal of a professional certificate. The bill also requires each district professional development system to provide inservice activities and support targeted to the individual needs of teachers participating in the district program.

The bill requires professional development activities designed to implement the School Community Professional Development Act to provide training to mentors as part of the district program. The training must include components on teacher development, peer coaching, time management, and other related topics as determined by the DOE. The bill requires model professional development programs disseminated by the DOE to include effective mentorship activities to new teachers and training to mentors.

The bill also streamlines the temporary certificate application process by requiring the DOE to electronically issue a temporary certificate to a qualifying applicant within 14 calendar days after it receives a request from the applicant's employing school district or private school. The DOE must also electronically provide an official statement of status of eligibility at the time the certificate is issued. The statement must include each method by which an applicant can complete the qualifications for a professional certificate.

B. SECTION DIRECTORY:

Section 1. Amends s. 1012.56, F.S.; requiring the Department of Education to issue a temporary educator certificate within a specified period; requiring the department to provide electronic notice of the issuance of a temporary certificate to specified entities; requiring the department to provide the applicant an official statement of status of eligibility upon issuance of a temporary certificate; providing content requirements for the statement of status of eligibility; revising the criteria instructional personnel must meet to be issued a professional certificate; providing that an applicant for professional certification is not required to take or pass a specified examination under certain circumstances; authorizing charter schools and charter management organizations to develop a professional development certification and education competency program; revising program requirements; requiring the department to adopt standards for the approval of such programs by a specified date; providing requirements for such standards; requiring each school district and charter school to submit its program for approval by a specified date; providing that certification requirements may not be met in a program that is not approved by the department after a specified date.

Section 2. Amends s. 1012.585, F.S.; revising college credit and inservice hour requirements for renewal of a professional certificate to include participation in specified activities.

Section 3. Amends s. 1012.98, F.S.; revising the activities designed to implement the school community professional development act to include specified training relating to a professional development certification and education competency program; revising requirements for school district professional development systems; requiring the department to disseminate professional development programs that meet specified criteria.

Section 4. Provides an effective date.

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 bill may result in cost savings to teachers who participate in a professional development certification program because they would not be required to enroll in additional college coursework or take the Professional Education Test to earn their professional certificate.

D. FISCAL COMMENTS:

None.

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.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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A bill to be entitled
 An act relating to teacher certification; amending s.
 1012.56, F.S.; requiring the Department of Education
 to issue a temporary educator certificate within a
 specified period; requiring the department to provide
 electronic notice of the issuance of a temporary
 certificate to specified entities; requiring the
 department to provide the applicant an official
 statement of status of eligibility upon issuance of a
 temporary certificate; providing content requirements
 for the statement of status of eligibility; revising
 the criteria instructional personnel must meet to be
 issued a professional certificate; providing that an
 applicant for professional certification is not
 required to take or pass a specified examination under
 certain circumstances; authorizing charter schools and
 charter management organizations to develop a
 professional development certification and education
 competency program; revising program requirements;
 requiring the department to adopt standards for the
 approval of such programs by a specified date;
 providing requirements for such standards; requiring
 each school district and charter school to submit its
 program for approval by a specified date; providing
 that certification requirements may not be met in a

26 program that is not approved by the department after a
 27 specified date; amending s. 1012.585, F.S.; revising
 28 college credit and inservice hour requirements for
 29 renewal of a professional certificate to include
 30 participation in specified activities; amending s.
 31 1012.98, F.S.; revising the activities designed to
 32 implement the school community professional
 33 development act to include specified training relating
 34 to a professional development certification and
 35 education competency program; revising requirements
 36 for school district professional development systems;
 37 requiring the department to disseminate professional
 38 development programs that meet specified criteria;
 39 providing an effective date.

40

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

42

43 Section 1. Paragraph (c) of subsection (8) of section
 44 1012.56, Florida Statutes, is redesignated as paragraph (d),
 45 subsection (1), paragraph (a) of subsection (7), and paragraph
 46 (a) of subsection (8) are amended, and a new paragraph (c) is
 47 added to subsection (8) of that section, to read:

48 1012.56 Educator certification requirements.—

49 (1) APPLICATION.—Each person seeking certification
 50 pursuant to this chapter shall submit a completed application

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51 containing the applicant's social security number to the
52 Department of Education and remit the fee required pursuant to
53 s. 1012.59 and rules of the State Board of Education. Pursuant
54 to the federal Personal Responsibility and Work Opportunity
55 Reconciliation Act of 1996, each party is required to provide
56 his or her social security number in accordance with this
57 section. Disclosure of social security numbers obtained through
58 this requirement is limited to the purpose of administration of
59 the Title IV-D program of the Social Security Act for child
60 support enforcement.

61 (a) Pursuant to s. 120.60, the department shall issue
62 within 90 calendar days after the stamped receipted date of the
63 completed application.

64 ~~(a) If the applicant meets the requirements,~~ a professional
65 certificate to a qualifying applicant covering the
66 classification, level, and area for which the applicant is
67 deemed qualified and a document explaining the requirements for
68 renewal of the professional certificate.

69 (b) The department shall issue a temporary certificate to
70 a qualifying applicant within 14 calendar days after receipt of
71 a request from ~~if the applicant meets the requirements and if~~
72 ~~requested by~~ an employing school district or an employing
73 private school with a professional education competence
74 demonstration program pursuant to paragraphs (6)(f) and (8)(b).
75 The, a temporary certificate must cover ~~covering~~ the

76 classification, level, and area for which the applicant is
 77 deemed qualified. The department shall electronically notify the
 78 applicant's employing school district or employing private
 79 school that the temporary certificate has been issued and
 80 provide the applicant an official statement of status of
 81 eligibility at the time the certificate is issued. ~~and an~~
 82 ~~official statement of status of eligibility; or~~

83 (c) Pursuant to s. 120.60, the department shall issue
 84 within 90 calendar days after the stamped receipted date of the
 85 completed application, if an applicant does not meet the
 86 requirements for either certificate, an official statement of
 87 status of eligibility.

88
 89 The statement of status of eligibility must be provided
 90 electronically and must advise the applicant of any
 91 qualifications that must be completed to qualify for
 92 certification. Each method by which an applicant can complete
 93 the qualifications for a professional certificate must be
 94 included in the statement of status of eligibility. Each
 95 statement of status of eligibility is valid for 3 years after
 96 its date of issuance, except as provided in paragraph (2)(d).

97 (7) TYPES AND TERMS OF CERTIFICATION.—

98 (a) The Department of Education shall issue a professional
 99 certificate for a period not to exceed 5 years to any applicant
 100 who fulfills one of the following:

101 1. Meets all the requirements outlined in subsection (2).

102 ~~2.~~ ~~or,~~ For a professional certificate covering grades 6

103 through 12, ~~any applicant who:~~

104 a.1. Meets the requirements of paragraphs (2)(a)-(h).

105 b.2. Holds a master's or higher degree in the area of

106 science, technology, engineering, or mathematics.

107 c.3. Teaches a high school course in the subject of the

108 advanced degree.

109 d.4. Is rated highly effective as determined by the

110 teacher's performance evaluation under s. 1012.34, based in part

111 on student performance as measured by a statewide, standardized

112 assessment or an Advanced Placement, Advanced International

113 Certificate of Education, or International Baccalaureate

114 examination.

115 e.5. Achieves a passing score on the Florida professional

116 education competency examination required by state board rule.

117 3. Meets the requirements of paragraphs (2)(a)-(h) and

118 completes a professional preparation and education competence

119 program approved by the department pursuant to paragraph (8)(c).

120 An applicant who completes the program and is rated highly

121 effective as determined by his or her performance evaluation

122 under s. 1012.34 is not required to take or achieve a passing

123 score on the professional education competency examination in

124 order to be awarded a professional certificate.

125

126 Each temporary certificate is valid for 3 school fiscal years
 127 and is nonrenewable. However, the requirement in paragraph
 128 (2) (g) must be met within 1 calendar year of the date of
 129 employment under the temporary certificate. Individuals who are
 130 employed under contract at the end of the 1 calendar year time
 131 period may continue to be employed through the end of the school
 132 year in which they have been contracted. A school district shall
 133 not employ, or continue the employment of, an individual in a
 134 position for which a temporary certificate is required beyond
 135 this time period if the individual has not met the requirement
 136 of paragraph (2) (g). The State Board of Education shall adopt
 137 rules to allow the department to extend the validity period of a
 138 temporary certificate for 2 years when the requirements for the
 139 professional certificate, not including the requirement in
 140 paragraph (2) (g), were not completed due to the serious illness
 141 or injury of the applicant or other extraordinary extenuating
 142 circumstances. The department shall reissue the temporary
 143 certificate for 2 additional years upon approval by the
 144 Commissioner of Education. A written request for reissuance of
 145 the certificate shall be submitted by the district school
 146 superintendent, the governing authority of a university lab
 147 school, the governing authority of a state-supported school, or
 148 the governing authority of a private school.

149 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
 150 COMPETENCY PROGRAM.—

151 (a) The Department of Education shall develop and each
 152 school district, charter school, and charter management
 153 organization may provide a cohesive competency-based
 154 professional development certification and education competency
 155 program by which ~~members of a school district's~~ instructional
 156 staff may satisfy the mastery of professional preparation and
 157 education competence requirements specified in subsection (6)
 158 and rules of the State Board of Education. Participants must
 159 hold a state-issued temporary certificate. A school district,
 160 charter school, or charter management organization that
 161 implements the program shall provide a competency-based
 162 certification program developed by the Department of Education
 163 or developed by the district, charter school, or charter
 164 management organization and approved by the Department of
 165 Education. The program shall include the following:

- 166 1. A minimum period of initial preparation before assuming
 167 duties as the teacher of record.
- 168 2. An option for collaboration with ~~between school~~
 169 ~~districts and~~ other supporting agencies or educational entities
 170 for implementation.
- 171 3. A teacher mentorship and induction ~~An experienced peer-~~
 172 ~~mentor~~ component.
 - 173 a. Each individual selected by the district as a ~~peer~~
 174 mentor:
 - 175 I. Must hold a valid professional certificate issued

176 pursuant to this section;~~T~~

177 II. Must have earned at least 3 years of teaching
 178 experience in prekindergarten through grade 12;~~T~~and

179 III. Must have completed specialized training in clinical
 180 supervision and participate in ongoing mentor training provided
 181 through the coordinated system of professional development under
 182 s. 1012.98(3)(e);

183 IV. Must have earned an effective or highly effective
 184 rating on the prior year's performance evaluation under s.
 185 1012.34; and

186 V. May ~~or~~ be a peer evaluator under the district's
 187 evaluation system approved under s. 1012.34.

188 b. The teacher mentorship and induction component must, at
 189 a minimum, provide weekly opportunities for mentoring and
 190 induction activities, including common planning time, ongoing
 191 professional development targeted to a teacher's needs,
 192 opportunities for a teacher to observe other teachers, co-
 193 teaching experiences, and reflection and followup discussions.
 194 Mentorship and induction activities must be provided for an
 195 applicant's first year in the program and may be provided until
 196 the applicant attains his or her professional certificate in
 197 accordance with this section. A principal who is rated highly
 198 effective as determined by his or her performance evaluation
 199 under s. 1012.34 must be provided flexibility in selecting
 200 professional development activities under this paragraph;

201 however, the activities must be approved by the department as
 202 part of the district's, charter school's, or charter management
 203 organization's program.

204 4. An assessment of teaching performance aligned to the
 205 district's system for personnel evaluation under s. 1012.34
 206 which provides for:

207 a. An initial evaluation of each educator's competencies
 208 to determine an appropriate individualized professional
 209 development plan.

210 b. A summative evaluation to assure successful completion
 211 of the program.

212 5. Professional education preparation content knowledge,
 213 which must be included in the mentoring and induction activities
 214 under subparagraph 3., that includes, but is not limited to, the
 215 following:

216 a. The state standards provided under s. 1003.41,
 217 including scientifically based reading instruction, content
 218 literacy, and mathematical practices, for each subject
 219 identified on the temporary certificate.

220 b. The educator-accomplished practices approved by the
 221 state board.

222 c. A variety of data indicators for monitoring student
 223 progress.

224 d. Methodologies for teaching students with disabilities.

225 e. Methodologies for teaching students of limited English

226 proficiency appropriate for each subject area identified on the
 227 temporary certificate.

228 f. Techniques and strategies for operationalizing the role
 229 of the teacher in assuring a safe learning environment for
 230 students.

231 6. Required achievement of passing scores on the subject
 232 area and professional education competency examination required
 233 by State Board of Education rule. Mastery of general knowledge
 234 must be demonstrated as described in subsection (3).

235 (c) No later than December 31, 2017, the department shall
 236 adopt standards for the approval of professional development
 237 certification and education competency programs, including
 238 standards for the teacher mentorship and induction component,
 239 under paragraph (a). Standards for the teacher mentorship and
 240 induction component must include program administration and
 241 evaluation; mentor roles, selection, and training; beginning
 242 teacher assessment and professional development; and teacher
 243 content knowledge and practices aligned to the Florida Educator
 244 Accomplished Practices. Each school district or charter school
 245 with a program under this subsection must submit its program,
 246 including the teacher mentorship and induction component, to the
 247 department for approval no later than June 30, 2018. After
 248 December 31, 2018, a teacher may not satisfy requirements for a
 249 professional certificate through a professional development
 250 certification and education competency program under paragraph

251 (a) unless the program has been approved by the department
 252 pursuant to this paragraph.

253 Section 2. Paragraph (a) of subsection (3) of section
 254 1012.585, Florida Statutes, is amended to read:

255 1012.585 Process for renewal of professional
 256 certificates.—

257 (3) For the renewal of a professional certificate, the
 258 following requirements must be met:

259 (a) The applicant must earn a minimum of 6 college credits
 260 or 120 inservice points or a combination thereof. For each area
 261 of specialization to be retained on a certificate, the applicant
 262 must earn at least 3 of the required credit hours or equivalent
 263 inservice points in the specialization area. Education in
 264 "clinical educator" training pursuant to s. 1004.04(5)(b);
 265 participation in mentorship and induction activities, including
 266 as a mentor, pursuant to s. 1012.56(8)(a); and credits or points
 267 that provide training in the area of scientifically researched,
 268 knowledge-based reading literacy and computational skills
 269 acquisition, exceptional student education, normal child
 270 development, and the disorders of development may be applied
 271 toward any specialization area. Credits or points that provide
 272 training in the areas of drug abuse, child abuse and neglect,
 273 strategies in teaching students having limited proficiency in
 274 English, or dropout prevention, or training in areas identified
 275 in the educational goals and performance standards adopted

276 pursuant to ss. 1000.03(5) and 1008.345 may be applied toward
 277 any specialization area. Credits or points earned through
 278 approved summer institutes may be applied toward the fulfillment
 279 of these requirements. Inservice points may also be earned by
 280 participation in professional growth components approved by the
 281 State Board of Education and specified pursuant to s. 1012.98 in
 282 the district's approved master plan for inservice educational
 283 training, including, but not limited to, serving as a trainer in
 284 an approved teacher training activity, serving on an
 285 instructional materials committee or a state board or commission
 286 that deals with educational issues, or serving on an advisory
 287 council created pursuant to s. 1001.452.

288 Section 3. Paragraph (e) is added to subsection (3) of
 289 section 1012.98, Florida Statutes, and paragraph (b) of
 290 subsection (4) and subsections (10) and (11) are amended, to
 291 read:

292 1012.98 School Community Professional Development Act.—

293 (3) The activities designed to implement this section
 294 must:

295 (e) Provide training to teacher mentors as part of the
 296 professional development certification and education competency
 297 program under s. 1012.56(8)(a). The training must include
 298 components on teacher development, peer coaching, time
 299 management, and other related topics as determined by the
 300 Department of Education.

301 (4) The Department of Education, school districts,
 302 schools, Florida College System institutions, and state
 303 universities share the responsibilities described in this
 304 section. These responsibilities include the following:

305 (b) Each school district shall develop a professional
 306 development system as specified in subsection (3). The system
 307 shall be developed in consultation with teachers, teacher-
 308 educators of Florida College System institutions and state
 309 universities, business and community representatives, and local
 310 education foundations, consortia, and professional
 311 organizations. The professional development system must:

312 1. Be approved by the department. All substantial
 313 revisions to the system shall be submitted to the department for
 314 review for continued approval.

315 2. Be based on analyses of student achievement data and
 316 instructional strategies and methods that support rigorous,
 317 relevant, and challenging curricula for all students. Schools
 318 and districts, in developing and refining the professional
 319 development system, shall also review and monitor school
 320 discipline data; school environment surveys; assessments of
 321 parental satisfaction; performance appraisal data of teachers,
 322 managers, and administrative personnel; and other performance
 323 indicators to identify school and student needs that can be met
 324 by improved professional performance.

325 3. Provide inservice activities coupled with followup

326 support appropriate to accomplish district-level and school-
327 level improvement goals and standards. The inservice activities
328 for instructional personnel shall focus on analysis of student
329 achievement data, ongoing formal and informal assessments of
330 student achievement, identification and use of enhanced and
331 differentiated instructional strategies that emphasize rigor,
332 relevance, and reading in the content areas, enhancement of
333 subject content expertise, integrated use of classroom
334 technology that enhances teaching and learning, classroom
335 management, parent involvement, and school safety.

336 4. Provide inservice activities and support targeted to
337 the individual needs of new teachers participating in the
338 professional development certification and education competency
339 program under s. 1012.56(8)(a).

340 5.4. Include a master plan for inservice activities,
341 pursuant to rules of the State Board of Education, for all
342 district employees from all fund sources. The master plan shall
343 be updated annually by September 1, must be based on input from
344 teachers and district and school instructional leaders, and must
345 use the latest available student achievement data and research
346 to enhance rigor and relevance in the classroom. Each district
347 inservice plan must be aligned to and support the school-based
348 inservice plans and school improvement plans pursuant to s.
349 1001.42(18). Each district inservice plan must provide a
350 description of the training that middle grades instructional

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351 personnel and school administrators receive on the district's
352 code of student conduct adopted pursuant to s. 1006.07;
353 integrated digital instruction and competency-based instruction
354 and CAPE Digital Tool certificates and CAPE industry
355 certifications; classroom management; student behavior and
356 interaction; extended learning opportunities for students; and
357 instructional leadership. District plans must be approved by the
358 district school board annually in order to ensure compliance
359 with subsection (1) and to allow for dissemination of research-
360 based best practices to other districts. District school boards
361 must submit verification of their approval to the Commissioner
362 of Education no later than October 1, annually. Each school
363 principal may establish and maintain an individual professional
364 development plan for each instructional employee assigned to the
365 school as a seamless component to the school improvement plans
366 developed pursuant to s. 1001.42(18). An individual professional
367 development plan must be related to specific performance data
368 for the students to whom the teacher is assigned, define the
369 inservice objectives and specific measurable improvements
370 expected in student performance as a result of the inservice
371 activity, and include an evaluation component that determines
372 the effectiveness of the professional development plan.

373 ~~6.5.~~ Include inservice activities for school
374 administrative personnel that address updated skills necessary
375 for instructional leadership and effective school management

376 pursuant to s. 1012.986.

377 ~~7.6.~~ Provide for systematic consultation with regional and
 378 state personnel designated to provide technical assistance and
 379 evaluation of local professional development programs.

380 ~~8.7.~~ Provide for delivery of professional development by
 381 distance learning and other technology-based delivery systems to
 382 reach more educators at lower costs.

383 ~~9.8.~~ Provide for the continuous evaluation of the quality
 384 and effectiveness of professional development programs in order
 385 to eliminate ineffective programs and strategies and to expand
 386 effective ones. Evaluations must consider the impact of such
 387 activities on the performance of participating educators and
 388 their students' achievement and behavior.

389 ~~10.9.~~ For middle grades, emphasize:

390 a. Interdisciplinary planning, collaboration, and
 391 instruction.

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

394 c. Use of small learning communities; problem-solving,
 395 inquiry-driven research and analytical approaches for students;
 396 strategies and tools based on student needs; competency-based
 397 instruction; integrated digital instruction; and project-based
 398 instruction.

399
 400 Each school that includes any of grades 6, 7, or 8 must include

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401 in its school improvement plan, required under s. 1001.42(18), a
 402 description of the specific strategies used by the school to
 403 implement each item listed in this subparagraph.

404 (10) For instructional personnel and administrative
 405 personnel who have been evaluated as less than effective, a
 406 district school board shall require participation in specific
 407 professional development programs as provided in subparagraph
 408 (4)(b)5. ~~(4)(b)4.~~ as part of the improvement prescription.

409 (11) The department shall disseminate to the school
 410 community proven model professional development programs that
 411 have demonstrated success in increasing rigorous and relevant
 412 content, increasing student achievement and engagement, ~~and~~
 413 meeting identified student needs, and providing effective
 414 mentorship activities to new teachers and training to teacher
 415 mentors. The methods of dissemination must include a web-based
 416 statewide performance-support system including a database of
 417 exemplary professional development activities, a listing of
 418 available professional development resources, training programs,
 419 and available technical assistance.

420 Section 4. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1331 Education
SPONSOR(S): Grall
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1598

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee		Brink	Duncan
2) Education Committee			

SUMMARY ANALYSIS

The bill establishes the Schools of Excellence Program to provide administrative flexibility to the state's highest performing schools. The bill requires the State Board of Education to designate a school as a School of Excellence if it has a school grades score in the 80th percentile or higher, statewide, for schools of its type (elementary, middle, high, or combination) for 2 of the last 3 school years. A school retains its designation for 3 years unless it earns a school grade lower than a "B" during that span. A school may renew its designation if it remains in the 80th percentile or higher for 2 of the 3 years and does not receive a grade lower than a "B." The bill provides the following administrative flexibilities to a School of Excellence:

- Exemption from any provision in law or rule that expressly requires a minimum period of daily or weekly instruction.
- The same autonomy over personnel and budgetary decisions for the school's principal as provided to principals participating in the Principal Autonomy Pilot Project Initiative.
- Exemption from district-set starting and stopping times for the school day.
- Allowing a teacher to substitute 1 school year of employment at a School of Excellence for 20 inservice points toward the renewal of their professional certificate, up to 60 inservice points.

Under the bill, a temporary certificate holder who completes an approved professional development certification program and earns a highly effective rating will qualify for a renewable professional certificate without having to complete additional classwork or pass the Professional Education Test.

The bill allows charter schools and charter management organizations to offer a professional development certification and educator competence program and requires the mentorship and induction component of a program to, at a minimum, provide weekly opportunities for specified mentoring and induction activities. The mentorship and induction activities must be provided for a teacher's first year in the program and may be provided until the teacher attains his or her professional certificate. The bill requires the DOE to adopt standards for approving a professional development certification and educator competence program, including the mentorship and induction component.

The bill allows mentoring activities, including serving as a mentor, to count towards a teacher's inservice requirements for certification renewal. The bill requires professional development activities to provide training to mentors. The bill requires model professional development programs disseminated by the DOE to include effective mentorship activities to new teachers and training to mentors.

The bill also streamlines the temporary certificate application process.

The bill does not appear to have a fiscal impact.

The bill takes effect July 1, 2017

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Schools of Excellence

Present Situation

Recognizing High-Performing Schools: School Grades and School Recognition

One function of Florida's statewide accountability system is to identify and recognize schools that perform well based on school quality metrics established in law. Initially implemented in 1999 as the A+ Plan for Education,¹ Florida's system has evolved and increased accountability for schools and educators by using student achievement and learning gains data from statewide, standardized assessments and other measures of school quality to assign schools grades on an A through F scale. The School Recognition Program was established to financially reward high-performing schools as indicated by the school grades.²

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.³ School grades are also used to determine whether a school must select or implement a turnaround option⁴ or whether a school is eligible for school recognition funds as appropriated by the Legislature.⁵

The annual reports must identify schools as having one of the following grades:

- "A," for schools making excellent progress – 62% or higher of total points
- "B," for schools making above average progress – 54% to 61% of total points
- "C," for schools making satisfactory progress – 41% to 53% of total points
- "D," for schools making less than satisfactory progress – 32% to 40% of total points
- "F," for schools failing to make adequate progress – 31% or less of total points⁶

Elementary schools, middle schools, and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.⁷ Combination school models include the additional components for the grades served (e.g., a school serving grades K through 12 would include the additional components for the middle and high school models).

¹ See ch. 1999-398, L.O.F.; Florida Department of Education, *Evaluation and Reporting, Florida School Recognition Program*, Frequently Asked Questions, <http://www.fldoe.org/accountability/accountability-reporting/fl-school-recognition-program/FAQ.shtml> (last visited Mar. 13, 2017).

² Section 3, ch. 1997-212, L.O.F.

³ Section 1008.34(1), F.S. If there are fewer than 10 eligible students with data for a component, the component is not included in the calculation. Section 1008.34(3)(a), F.S.

⁴ See s. 1008.33(4), F.S.

⁵ See s. 1008.26, F.S.

⁶ Section 1008.34(2), F.S.; rule 6A-1.09981(4)(d), F.A.C.

⁷ See s. 1008.34(3)(b), F.S.; rule 6A-1.09981(4)(a)-(c), F.A.C.

School Grades Models

Basic/Elementary (700 Points)			Middle School (Basic +200 Points)		High School (Basic+300 Points)		
English Language Arts	Mathematics	Science	Civics EOC Assessment	Acceleration Success	U.S. History EOC Assessment	Graduation Rate	Acceleration Success
Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Achievement (0% to 100%)	Percentage of students who pass high school EOC assessments & industry certifications	Achievement (0% to 100%)	Overall, 4-year graduation rate	Percent of students eligible to earn college credit through AP, IB, AICE, dual enrollment, or earn industry certification
Learning Gains (0% to 100%)	Learning Gains (0% to 100%)					(0% to 100%)	
Learning Gains of Low 25% (0% to 100%)	Learning Gains of Low 25% (0% to 100%)			(0% to 100%)			(0% to 100%) ⁸

Schools with a combination of grade groups (combination schools), such as K-8 or 6-12, have a school grades calculation that is based on the components that are applicable based on the grade groups served by the school. By example, a school that serves students in K-8 would have a school grade calculation based on the basic model plus the middle grades components but not the high school components, for a total of 900 possible points.

A school's grade must include only those components for which at least 10 students have complete data. If a school does not meet the 10-student threshold for a component, it will receive a school grade based only on the remaining components.⁹

School Recognition

The Florida School Recognition Program was created in 1997 to recognize the "outstanding faculty and staff in highly productive [public] schools."¹⁰ The program provides public recognition and financial awards to schools sustaining high student performance or schools that demonstrate exemplary improvement in student performance.¹¹ Funds were first awarded to eligible schools in the 1999-2000 school year.¹²

Public schools, including charter schools, that receive a school grade of "A," improve at least one letter grade from the prior year, or improve more than one letter grade and sustain the improvement the following year are eligible for awards.¹³ In addition, alternative schools that maintain a "commendable" rating or improve at least one improvement-rating level are also eligible for awards.¹⁴

⁸ Other assessments used to measure college readiness, such as the Postsecondary Education Readiness Test and the College Level Examination Program, are not included in the Acceleration Success component of the school grading formula.

⁹ See s. 1008.34(3)(a), F.S.

¹⁰ Section 3, ch. 1997-212, L.O.F., initially codified at s. 231.2905 (1), F.S., redesignated in 2002 as s. 1008.36 (1), F.S.

¹¹ Section 1008.36(2), F.S.; Florida Department of Education, Accountability Reporting, *Florida School Recognition Program: Frequently Asked Questions*, <http://www.fldoe.org/how-do-i/evaluation-reporting.shtml> (last visited Mar. 13, 2017).

¹² *Id.*

¹³ Section 1008.36(2) and (3), F.S. A school that serves any combination of students in kindergarten through grade 3 that does not receive a school grade because its students are not tested and not included in the school grading system receives the school grade designation of a K-3 feeder pattern school, if at least 60 percent of the students in the K-3 school are scheduled to be assigned to the graded school. Section 1008.34(3)(a)2., F.S.

¹⁴ Section 1008.341(2), F.S. Alternative schools have the option of receiving a school improvement rating. There are 3 ratings: commendable, maintaining, and unsatisfactory. *Id.*

Financial awards may be used for:

- Nonrecurring bonuses for faculty and staff;
- Nonrecurring expenditures for educational equipment or materials; or
- Temporary personnel to assist in maintaining and improving student performance.¹⁵

Although the law provides recognition in the form of publicly reported school grades and financial incentives through the School Recognition Program, the law does not provide consistently, highly successful schools any relief from prescriptive state- or district-level regulations that may hinder a school from implementing additional, effective practices that further improve student outcomes.

Principal Autonomy Pilot Program Initiative

In 2016, the Legislature established the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education (DOE) to provide the principal of a participating school with increased autonomy and authority regarding allocation of resources and staffing to improve student achievement and school management.¹⁶ School district participation in PAPPI is voluntary, and only open to school districts in Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas and Seminole Counties. School districts seeking to participate in PAPPI must submit a principal autonomy proposal to the State Board of Education for approval. A participating school must have received at least two school grades of “D” or “F” during the previous three school years, and a participating principal must have earned a highly effective rating on the prior year’s performance evaluation.¹⁷

The program exempts participating schools from the K-20 Education Code and state board rules implementing such provisions, with some exceptions.¹⁸ In addition, a principal at a participating school may select qualified instructional personnel for placement at the school and refuse placement or transfer of instructional personnel by the district school superintendent, in any case.¹⁹ The principal also has greater budgeting authority to allocate resources to help improve student achievement.²⁰

Professional Certification Renewal

Instructional personnel with a professional educator certificate must apply to renew their certificate every five years.²¹ In order to qualify for renewal, the applicant must earn at least six college credits or 120 inservice (professional development) points during the 5-year cycle.²² At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.²³ 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.²⁴

¹⁵ Section 1008.36(5), F.S.

¹⁶ Chapter 2016-223, L.O.F. *Codified at* ss. 1012.28(8), and 1011.6202, F.S.

¹⁷ Section 1011.6202(2)(a)1. and 2., F.S.

¹⁸ *See* s. 1011.6202(3), F.S.

¹⁹ Section 1012.28(8)(a), F.S.

²⁰ Section 1012.28(8)(b), F.S.

²¹ Section 1012.585(2)(a), F.S.

²² Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. 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).

²³ Section 1012.585(3)(a), F.S.

²⁴ *Id.*

Applicants for renewal of a professional certificate must earn at least one college credit or the equivalent amount of inservice points in the area of instruction for teaching students with disabilities.²⁵

Effect of Proposed Changes

The bill establishes the Schools of Excellence Program to provide administrative flexibility to the state's highest performing schools.

The bill requires the State Board of Education to designate a school as a School of Excellence when the school's percentage of possible points earned in its school grades calculation is in the 80th percentile or higher for schools within the same grade group (elementary schools, middle schools, high schools, or combination schools) for 2 of the last 3 school years. In order to qualify, the school must have data for each school grades component for its grade group.

Under the bill, a school retains its designation as a School of Excellence for 3 years so long as it does not receive a school grade lower than a "B" during that span. The school may renew its designation for another 3 years if it remains in the 80th percentile or higher for 2 of the 3 years and does not receive a grade lower than a "B" in any of the years. The bill provides that a School of Excellence that receives a grade lower than "B" may not continue to be designated as a School of Excellence and loses its administrative flexibility during the remainder of the 3-year period.

The bill provides the following administrative flexibilities to a School of Excellence:

- Exemption from any provision in law or rule that expressly requires a minimum period of daily or weekly instruction.
- The same autonomy over personnel and budgetary decisions for the school's principal as provided to principals participating in the Principal Autonomy Pilot Project Initiative.
- Exemption from district-set starting and stopping times for the school day.

In addition, the bill allows a teacher to substitute 1 school year of employment at a School of Excellence for 20 inservice points toward the renewal of their professional certificate. The provision allows the teacher to earn up to 60 inservice points out of the 120 points required to renew a professional educator certificate at the end of the 5-year certification cycle. The bill provides that the principal of a School of Excellence may still requires instructional personnel to participate in professional development implemented by the school.

Educator Certification

Present Situation

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 Florida Department of Education (DOE).²⁶ Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in another instructional capacity must be certified.²⁷ 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."²⁸

²⁵ Section 1012.585(4), F.S. This required training may not add to the total hours required by the DOE for continuing education or inservice training. *Id.*

²⁶ Sections 1012.55(1) and 1002.33(12)(f), F.S.

²⁷ 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-certified 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.

²⁸ Section 1012.54, F.S.; *see* rule 6A-4.001(1), F.A.C.

The DOE issues three types of educator certificates:

- **Professional Certificate.** The professional certificate is Florida's highest type of full-time educator certification.²⁹ The professional certificate is valid for five years and is renewable.³⁰
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required.³¹ The temporary certificate is valid for three years and is nonrenewable.³²
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.³³ DOE issues two types of athletic coaching certificates – one is valid for five years and may be issued for subsequent five-year periods while the other is valid for three years and may be issued only once.³⁴ The five-year certificate requires satisfaction of certain specialization requirements established in rule.³⁵

In addition, school districts are authorized to issue adjunct teaching certificates to part-time teachers who have expertise in the subject area to be taught. An adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district.³⁶

To be eligible for an educator certificate, a person must:³⁷

- be at least 18 years of age;
- sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- earn a bachelor's or higher degree from an accredited institution of higher learning³⁸ or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree,³⁹
- submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- be of good moral character; and
- be competent and capable of performing the duties, functions, and responsibilities of a teacher.

In addition, each applicant must submit an application and the required fee to the DOE.⁴⁰ Although most of the application process is conducted electronically, certain portions of the process, like notifications of deficiencies in an application and supporting documentation, are sent through

²⁹ Rule 6A-4.004(2), F.A.C.

³⁰ 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). DOE also issues 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.

³¹ Rule 6A-4.004(1)(a)2., F.A.C.

³² Section 1012.56(7), F.S. (flush-left provisions at end of subsection; validity period is expressed in school fiscal years); rule 6A-4.004(1)(a), F.A.C. DOE 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.

³³ Section 1012.55(2), F.S.

³⁴ Rule 6A-4.004(4), F.A.C. (validity periods expressed in school fiscal years).

³⁵ See rule 6A-4.0282, F.A.C.

³⁶ Section 1012.57(1) and (4), F.S. An additional annual certification and an additional annual contract may be awarded by the district at its discretion only if the adjunct teacher is rated effective or highly effective during each year of teaching under the adjunct certification. Section 1012.57(4), F.S.

³⁷ Section 1012.56(2)(a)-(f), F.S.

³⁸ Section 1012.56(2)(c), F.S.; rule 6A-4.003(1), F.A.C. (approved accrediting agencies); see also 34 C.F.R. ss. 602.1-602.50; U.S. Department of Education, *Regional and National Institutional Accrediting Agencies*, https://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html#NationallyRecognized (last visited Mar. 9, 2017) (list of accrediting agencies approved by the U.S. Department of Education).

³⁹ Section 1012.56(2)(c), F.S.; rule 6A-4.003(2), F.A.C. (criteria for approval of nonaccredited institutions of higher learning). For initial certification, an applicant must attain at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. Section 1012.56(2)(c), F.S.

⁴⁰ Section 1012.56(1), F.S.; see s. 1012.59, F.S. The fee for initial certification is \$75 per subject area. Rule 6A-4.0012(1)(a)1. and 2., F.A.C.

conventional postal delivery services which can delay the process. These notices are expected to be fully electronic by November of 2017.⁴¹

To receive a temporary certificate, an applicant must:

- meet the basic eligibility requirements for certification;⁴²
- obtain full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a DOE-approved professional education competence demonstration program;⁴³ and
- do one of the following:
 - demonstrate mastery of subject area knowledge (e.g., passage of the appropriate subject area test);⁴⁴ or
 - complete the required degree or content courses specified in state board rule for subject area specialization⁴⁵ and attain at least a 2.5 grade point average on a 4.0 scale in the subject area courses.⁴⁶

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position that requires a certificate.⁴⁷ If the educator is employed under contract, the calendar year deadline for demonstrating mastery of general knowledge may be extended through the end of the school year.⁴⁸ A temporary certificate is valid for 3 years and is nonrenewable.⁴⁹

An applicant seeking a professional certificate must:

- meet the basic eligibility requirements for certification;⁵⁰
- demonstrate mastery of general knowledge;⁵¹
- demonstrate mastery of subject area knowledge;⁵² and
- demonstrate mastery of professional preparation and education competence.⁵³

A professional certificate is valid for five years and is renewable.⁵⁴

Pathways to a professional certificate include:

- successfully completing an approved teacher preparation program at a postsecondary educational institution in Florida or a teacher preparation program from an out-of-state accredited or DOE-approved institution and achieving a passing score on the Professional

⁴¹ Telephone interview with Bureau Chief, Florida Department of Education, Bureau of Educator Certification (Feb. 23, 2017).

⁴² Section 1012.56(2)(a)-(f) and (7)(b), F.S.

⁴³ Section 1012.56(1)(b), F.S.; rule 6A-4.004(1)(a)2., F.A.C.

⁴⁴ Section 1012.56(7)(b), F.S.; Florida Department of Education, *Subject Area Knowledge*, http://www.fldoe.org/edcert/mast_sub.asp (last visited April 28, 2016).

⁴⁵ Section 1012.56(7)(b), F.S. The degree and content requirements are specified in ch. 6A-4, F.A.C.

⁴⁶ Section 1012.56(2)(c), F.S.; see Florida Department of Education, *Certificate Types and Requirements*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/index.stml> (last visited Mar. 9, 2017).

⁴⁷ Section 1012.56(7), F.S. (flush-left provisions at end of subsection).

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Section 1012.56(2)(a)-(f), F.S.; see *supra* text accompanying notes 37-40.

⁵¹ 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 Mar. 9, 2017).

⁵² Section 1012.56(2)(h) and (5), F.S.

⁵³ 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 Mar. 9, 2017) [hereinafter *Professional Preparation and Education Competence*].

⁵⁴ Sections 1012.56(7)(a) and 1012.585, F.S.; rule 6A-4.0051(1), F.A.C. See *supra* note 30.

Education Test (PET), Subject Area Examination (SAE), and General Knowledge Test (GKT) required by state board rule;⁵⁵

- successfully completing a competency-based professional development certification program offered by a school district or an educator preparation institute (EPI) and passing the PET, SAE, and GKT;⁵⁶
- completing 15 semester hours in professional preparation courses specified in state board rule⁵⁷ or completing the Professional Training Option for Content Majors;⁵⁸ completing requirements for practical experience in teaching;⁵⁹ completing an approved professional education competence demonstration program;⁶⁰ and passing the PET, SAE, and GKT;⁶¹
- providing documentation of a valid professional standard teaching certificate issued by another U.S. state or by the National Board Professional Teaching Standards (NBPTS);⁶²
- providing documentation of a valid professional standard teaching certificate issued by the American Board for Certification of Teacher Excellence (ABCTE) and completing an approved professional education competence demonstration program;⁶³ or
- completing two semesters of part-time or full-time college teaching experience at an accredited community college, state university, or private college or university that awards associate's or higher degrees or at a nonaccredited institution of higher education identified by the DOE as having a quality program and passing the SAE and PET.⁶⁴

In 2016, the law was amended to allow an individual to earn a professional certificate covering grades 6 through 12 in a Science, Technology, Engineering, or Mathematics (STEM) subject without having to complete coursework associated with professional preparation and education competence, if the individual:

- meets the basic eligibility requirements for certification;
- demonstrates mastery of general knowledge;
- holds a master's or higher degree in science, technology, engineering, or mathematics;
- passes the PET and the SAE for the correlated educator certificate;
- teaches a high school course in the subject area of the advanced degree; and
- is rated highly effective under the school district's performance evaluation system based in part on student performance as measured by a statewide standardized assessment or an Advanced Placement, Advance International Certificate of Education, or International Baccalaureate examination.⁶⁵

⁵⁵ Section 1012.56(6)(a) and (b), F.S.; see s. 1004.04, F.S.; rule 6A-4.003(1) and (4), F.A.C. (accreditation of teacher education programs). The Professional Education Test is part of the Florida Teacher Certification Examinations. Rule 6A-4.0021(8), F.A.C.

⁵⁶ Section 1012.56(6)(g)-(h), F.S.; see ss. 1004.85 and 1012.56(8), F.S.; rule 6A-5.066(2)(b)1.d. and (c)1.d., F.A.C.

⁵⁷ Section 1012.56(6)(f), F.S.; rule 6A-4.006(2)(a), F.A.C. Separate professional preparation course requirements are established for certification in Agriculture (grades 6-12). Rule 6A-4.006(3)(a), F.A.C.

⁵⁸ The Professional Training Option for Content Majors authorizes an approved teacher preparation program at a postsecondary institution in Florida to allow students who do not major in education but do major or minor in a content area (e.g., English major) to satisfy professional preparation course requirements. Rule 6A-5.066(3), F.A.C.

⁵⁹ *Professional Preparation and Education Competence*, supra note 53; see rules 6A-4.002(5) and 6A-4.006(2)(b), F.A.C.

⁶⁰ Section 1012.56(6)(f), F.S. Each school district must, and a state-supported public or private school may, establish a professional education competence demonstration program that allows the district's or school's instructional staff to demonstrate mastery of professional preparation and education competence through a performance evaluation plan, which documents the staff's classroom application and instructional performance. See s. 1012.56(8)(b), F.S.

⁶¹ Section 1012.56(6)(f), F.S.

⁶² Section 1012.56(6)(c)-(d), F.S.; see rule 6A-4.002(1)(i)-(j), F.A.C.

⁶³ Section 1012.56(6)(d), F.S.; rule 6A-4.002(1)(j), F.A.C.; *Professional Preparation and Education Competence*, supra note 53.

⁶⁴ Section 1012.56(6)(e), F.S. A non-accredited institution of higher learning is approved as having a quality program if the institution meets one of the following criteria: is accepted for certification purposes by the state department of education where the institution is located; holds a certificate of exemption pursuant to s. 1005.06, F.S.; is a newly created Florida public college or university that offers a bachelor's or higher degree program; is located outside the U.S. and awards a degree that is the equivalent to a bachelor's or higher degree awarded by an accredited or approved institution in the U.S.; or the degree from the institution was accepted by an accredited or approved institution either in transfer or as a basis for admission into the graduate program which resulted in the conferral of a higher degree. Rule 6A-4.003(2), F.A.C.

⁶⁵ Chapter 2016-117, L.O.F.

Several of the pathways allow a temporary certificate holder to complete the general knowledge and professional preparation and education competence requirements for a professional certificate while serving as a classroom teacher. These include the college coursework option, EPIs, district professional development certification and education competency programs (professional development certification program), professional training option programs, and the STEM secondary certification pathway. Data from the DOE show that 35 percent of temporary certificate holders do not complete the requirements for a professional certificate by the end of their 3-year temporary certificate.⁶⁶

Teacher Preparation

There are various teacher preparation programs that individuals may use to receive the training needed to attain teaching credentials, including:⁶⁷

- **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.⁶⁸
- **Educator Preparation Institutes** are alternative certification programs offered by postsecondary institutions and private providers 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 and require mastery of general knowledge, mastery of subject area knowledge and mastery of professional preparation and education competence.
- **District Professional Development Certification and Education Competency Programs** are cohesive, competency-based professional preparation certification programs offered by Florida public school districts, by which a school district’s instructional staff can satisfy the mastery of professional preparation and education competence requirements. In addition to completing the district program, candidates must demonstrate mastery of general knowledge and subject area knowledge.

Professional Development

Florida law requires a number of entities, including the DOE, 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.⁶⁹

Part of the DOE’s responsibility in the professional development system is to disseminate to the school community research-based professional development methods and programs that have demonstrated success in meeting identified student needs.⁷⁰ At least one method of dissemination must be through a web-based statewide performance support system, including a database of exemplary professional development activities, a listing of available professional development resources, training programs,

⁶⁶ Florida Department of Education, *Pathways to the Professional Certificate: hearing before the House PreK-12 Quality Subcommittee* (Feb. 15, 2017), available at <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2909&Session=2017&DocumentType=Meeting%20Packets&FileName=pkq%202-15-17.pdf>.

⁶⁷ Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Mar. 9, 2017). See also rule 6A-5.066, F.A.C.

⁶⁸ Rule 6A-5.066, F.A.C.

⁶⁹ Section 1012.98(1), F.S.

⁷⁰ Section 1012.98(4)(a), F.S. The web-based statewide performance support system can be accessed at <https://www.floridaschoolleaders.org>.

and available assistance.⁷¹ In addition, the DOE must disseminate, using the web-based statewide performance-support system, proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, and meeting identified school needs.⁷² The DOE must also disseminate, using web-based technology, research-based best practice methods by which the state and district school boards may evaluate and improve the professional development system.⁷³

Each school district is required to develop a professional development system in consultation with teachers, teacher-educators of Florida College System (FCS) institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations.⁷⁴ The system must:

- be approved by the DOE, with all substantial revisions thereto also approved by the DOE;
- be based on analyses of student achievement data and instructional strategies and methods that support rigorous, relevant, and challenging curricula for all students;
- provide inservice activities with followup support appropriate to accomplish district-level and school-level improvement goals and standards;
- include a master plan for inservice activities, which must be aligned to and support school-based inservice plans and school improvement plans and be approved annually by the district school board;
- include inservice activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management;
- provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs;
- provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs;
- provide for the continuous evaluation of the quality and effectiveness of professional developmental programs in order to eliminate ineffective programs and strategies and expand effective ones; and
- for middle grades, emphasize:
 - interdisciplinary planning, collaboration, and instruction;
 - alignment of curriculum and instructional materials to the state academic standards; and
 - use of small learning communities; problem-solving, inquiry-driven research and analytical approaches for students; strategies and tools based on student needs; competency-based instruction; integrated digital instruction; and project-based instruction.⁷⁵

A district school board may contract with independent entities for professional development services and inservice education if the district school board can demonstrate to the Commissioner of Education that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.⁷⁶

Teacher Mentoring and Induction

Teacher induction programs “aim to improve the performance and retention of new hires and to enhance the skills and prevent the loss of new teachers with the ultimate goal of improving students growth and learning.”⁷⁷ Data show that recent concerns over staffing shortages are primarily related to retaining new teachers rather than recruiting them, as beginning teachers leave the profession at a

⁷¹ *Id.*

⁷² Section 1012.98(11), F.S.

⁷³ Section 1012.98(7), F.S.

⁷⁴ Section 1012.98(4)(b), F.S.

⁷⁵ Section 1012.98(4)(b), F.S.

⁷⁶ Section 1012.98(9), F.S.

⁷⁷ RICHARD INGERSOLL, *Beginning Teacher Induction: What the Data Tell Us*,

http://www.edweek.org/ew/articles/2012/05/16/kappan_ingersoll.h31.html (last visited Mar. 6, 2017).

higher clip than experienced ones or teachers who retire.⁷⁸ Beginning teachers who leave the profession often report a lack of adequate administrative support as a motivating factor.⁷⁹ This has led to a significant portion of the teacher workforce consisting more of beginning teachers as well as an increase in participation in teacher induction programs.⁸⁰ However, there is great variation in the quality of induction opportunities offered to new teachers between states and school districts.⁸¹

Generally, teacher induction has a positive effect on retaining new teachers. Further, participation in certain activities is correlated with higher rates of retention, including having a peer mentor in the subject area and having common planning time.⁸²

Florida law has no provisions related to new teacher induction other than requiring the assignment of a peer mentor as part of a district program.⁸³ Although a peer mentor must hold a valid professional certificate, have at least 3 years of teaching experience in prekindergarten through grade 12, and have a rating of effective or highly effective on the prior year's performance evaluation,⁸⁴ the law does not expressly establish mentor training and mentoring activities requirements.

Effect of Proposed Changes

To help districts recruit and retain new teachers, the bill enhances requirements for the peer mentor component of a district program and establishes a mentorship and induction-based pathway to a professional educator certificate. Under the bill, a temporary certificate holder who completes a DOE-approved district program and who has a highly effective district performance evaluation rating will receive a professional certificate without having to sit for additional coursework or take the Professional Education Test (PET).

The bill requires that the mentorship and induction component of a district's professional development certification program, at a minimum, provide weekly opportunities for mentoring and induction activities, including:

- common planning time;
- ongoing professional development targeted to a mentee teacher's needs;
- opportunities to observe other teachers;
- co-teaching experiences; and
- reflection and followup discussions.

The bill requires that the mentorship and induction activities must be provided for the teacher's first year in the program and may be provided until the teacher attains his or her professional certificate. The bill requires that a principal who is rated highly effective must be provided flexibility in selecting professional development activities for the mentorship and induction component so long as they are approved by the DOE.

The bill allows charter schools and charter management organizations to offer a DOE-approved professional development certification program.

⁷⁸ See *id.*

⁷⁹ *Id.*

⁸⁰ See *id.*

⁸¹ See *id.* See also The New Teacher Center, *Support from the Start: A 50-State Review of Policies on New Educator Induction and Mentoring* (2016) at iii-iv, available at <https://newteachercenter.org/wp-content/uploads/2016ExecSummaryStatePolicies.pdf>.

⁸² See RICHARD INGERSOLL, *Beginning Teacher Induction: What the Data Tell Us*, http://www.edweek.org/ew/articles/2012/05/16/kappan_ingersoll.h31.html (last visited Mar. 6, 2017).

⁸³ See s. 1012.56(8)(a)3., F.S.

⁸⁴ *Id.* School district personnel evaluation systems differentiate among four levels of performance: Highly Effective; Effective; Needs improvement (or Developing for instructional personnel in their first 3 years of employment who need improvement); and Unsatisfactory. Section 1012.34(2)(e), F.S.

The bill requires the DOE to adopt standards for the approval of professional development certification programs, including standards for the teacher mentorship and induction component, by December 31, 2017. The standards for the teacher mentorship and induction component must include:

- program administration and evaluation;
- mentor roles, selection, and training;
- beginning teacher assessment and professional development; and
- teacher content knowledge and practices aligned to the Florida Educator Accomplished Practices.

Each school district, charter school, or charter management organization, wishing to provide a professional development certification program must submit its program, including the teacher mentorship and induction component, to the DOE for approval no later than June 30, 2018. Beginning January 1, 2019, a teacher may not satisfy requirements for a professional certificate through a professional development certification program unless the program has been approved by the DOE. As a result, teachers can complete the requirements for a professional certificate based on current program requirements through December 31, 2018, at the latest.

The bill allows participation in a district program as a mentor or a mentee to count toward a teacher's inservice specialization requirements for renewal of a professional certificate. The bill also requires each district professional development system to provide inservice activities and support targeted to the individual needs of teachers participating in the district program.

The bill requires professional development activities designed to implement the School Community Professional Development Act to provide training to mentors as part of the district program. The training must include components on teacher development, peer coaching, time management, and other related topics as determined by the DOE. The bill requires model professional development programs disseminated by the DOE to include effective mentorship activities to new teachers and training to mentors.

The bill also streamlines the temporary certificate application process by requiring the DOE to electronically issue a temporary certificate to a qualifying applicant within 14 calendar days after it receives a request from the applicant's employing school district or private school. The DOE must also electronically provide an official statement of status of eligibility at the time the certificate is issued. The statement must include each method by which an applicant can complete the qualifications for a professional certificate.

B. SECTION DIRECTORY:

Section 1. Creates s. 1003.631, F.S.; creating the Schools of Excellence Program; providing for designation as a School of Excellence; providing requirements for a School of Excellence; providing for redesignation; authorizing Schools of Excellence to have specified administrative flexibilities; authorizing certain teachers to earn a professional certificate by completing a specified program.

Section 2. Amends s. 1012.28, F.S.; providing additional authority and responsibilities to the principal of a School of Excellence; providing that newly assigned principals of certain schools must be provided specified authority and responsibilities.

Section 3. Amends s. 1012.56, F.S.; requiring the Department of Education to issue a temporary educator certificate within a specified period; requiring the department to provide electronic notice of the issuance of a temporary certificate to specified entities; requiring the department to provide the applicant an official statement of status of eligibility upon issuance of a temporary certificate; providing content requirements for the statement of status of eligibility; revising the criteria instructional personnel must meet to be issued a professional certificate; providing that an applicant for professional certification is not required to take or pass a specified examination under certain circumstances; authorizing charter schools and charter management organizations to develop a professional

development certification and education competency program; revising program requirements; requiring the department to adopt standards for the approval of such programs by a specified date; providing requirements for such standards; requiring each school district and charter school to submit its program for approval by a specified date; providing that certification requirements may not be met in a program that is not approved by the department after a specified date.

Section 4. Amends s. 1012.585, F.S.; revising college credit and inservice hour requirements for renewal of a professional certificate to include participation in specified activities.

Section 5. Amends s. 1012.98, F.S.; revising the activities designed to implement the school community professional development act to include specified training relating to a professional development certification and education competency program; revising requirements for school district professional development systems; requiring the department to disseminate professional development programs that meet specified criteria.

Section 6. Provides an effective date.

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 bill may result in cost savings to teachers who participate in a professional development certification program because they would not be required to enroll in additional college coursework or take the Professional Education Test to earn their professional certificate.

D. FISCAL COMMENTS:

None.

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.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to education; creating s. 1003.631,
 3 F.S.; creating the Schools of Excellence Program;
 4 providing for designation as a School of Excellence;
 5 providing requirements for a School of Excellence;
 6 providing for redesignation; authorizing Schools of
 7 Excellence to have specified administrative
 8 flexibilities; authorizing certain teachers to earn a
 9 professional certificate by completing a specified
 10 program; amending s. 1012.28, F.S.; providing
 11 additional authority and responsibilities to the
 12 principal of a School of Excellence; providing that
 13 newly assigned principals of certain schools must be
 14 provided specified authority and responsibilities;
 15 amending s. 1012.56, F.S.; requiring the Department of
 16 Education to issue a temporary educator certificate
 17 within a specified period; requiring the department to
 18 provide electronic notice of the issuance of a
 19 temporary certificate to specified entities; requiring
 20 the department to provide the applicant an official
 21 statement of status of eligibility upon issuance of a
 22 temporary certificate; providing content requirements
 23 for the statement of status of eligibility; revising
 24 the criteria instructional personnel must meet to be
 25 issued a professional certificate; providing that an

26 applicant for professional certification is not
27 required to take or pass a specified examination under
28 certain circumstances; authorizing charter schools and
29 charter management organizations to develop a
30 professional development certification and education
31 competency program; revising program requirements;
32 requiring the department to adopt standards for the
33 approval of such programs by a specified date;
34 providing requirements for such standards; requiring
35 each school district and charter school to submit its
36 program for approval by a specified date; providing
37 that certification requirements may not be met in a
38 program that is not approved by the department after a
39 specified date; amending s. 1012.585, F.S.; revising
40 college credit and inservice hour requirements for
41 renewal of a professional certificate to include
42 participation in specified activities; amending s.
43 1012.98, F.S.; revising the activities designed to
44 implement the school community professional
45 development act to include specified training relating
46 to a professional development certification and
47 education competency program; revising requirements
48 for school district professional development systems;
49 requiring the department to disseminate professional
50 development programs that meet specified criteria;

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51 providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Section 1003.631, Florida Statutes, is created
56 to read:

57 1003.631 Schools of Excellence.—The Schools of Excellence
58 Program is established to provide administrative flexibility to
59 the state's top schools so that the instructional personnel and
60 administrative staff at such schools can continue to serve their
61 communities and increase student learning to the best of their
62 professional ability.

63 (1) DESIGNATION.—

64 (a) The State Board of Education shall designate a school
65 as a School of Excellence if the school's percentage of possible
66 points earned in its school grade calculation is in the 80th
67 percentile or higher for schools comprised of the same grade
68 groupings, including elementary schools, middle schools, high
69 schools, and schools with a combination of grade levels, for at
70 least 2 of the last 3 school years. The school must have data
71 for each applicable school grade component pursuant to s.
72 1008.34(3) to be eligible for designation as a School of
73 Excellence. A qualifying school shall retain the designation as
74 a School of Excellence for up to 3 years, at the end of which
75 time the school may renew the designation, if:

76 1. The school was in the 80th percentile or higher
 77 pursuant to this subsection for 2 of the previous 3 years; and
 78 2. The school did not receive a school grade lower than
 79 "B" pursuant to s. 1008.34 during any of the previous 3 years.
 80 (b) A school that earns a school grade lower than "B"
 81 pursuant to s. 1008.34 during the 3-year period may not continue
 82 to be designated as a School of Excellence during the remainder
 83 of that 3-year period and loses the administrative flexibilities
 84 provided in subsection (2).
 85 (2) ADMINISTRATIVE FLEXIBILITIES.—A School of Excellence
 86 must be provided the following administrative flexibilities:
 87 (a) Exemption from any provision of law or rule that
 88 expressly requires a minimum period of daily or weekly
 89 instruction in a specified subject area.
 90 (b) Principal autonomy as provided under s. 1012.28(8).
 91 (c) For instructional personnel, the substitution of 1
 92 school year of employment at a School of Excellence for 20
 93 inservice points toward the renewal of a professional
 94 certificate, up to 60 inservice points in a 5-year cycle,
 95 pursuant to s. 1012.585(3).
 96 (d) Exemption from compliance with district policies or
 97 procedures that establish times for the start and completion of
 98 the school day.
 99 (3) TEACHER CERTIFICATION.—A temporary certificateholder
 100 under s. 1012.56(7)(b) who is employed by a School of Excellence

101 may earn a professional certificate by meeting the requirements
 102 of s. 1012.56(7)(a)3.

103 Section 2. Subsection (8) of section 1012.28, Florida
 104 Statutes, is amended, and subsection (9) is added to that
 105 section, to read:

106 1012.28 Public school personnel; duties of school
 107 principals.-

108 (8) The principal of a School of Excellence or a school
 109 participating in the Principal Autonomy Pilot Program Initiative
 110 under s. 1011.6202 has the following additional authority and
 111 responsibilities:

112 (a) In addition to the authority provided in subsection
 113 (6), the authority to select qualified instructional personnel
 114 for placement or to refuse to accept the placement or transfer
 115 of instructional personnel by the district school
 116 superintendent. Placement of instructional personnel at a
 117 participating school in a participating school district does not
 118 affect the employee's status as a school district employee.

119 (b) The authority to deploy financial resources to school
 120 programs at the principal's discretion to help improve student
 121 achievement, as defined in s. 1008.34(1), and meet performance
 122 goals identified in the principal autonomy proposal submitted
 123 pursuant to s. 1011.6202.

124 (c) To annually provide to the district school
 125 superintendent and the district school board a budget for the

126 operation of the participating school that identifies how funds
 127 provided pursuant to s. 1011.69(2) are allocated. The school
 128 district shall include the budget in the annual report provided
 129 to the State Board of Education pursuant to s. 1011.6202(6).

130 (9) A school district must provide a principal newly
 131 assigned to a school with a school grade of "D" or "F" under s.
 132 1008.34 with the additional authority and responsibilities
 133 provided in subsection (8). The district may revoke the
 134 principal's additional authority and responsibilities under this
 135 subsection after the school year following the first school year
 136 the school achieves a school grade of "C" or higher.

137 Section 3. Paragraph (c) of subsection (8) of section
 138 1012.56, Florida Statutes, is redesignated as paragraph (d),
 139 subsection (1), paragraph (a) of subsection (7), and paragraph
 140 (a) of subsection (8) are amended, and a new paragraph (c) is
 141 added to subsection (8) of that section, to read:

142 1012.56 Educator certification requirements.—

143 (1) APPLICATION.—Each person seeking certification
 144 pursuant to this chapter shall submit a completed application
 145 containing the applicant's social security number to the
 146 Department of Education and remit the fee required pursuant to
 147 s. 1012.59 and rules of the State Board of Education. Pursuant
 148 to the federal Personal Responsibility and Work Opportunity
 149 Reconciliation Act of 1996, each party is required to provide
 150 his or her social security number in accordance with this

151 section. Disclosure of social security numbers obtained through
 152 this requirement is limited to the purpose of administration of
 153 the Title IV-D program of the Social Security Act for child
 154 support enforcement.

155 (a) Pursuant to s. 120.60, the department shall issue
 156 within 90 calendar days after the stamped receipted date of the
 157 completed application.

158 ~~(a) If the applicant meets the requirements,~~ a professional
 159 certificate to a qualifying applicant covering the
 160 classification, level, and area for which the applicant is
 161 deemed qualified and a document explaining the requirements for
 162 renewal of the professional certificate.

163 (b) The department shall issue a temporary certificate to
 164 a qualifying applicant within 14 calendar days after receipt of
 165 a request from if the applicant meets the requirements and if
 166 ~~requested~~ by an employing school district or an employing
 167 private school with a professional education competence
 168 demonstration program pursuant to paragraphs (6)(f) and (8)(b).
 169 ~~The,~~ a temporary certificate must cover ~~covering~~ the
 170 classification, level, and area for which the applicant is
 171 deemed qualified. The department shall electronically notify the
 172 applicant's employing school district or employing private
 173 school that the temporary certificate has been issued and
 174 provide the applicant an official statement of status of
 175 eligibility at the time the certificate is issued. ~~and an~~

176 ~~official statement of status of eligibility; or~~
 177 (c) Pursuant to s. 120.60, the department shall issue
 178 within 90 calendar days after the stamped receipted date of the
 179 completed application, if an applicant does not meet the
 180 requirements for either certificate, an official statement of
 181 status of eligibility.

182
 183 The statement of status of eligibility must be provided
 184 electronically and must advise the applicant of any
 185 qualifications that must be completed to qualify for
 186 certification. Each method by which an applicant can complete
 187 the qualifications for a professional certificate must be
 188 included in the statement of status of eligibility. Each
 189 statement of status of eligibility is valid for 3 years after
 190 its date of issuance, except as provided in paragraph (2)(d).

191 (7) TYPES AND TERMS OF CERTIFICATION.—

192 (a) The Department of Education shall issue a professional
 193 certificate for a period not to exceed 5 years to any applicant
 194 who fulfills one of the following:

195 1. Meets all the requirements outlined in subsection (2).
 196 2. ~~or,~~ For a professional certificate covering grades 6

197 through 12, ~~any applicant who:~~

198 a.1. Meets the requirements of paragraphs (2)(a)-(h).
 199 b.2. Holds a master's or higher degree in the area of

200 science, technology, engineering, or mathematics.

201 ~~c.3.~~ Teaches a high school course in the subject of the
 202 advanced degree.

203 ~~d.4.~~ Is rated highly effective as determined by the
 204 teacher's performance evaluation under s. 1012.34, based in part
 205 on student performance as measured by a statewide, standardized
 206 assessment or an Advanced Placement, Advanced International
 207 Certificate of Education, or International Baccalaureate
 208 examination.

209 ~~e.5.~~ Achieves a passing score on the Florida professional
 210 education competency examination required by state board rule.

211 3. Meets the requirements of paragraphs (2)(a)-(h) and
 212 completes a professional preparation and education competence
 213 program approved by the department pursuant to paragraph (8)(c).
 214 An applicant who completes the program and is rated highly
 215 effective as determined by his or her performance evaluation
 216 under s. 1012.34 is not required to take or achieve a passing
 217 score on the professional education competency examination in
 218 order to be awarded a professional certificate.

219

220 Each temporary certificate is valid for 3 school fiscal years
 221 and is nonrenewable. However, the requirement in paragraph
 222 (2)(g) must be met within 1 calendar year of the date of
 223 employment under the temporary certificate. Individuals who are
 224 employed under contract at the end of the 1 calendar year time
 225 period may continue to be employed through the end of the school

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226 | year in which they have been contracted. A school district shall
227 | not employ, or continue the employment of, an individual in a
228 | position for which a temporary certificate is required beyond
229 | this time period if the individual has not met the requirement
230 | of paragraph (2)(g). The State Board of Education shall adopt
231 | rules to allow the department to extend the validity period of a
232 | temporary certificate for 2 years when the requirements for the
233 | professional certificate, not including the requirement in
234 | paragraph (2)(g), were not completed due to the serious illness
235 | or injury of the applicant or other extraordinary extenuating
236 | circumstances. The department shall reissue the temporary
237 | certificate for 2 additional years upon approval by the
238 | Commissioner of Education. A written request for reissuance of
239 | the certificate shall be submitted by the district school
240 | superintendent, the governing authority of a university lab
241 | school, the governing authority of a state-supported school, or
242 | the governing authority of a private school.

243 | (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
244 | COMPETENCY PROGRAM.—

245 | (a) The Department of Education shall develop and each
246 | school district, charter school, and charter management
247 | organization may provide a cohesive competency-based
248 | professional development certification and education competency
249 | program by which ~~members of a school district's~~ instructional
250 | staff may satisfy the mastery of professional preparation and

251 education competence requirements specified in subsection (6)
 252 and rules of the State Board of Education. Participants must
 253 hold a state-issued temporary certificate. A school district,
 254 charter school, or charter management organization that
 255 implements the program shall provide a competency-based
 256 certification program developed by the Department of Education
 257 or developed by the district, charter school, or charter
 258 management organization and approved by the Department of
 259 Education. The program shall include the following:

- 260 1. A minimum period of initial preparation before assuming
 261 duties as the teacher of record.
- 262 2. An option for collaboration with ~~between school~~
 263 ~~districts and~~ other supporting agencies or educational entities
 264 for implementation.
- 265 3. A teacher mentorship and induction ~~An experienced peer-~~
 266 ~~mentor~~ component.
 - 267 a. Each individual selected by the district as a ~~peer~~
 268 mentor:
 - 269 I. Must hold a valid professional certificate issued
 270 pursuant to this section;;
 - 271 II. Must have earned at least 3 years of teaching
 272 experience in prekindergarten through grade 12;; ~~and~~
 - 273 III. Must have completed specialized training in clinical
 274 supervision and participate in ongoing mentor training provided
 275 through the coordinated system of professional development under

276 s. 1012.98(3)(e);

277 IV. Must have earned an effective or highly effective
 278 rating on the prior year's performance evaluation under s.
 279 1012.34; and

280 V. May ~~or~~ be a peer evaluator under the district's
 281 evaluation system approved under s. 1012.34.

282 b. The teacher mentorship and induction component must, at
 283 a minimum, provide weekly opportunities for mentoring and
 284 induction activities, including common planning time, ongoing
 285 professional development targeted to a teacher's needs,
 286 opportunities for a teacher to observe other teachers, co-
 287 teaching experiences, and reflection and followup discussions.
 288 Mentorship and induction activities must be provided for an
 289 applicant's first year in the program and may be provided until
 290 the applicant attains his or her professional certificate in
 291 accordance with this section. A principal who is rated highly
 292 effective as determined by his or her performance evaluation
 293 under s. 1012.34 must be provided flexibility in selecting
 294 professional development activities under this paragraph;
 295 however, the activities must be approved by the department as
 296 part of the district's, charter school's, or charter management
 297 organization's program.

298 4. An assessment of teaching performance aligned to the
 299 district's system for personnel evaluation under s. 1012.34
 300 which provides for:

- 301 a. An initial evaluation of each educator's competencies
 302 to determine an appropriate individualized professional
 303 development plan.
- 304 b. A summative evaluation to assure successful completion
 305 of the program.
- 306 5. Professional education preparation content knowledge,
 307 which must be included in the mentoring and induction activities
 308 under subparagraph 3., that includes, but is not limited to, the
 309 following:
- 310 a. The state standards provided under s. 1003.41,
 311 including scientifically based reading instruction, content
 312 literacy, and mathematical practices, for each subject
 313 identified on the temporary certificate.
- 314 b. The educator-accomplished practices approved by the
 315 state board.
- 316 c. A variety of data indicators for monitoring student
 317 progress.
- 318 d. Methodologies for teaching students with disabilities.
- 319 e. Methodologies for teaching students of limited English
 320 proficiency appropriate for each subject area identified on the
 321 temporary certificate.
- 322 f. Techniques and strategies for operationalizing the role
 323 of the teacher in assuring a safe learning environment for
 324 students.
- 325 6. Required achievement of passing scores on the subject

326 area and professional education competency examination required
 327 by State Board of Education rule. Mastery of general knowledge
 328 must be demonstrated as described in subsection (3).

329 (c) No later than December 31, 2017, the department shall
 330 adopt standards for the approval of professional development
 331 certification and education competency programs, including
 332 standards for the teacher mentorship and induction component,
 333 under paragraph (a). Standards for the teacher mentorship and
 334 induction component must include program administration and
 335 evaluation; mentor roles, selection, and training; beginning
 336 teacher assessment and professional development; and teacher
 337 content knowledge and practices aligned to the Florida Educator
 338 Accomplished Practices. Each school district or charter school
 339 with a program under this subsection must submit its program,
 340 including the teacher mentorship and induction component, to the
 341 department for approval no later than June 30, 2018. After
 342 December 31, 2018, a teacher may not satisfy requirements for a
 343 professional certificate through a professional development
 344 certification and education competency program under paragraph
 345 (a) unless the program has been approved by the department
 346 pursuant to this paragraph.

347 Section 4. Paragraph (a) of subsection (3) of section
 348 1012.585, Florida Statutes, is amended to read:

349 1012.585 Process for renewal of professional
 350 certificates.-

351 (3) For the renewal of a professional certificate, the
 352 following requirements must be met:

353 (a) The applicant must earn a minimum of 6 college credits
 354 or 120 inservice points or a combination thereof. For each area
 355 of specialization to be retained on a certificate, the applicant
 356 must earn at least 3 of the required credit hours or equivalent
 357 inservice points in the specialization area. Education in
 358 "clinical educator" training pursuant to s. 1004.04(5)(b);
 359 participation in mentorship and induction activities, including
 360 as a mentor, pursuant to s. 1012.56(8)(a); and credits or points
 361 that provide training in the area of scientifically researched,
 362 knowledge-based reading literacy and computational skills
 363 acquisition, exceptional student education, normal child
 364 development, and the disorders of development may be applied
 365 toward any specialization area. Credits or points that provide
 366 training in the areas of drug abuse, child abuse and neglect,
 367 strategies in teaching students having limited proficiency in
 368 English, or dropout prevention, or training in areas identified
 369 in the educational goals and performance standards adopted
 370 pursuant to ss. 1000.03(5) and 1008.345 may be applied toward
 371 any specialization area. Credits or points earned through
 372 approved summer institutes may be applied toward the fulfillment
 373 of these requirements. Inservice points may also be earned by
 374 participation in professional growth components approved by the
 375 State Board of Education and specified pursuant to s. 1012.98 in

376 the district's approved master plan for inservice educational
 377 training, including, but not limited to, serving as a trainer in
 378 an approved teacher training activity, serving on an
 379 instructional materials committee or a state board or commission
 380 that deals with educational issues, or serving on an advisory
 381 council created pursuant to s. 1001.452.

382 Section 5. Paragraph (e) is added to subsection (3) of
 383 section 1012.98, Florida Statutes, and paragraph (b) of
 384 subsection (4) and subsections (10) and (11) are amended, to
 385 read:

386 1012.98 School Community Professional Development Act.—

387 (3) The activities designed to implement this section
 388 must:

389 (e) Provide training to teacher mentors as part of the
 390 professional development certification and education competency
 391 program under s. 1012.56(8)(a). The training must include
 392 components on teacher development, peer coaching, time
 393 management, and other related topics as determined by the
 394 Department of Education.

395 (4) The Department of Education, school districts,
 396 schools, Florida College System institutions, and state
 397 universities share the responsibilities described in this
 398 section. These responsibilities include the following:

399 (b) Each school district shall develop a professional
 400 development system as specified in subsection (3). The system

401 shall be developed in consultation with teachers, teacher-
 402 educators of Florida College System institutions and state
 403 universities, business and community representatives, and local
 404 education foundations, consortia, and professional
 405 organizations. The professional development system must:

406 1. Be approved by the department. All substantial
 407 revisions to the system shall be submitted to the department for
 408 review for continued approval.

409 2. Be based on analyses of student achievement data and
 410 instructional strategies and methods that support rigorous,
 411 relevant, and challenging curricula for all students. Schools
 412 and districts, in developing and refining the professional
 413 development system, shall also review and monitor school
 414 discipline data; school environment surveys; assessments of
 415 parental satisfaction; performance appraisal data of teachers,
 416 managers, and administrative personnel; and other performance
 417 indicators to identify school and student needs that can be met
 418 by improved professional performance.

419 3. Provide inservice activities coupled with followup
 420 support appropriate to accomplish district-level and school-
 421 level improvement goals and standards. The inservice activities
 422 for instructional personnel shall focus on analysis of student
 423 achievement data, ongoing formal and informal assessments of
 424 student achievement, identification and use of enhanced and
 425 differentiated instructional strategies that emphasize rigor,

426 relevance, and reading in the content areas, enhancement of
 427 subject content expertise, integrated use of classroom
 428 technology that enhances teaching and learning, classroom
 429 management, parent involvement, and school safety.

430 4. Provide inservice activities and support targeted to
 431 the individual needs of new teachers participating in the
 432 professional development certification and education competency
 433 program under s. 1012.56(8)(a).

434 5.4. Include a master plan for inservice activities,
 435 pursuant to rules of the State Board of Education, for all
 436 district employees from all fund sources. The master plan shall
 437 be updated annually by September 1, must be based on input from
 438 teachers and district and school instructional leaders, and must
 439 use the latest available student achievement data and research
 440 to enhance rigor and relevance in the classroom. Each district
 441 inservice plan must be aligned to and support the school-based
 442 inservice plans and school improvement plans pursuant to s.
 443 1001.42(18). Each district inservice plan must provide a
 444 description of the training that middle grades instructional
 445 personnel and school administrators receive on the district's
 446 code of student conduct adopted pursuant to s. 1006.07;
 447 integrated digital instruction and competency-based instruction
 448 and CAPE Digital Tool certificates and CAPE industry
 449 certifications; classroom management; student behavior and
 450 interaction; extended learning opportunities for students; and

451 instructional leadership. District plans must be approved by the
 452 district school board annually in order to ensure compliance
 453 with subsection (1) and to allow for dissemination of research-
 454 based best practices to other districts. District school boards
 455 must submit verification of their approval to the Commissioner
 456 of Education no later than October 1, annually. Each school
 457 principal may establish and maintain an individual professional
 458 development plan for each instructional employee assigned to the
 459 school as a seamless component to the school improvement plans
 460 developed pursuant to s. 1001.42(18). An individual professional
 461 development plan must be related to specific performance data
 462 for the students to whom the teacher is assigned, define the
 463 inservice objectives and specific measurable improvements
 464 expected in student performance as a result of the inservice
 465 activity, and include an evaluation component that determines
 466 the effectiveness of the professional development plan.

467 ~~6.5.~~ Include inservice activities for school
 468 administrative personnel that address updated skills necessary
 469 for instructional leadership and effective school management
 470 pursuant to s. 1012.986.

471 ~~7.6.~~ Provide for systematic consultation with regional and
 472 state personnel designated to provide technical assistance and
 473 evaluation of local professional development programs.

474 ~~8.7.~~ Provide for delivery of professional development by
 475 distance learning and other technology-based delivery systems to

476 reach more educators at lower costs.

477 ~~9.8.~~ Provide for the continuous evaluation of the quality
 478 and effectiveness of professional development programs in order
 479 to eliminate ineffective programs and strategies and to expand
 480 effective ones. Evaluations must consider the impact of such
 481 activities on the performance of participating educators and
 482 their students' achievement and behavior.

483 10.9. For middle grades, emphasize:

484 a. Interdisciplinary planning, collaboration, and
 485 instruction.

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

488 c. Use of small learning communities; problem-solving,
 489 inquiry-driven research and analytical approaches for students;
 490 strategies and tools based on student needs; competency-based
 491 instruction; integrated digital instruction; and project-based
 492 instruction.

493
 494 Each school that includes any of grades 6, 7, or 8 must include
 495 in its school improvement plan, required under s. 1001.42(18), a
 496 description of the specific strategies used by the school to
 497 implement each item listed in this subparagraph.

498 (10) For instructional personnel and administrative
 499 personnel who have been evaluated as less than effective, a
 500 district school board shall require participation in specific

501 professional development programs as provided in subparagraph
 502 (4) (b) 5. ~~(4) (b) 4.~~ as part of the improvement prescription.

503 (11) The department shall disseminate to the school
 504 community proven model professional development programs that
 505 have demonstrated success in increasing rigorous and relevant
 506 content, increasing student achievement and engagement, ~~and~~
 507 meeting identified student needs, and providing effective
 508 mentorship activities to new teachers and training to teacher
 509 mentors. The methods of dissemination must include a web-based
 510 statewide performance-support system including a database of
 511 exemplary professional development activities, a listing of
 512 available professional development resources, training programs,
 513 and available technical assistance.

514 Section 6. This act shall take effect July 1, 2017.



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: PreK-12 Quality

2 Subcommittee

3 Representative Grall offered the following:

4

5 **Amendment**

6 Remove lines 89-98 and insert:

7 instruction in reading.

8 (b) Principal autonomy as provided under s. 1012.28(8).

9 (c) For instructional personnel, the substitution of 1

10 school year of employment at a School of Excellence for 20

11 inservice points toward the renewal of a professional

12 certificate, up to 60 inservice points in a 5-year cycle,

13 pursuant to s. 1012.585(3).

14 (d) Exemption from compliance with district policies or

15 procedures that establish times for the start and completion of

16 the school day.

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Amendment No. 1

17 (e) Calculation for compliance with maximum class size
18 pursuant to s. 1003.03(4) based on the average number of
19 students at the school level.



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: PreK-12 Quality
 2 Subcommittee
 3 Representative Grall offered the following:

Amendment (with title amendment)

Remove line(s) 103-136

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

Remove lines 10-14 and insert:

program;



FLORIDA FFA ASSOCIATION

The Next Generation of Agriculturalists

70%

By 2050, agricultural production will need to increase by 70% in order to feed 9 billion people. With less land, water, and resources.

The future of agriculture is much more than farming. It's about the next generation of agriculturalists and a new age of discovery.





We are addressing a very key issue: the growing need for young, talented people in a variety of fields to consider a career in agriculture.

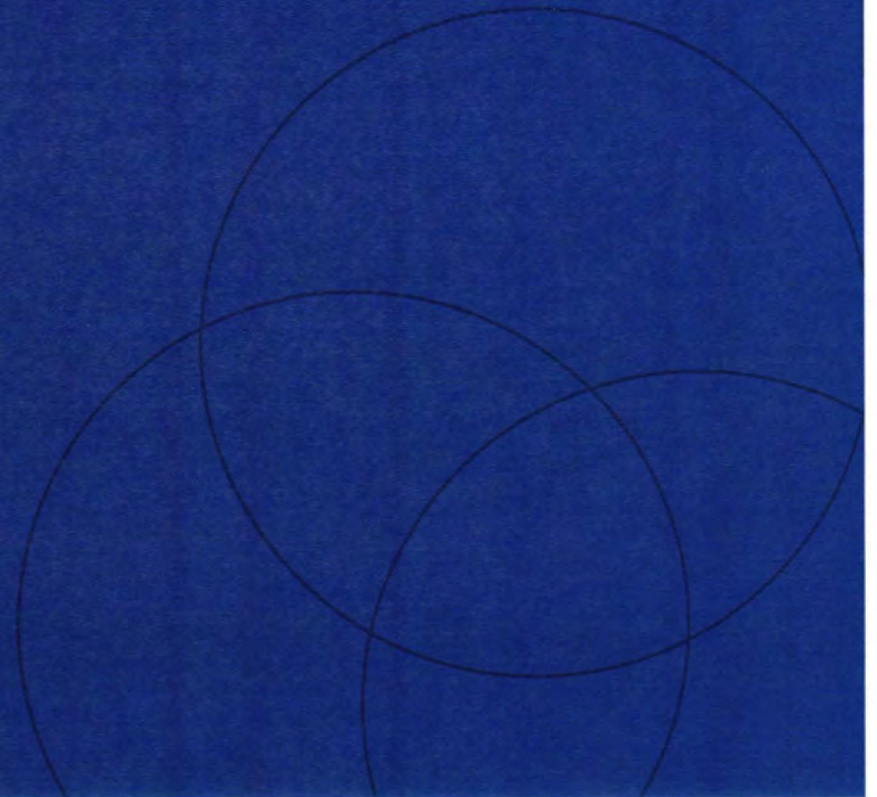


FFA is only part of a comprehensive strategy to build a heroic workforce and reconnect people with agriculture.

1928

33 farm boys started the organization in 1928, and now over 610,000 members are developing their potential for premier leadership, personal growth, and career success through agricultural education and FFA.

FFA is the most recognized component of agricultural education, but Supervised Agricultural Experiences and the classroom create a complete experience for our students.

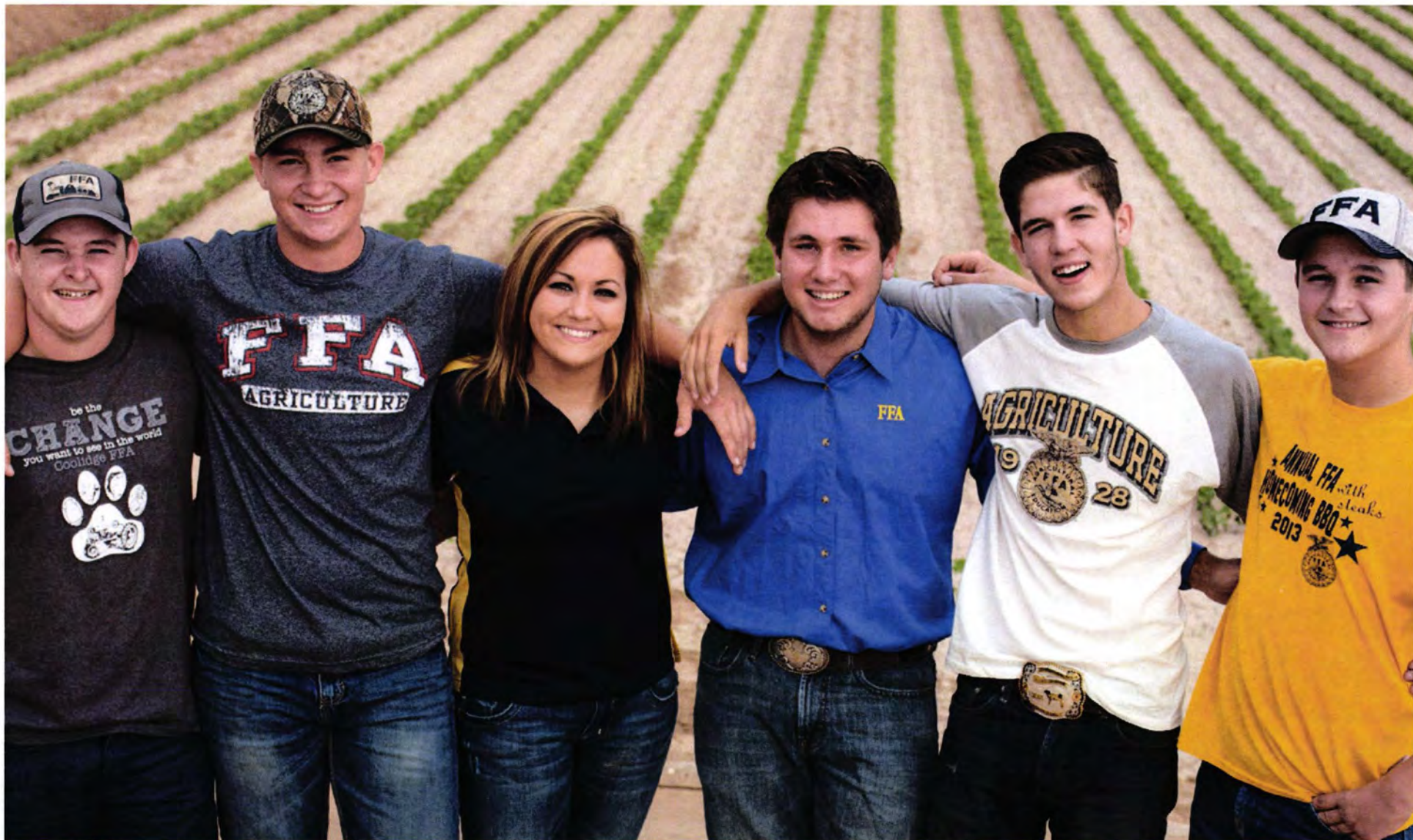




Students can choose from eight different career pathways, preparing them for the workforce and college.



Supervised Agricultural Experiences allow students to gain real-world experience and apply their skills and knowledge from FFA and the classroom.



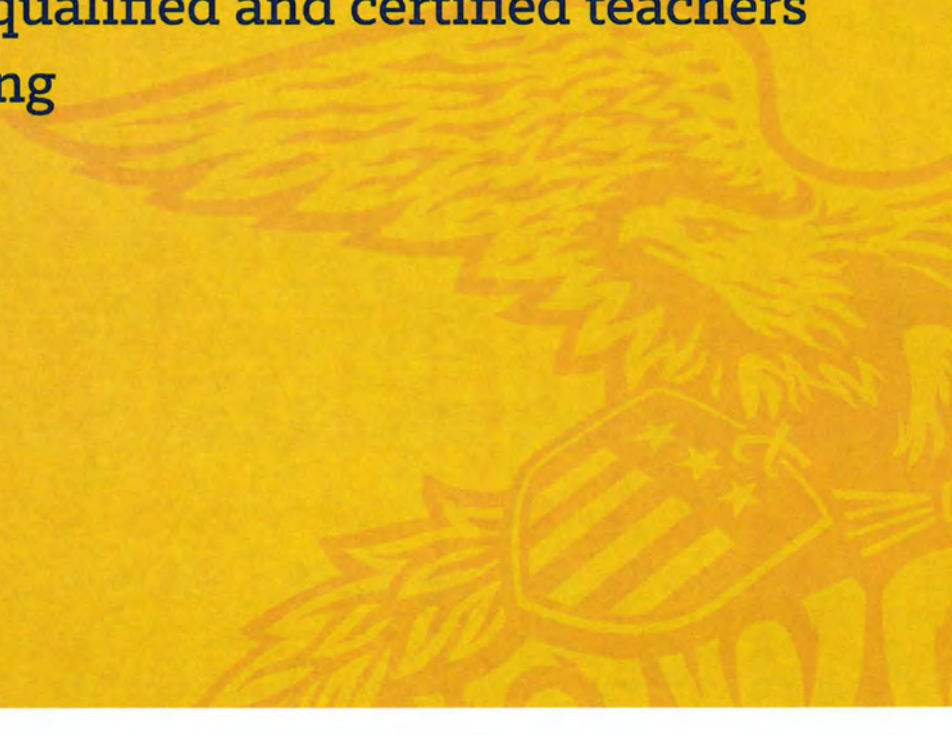
Agricultural education proudly provides students with one of the most complete educational experiences available.

We've got some work to do before 2050, but we're up for the challenge. Our growing pains are a positive sign:

- Record membership
- Record participation



As we continue to grow and close the gap, we face some challenges we hope to overcome:

- **FFA has reached its capacity in regards to the services and opportunities we provide our members**
 - **Recruiting and retaining qualified and certified teachers**
 - **Classroom size and funding**
- 



Together, we'll face these issues in an effort to tackle a global challenge.



THE FFA MISSION

FFA makes a positive difference in the lives of students by developing their potential for premier leadership, personal growth and career success through agricultural education.

THE AGRICULTURAL EDUCATION MISSION

Agricultural education prepares students for successful careers and a lifetime of informed choices in the global agriculture, food, fiber and natural resource systems.

The Florida FFA Association is a resource and support organization that does not select, control, supervise or approve local chapter or individual member activities except as expressly provided for in the Florida FFA Constitution and Bylaws.

The Florida FFA Association affirms its belief in the value of all human beings and seeks diversity in its membership, leadership and staff as an equal opportunity employer.