



PreK-12 Quality Subcommittee

**March 27, 2017
12:30 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: Monday, March 27, 2017 12:30 pm
End Date and Time: Monday, March 27, 2017 03:30 pm
Location: Reed Hall (102 HOB)
Duration: 3.00 hrs

Consideration of the following bill(s):

HB 955 High School Graduation Requirements by Ahern, Fitzenhagen
HB 1229 Committee on Early Grade Success by Grall

Consideration of the following proposed committee substitute(s):

PCS for HB 233 -- Students with Disabilities in Public Schools
PCS for HB 265 -- Computer Coding Instruction
PCS for HB 989 -- Instructional Materials for K-12 Public Education

NOTICE FINALIZED on 03/23/2017 4:28PM by Jones.Missy

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 233 Students with Disabilities in Public Schools
SPONSOR(S): PreK-12 Quality Subcommittee
TIED BILLS: None **IDEN./SIM. BILLS:** SB 810

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

SUMMARY ANALYSIS

Section 1003.573, F.S., establishes standards and procedures regarding the use, monitoring, documentation and reporting of seclusion and restraint on students with disabilities. The use of manual restraint or seclusion is required to be monitored at the classroom, building, district, and state levels. The Florida Department of Education (DOE) is required to develop standards for and provides guidance to school districts. School districts must develop policies and procedures regarding incident-reporting, data collection, and monitoring. Each school district is required to provide its policies and procedures to DOE.

The bill amends the use of restraint and seclusion on students with disabilities. Specifically, the bill:

- Defines terms related to seclusion and restraint.
- Replaces the term "manual restraint" with "physical restraint."
- Provides that physical restraint may be used only to protect students, school personnel or others, or to prevent the destruction of property, but not for disciplining a student. Restraints should be used only when all other strategies and techniques have been exhausted. A student may only be physical restrained for the time necessary for protection.
- Prohibits physical restraint techniques, such as:
 - Pain inducement to obtain compliance.
 - Bone locks.
 - Hyperextension of joints;
 - Peer restraint.
 - Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen, causing chest compression.
 - Straddling or sitting on any part of the body or a maneuver that places pressure, weight, or leverage on the neck or throat, on an artery, or on the back of the student's head or neck or that otherwise obstructs or restricts the circulation of blood or obstructs an airway.
 - Any type of choking, including hand chokes, and any type of neck or head hold.
- Requires school districts to develop policies and procedures to ensure the physical safety and security of all students and school personnel; and requires that students be treated with dignity and respect.
- Outlines under what circumstances seclusion and restraint may not be used.
- Describes the circumstance when time-outs may be used and prohibits certain areas.
- Requires the school to review a student's functional behavioral assessment and individualized behavior intervention plan when a student is placed in time-out, physically restrained or secluded more than twice in a semester.
- Includes emotional and behavioral disabilities in the list of disabilities for which certain school personnel must be trained to identify for early intervention.
- Adds to staff training effective classroom behavior management strategies such as differential reinforcement, precision commands, minimizing attention or access to other reinforcers, and time-out methods.
- Directs DOE to publish data and analysis relating to incidents of seclusion and restraint on its website.

The bill does not appear to have a fiscal impact.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Federal Guidance on the Use of Seclusion and Restraint on Students with Disabilities

U.S. Department of Education Guidance

On May 15, 2012, the U.S. Department of Education published the *Restraint and Seclusion: Resource Document*. The goal was to encourage each state to review its current policies and guidelines on the use of restraint and seclusion in schools to help ensure that every student is safe and protected, and, if appropriate, to develop or revise its policies and guidelines.¹

The document described 15 principles to consider when developing or revising policies and procedures on the use of restraint and seclusion. The principles stress that every effort should be made to prevent the need for the use of restraint and seclusion and that any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse. It stated that restraint or seclusion should never be used except in situations where a child's behavior poses imminent danger of serious physical harm to self or others, and restraint and seclusion should be avoided to the greatest extent possible without endangering the safety of students and staff.²

The document states that the use of restraint and seclusion can have very serious consequences, including, most tragically, death. Furthermore, there is no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors. Schools are encouraged to make every effort to structure safe environments and provide a behavioral framework, such as the use of positive behavior interventions and supports, which applies to all children, staff, and places in the school so that restraint and seclusion techniques are unnecessary.³

Specifically, the 15 Principles are as follows:⁴

1. Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
2. Schools should never use mechanical restraints to restrict a child's freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health professional).
3. Physical restraint or seclusion should not be used except in situations where the child's behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated.
4. Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.
5. Any behavioral intervention must be consistent with the child's rights to be treated with dignity and to be free from abuse.
6. Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.
7. Restraint or seclusion should never be used in a manner that restricts a child's breathing or harms the child.

¹ U.S. Department of Education, *Restraint and Seclusion: Resource Document*, May 2012, <https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf> (last visited Mar. 22, 2017).

² *Id.*

³ *Id.*

⁴ *Id.*

8. The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them.
9. Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior.
10. Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.
11. Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel.
12. Parents should be informed of the policies on restraint and seclusion at their child's school or other educational setting, as well as applicable federal, state, or local laws.
13. Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child.
14. Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate.
15. Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff, and other personnel to understand and implement the preceding principles.

Florida Law and the Use of Restraint and Seclusion on Students with Disabilities

Section 1003.573, F.S., governs the use of restraint and seclusion on students with disabilities. The Florida Department of Education (DOE) is required to develop standards for documenting, reporting, and monitoring the use of restraint and seclusion.

Prohibited Restraint & Seclusion

School personnel are prohibited from:

- using a mechanical physical restraint on a student or manual physical restraint that restricts a student's breathing; and
- from closing, locking, or physically blocking a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms.⁵

Reporting an Incident

A school must prepare an incident report within 24 hours after a student is released from a restraint or seclusion, which must include:⁶

- The name, age, grade, ethnicity and disability of the student restrained or secluded.
- The date, time, and location of the incident and the duration and type of the restraint or seclusion.
- The names of the persons restraining or assisting in the restraint of the student.
- The names of any nonstudent who was present to witness the restraint or seclusion.
- The context in which the seclusion or restraint occurred.
- The student's behavior leading up to and precipitating the decision to use restraint or seclusion.
- The specific positive behavioral strategies used to prevent and deescalate the behavior.

⁵Section 1003.573(4) and (5), F.S.

⁶Section 1003.573(1), F.S.

- Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion and documented according to district policies.
- Steps taken to notify the parent or guardian.

Schools must notify the parent or guardian of the student in writing before the end of the school day each time restraint or seclusion is used and reasonable efforts must be made to also notify the parent or guardian by telephone or email. Parents must also be provided a complete incident report in writing by mail within three days after a student was manually or physically restrained or secluded. The school must maintain documentation of the parent or guardian's acknowledgement of receipt of notification of his or her child's restraint or seclusion.⁷

Monitoring

The use of manual restraint or seclusion on students must be monitored at the classroom, building, district, and state levels. Documentation related to any incidents reported must be provided to the principal, the school district's director of Exceptional Student Education, and the DOE's Bureau of Exceptional Education and Student Services each month that the school is in session.⁸

District Policies and Procedures

School districts must develop policies and procedures regarding:⁹

- Incident reporting.
- Data collection and monitoring, including when, where, and why students are restrained or secluded; the frequency of occurrences of such restraint or seclusion; and the prone or mechanical restraint that is most used.
- Monitoring and reporting of data collected.
- Training programs relating to manual or physical restraint and seclusion.
- The district's plan for selecting personnel to be trained.
- The district's plan for reducing the use of restraint and seclusion particularly in settings in which it occurs frequently or with students who are restrained repeatedly, and for reducing the use of prone restraint and mechanical restraint. The plan must include a goal for reducing the use of restraint and seclusion and must include activities, skills, and resources needed to achieve that goal. Activities may include, but are not limited to:
 - additional training in positive behavioral support and crisis management;
 - parental involvement;
 - data review;
 - updates of students' functional behavioral analysis and positive behavior intervention plans;
 - additional student evaluations;
 - debriefing with staff;
 - use of schoolwide positive behavior support; and
 - changes to the school environment.

DOE Guidance to School Districts Regarding Restraint, Seclusion, and Time-Out

In response to legislation enacted in 2011,¹⁰ DOE issued Technical Assistance Paper (TAP 2011-165) to guide school districts regarding the use of restraint and seclusion with students with disabilities.¹¹

⁷Section 1003.573(1)(c) and (d), F.S.

⁸Section 1003.573(2), F.S.

⁹Section 1003.573(3), F.S.

¹⁰ Chapter 2011-175, L.O.F.

¹¹ Florida Department of Education, Technical Assistance Paper, *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, <https://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf> (last visited Mar. 22, 2017).

Specifically, the document covers:¹²

- when restraint and/or seclusion might be used;
- considerations when selecting a training program for restraint;
- what should be documented;
- parent notification and reporting; and
- monitoring use.

As provided in TAP 2011-165, schools should ensure that students are treated with respect and dignity in an environment that provides for the physical safety and security of students and staff. There are instances in which students pose a threat to the safety of themselves or others. The purpose of restraint and seclusion is to prevent injury to self and/or others; these procedures are not to be used to punish a student, as a deterrent, or to “teach a student a lesson.” It is important to recognize that the use of restraint and seclusion may have an emotional impact on students. Such interventions should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists and in a manner that conveys respect for the dignity of the student.¹³

In 2011, DOE also issued Technical Assistance Paper (TAP 2011-145),¹⁴ to provide guidance and information to school districts in the development of effective time-out procedures. According to TAP 2011-145, time-out uses intervention strategies to decrease the frequency of problematic behaviors. Although time-out can be an effective intervention, it is also an aversive procedure that may adversely impact the classroom learning environment. Of particular concern is its focus primarily on inappropriate, rather than appropriate, behavior and the impact on a student’s access to instruction. The use of time-out has also been the subject of litigation, specifically concerning its use with students with behavior disorders.¹⁵

A non-exclusionary time-out occurs when a student does not have the opportunity to receive reinforcement for an inappropriate behavior for a specified period of time without removing the student from the setting or the activity. The advantage of this type of time-out is that it attempts to keep the student engaged in the ongoing activity in the classroom.¹⁶

An exclusionary time-out involves removing a student from an activity for a period of time but not from the room or area of activity. Unlike contingent observation, the student is not allowed to view or be involved in any activity for a specified amount of time. The student may sit in a study carrel or in some other excluded area of the educational setting but remains in full view of instructional staff.¹⁷

There are no current State Board of Education Rules that define time-out procedures or requirements. Each district that uses time-out as an intervention strategy should develop procedures that are educationally appropriate and ensure a safe educational learning environment at all times. Consequently, the information in TAP 2011-145 is a guide for the development of time-out procedures and strategies based on best practices.¹⁸

DOE Seclusion and Restraint Data

Florida school districts began reporting incidents of seclusion in the 2010-2011 school year. Since that time and up to the 2015-2016 school year there have been a total of 18,003 incidents of seclusion¹⁹

¹² *Id.*

¹³ *Id.* at A-1.

¹⁴ Florida Department of Education, Technical Assistance Paper, *Guidelines for the Use of Time-out*, <https://info.fl DOE.org/docu share/dsweb/Get/Document-6219/dps-2011-145.pdf> (last visited Mar. 22, 2017).

¹⁵ *Id.* at A-1.

¹⁶ *Id.* at B-1.

¹⁷ *Id.* at B-1.

¹⁸ *Id.* at A-1.

¹⁹ Florida Department of Education, Bureau of Exceptional Education, *Seclusion Incident Reports by District, 2011-12 through 2015-16*.

and 54,882 incidents of restraint²⁰ reported. However, the number of incidents have decreased every school year since the enactment of the law.²¹

Seclusion Incident Data

School Year Reported	# of Students ²²	Seclusion Incidents
2010-11	1321	4,637
2011-12	1448	4,245
2012-13	1237	3,024
2013-14	885	2,272
2014-15	732	2,262
2015-16	638	1,563
Total	6,621	18,003

Restraint Incident Data

School Year Reported	# of Students ²³	Restraint Incidents
2010-11	3580	10,683
2011-12	4369	9,789
2012-13	4096	9,551
2013-14	3479	8,964
2014-15	3229	8,199
2015-16	3437	7,696
Total	22,190	54,882

Effect of Proposed Changes

This bill amends s. 1003.573, F.S. regarding the restraint and seclusion of public school students who have a functional behavioral assessment and an individualized behavioral intervention plan.

Definitions

The bill removes the term “manual restraint” deferring to “physical restraint” and defines the following terms:

- “Behavioral protective equipment” is used to prevent external or internal tissue damage caused by chronic self-injurious or self-stimulatory behavior.
- “Mechanical restraint” is the use of a physical device that restricts a student's freedom of movement. However, the definition does not include the use of:
 - Medical protective equipment;
 - Devices such as straitjackets, helmets, gloves, wraps, and other behavioral protective equipment that is temporarily used to prevent severe tissue damage;
 - Physical equipment or orthopedic appliances, surgical dressings or bandages, or supportive body bands or other restraints;
 - Devices used to support functional body position or proper balance, or to prevent a person from falling out of a bed or a wheelchair; and
 - Equipment used for safety during transportation.

²⁰ Florida Department of Education, Bureau of Exceptional Education, *Restraint Incident Reports by District*, 2011-12 through 2015-16.

²¹ Florida Department of Education, *2017 Agency Legislative Bill Analysis*, SB 810 (Companion to HB 233), pp. 3. <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=8435&yr=2017> (last visited Mar. 22, 2017).

²² Email, Florida Department of Education, March 23, 2017.

²³ *Id.*

- “Medical protective equipment” is health-related protective devices prescribed by a physician or dentist.
- “Physical restraint” is the use of manual restraint techniques that involve significant physical force to restrict movement.
- “Prone restraint” is a student lying face down.
- “Seclusion” is removing a student from an educational environment and involuntarily confining the student alone. The definition does not include of time-outs.
- Student as a student with a functional behavioral assessment and a behavioral intervention plan.²⁴
- “Time-out” as a procedure in which access to varied sources of reinforcement is removed or reduced for a particular time period contingent on a response.
 - In exclusionary time-outs, a student is contingently removed from the reinforcing environment for a brief, stipulated duration.
 - In non-exclusionary time-outs, a student remains in the environment, educational activities are continued, and the reinforcer is contingently removed for a brief, stipulated duration.

Physical Restraint

Section 1003.32, F.S., authorizes district school boards, each teacher or other member of the staff of any school to control and discipline students as assigned to him or her by the principal or the principal's designated representative. Teachers are also required to keep order in the classroom and in other places in which he or she is assigned to be in charge of students.

Notwithstanding the authority granted under s. 1003.32, F.S., physical restraint may be used only to protect students, school personnel or others, or to prevent the destruction of property, but not for disciplining a student. Restraints should be used only when all other strategies and techniques have been exhausted. A student may only be physical restrained for the time necessary for protection. The degree of force applied may only be the degree of force necessary to protect the restrained student and others from bodily injury.

While current law requires school districts to develop policies and procedures for training staff in the use of restraint and seclusion, the bill requires school personnel such as a former law enforcement officer to receive training in the specific district-approved techniques.

School personnel are prohibited from using the following techniques on a child:

- Pain inducement to obtain compliance.
- Bone locks.
- Hyperextension of joints.
- Peer restraint.
- Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen, causing chest compression.
- Straddling or sitting on any part of the body or a maneuver that places pressure, weight, or leverage on the neck or throat, on an artery, or on the back of the student's head or neck or that otherwise obstructs or restricts the circulation of blood or obstructs an airway.
- Any type of choking, including hand chokes, and any type of neck or head hold.

²⁴ A functional behavioral assessment is a process for developing a useful understanding of how behavior relates to the environment. By knowing the function (or purpose) that the behavior serves for the student, one is able to develop an intervention (plan) that also serves that purpose, but does so through positive student behaviors. Intervention strategies may include effective prevention, remediation, or development of alternative behaviors (replacement behaviors). Florida Department of Education, Technical Assistance Paper FY 1999-3, *Functional Behavioral Assessment and Behavioral Intervention Plans*, Dec. 1999, available at <http://www.fldoe.org/core/fileparse.php/7590/urlt/0107234-tap99-3.pdf> (last visited March 23, 2017).

- A technique that involves spraying or pushing anything on or into the student's mouth, nose, eyes, or any part of the face or that involves covering the face or body with anything, including soft objects such as pillows or washcloths.
- A maneuver that involves punching, hitting, poking, pinching, or shoving.

Prone, mechanical, or physical restraint should be used only when all other behavioral strategies and intervention techniques have been exhausted.

Seclusion and Time-Out

The bill provides that a student may only be secluded when proper staff training and safeguards are in place. For example, staff may not seclude or place a student in time-out in a room does not meet the rules of the State Fire Marshal for seclusion time-out rooms and that closes, locks, or physically blocks a student in an unlit room.

For exclusionary time-outs, staff may only place a student in time out if the following conditions are met:

- It is part of a positive behavior intervention plan developed for the student from a functional behavioral assessment and it is referenced in the student's individual education plan.
- It is documented that it was preceded by positive behavioral supports that were not effective.
- It takes place in a classroom or in another environment where educational class activities are available.
- The student is observed on a constant basis by an adult for the entire duration.
- The area and process are free of actions that embarrass or humiliate the student.
- Threats and excessive physical force are not used.
- The area is not locked.

Student Followup

In those instances where a student is placed in a time-out, physically restrained, or secluded more than twice during a semester, the school must review the student's functional behavioral assessment and individualized behavior intervention plan.

Documentation and Reporting Requirements

The bill requires school districts at the beginning of each school year to post its policies on emergency procedures and the posting must include seclusion and physical restraint policies.

Additionally, the bill states that school district policies must ensure the physical safety and security of students and school personnel; and promote a positive culture and climate in which all students are treated with dignity and respect.

Added to the current list that governs the policies and procedures in s. 1003.573 (3) (a), F.S. are:

- A description of escalating behavioral strategies that may be used.
- Allowable use of physical restraint or seclusion on students.
- Analysis of data to determine trends.
- Ongoing reduction of the use of physical restraint and seclusion.
- Training procedures relating to physical restraint and seclusion.

Continuing Education and Inservice Training for Teaching Students with Disabilities

The bill adds emotional and behavioral disabilities to the list of disabilities on which school personnel must be trained in order to increase early identification and intervention. The training must also include effective classroom behavior management strategies, such as differential reinforcement, precision commands, minimizing attention or access to other reinforcers, and time-out methods.

Also, the DOE is required to publish data and analysis relating to incidents of seclusion and restraint on its website.

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

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.573, F.S., to define terms; prohibit certain physical restraint techniques; add provisions relating to the use of seclusion and time-out; require a student's functional behavioral assessment and individualized behavior intervention plan to be reviewed; and adds emotional and behavioral disabilities to the list of disabilities on which school personnel who teach student with disabilities must be trained in order to increase early identification and intervention.

Section 2. Amends s. 1012.582 (1) – (2), F.S., regarding the Commissioner of Education's recommendations to incorporate instruction into continuing education or inservice training requirements for instruction personnel by:

- Adding emotional or behavioral disabilities to the current list of disabilities;
- Removing the term "manual" from "manual physical restraints"; and
- Adding a list of effective classroom behavior management strategies.

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:

Not applicable.

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 students with disabilities in
 3 public schools; amending s. 1003.573, F.S., relating
 4 to the use, prevention, and reduction of restraint and
 5 seclusion on students with disabilities; providing
 6 definitions; providing requirements for the use of
 7 physical restraint; prohibiting specified physical
 8 restraint techniques; providing requirements for the
 9 use of seclusion and time-out; providing for student-
 10 centered followup; providing requirements for
 11 documenting, reporting, and monitoring the use of
 12 physical restraint and seclusion; revising school
 13 district policies and procedures relating to physical
 14 restraint and seclusion; amending s. 1012.582, F.S.;
 15 requiring continuing education and inservice training
 16 for teaching students with emotional or behavioral
 17 disabilities; conforming provisions; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 1003.573, Florida Statutes, is amended
 23 to read:

24 1003.573 Use, prevention, and reduction of restraint and
 25 seclusion on students with disabilities in public schools.-

- 26 (1) DEFINITIONS.—As used in this section, the term:
 27 (a) "Behavioral protective equipment" means equipment used
 28 to prevent external or internal tissue damage caused by chronic
 29 self-injurious or self-stimulatory behavior.
 30 (b) "Department" means the Department of Education.
 31 (c) "Mechanical restraint" means the use of a physical
 32 device that restricts a student's freedom of movement. The term
 33 does not include the use of:
 34 1. Medical protective equipment.
 35 2. Behavioral protective equipment, including
 36 straitjackets, helmets, gloves, wraps, and other devices that
 37 are used temporarily to prevent severe tissue damage caused by
 38 behavioral excesses.
 39 3. Physical equipment or orthopedic appliances, surgical
 40 dressings or bandages, or supportive body bands or other
 41 restraints necessary for ongoing medical treatment in the
 42 educational setting.
 43 4. Devices used to support functional body position or
 44 proper balance, or to prevent a person from falling out of a bed
 45 or a wheelchair, except when such a device is used for a purpose
 46 other than supporting a body position or proper balance, such as
 47 coercion, discipline, convenience, or retaliation, to prevent
 48 imminent risk of serious injury or death of the student or
 49 others, or for any other behavior management reason.
 50 5. Equipment used for safety during transportation, such

51 as seatbelts or wheelchair tie-downs.

52 (d) "Medical protective equipment" means health-related
53 protective devices prescribed by a physician or dentist for use
54 as student protection in response to an existing medical
55 condition.

56 (e) "Physical restraint" means the use of manual restraint
57 techniques that involve significant physical force applied by a
58 teacher or other staff member to restrict the movement of all or
59 part of a student's body.

60 (f) "Prone restraint" means a student is lying face down.

61 (g) "Seclusion" means removing a student from an
62 educational environment and involuntarily confining the student
63 alone in a room or area. The term does not include the use of
64 time-out.

65 (h) "Student" means a student with a functional behavioral
66 assessment and an individualized behavior intervention plan.

67 (i) "Time-out" means a procedure in which access to varied
68 sources of reinforcement is removed or reduced for a particular
69 time period contingent on a response. In exclusionary time-out,
70 a student is contingently removed from the reinforcing
71 environment for a brief, stipulated duration. In nonexclusionary
72 time-out, a student remains in the environment, educational
73 activities are continued, and the reinforcer is contingently
74 removed for a brief, stipulated duration.

75 (2) PHYSICAL RESTRAINT.—

76 (a) Notwithstanding the authority provided in s. 1003.32,
 77 physical restraint shall be used only to protect the safety of
 78 students, school personnel, or others or prevent the destruction
 79 of property and may not be used for student discipline, to
 80 correct student noncompliance, or for the convenience of school
 81 district staff. Physical restraint shall be used only for the
 82 period needed to provide such protection or prevent the
 83 destruction of property.

84 (b) The degree of force applied during physical restraint
 85 must be only that degree of force necessary to protect the
 86 student or others from bodily injury.

87 (c) School personnel who have received training that is
 88 not associated with their employment with the school district,
 89 such as a former law enforcement officer who is now a teacher,
 90 shall receive training in the specific district-approved
 91 techniques and may not apply techniques or procedures acquired
 92 elsewhere.

93 (d) School personnel may not use any of the following
 94 physical restraint techniques on a student:

- 95 1. Pain inducement to obtain compliance.
- 96 2. Bone locks.
- 97 3. Hyperextension of joints.
- 98 4. Peer restraint.
- 99 5. Pressure or weight on the chest, lungs, sternum,
 100 diaphragm, back, or abdomen, causing chest compression.

101 6. Straddling or sitting on any part of the body or a
 102 maneuver that places pressure, weight, or leverage on the neck
 103 or throat, on an artery, or on the back of the student's head or
 104 neck or that otherwise obstructs or restricts the circulation of
 105 blood or obstructs an airway.

106 7. Any type of choking, including hand chokes, and any
 107 type of neck or head hold.

108 8. A technique that involves spraying or pushing anything
 109 on or into the student's mouth, nose, eyes, or any part of the
 110 face or that involves covering the face or body with anything,
 111 including soft objects such as pillows or washcloths.

112 9. A maneuver that involves punching, hitting, poking,
 113 pinching, or shoving.

114 (e) Prone restraint, mechanical restraint, or physical
 115 restraint should be used only when all other behavioral
 116 strategies and intervention techniques have been exhausted.

117 (3) SECLUSION; TIME-OUT.-

118 (a) School personnel may only place a student in seclusion
 119 when proper training and safeguards are in place. School
 120 personnel may not close, lock, or physically block a student in
 121 a room that is unlit and does not meet the rules of the State
 122 Fire Marshal for seclusion time-out rooms.

123 (b) School personnel may place a student in exclusionary
 124 time-out if the following conditions are met:

125 1. The exclusionary time-out is part of a positive

126 behavior intervention plan developed for the student from a
 127 functional behavioral assessment and referenced in the student's
 128 individual education plan.

129 2. There is documentation that the exclusionary time-out
 130 was preceded by the use of other positive behavioral supports
 131 that were not effective.

132 3. The exclusionary time-out takes place in a classroom or
 133 in another environment where educational class activities are
 134 available.

135 4. The student is observed on a constant basis by an adult
 136 for the duration of the exclusionary time-out.

137 5. The exclusionary time-out area and process are free of
 138 any action that is likely to embarrass or humiliate the student
 139 and threats or excessive physical force may not be used to
 140 implement time-out.

141 6. The exclusionary time-out area is not locked.

142 (4) STUDENT-CENTERED FOLLOWUP.—If a student is placed in
 143 exclusionary or nonexclusionary time-out, physically restrained
 144 or secluded more than twice during a semester, the school shall
 145 review the student's functional behavioral assessment and
 146 individualized behavior intervention plan.

147 (5) ~~(1)~~ DOCUMENTATION AND REPORTING.—

148 (a) At the beginning of each school year, a school
 149 district shall publicly post its policies on all emergency
 150 procedures, including its policies on the use of physical

151 restraint and seclusion.

152 (b) ~~(a)~~ A school shall prepare an incident report within 24
153 hours after a student is released from physical restraint or
154 seclusion. If the student's release occurs on a day before the
155 school closes for the weekend, a holiday, or another reason, the
156 incident report must be completed by the end of the school day
157 on the day the school reopens.

158 (c) ~~(b)~~ The following must be included in the incident
159 report:

- 160 1. The name of the student physically restrained or
161 secluded.
- 162 2. The age, grade, ethnicity, and disability of the
163 student restrained or secluded.
- 164 3. The date and time of the event and the duration of the
165 restraint or seclusion.
- 166 4. The location at which the restraint or seclusion
167 occurred.
- 168 5. A description of the type of restraint used in terms
169 established by the department ~~of Education~~.
- 170 6. The name of the person using or assisting in the
171 restraint or seclusion of the student.
- 172 7. The name of any nonstudent who was present to witness
173 the restraint or seclusion.
- 174 8. A description of the incident, including:
175 a. The context in which the restraint or seclusion

176 | occurred.

177 | b. The student's behavior leading up to and precipitating
 178 | the decision to use ~~manual or physical~~ restraint or seclusion,
 179 | ~~including an indication as to why there was an imminent risk of~~
 180 | ~~serious injury or death to the student or others.~~

181 | c. The specific positive behavioral strategies used to
 182 | prevent and deescalate the behavior.

183 | d. What occurred with the student immediately after the
 184 | termination of the restraint or seclusion.

185 | e. Any injuries, visible marks, or possible medical
 186 | emergencies that may have occurred during the restraint or
 187 | seclusion, documented according to district policies.

188 | f. Evidence of steps taken to notify the student's parent
 189 | or guardian.

190 | (d)-(e) A school shall notify the parent or guardian of a
 191 | student each time ~~manual or physical~~ restraint or seclusion is
 192 | used. Such notification must be in writing and provided before
 193 | the end of the school day on which the restraint or seclusion
 194 | occurs. Reasonable efforts must also be taken to notify the
 195 | parent or guardian by telephone or ~~computer~~ e-mail, or both, and
 196 | these efforts must be documented. The school shall obtain, and
 197 | keep in its records, the parent's or guardian's signed
 198 | acknowledgment that he or she was notified of his or her child's
 199 | restraint or seclusion.

200 | (e)-(d) A school shall also provide the parent or guardian

201 with the completed incident report in writing by mail within 3
 202 school days after a student was ~~manually or~~ physically
 203 restrained or secluded. The school shall obtain, and keep in its
 204 records, the parent's or guardian's signed acknowledgment that
 205 he or she received a copy of the incident report.

206 (6) (2) MONITORING. -

207 (a) ~~Monitoring of~~ The use of ~~manual or~~ physical restraint
 208 or seclusion on students shall be monitored ~~occur~~ at the
 209 classroom, building, district, and state levels.

210 (b) Documentation prepared by a school pursuant to as
 211 ~~required in~~ subsection (5) (1) shall be provided to the school
 212 principal, the district director of Exceptional Student
 213 Education, and the bureau chief of the Bureau of Exceptional
 214 Education and Student Services electronically each month that
 215 the school is in session.

216 (c) The department shall maintain aggregate data of
 217 incidents of ~~manual or~~ physical restraint and seclusion and
 218 disaggregate the data for analysis by school district county,
 219 school of instruction, student exceptionality, and other
 220 variables, including the type and method of restraint or
 221 seclusion used. This information shall be updated monthly and
 222 made available to the public through the department's website
 223 beginning October 1, 2017.

224 (d) The department shall establish standards for
 225 documenting, reporting, and monitoring the use of ~~manual or~~

226 physical restraint or mechanical restraint, and occurrences of
 227 seclusion. These standards shall be provided to school districts
 228 ~~by October 1, 2011.~~

229 ~~(7)(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.—

230 (a) School districts shall develop policies to ensure the
 231 physical safety and security of all students and school
 232 personnel; and which treats all students with respect and
 233 dignity in an environment that promotes a positive school
 234 culture and climate. These ~~Each school district shall develop~~
 235 policies and procedures must be that ~~are~~ consistent with this
 236 section and ~~that~~ govern the following:

237 1. A description of escalating behavioral strategies that
 238 may be used.

239 2. Allowable use of physical restraint or seclusion on
 240 students.

241 ~~3.1.~~ Incident-reporting procedures.

242 ~~4.2.~~ Data collection and monitoring, including when,
 243 where, and why students are restrained or secluded; the
 244 frequency of occurrences of such restraint or seclusion; and the
 245 prone or mechanical restraint that is most used.

246 ~~5.3.~~ Monitoring and reporting of data collected.

247 ~~6.4.~~ Training programs and procedures relating to ~~manual~~
 248 ~~or~~ physical restraint and seclusion.

249 ~~7.5.~~ The district's plan for selecting personnel to be
 250 trained.

251 8.6- The district's plan for reducing the use of restraint
 252 and seclusion particularly in settings in which it occurs
 253 frequently or with students who are restrained repeatedly, and
 254 for reducing the use of prone restraint and mechanical
 255 restraint. The plan must include a goal for reducing the use of
 256 restraint and seclusion and must include activities, skills, and
 257 resources needed to achieve that goal. Activities may include,
 258 but are not limited to:

- 259 a. Additional training in positive behavioral support and
- 260 crisis management;
- 261 b. Parental involvement;
- 262 c. Data review;
- 263 d. Updates of students' functional behavioral analysis and
- 264 positive behavior intervention plans;
- 265 e. Additional student evaluations;
- 266 f. Debriefing with staff;
- 267 g. Use of schoolwide positive behavioral ~~behavior~~ support;
- 268 and
- 269 h. Changes to the school environment.

270 9. Analysis of data to determine trends.

271 10. Ongoing reduction of the use of physical restraint and
 272 seclusion.

273 (b) Any revisions a school district makes to its ~~to the~~
 274 ~~district's~~ policies and procedures, which are ~~must be~~ prepared
 275 as part of the school district's ~~its~~ special policies and

276 procedures, must be filed with the bureau chief of the Bureau of
 277 Exceptional Education and Student Services ~~no later than January~~
 278 ~~31, 2012.~~

279 ~~(4) PROHIBITED RESTRAINT. School personnel may not use a~~
 280 ~~mechanical restraint or a manual or physical restraint that~~
 281 ~~restricts a student's breathing.~~

282 ~~(5) SECLUSION. School personnel may not close, lock, or~~
 283 ~~physically block a student in a room that is unlit and does not~~
 284 ~~meet the rules of the State Fire Marshal for seclusion time out~~
 285 ~~rooms.~~

286 Section 2. Subsections (1) and (2) of section 1012.582,
 287 Florida Statutes, are amended to read:

288 1012.582 Continuing education and inservice training for
 289 teaching students with developmental and emotional or behavioral
 290 disabilities.-

291 (1) The Commissioner of Education shall develop
 292 recommendations to incorporate instruction regarding autism
 293 spectrum disorder, Down syndrome, ~~and~~ other developmental
 294 disabilities, and emotional or behavioral disabilities into
 295 continuing education or inservice training requirements for
 296 instructional personnel. These recommendations shall address:

297 (a) Early identification of, and intervention for,
 298 students who have autism spectrum disorder, Down syndrome, ~~or~~
 299 other developmental disabilities, or emotional or behavioral
 300 disabilities.

301 (b) Curriculum planning and curricular and instructional
 302 modifications, adaptations, and specialized strategies and
 303 techniques.

304 (c) The use of available state and local resources.

305 (d) The use of positive behavioral supports to deescalate
 306 problem behaviors.


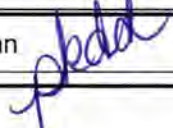
307 (e) Appropriate use of ~~manual~~ physical restraint and
 308 seclusion techniques and effective classroom behavior management
 309 strategies, including, but not limited to, differential
 310 reinforcement, precision commands, minimizing attention or
 311 access to other reinforcers, and time-out methods.

312 (2) In developing the recommendations, the commissioner
 313 shall consult with the State Surgeon General, the Director of
 314 the Agency for Persons with Disabilities, representatives from
 315 the education community in the state, and representatives from
 316 entities that promote awareness about autism spectrum disorder,
 317 Down syndrome, ~~and~~ other developmental disabilities, and
 318 emotional or behavioral disabilities and provide programs and
 319 services to persons with ~~developmental~~ disabilities, including,
 320 but not limited to, regional autism centers pursuant to s.
 321 1004.55.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 265 Computer Coding Instruction
SPONSOR(S): PreK-12 Quality Subcommittee
TIED BILLS: None **IDEN./SIM. BILLS:** SB 104

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

SUMMARY ANALYSIS

The proposed committee substitute (PCS) promotes student access to education in computer science and related fields by requiring the Articulation Coordinating Committee to develop recommendations that identify, among other things:

- high school courses in computer science, including computer coding and computer programming, which may be used to satisfy state university admissions requirements for math and science;
- gaps in current policy, curricula, programs, and practices that inhibit students from pursuing postsecondary education and careers in computer science and related fields; and
- common definitions for terms such as computer coding and computer programming so that stakeholders at all educational levels can use the terms clearly.

In addition, the PCS requires the Commissioner of Education to establish academic standards for computer science, coding, and programming and identify high school-level courses that incorporate the standards in the Course Code Directory.

The PCS requires the Department of Education to annually report to the Board of Governors and the Legislature:

- the courses identified in the Course Code Directory by the commissioner in accordance with the PCS;
- the number of students, by district, including the Florida Virtual School, who are enrolled in a course identified in the Course Code Directory by the commissioner in accordance with the PCS; and
- the number of individuals who hold a valid educator certificate in computer science or a related field.

The PCS requires the State Board of Education to work with the Board of Governors and school districts to develop strategies for recruiting and supporting computer science teachers.

The PCS does not appear to have a fiscal impact.

The PCS takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Computer Science and Technology Instruction

Public schools are required to provide students in grades K-12 opportunities for learning computer science including, but not limited to, computer coding and computer programming.¹

Such opportunities may include:²

- instruction regarding computer coding in elementary and middle school;
- instruction to develop computer usage and digital literacy skills in middle school; and
- courses in computer science, computer coding, and computer programming in high school, including opportunities to earn industry certifications related to the courses.

The law allows high schools to provide students opportunities to satisfy certain math and science graduation requirements by taking computer science courses of sufficient rigor and earning a related industry certification.³ To qualify, the course must be in the area of computer science or 3D rapid prototype printing and the Commissioner of Education must identify the course and the related industry certification in the Course Code Directory.⁴

A qualifying computer science course may satisfy up to one mathematics or science course credit, so long as the course is not Algebra I or higher-level mathematics or Biology I or higher-level science. A qualifying 3D rapid prototype printing course may satisfy up to two mathematics course credits, except for Algebra I.⁵

In 2016, the State Board of Education revised the Next Generation Sunshine State Standards to include K-12 computer science standards.⁶ Currently, courses in computer coding are listed in the Career Technical Education Program and Course Listing section in the Course Code Directory.⁷

Articulation Coordinating Committee

The Articulation Coordinating Committee is an advisory body appointed by the Commissioner of Education in consultation with the Chancellor of the State University System.⁸ The committee makes recommendations related to statewide articulation policies and issues regarding access, quality, and reporting of data to the Higher Education Coordination Council, the State Board of Education, and the Board of Governors (BOG).⁹ The committee comprises one member representing students and two members each representing:

- the State University System;
- the Florida College System;
- public career and technical education;
- K-12 Education; and
- nonpublic postsecondary education.¹⁰

¹ Section 1007.2616(1), F.S.

² Section 1007.2616(1), F.S.

³ Section 1007.2616(3), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ See rule 6A-1.09401(1)(n), F.A.C.

⁷ Staff of the Florida Department of Education, *Staff Analysis of Senate Bill 468* (2016).

⁸ Section 1007.01(3), F.S.

⁹ *Id.*

¹⁰ *Id.*

The Office of K-20 Articulation, housed within the Department of Education, provides administrative support for the committee. Pursuant to the law, the committee helps to coordinate ways for students to move easily from one educational institution to another and from one level of education to the next. Accordingly, the committee must:

- monitor alignment between exit requirements and admissions requirements among education systems;
- propose guidelines for interinstitutional agreements for articulation of students among educational institutions;
- recommend dual enrollment and high school subject area equivalencies for state board and BOG approval;
- review the statewide articulation agreement and recommend revisions;
- review the statewide course numbering system, levels of courses, and the application of transfer credits to identify student transfer and admissions difficulties;
- publish courses that meet common general education and degree program prerequisite requirements;
- foster timely collection and reporting of data to improve the K-20 education performance accountability system;
- recommend roles and responsibilities of public education entities in interfacing with the computer-assisted student advising system; and
- make recommendations on the cost and requirements to develop and implement an online system for collecting and analyzing data relating to requests for transfer of credit by postsecondary education students.¹¹

Effect of Proposed Changes

The proposed committee substitute (PCS) promotes student access to education in computer science and related fields by requiring the Articulation Coordinating Committee to develop recommendations that identify:

- high school courses in computer science, including computer coding and computer programming, which may be used to satisfy state university admissions requirements for math and science.
- common academic and technical skills needed for students to help meet projected labor market demands in computer science, information technology, and related fields in Florida.
- how middle and high school students, including underrepresented and nontraditional students, can be encouraged to pursue further studies and careers in computer science, information technology, and related fields.
- secondary course sequences which prepare students to succeed in postsecondary educational programs in computer science, information technology, and related fields.
- gaps in current policy, curricula, programs, and practices that inhibit students from pursuing postsecondary education and careers in computer science and related fields.
- appropriate educator qualifications and computer science pedagogy to maintain technologically current instructional knowledge and practices in teacher preparation programs.
- common definitions for terms related to computer science, including terms such as computer coding and computer programming, for consistent use across the Florida K-20 education system.

The committee must report its recommendations to the Board of Governors and the Legislature by December 31, 2018.

The PCS requires the Commissioner of Education to identify high school-level courses that incorporate the computer science standards in the Course Code Directory by June 30, 2018.

¹¹ See s. 1008.01(3)(a)-(i), F.S.
STORAGE NAME: pcs0265.PKQ.DOCX
DATE: 3/23/2017

The PCS requires the department to annually report to the Board of Governors and the Legislature:

- the courses identified in the Course Code Directory pursuant by the commissioner in accordance with the PCS;
- the number of students, by district, including the FLVS, who are enrolled in a course so identified; and
- the number of individuals who hold a valid educator certificate in computer science or a related field.

The PCS requires the state board to consult with the Board of Governors and school districts to develop strategies for:

- recruiting qualified teachers to provide computer science instruction;
- updating computer science educator certification requirements;
- providing appropriate professional development to maintain technologically current instructional knowledge and practices in the school districts; and
- identifying and streamlining traditional and alternative pathways toward computer science educator certification.

If a student enrolls in an identified course that satisfies any FCS or SUS admission requirements for foreign language, mathematics, or science, the student may not know if the course would satisfy similar admission requirements at a private or out-of-state postsecondary institution. Accordingly, the PCS requires the school district in such situations to notify the student that he or she should contact any out-of-state or private postsecondary institution to which the student is applying and inquire whether the course credit satisfies any of the institution's admissions requirements.

B. SECTION DIRECTORY:

Section 1. Amends s. 1007.01, F.S., requiring the Articulation Coordinating Committee to make recommendations related to computer science instruction; providing requirements for such recommendations; requiring the committee to report its findings and recommendations to the Board of Governors of the State University System and the Legislature; providing for expiration of certain committee duties.

Section 2. Amends s. 1007.2616, F.S., requiring the Commissioner of Education to develop certain standards and identify certain courses in the Course Code Directory; requiring the Department of Education to annually report certain information to the Board of Governors and the Legislature; requiring the State Board of Education, the Board of Governors, and school districts to develop strategies relating to computer science educator certification and teacher recruitment.

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:

Not applicable.

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 computer coding instruction;
 3 amending s. 1007.01, F.S.; requiring the Articulation
 4 Coordinating Committee to make recommendations related
 5 to computer science instruction; providing
 6 requirements for such recommendations; requiring the
 7 committee to report its findings and recommendations
 8 to the Board of Governors of the State University
 9 System and the Legislature; providing for expiration
 10 of certain committee duties; amending s. 1007.2616,
 11 F.S.; requiring the Commissioner of Education to
 12 develop certain standards and identify certain courses
 13 in the Course Code Directory; requiring the Department
 14 of Education to annually report certain information to
 15 the Board of Governors and the Legislature; requiring
 16 the State Board of Education, the Board of Governors,
 17 and school districts to develop strategies relating to
 18 computer science educator certification and teacher
 19 recruitment; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:
 22

23 Section 1. Paragraph (j) is added to subsection (3) of
 24 section 1007.01, Florida Statutes, to read:

25 1007.01 Articulation; legislative intent; purpose; role of

26 the State Board of Education and the Board of Governors;
 27 Articulation Coordinating Committee.—

28 (3) The Commissioner of Education, in consultation with
 29 the Chancellor of the State University System, shall establish
 30 the Articulation Coordinating Committee, which shall make
 31 recommendations related to statewide articulation policies and
 32 issues regarding access, quality, and reporting of data
 33 maintained by the K-20 data warehouse, established pursuant to
 34 ss. 1001.10 and 1008.31, to the Higher Education Coordination
 35 Council, the State Board of Education, and the Board of
 36 Governors. The committee shall consist of two members each
 37 representing the State University System, the Florida College
 38 System, public career and technical education, K-12 education,
 39 and nonpublic postsecondary education and one member
 40 representing students. The chair shall be elected from the
 41 membership. The Office of K-20 Articulation shall provide
 42 administrative support for the committee. The committee shall:

43 (j) Develop recommendations to prepare students for
 44 successful postsecondary education and careers in computer
 45 science, information technology, and related fields. In
 46 developing the recommendations, the council shall consider
 47 policies and practices that are designed to increase access to
 48 high-quality educational experiences that help more students
 49 obtain careers in these fields.

50 1. The committee's recommendations must identify:

51 a. High school courses in computer science, including
52 computer coding and computer programming, identified by
53 university faculty as having sufficient rigor that they may be
54 used to satisfy specified State University System admissions
55 requirements, including requirements for mathematics and
56 science.

57 b. Common academic and technical skills needed for
58 students to meet projected labor market demands in computer
59 science, information technology, and related fields in the
60 state.

61 c. How middle and high school students, including
62 underrepresented and nontraditional students, can be encouraged
63 to pursue further studies and careers in computer science,
64 information technology, and related fields.

65 d. Secondary course sequences which prepare students to
66 succeed in postsecondary educational programs in computer
67 science, information technology, and related fields.

68 e. Gaps in current policy, curricula, programs, and
69 practices at the state, school district, and postsecondary level
70 which inhibit students from pursuing advanced studies and
71 careers in computer science, information technology, and related
72 fields.

73 f. Appropriate educator qualifications and computer
74 science pedagogy to maintain technologically current
75 instructional knowledge and practices in teacher preparation

76 programs.

77 g. Common definitions for terms related to computer
 78 science, including terms such as "computer coding" and "computer
 79 programming," for consistent use across the Florida K-20
 80 education system.

81 2. By December 31, 2018, the committee shall report its
 82 recommendations to the Board of Governors, the State Board of
 83 Education, and the Legislature.

84 3. This paragraph expires January 1, 2019.

85 Section 2. Subsection (4) of section 1007.2616, Florida
 86 Statutes, is renumbered as subsection (5), respectively, and
 87 subsection (4) is added to that section, to read:

88 1007.2616 Computer science and technology instruction.—

89 (4) (a) By June 30, 2018, the commissioner shall include in
 90 the Course Code Directory high school-level courses which
 91 incorporate computer science standards and prepare students for
 92 postsecondary success in computer science, information
 93 technology, and related fields.

94 (b) If a student is enrolled in an identified course that
 95 satisfies a mathematics or science admissions requirement for
 96 the Florida College System or the State University System, the
 97 school district must notify the student that he or she should
 98 contact any out-of-state or private postsecondary institution to
 99 which the student is applying and inquire whether the course
 100 credit satisfies any of the institution's admissions

101 requirements.

102 (d) The Department of Education shall annually report to
103 the Board of Governors and the Legislature:

104 1. The courses identified in the Course Code Directory
105 that meet the academic standards for computer science.

106 2. The number of students, by district, including the
107 Florida Virtual School, who are enrolled in a course identified
108 in the Course Code Directory that meets the academic standards
109 for computer science.

110 3. The number of individuals who hold a valid educator
111 certificate in computer science or a related field.

112 (e) The State Board of Education shall consult with the
113 Board of Governors and school districts to develop strategies
114 for recruiting qualified teachers to provide computer science
115 instruction, updating computer science educator certification
116 requirements, providing appropriate professional development to
117 maintain technologically current instructional knowledge and
118 practices in the school districts, and identifying and
119 streamlining traditional and alternative pathways toward
120 computer science educator certification.


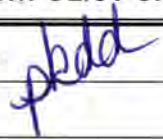
121 Section 3. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 955 High School Graduation Requirements

SPONSOR(S): Ahern; Fitzenhagen and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 392

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

The bill requires students entering grade 9 in the 2017-2018 school year and thereafter to complete a one-half course credit in personal financial literacy. Currently, high school students receive financial literacy instruction, based on 56 Next Generation Sunshine State Standards in financial literacy, as part of the one-half Economics course credit required for graduation.

The bill revises the Next Generation Sunshine State Standards to include additional, specified financial literacy topics and requires the new personal financial literacy course to include discussion of or instruction in those topics.

To maintain the current 24-credit graduation requirement, the bill reduces the electives credit requirement from eight credits to seven-and-one-half credits.

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

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida High School Graduation Requirements

Florida law establishes the courses and credits required for a student to receive a standard high school diploma. A student must successfully complete 24 credits in core-curricula and extracurricular courses with a 2.0 or higher cumulative GPA, with limited exceptions.¹

For grades 9 through 12, core curricula courses are those subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in state law as required for high school graduation and that are not measured by state assessment.² Core courses are: English language arts, mathematics, science, and social studies.³ The remaining required courses are extracurricular courses, which include but are not limited to, physical education, fine arts, performing fine arts, career education, and courses that may result in college credit.⁴

Core and Extracurricular Course and Credit Requirements⁵

Course	Credit
English Language Arts (ELA) <ul style="list-style-type: none">• ELA I, II, III, and IV	4
Mathematics <ul style="list-style-type: none">• One credit in Algebra I, one credit in Geometry, and two additional credits.• A student who earns an industry certification for which there is a statewide college credit articulation agreement may substitute the certification for one of the two additional credits. Substitution may occur for up to 2 credits, with the exception of Algebra I and Geometry.	4
Science <ul style="list-style-type: none">• One credit in Biology I and 2 credits in equally rigorous courses• A student who earns an industry certification for which there is a statewide college credit articulation agreement may substitute the certification for one of the two equally rigorous courses.	3
Social Studies <ul style="list-style-type: none">• One credit in United States History; one credit in World History; one-half credit in U.S. Government, and one-half credit in Economics, which must include Financial Literacy.	3
Fine Arts, Performing Arts, Speech and Debate, or Practical Arts <ul style="list-style-type: none">• The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Eligible courses are identified in the Course Code Directory.⁶	1

¹ See s. 1008.4282(3)(a)-(g), F.S. A student may graduate with a minimum of 18 credit hours if he or she meets the core course credit (excluding physical education), assessment, and GPA requirements and completes three electives. See ss. 1002.3105(5) and 1003.4282(6)(a), F.S.

² Section 1003.01(14), F.S.

³ See s. 1008.4282(3)(a)-(d), F.S.

⁴ Section 1003.01(15), F.S.

⁵ Section 1003.4282(3), F.S. Students must pass the grade 10 English language arts assessment and the Algebra I end-of-course assessment to graduate.

Physical Education <ul style="list-style-type: none"> • Must include the integration of health. 	1
Electives <ul style="list-style-type: none"> • Must include opportunities for students to earn college credit, including industry-certified career programs or courses that lead to college credit. 	8
Online Course Requirement ⁷ <ul style="list-style-type: none"> • One of the courses within the 24 credits must be completed through online learning. 	Determined based upon the course completed.

Financial Literacy Instruction

The Next Generation Sunshine State Standards (NGSSS), adopted by the State Board of Education pursuant to state law, includes financial literacy standards for kindergarten through grade 12.⁸ In 2014, after a committee of six experts in economics and finance reviewed the Council for Economic Education’s (CEE) National Standards for Financial Literacy and after a series of public workshops, the state board incorporated the national standards into the NGSSS for Social Studies.⁹

Current law requires financial literacy standards to include information regarding:

- earning income;
- buying goods and services;
- saving and financial investing;
- taxes;
- the use of credit and credit cards;
- budgeting and debt management, including student loans and secured loans;
- banking and financial services;
- planning for one’s financial future, including higher education and career planning; credit reports and scores; and
- fraud and identity theft prevention.¹⁰

Florida’s 2016-2017 Course Code Directory includes courses in economics with financial literacy, incorporating 56 financial literacy standards, which students may use to satisfy the one-half course credit requirement for graduation. The directory also includes a semester-long course in personal financial literacy that school districts may offer to students.¹¹

⁶ The Course Code Directory requires that programs and courses funded through the Florida Education Finance Program (FEFP) and courses or programs for which students may earn elective or required credit toward high school graduation must be listed in the Course Code Directory (CCD). Rule 6A-1.0944, F.A.C.

⁷ Section 1003.4282(4), F.S. A school district may not require a student to take the online course outside the school day or in addition to a student’s courses for a given semester. This subsection does not apply to a student who has an individual education plan under s. 1003.57, F.S., which indicates that an online course would be inappropriate or to an out-of-state transfer student who is enrolled in a Florida high school and has 1 academic year or less remaining in high school. *Id.*

⁸ See rule 6A-1.09401(1)(c), F.A.C. (incorporating by reference Florida Department of Education, *Next Generation Sunshine State Standards—Social Studies, Revised June 2014*).

⁹ See Florida Department of Education, *Next Generation Sunshine State Standards—Social Studies, Revised June 2014*, at 1 (incorporated by reference in rule 6A-1.09401(1)(c), F.A.C.

¹⁰ Section 1003.41(2)(d), F.S.

¹¹ See Florida Department of Education, *2016-2017 Course Directory*, <http://www.fldoe.org/policy/articulation/ccd/2016-2017-course-directory.shtml> (last visited Mar. 24, 2017). See also CPALMS, *Browse and Search Courses*, <http://www.cpalms.org/Public/search/Course> (last visited Mar. 24, 2017) (providing the list of standards associated with course #2102335, Economics with Financial Literacy).

On a nationwide basis, efforts are being made to improve the general quality of financial literacy instruction. The CEE and the Champlain College Center for Financial Literacy have issued reports establishing goals for states to meet in order to generally improve financial literacy instructional standards.¹² The CEE report identifies five metrics for evaluating the quality of financial literacy instruction in a given state:

- inclusion of financial literacy in the state's academic standards;
- the requirement that the standards be implemented by each school district;
- the requirement that the standards are included in a high school course;
- the requirement that the high school course be completed by all high school students; and
- implementation of a standardized financial literacy assessment.¹³

Florida meets four of the five metrics. The state does not, however, administer a statewide, standardized financial literacy assessment.¹⁴

The Champlain College's Center for Financial Literacy has established an A-F scale for assessing a state's financial literacy instruction policy. The center currently rates Florida a "B," and it notes that the 56 financial literacy standards that are included in the economics course amounts to approximately 37 hours of financial literacy instruction.¹⁵ The center advocates the development and implementation of a national financial literacy assessment in lieu of including implementation of a state assessment as one of its metrics. No such national assessment has been developed or implemented.¹⁶

Research shows that the effect of financial literacy instruction is limited regardless of the length of instruction. Instead, proximity of the instruction to a financial decision bears more impact on financial behavior. "Like other education, financial education decays over time; even large interventions with many hours of instruction have negligible effects on behavior or more from the time of intervention."¹⁷

¹² See Council for Economic Education, *Survey of the States: Economic and Personal Finance Education in our Nation's Schools 2016*, available at <http://councilforeconed.org/wp/wp-content/uploads/2016/02/sos-16-final.pdf> [hereinafter referred to as "Council for Economic Education"]. See also Champlain College Center for Financial Literacy, *Is Your State Making the Grade? 2015 National Report Card on State Efforts to Improve Financial Literacy in High Schools* (2015), available at http://www.champlain.edu/Documents/Centers-of-Excellence/Center-for-Financial-Literacy/2015_National_Report_Card.pdf [hereinafter referred to as Champlain College].

¹³ See Council for Economic Education, *supra* at note 11.

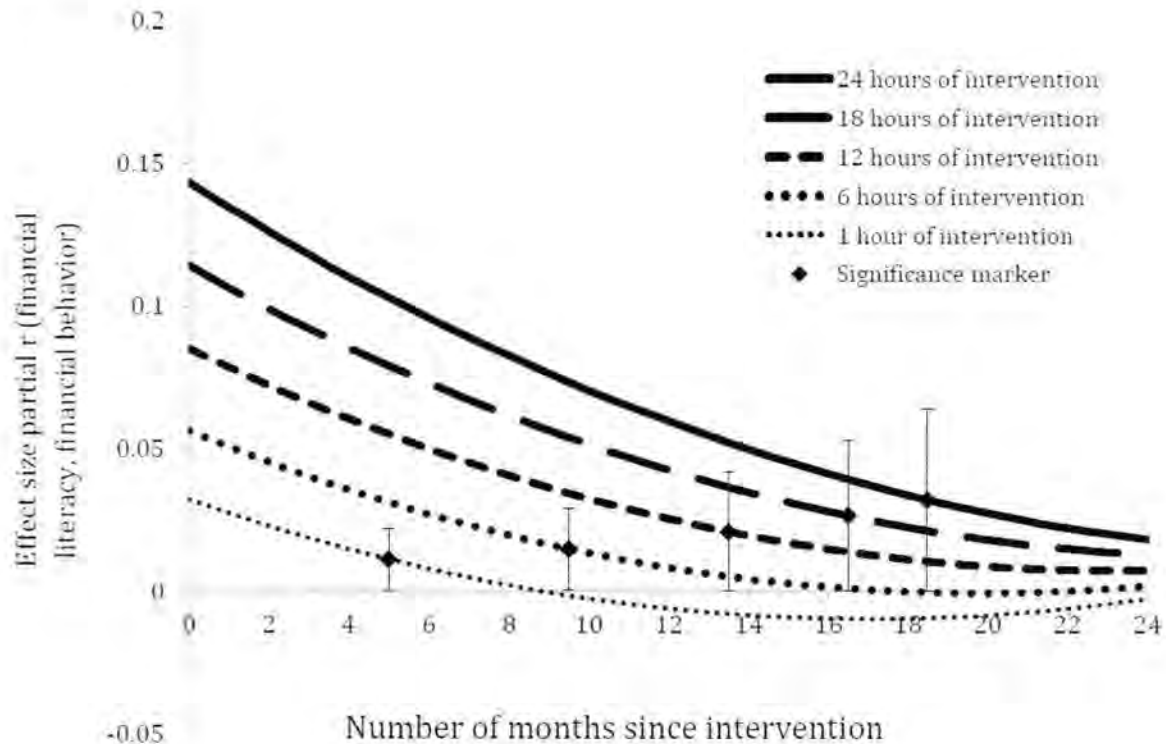
¹⁴ See *id.* at 6.

¹⁵ See Champlain College at 35, *supra* at note 11.

¹⁶ See *id.* at 25.

¹⁷ Daniel Fernandes, John Lynch, and Richard Netemeyer, *Financial Literacy, Financial Education, and Downstream Financial Behaviors*, 60 MANAGEMENT SCIENCE 1861, 1867 (2014) (suggesting that a "just-in-time" approach to financial education tied to specific behaviors may constitute a more effective intervention).

Figure 4: Partial Correlation of Financial Education Interventions with Financial Behavior as a Function of Number of Hours of Intervention and Number of Months since Intervention



Effect of Proposed Changes

The bill requires the addition of personal financial literacy and money management to the NGSSS for financial literacy, effective for students entering grade 9 in the 2017-2018 school year and thereafter. The bill also specifies that financial literacy includes instruction on:

- types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services;
- balancing a checkbook;
- basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt;
- completing a loan application;
- receiving an inheritance and related implications;
- basic principles of personal insurance policies;
- computing federal income taxes;
- local tax assessments;
- computing interest rates by various mechanisms;
- simple contracts;
- contesting an incorrect billing statement;
- types of savings and investments; and
- state and federal laws concerning finance.

The bill requires students entering grade 9 in the 2017-2018 school year and thereafter to complete a stand-alone, one-half credit in personal financial literacy, which must include discussion of or instruction in the topics above. Accordingly, the bill eliminates financial literacy instruction from the one-half credit economics requirement. To maintain the 24-credit requirement for graduation, the bill reduces the electives requirement from eight to seven-and-one-half credits.

Although the NGSSS financial literacy standards currently cover a number of these topics, the Florida Department of Education indicates that additional NGSSS would need to be developed and approved by the State Board of Education to include content on balancing a checkbook and receiving an inheritance.¹⁸

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.41, F.S., revising the requirements for the Next Generation Sunshine State Standards to include financial literacy.

Section 2. Amends s. 1003.4282, F.S., revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven and one-half, rather than eight, credits in electives.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS, *infra*.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

School districts may incur costs associated with procuring additional instructional materials aligned to the new personal financial literacy course, providing professional development to classroom teachers who will teach the course, and hiring additional classroom teachers to teach the course. These costs are indeterminate.

¹⁸ See Florida Department of Education, Agency Analysis of 2017 House Bill 955, p. 2-3 (Mar. 17, 2017).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

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 high school graduation
3 requirements; amending s. 1003.41, F.S.; revising the
4 requirements for the Next Generation Sunshine State
5 Standards to include financial literacy; amending s.
6 1003.4282, F.S.; revising the required credits for a
7 standard high school diploma to include one-half
8 credit of instruction in personal financial literacy
9 and money management and seven and one-half, rather
10 than eight, credits in electives; providing an
11 effective date.

12
13 WHEREAS, many young people in this state graduate from high
14 school without having a basic knowledge of financial literacy
15 and money management, and

16 WHEREAS, the Legislature finds that, in light of the recent
17 economic challenges nationwide, sound financial management
18 skills are vitally important to all Floridians, particularly
19 high school students, and

20 WHEREAS, the Legislature also finds that requiring
21 educational instruction in financial literacy and money
22 management as a prerequisite to high school graduation will
23 better prepare young people in this state for adulthood by
24 providing them with the requisite knowledge to achieve financial
25 stability and independence, and

26 WHEREAS, adoption of this act, which may be cited as the
 27 "Personal Financial Literacy Education Act," will make Florida
 28 the 18th state in the nation to require financial literacy
 29 instruction as a prerequisite for high school graduation and a
 30 standard high school diploma, NOW, THEREFORE,

31

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

33

34 Section 1. Paragraph (f) is added to subsection (2) of
 35 section 1003.41, Florida Statutes, to read:

36 1003.41 Next Generation Sunshine State Standards.—

37 (2) Next Generation Sunshine State Standards must meet the
 38 following requirements:

39 (f) Effective for students entering grade 9 in the 2017-
 40 2018 school year and thereafter, financial literacy standards
 41 must establish specific curricular content for, at a minimum,
 42 personal financial literacy and money management. Financial
 43 literacy includes instruction in the areas specified in s.
 44 1003.4282(3)(h).

45 Section 2. Paragraphs (d) and (g) of subsection (3) of
 46 section 1003.4282, Florida Statutes, are amended, and paragraph
 47 (h) is added to that subsection, to read:

48 1003.4282 Requirements for a standard high school
 49 diploma.—

50 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT

51 REQUIREMENTS.—

52 (d) Three credits in social studies.—Beginning with
 53 students entering grade 9 in the 2017-2018 school year, a
 54 student must earn one credit in United States History,† one
 55 credit in World History,† one-half credit in economics, ~~which~~
 56 ~~must include financial literacy,~~ and one-half credit in United
 57 States Government. The United States History EOC assessment
 58 constitutes 30 percent of the student's final course grade.

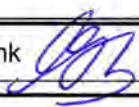
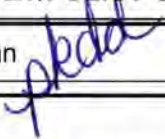
59 (g) Seven and one-half ~~Eight~~ credits in electives.—
 60 Beginning with students entering grade 9 in the 2017-2018 school
 61 year, each school district shall ~~School districts must~~ develop
 62 and offer coordinated electives so that a student may develop
 63 knowledge and skills in his or her area of interest, such as
 64 electives with a STEM or liberal arts focus. Such electives must
 65 include opportunities for students to earn college credit,
 66 including industry-certified career education programs or series
 67 of career-themed courses that result in industry certification
 68 or articulate into the award of college credit, or career
 69 education courses for which there is a statewide or local
 70 articulation agreement and which lead to college credit.

71 (h) One-half credit in personal financial literacy.—
 72 Beginning with students entering grade 9 in the 2017-2018 school
 73 year, each student shall take one-half credit in personal
 74 financial literacy and money management. This instruction must
 75 include discussion of or instruction in the following:

- 76 1. Types of bank accounts offered, opening and managing a
 77 bank account, and assessing the quality of a depository
 78 institution's services.
- 79 2. Balancing a checkbook.
- 80 3. Basic principles of money management, such as spending,
 81 credit, credit scores, and managing debt, including retail and
 82 credit card debt.
- 83 4. Completing a loan application.
- 84 5. Receiving an inheritance and related implications.
- 85 6. Basic principles of personal insurance policies.
- 86 7. Computing federal income taxes.
- 87 8. Local tax assessments.
- 88 9. Computing interest rates by various mechanisms.
- 89 10. Simple contracts.
- 90 11. Contesting an incorrect billing statement.
- 91 12. Types of savings and investments.
- 92 13. State and federal laws concerning finance.
- 93 Section 3. This act shall take effect July 1, 2017.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 989 Instructional Materials for K-12 Public Education
SPONSOR(S): PreK-12 Quality Subcommittee
TIED BILLS: None **IDEN./SIM. BILLS:** 1210

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

SUMMARY ANALYSIS

To be included in Florida's state-adopted instructional materials list, an instructional material must, among other things, be aligned to the Next Generation Sunshine State Standards, accurate, objective, balanced, noninflammatory, current, and suited to student needs and their ability to comprehend the material presented. However, state funds allocated for the purchase of instructional materials may be used to purchase materials that are not included on the state-adopted list or are not otherwise reviewed for appropriate content and alignment to the standards.

The proposed committee substitute (PCS) provides for greater transparency in the district-level adoption process and more opportunities to review and challenge materials made available to students by:

- allowing parents and residents of the county to provide the district school board evidence that an instructional material for adoption by the district does not meet the state criteria, contains prohibited content, or is otherwise inappropriate or unsuitable;
- allowing county residents to contest the adoption of an instructional material and object to the use of a material made available to students;
- requiring the process for contesting the adoption of an instructional material to provide for an impartial hearing officer;
- requiring school districts to discontinue use of a material found to be inappropriate or unsuitable;
- requiring school districts to provide access to library materials upon written request;
- requiring school districts to maintain a current list of purchased instructional materials on their websites;
- requiring that instructional materials purchased using the instructional materials allocation be on the state-adopted list unless purchased through a district instructional materials program;
- requiring that instructional materials purchased through a district instructional materials program meet the criteria for inclusion in the state-adopted list, be aligned to the state academic standards, and be consistent with course expectations and course descriptions;
- eliminating the requirement that 50 percent of the instructional materials allocation be used to purchase electronic or digital materials; and
- clarifying that a school district is responsible for the content of all materials made available to students, including those that may not meet the statutory definition of an instructional material.

The PCS also specifies that an instructional material must be free of content that is pornographic or harmful to minors in order to be recommended for inclusion in the state-adopted list and that any material used in a classroom must also be free of such content.

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

The bill takes effect July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Each district school board has the constitutional duty and responsibility to select and provide adequate instructional materials to each student for core courses in mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12.¹

“Instructional materials” are items having intellectual content that serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software.² Other materials that are not by definition an instructional material, such as novels and periodicals, may be used in a classroom, made available in a school library, or included on a course reading list.

Whether adopted and purchased through a district-implemented instructional materials review program, adopted and purchased from the state-adopted list, or otherwise made available in a classroom, the school district is responsible for the content of all instructional materials used in the classroom.³ Any instructional material containing pornography or is a prohibited material that is harmful to minors⁴ may not be used or made available within any public school.⁵

Prior to the purchase of any instructional material, the board must:

- establish a process to allow student editions of recommended instructional materials to be accessed and viewed online by the public at least 20 calendar days before the required school board hearing and public meeting. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption;
- conduct an open, noticed school board hearing to receive public comment on the recommended instructional materials;
- conduct an open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that will be purchased. This public meeting must be held on a different date than the school board hearing;
- provide notice for the school board hearing and the public meeting that specifically states the instructional materials being reviewed and how the instructional materials can be accessed for public review;
- establish a process for public comment on, and review of, the recommended instructional materials.⁶

¹ Section 1006.40(2), F.S. “Adequate instructional materials” means a “sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.” Section 1006.28(1), F.S. Digital and instructional materials, including software applications, must be provided by each school board, in consultation with the district school superintendent, to students with disabilities in prekindergarten through grade 12. Section 1003.4203(2), F.S.

² Section 1006.29(2), F.S.

³ Section 1006.28(1)(a)1., F.S.

⁴ See s. 847.012, F.S. (establishing a criminal offense for the sale, rent, or distribution of certain materials to minors or posting of such materials at a school).

⁵ Section 1006.34(2)(b), F.S. (flush-left provisions at the end of paragraph (b)).

⁶ Sections 1006.40(5) and 1006.283(2)(b)8., 9., and 11., F.S.

In addition, the school board must establish a process by which the district notifies parents of their ability to access their children's instructional materials. The notification must be displayed prominently on the school district's website and provided annually in written format to all parents of enrolled students.⁷

Once instructional materials are adopted and purchased by the district school board pursuant to the state instructional materials program or its own instructional materials program, each district school board must establish a process enabling parents to contest the adoption of a specific instructional material. A parent seeking to challenge an adopted instructional material must file a petition, on a form provided by the school board, within 30 days after the adoption of the material by the school board. The form must be signed by the parent, include the required contact information, and state the objection to the instructional material.⁸ Districts must also establish a process by which parents may challenge their child's use of an instructional material and which provides for resolution of objections.⁹

Under the law, materials that are not adopted and purchased from the state-adopted list or through a district's instructional materials program can be made available to students by the school district without undergoing the above notice, review, and comment procedures or the adoption appeal procedures. The law does not expressly require districts to make appeal and objection procedures available to other members of the public, such as residents of the county.

Funding for instructional materials is provided annually by the Legislature in the General Appropriations Act (GAA). The following chart shows GAA funding for instructional materials since FY 2012-13:

Instructional Materials Funding History	
Fiscal Year	Amount
2012-13 ¹⁰	\$211,665,913
2013-14 ¹¹	\$217,277,372
2014-15 ¹²	\$223,382,911
2015-16 ¹³	\$225,830,113
2016-17 ¹⁴	\$228,792,422

Up to 50 percent of the annual allocation provided in the General Appropriations Act for instructional materials may be used by school districts to purchase materials not on the state-adopted list, including library and reference books and nonprint materials, and for the repair and renovation of textbooks and library books. The remainder of the allocation must be used to purchase "digital or electronic instructional materials that align with state standards included on the state-adopted instructional materials list."¹⁵ Instructional materials funds available after March 1 may be used to purchase hardware for student instruction.¹⁶ In any year in which the total instructional materials allocation for a school district has not been expended or obligated prior to June 30, the district school board must carry forward the unobligated amount and must add that amount to the next year's allocation.¹⁷

⁷ Section 1006.283(2)(b)11., F.S.

⁸ Section 1006.28(1)(a)3., F.S.

⁹ Section 1006.28(1)(a)2., F.S.

¹⁰ Specific Appropriations 6, s. 1 and 84, s. 2, ch. 2012-118, L.O.F.

¹¹ Specific Appropriations 7, s. 1 and 87, s. 2, ch. 2013-40, L.O.F.

¹² Specific Appropriations 9, s. 1 and 96, s. 2, ch. 2014-51, L.O.F.

¹³ Specific Appropriations 7, s. 1 and 90, s. 2, ch. 2015-232, L.O.F.

¹⁴ Specific Appropriations 7, s. 1 and 94, s. 2, ch. 2016-66, L.O.F.

¹⁵ Sections 1006.28(1)(a)1. and 1006.40(3), F.S. Materials not on the state adopted list include library books, reference books, and non-print materials. Section 1006.40(3)(b), F.S.

¹⁶ Section 1011.62(6)(b)5., F.S.

¹⁷ Section 1006.40(7), F.S.

Materials purchased by a school district that are not on the state-adopted list or otherwise made available in a classroom might not undergo any adoption review or public review process.¹⁸

State Instructional Materials Adoption

Adoption Process

The Commissioner of Education adopts instructional materials according to a 5-year rotating schedule. However, the commissioner may approve terms of adoption of less than five years for materials in content areas which require more frequent revision.¹⁹ The Department of Education (DOE) annually publishes an official schedule of subject areas calling for adoption for each of the succeeding two years, and a tentative schedule for years three through five. Under extenuating circumstances, the commissioner may direct the DOE to add one or more subject areas to the official schedule.²⁰

Approximately one year before the adoption of instructional materials in a certain subject area, the DOE publishes specifications for the subjects to be adopted. These specifications detail the courses for which materials are sought and the standards the materials must meet.²¹

Beginning on or before May 15 of the adoption year, the DOE advertises²² a request for sealed bids or proposals from publishers of instructional materials. The advertisement must require each bidder to furnish electronic sample copies of all instructional materials submitted.²³

Once all bids have been considered, the commissioner selects and adopts, from the list reported by the state instructional materials reviewers as "suitable, usable, and desirable" instructional materials for each grade and subject in the curriculum of public elementary, middle, and high schools in which adoptions are made and in the subject areas designated in the advertisement.²⁴

Reviewers

State instructional materials reviewers are state or national content experts appointed by the Commissioner of Education. The reviewers must be appointed by April 15 of each school year to review the instructional materials slated for adoption and evaluate the content for alignment with applicable state standards.²⁵

State instructional material reviewers receive training in competencies related to the evaluation and selection of instructional materials.²⁶ After receiving training, the reviewers must review the materials for the level of instructional support and the accuracy and appropriateness of progression of introduced content. Instructional materials must be made electronically available to the reviewers.²⁷

The initial review of the materials is made by only two of the three reviewers. If the two reviewers reach different results, the third reviewer must break the tie. The reviewers must independently make

¹⁸ E.g., novels that are included in a recommended or required reading list or checked out of the school library by the classroom teacher or a student.

¹⁹ Section 1006.36(1), F.S.

²⁰ Section 1006.36(2), F.S.

²¹ Florida Department of Education, Bureau of Curriculum and Instruction, *Policies and Procedures for the Florida Instructional Materials Adoption*, at 1 (Dec. 2011), *incorporated by reference into rule 6A-7.0710, F.A.C.*

²² Beginning in FY 2010-11, all advertisements must state that each bidder must furnish electronic sample copies of all instructional materials submitted. Section 1006.33(1)(b), F.S.

²³ Section 1006.33(1)(a) and (b), F.S. A school district may not request samples in addition to the electronic sample copies. Section 1006.33(1)(b), F.S.

²⁴ Section 1006.34(2)(a), F.S.

²⁵ Section 1006.29(1)(b), F.S.

²⁶ Section 1006.29(5), F.S.

²⁷ Section 1006.29(1)(b), F.S.

recommendations to the commissioner regarding materials that should be placed on the state-adopted list through an electronic feedback review system.²⁸

Each state instructional materials reviewer must sign an affidavit stating that he or she:

- will faithfully discharge the duties imposed as a state instructional materials reviewer;
- has no interest in any publishing or manufacturing organization that produces or sells instructional materials;
- is in no way connected with the distribution of the instructional materials;
- does not have any direct or indirect pecuniary interest in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in public schools;
- will not accept any emolument or promise of future reward from anyone intending to bias his or her judgment in the selection of materials to be adopted; and
- understands that it is unlawful to discuss matters relating to instructional materials submitted for adoption with any publisher or manufacturer of instructional materials, except during the period when the publisher or manufacturer is providing a presentation for the reviewer.²⁹

The law specifies standards that reviewers must use when reviewing instructional materials. Reviewers must:

- only recommend instructional materials that are accurate, objective, balanced, noninflammatory, current, and suited to student needs and their ability to comprehend the material;
- include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, religious, physical, and racial diversity of our society;
- include only materials that accurately portray, whenever appropriate, humankind's place in ecological systems;
- include materials that encourage thrift, fire prevention, and humane treatment of people and animals;
- require, when appropriate to the comprehension of students, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States; and
- only recommend instructional materials that do not reflect unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, religion, disability, socioeconomic status, or occupation.³⁰

Each district school superintendent, at the request of the commissioner, must nominate one classroom teacher or district-level content supervisor to review two or three of the submissions recommended by the state instructional materials reviewers. School districts must ensure that these district reviewers are provided with the support and time necessary to accomplish a thorough review of the instructional materials. District reviewers must independently rate the recommended submissions on the instructional usability of the resources.³¹ Persons selected as school district reviewers must complete training, developed by DOE, related to the evaluation and selection of instructional materials.³²

District Instructional Materials Programs

A district school board, or consortium of school districts, choosing to implement its own instructional materials program is not required to purchase instructional materials from the state-adopted list,³³

²⁸ *Id.*

²⁹ Section 1006.30, F.S.

³⁰ Section 1006.31(2), F.S.

³¹ Section 1006.29(1)(c), F.S.

³² Section 1006.29(5), F.S.

³³ Section 1006.40(8), F.S.

requisition instructional materials from the publisher's depository,³⁴ or follow the same review cycle used for state instructional materials adoption.³⁵

If a district school board chooses to implement its own instructional materials program, the school board must adopt rules implementing the program. The rules must include its processes, criteria, and requirements for:

- selecting instructional materials reviewers, one or more of which must be a parent with children in public schools;
- reviewing and selecting instructional materials, including a thorough review of curriculum content;
- providing for reviewer recommendations;
- adopting instructional materials by the district school board; and
- purchasing instructional materials.³⁶

The rules must also:³⁷

- identify, by subject area, a review cycle for instructional materials;
- specify the qualifications for, selection process for, and the duties of instructional materials reviewers, including compliance with statutorily prescribed conflict of interest affidavits and state instructional materials reviewer duties;
- require that all instructional materials recommended by a reviewer be accompanied by the reviewer's statement that the materials align with the applicable state standards;
- establish a process for certifying the accuracy of instructional materials;
- require reviewer and publisher compliance with the law prohibiting the acceptance or solicitation of money or inducements to influence approval or purchase of instructional materials;³⁸ and
- incorporate the requirements of state law regarding publisher duties, responsibilities, and requirements.³⁹

Further, the rules must provide for:

- conducting an open, noticed school board hearing to receive public comment on the instructional materials recommended for adoption by the district school board;
- conducting an open, noticed meeting, held on a different date, to approve an annual plan for adopting instructional materials; and
- posting student editions of instructional materials recommended for adoption by the district school board on the school district website at least 20 days in advance of public hearings and public meetings.⁴⁰

Notices for public meetings and hearings must specifically identify the materials up for review and adoption and the manner in which the materials can be accessed by the public.⁴¹

³⁴ Section 1006.37(3), F.S.

³⁵ See s. 1006.283(2)(b), F.S. However, the district school superintendent must certify to the Department of Education by March 31 of each year that all instructional materials for core courses used by the district are aligned with applicable state standards. A list of the core instructional materials that will be used or purchased for use by the school district must be included in the certification. Section 1006.283(1), F.S.

³⁶ Section 1006.283(2)(a), F.S.

³⁷ Section 1006.283(2)(b), F.S.

³⁸ Like state instructional materials reviewers, district reviewers must sign an affidavit required under s. 1006.30, F.S., stating, in part, that they will faithfully discharge their duties and not accept payment or benefit from anyone for their recommendations. Section 1006.283(2)(b)3., F.S.

³⁹ See *infra* text accompanying notes 51 and 52 for an explanation of the duties, responsibilities, and requirements of publishers and manufacturers with regard to instructional materials; see also s. 1006.38, F.S.

⁴⁰ Section 1006.283(2)(b)8., F.S.

⁴¹ Sections 1006.283(2)(b)8. and 1006.40(5)(b), F.S. Reasonable safeguards must be established against the unauthorized use, reproduction, and distribution of instructional materials posted online for public review and comment. Section 1006.283(2)(b)8.a., F.S.

The district must establish a process that enables the public to submit comments regarding the recommended instructional materials to the school board for the board members to review. The rules must also specify a process for notifying parents of their ability to access their child's instructional materials. This notification must be displayed on the school district's website and provided annually, in writing, to all parents of enrolled students.⁴²

Requirements related to the adoption and purchase of instructional materials do not apply to charter schools.⁴³

Effect of Proposed Changes

The proposed committee substitute (PCS) clarifies that a district school board is responsible for any material used in a classroom, made available in a school library, or included on a reading list.

The PCS also revises provisions relating to instructional materials content by:

- specifying that instructional materials reviewers must certify that recommended instructional materials are free of pornography and material harmful to minors;
- specifying that any materials purchased using the instructional materials allocation must be:
 - free of pornography and material harmful to minors;
 - suited to student needs and their ability to comprehend the material presented; and
 - appropriate for the grade level and age group for which the materials are used or made available; and
- specifying that instructional materials that are purchased by a school district but are not included on the state-adopted list must meet the criteria for state-adopted materials, be aligned to the state academic standards, and be consistent with course expectations based on the district's student progression plan⁴⁴ and course descriptions adopted in state board rule.

The PCS expands requirements related to reviewing instructional materials and other materials used in a classroom or school library by:

- specifying that the school district public hearing for recommended instructional materials must allow the parent of a public school student or a resident of the county to proffer evidence that a recommended instructional material does not meet the criteria for state-adopted materials, taking into consideration course expectations in the district's student progression plan and course descriptions adopted in state board rule;
- requiring school districts, upon written request, to provide access to any instructional material or book specified in the request that is maintained in a district school system library and is available for review; and
- Requiring school districts to maintain a current list of all instructional materials, by grade level, purchased by the district.

The PCS revises provisions relating to a school district's instructional material objection process by:

- expressly allowing a resident of the county to object to the use of an instructional material; and
- requiring a school district's objection process to allow a parent or resident of the county to proffer evidence to the district school board that:
 - for an instructional material that was not subject to adoption and public review and comment procedures, it does not meet the criteria for state-adopted materials, contains pornography or content harmful to minors, or is inappropriate for the grade level or age group for which it is used; or

⁴² Sections 1006.283(2)(b)9. and 11. and 1006.40(5)(b), F.S.

⁴³ See s. 1002.33(16), F.S.

⁴⁴ Each district school board must establish a comprehensive plan for student progression which provides for a student's progression from one grade to another based on the student's mastery of the state academic standards, specifically in English language arts, mathematics, science, and social studies. See s. 1008.25(2), F.S.

- any material used in a classroom, made available in a school library, or included on a reading list contains content that is pornographic or harmful to minors, is not suited to student needs and their ability to comprehend the material, or is inappropriate for the grade level and age group for which it is used.
- requiring the school district to discontinue use of a material that is found to contain inappropriate or unsuitable material.

The PCS revises provisions relating to a school district's process for challenging the adoption of an instructional material by:

- allowing a resident of the county to challenge the school district's adoption of an instructional material; and
- requiring the process to meet the procedural safeguards of the Administrative Procedures Act relating to the appointment of an unbiased and qualified hearing officer. The officer may not be an employee, agent, or contractor of the school district.

The PCS revises provisions relating to the use of instructional materials allocation funds by:

- deleting the requirement that at least 50 percent of the annual allocation amount be used to purchase digital or electronic instructional materials;
- requiring that a district without its own instructional materials program must use the annual allocation only for the purchase of instructional materials on the state-adopted list; however, up to 50 percent of the allocation may be used to purchase:
 - library and reference books and nonprint materials;
 - the purchase of other materials that assist in the instructional of a subject or course, including novels; and
 - the repair and renovation of textbooks and library books and replacements for items which were part of previously purchased instructional materials; and
- clarifying that a district school board is responsible for the content of all materials purchased using the allocation and used in the classroom or otherwise made available to students, including materials that do not meet the definition of an "instructional material."

The PCS expressly prohibits a state instructional materials reviewer from recommending for adoption any instructional material that contains content that is pornographic or harmful to minors.

B. SECTION DIRECTORY:

Section 1. Amends s. 1006.28, F.S., revising provisions relating to a district school board's responsibilities; requiring a school district to maintain certain information on its website; allowing a resident of a county to challenge the use or adoption of instructional materials; revising requirements for instructional materials objection and appeal processes; requiring a school district to discontinue use of materials in certain circumstances; requiring compliance with certain procedural safeguards for a challenge to the adoption of an instructional material; requiring a school district to provide access to school library materials upon written request.

Section 2. Amends s. 1006.283, F.S., revising requirements for an instructional materials adoption public hearing.

Section 3. Amends s. 1006.31, F.S., revising requirements for recommending an instructional material.

Section 4. Amends s. 1006.40, F.S., revising requirements for use of the instructional materials allocation; making conforming changes.

Section 5. 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:

District school boards may incur costs associated with the procedures for challenging an instructional material as provided in the bill. However, these costs are indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

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 instructional materials; amending
 3 s. 1006.28, F.S.; revising provisions relating to a
 4 district school board's responsibilities; requiring a
 5 school district to maintain certain information on its
 6 website; allowing a resident of a county to challenge
 7 the use or adoption of instructional materials;
 8 revising requirements for instructional materials
 9 objection and appeal processes; requiring a school
 10 district to discontinue use of materials in certain
 11 circumstances; requiring compliance with certain
 12 procedural safeguards for a challenge to the adoption
 13 of an instructional material; requiring a school
 14 district to provide access to school library materials
 15 upon written request; amending s. 1006.283, F.S.;
 16 revising requirements for an instructional materials
 17 adoption public hearing; amending s. 1006.31, F.S.;
 18 revising requirements for recommending an
 19 instructional material; amending s. 1006.40, F.S.;
 20 revising requirements for use of the instructional
 21 materials allocation; making conforming changes;
 22 providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:
 25

26 Section 1. Subsection (1) of section 1006.28, Florida
 27 Statutes, is amended to read:

28 1006.28 Duties of district school board, district school
 29 superintendent; and school principal regarding K-12
 30 instructional materials.-

31 (1) DISTRICT SCHOOL BOARD.-The district school board has
 32 the constitutional duty and responsibility to select and provide
 33 adequate instructional materials for all students in accordance
 34 with the requirements of this part. The term "instructional
 35 material" has the meaning provided in s. 1006.29(2). The term
 36 "adequate instructional materials" means a sufficient number of
 37 student or site licenses or sets of materials that are available
 38 in bound, unbound, kit, or package form and may consist of
 39 hardbacked or softbacked textbooks, electronic content,
 40 consumables, learning laboratories, manipulatives, electronic
 41 media, and computer courseware or software that serve as the
 42 basis for instruction for each student in the core subject areas
 43 of mathematics, language arts, social studies, science, reading,
 44 and literature. The district school board has the following
 45 specific duties and responsibilities:

46 (a) Courses of study; adoption.-Adopt courses of study,
 47 including instructional materials, for use in the schools of the
 48 district.

49 1. Each district school board is responsible for the
 50 content of all instructional materials and any other materials

51 used in a classroom, made available in a school library, or
 52 included on a reading list, whether adopted and purchased from
 53 the state-adopted instructional materials list, adopted and
 54 purchased through a district instructional materials program
 55 under s. 1006.283, or otherwise purchased or made available in
 56 the classroom. Each district school board shall maintain on its
 57 website a current list of instructional materials, by grade
 58 level, purchased by the district.

59 2. Each district school board must adopt a policy
 60 regarding a parent's objection by a parent or a resident of the
 61 county to the his or her child's use of a specific instructional
 62 material, which clearly describes a process to handle all
 63 objections and provides for resolution. The process must provide
 64 the parent or resident the opportunity to proffer evidence to
 65 the district school board that:

66 a. An instructional material does not meet the criteria of
 67 s. 1006.31(2) or 1006.40(3)(d) if it was selected for use in a
 68 course or otherwise made available to students in the school
 69 district but was not subject to the public notice, review,
 70 comment, and hearing procedures under s. 1006.283(2)(b)8., 9.,
 71 and 11.

72 b. Any material used in a classroom, made available in a
 73 school library, or included on a reading list contains content
 74 that is pornographic or prohibited under s. 847.012, is not
 75 suited to student needs and their ability to comprehend the

76 material presented, or is inappropriate for the grade level and
77 age group for which the material is used.

78
79 If the district school board finds that an instructional
80 material does not meet the criteria under subsubparagraph a. or
81 that any other material contains prohibited content under
82 subsubparagraph b., the school district shall discontinue use of
83 the material for any grade level or age group for which such use
84 is inappropriate or unsuitable.

85 3. Each district school board must establish a process by
86 which the parent of a public school student or a resident of the
87 county may contest the district school board's adoption of a
88 specific instructional material. The parent or resident must
89 file a petition, on a form provided by the school board, within
90 30 calendar days after the adoption of the material by the
91 school board. The school board must make the form available to
92 the public and publish the form on the school district's
93 website. The form must be signed by the parent or resident,
94 include the required contact information, and state the
95 objection to the instructional material based on the criteria of
96 1006.31(2) or 1006.40(3)(d). Within 30 days after the 30-day
97 period has expired, the school board must, for all petitions
98 timely received, conduct at least one open public hearing on all
99 petitions timely received, providing at a minimum the procedural
100 safeguards of ss. 120.569 and 120.57 making appropriate

101 provision for appointment of unbiased and qualified hearing
 102 officers. A hearing officer may not be an employee, agent, or
 103 contractor of the school district.

104 ~~and provide the petitioner written notification of the date~~
 105 ~~and time of the hearing at least 7 days before the hearing. All~~
 106 ~~instructional materials contested must be made accessible online~~
 107 ~~to the public at least 7 days before a public hearing.~~

108
 109 The school board's decision after convening a hearing is final
 110 and not subject to further petition or review.

111 (b) Instructional materials.—Provide for proper
 112 requisitioning, distribution, accounting, storage, care, and use
 113 of all instructional materials and furnish such other
 114 instructional materials as may be needed. Instructional
 115 materials used must be consistent with the district goals and
 116 objectives and the course descriptions established in rule of
 117 the State Board of Education, as well as with the applicable
 118 Next Generation Sunshine State Standards provided for in s.
 119 1003.41.

120 (c) Other instructional materials.—Provide such other
 121 teaching accessories and aids as are needed for the school
 122 district's educational program.

123 (d) School library media services; establishment and
 124 maintenance.—Establish and maintain a program of school library
 125 media services for all public schools in the district, including

126 school library media centers, or school library media centers
 127 open to the public, and, in addition such traveling or
 128 circulating libraries as may be needed for the proper operation
 129 of the district school system. Upon written request, a school
 130 district shall provide access to any instructional material or
 131 book specified in the request that is maintained in a district
 132 school system library and is available for review.

133 Section 2. Paragraph (b) of subsection (2) of Section
 134 1006.283, Florida Statutes, is amended to read:

135 1006.283 District school board instructional materials
 136 review process.—

137 (2)

138 (b) District school board rules must also:

139 1. Identify, by subject area, a review cycle for
 140 instructional materials.

141 2. Specify the qualifications for an instructional
 142 materials reviewer and the process for selecting reviewers; list
 143 a reviewer's duties and responsibilities, including compliance
 144 with the requirements of s. 1006.31; and provide that all
 145 instructional materials recommended by a reviewer be accompanied
 146 by the reviewer's statement that the materials align with the
 147 state standards pursuant to s. 1003.41 and the requirements of
 148 s. 1006.31.

149 3. State the requirements for an affidavit to be made by
 150 each district instructional materials reviewer which

151 substantially meet the requirements of s. 1006.30.

152 4. Comply with s. 1006.32, relating to prohibited acts.

153 5. Establish a process that certifies the accuracy of

154 instructional materials.

155 6. Incorporate applicable requirements of s. 1006.31,

156 which relates to the duties of instructional materials

157 reviewers.

158 7. Incorporate applicable requirements of s. 1006.38,

159 relating to the duties, responsibilities, and requirements of

160 publishers of instructional materials.

161 8. Establish the process by which instructional materials

162 are adopted by the district school board, which must include:

163 a. A process to allow student editions of recommended

164 instructional materials to be accessed and viewed online by the

165 public at least 20 calendar days before the school board hearing

166 and public meeting as specified in this subparagraph. This

167 process must include reasonable safeguards against the

168 unauthorized use, reproduction, and distribution of

169 instructional materials considered for adoption.

170 b. An open, noticed school board hearing to receive public

171 comment on the recommended instructional materials.

172 c. An open, noticed public meeting to approve an annual

173 instructional materials plan to identify any instructional

174 materials that will be purchased through the district school

175 board instructional materials review process pursuant to this

176 section. This public meeting must be held on a different date
 177 than the school board hearing.

178 d. Notice requirements for the school board hearing and
 179 the public meeting that must specifically state which
 180 instructional materials are being reviewed and the manner in
 181 which the instructional materials can be accessed for public
 182 review. The hearing must allow the parent of a public school
 183 student or a resident of the county to proffer evidence that a
 184 recommended instructional material does not meet the criteria
 185 provided in s. 1006.31(2), taking into consideration course
 186 expectations based on the district's comprehensive plan for
 187 student progression under s. 1008.25(2) and course descriptions
 188 in the course code directory.

189 9. Establish the process by which the district school
 190 board shall receive public comment on, and review, the
 191 recommended instructional materials.

192 10. Establish the process by which instructional materials
 193 will be purchased, including advertising, bidding, and
 194 purchasing requirements.

195 11. Establish the process by which the school district
 196 will notify parents of their ability to access their children's
 197 instructional materials through the district's local
 198 instructional improvement system and by which the school
 199 district will encourage parents to access the system. This
 200 notification must be displayed prominently on the school

201 district's website and provided annually in written format to
202 all parents of enrolled students.

203

204 Section 3. Subsection (2) of section 1006.31, Florida
205 Statutes, is amended to read:

206 1006.31 Duties of the Department of Education and school
207 district instructional materials reviewer.—The duties of the
208 instructional materials reviewer are:

209 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
210 selection criteria listed in s. 1006.34(2)(b) and recommend for
211 adoption only those instructional materials aligned with the
212 Next Generation Sunshine State Standards provided for in s.
213 1003.41. Instructional materials recommended by each reviewer
214 shall be, to the satisfaction of each reviewer, accurate,
215 objective, balanced, noninflammatory, current, free of
216 pornography and material prohibited under s. 847.012, and suited
217 to student needs and their ability to comprehend the material
218 presented. Reviewers shall consider for recommendation materials
219 developed for academically talented students, such as students
220 enrolled in advanced placement courses. When recommending
221 instructional materials, each reviewer shall:

222 (a) Include only instructional materials that accurately
223 portray the ethnic, socioeconomic, cultural, religious,
224 physical, and racial diversity of our society, including men and
225 women in professional, career, and executive roles, and the role

226 and contributions of the entrepreneur and labor in the total
 227 development of this state and the United States.

228 (b) Include only materials that accurately portray,
 229 whenever appropriate, humankind's place in ecological systems,
 230 including the necessity for the protection of our environment
 231 and conservation of our natural resources and the effects on the
 232 human system of the use of tobacco, alcohol, controlled
 233 substances, and other dangerous substances.

234 (c) Include materials that encourage thrift, fire
 235 prevention, and humane treatment of people and animals.

236 (d) Require, when appropriate to the comprehension of
 237 students, that materials for social science, history, or civics
 238 classes contain the Declaration of Independence and the
 239 Constitution of the United States. A reviewer may not recommend
 240 any instructional materials that contain any matter reflecting
 241 unfairly upon persons because of their race, color, creed,
 242 national origin, ancestry, gender, religion, disability,
 243 socioeconomic status, or occupation.

244 Section 4. Subsections (3) and (8) of section 1006.40,
 245 Florida Statutes, are amended to read:

246 1006.40 Use of instructional materials allocation;
 247 instructional materials, library books, and reference books;
 248 repair of books.—

249 (3) (a) ~~Beginning with the 2015-2016 fiscal year,~~ Except
 250 for a school district or a consortium of school districts that

251 implements an instructional materials program pursuant to s.
252 1006.283, each district school board shall use at least 50
253 percent of the annual allocation only for the purchase of
254 digital or electronic instructional materials that align with
255 state standards and are included on the state-adopted list,
256 except as otherwise authorized in paragraphs (b) and (c).

257 (b) Up to 50 percent of the annual allocation may be used
258 for:

259 1. The purchase of instructional materials, including
260 library and reference books and nonprint materials, not included
261 on the state-adopted list and for the repair and renovation of
262 textbooks and library books.

263 2. The purchase of other materials having intellectual
264 content which assist in the instruction of a subject or course.
265 These materials may be available in bound, unbound, kit, or
266 package form and may consist of hardbacked or softbacked
267 textbooks, novels, electronic content, consumables, learning
268 laboratories, manipulatives, electronic media, computer
269 courseware or software, and other commonly accepted
270 instructional tools as prescribed by district school board rule.

271 3. The repair and renovation of textbooks and library
272 books and replacements for items which were part of previously
273 purchased instructional materials.

274 (c) District school boards may use 100 percent of that
275 portion of the annual allocation designated for the purchase of

276 instructional materials for kindergarten, and 75 percent of that
 277 portion of the annual allocation designated for the purchase of
 278 instructional materials for first grade, to purchase materials
 279 not on the state-adopted list.

280 (d) Any materials purchased pursuant to this section must
 281 be:

282 1. Free of pornography and material prohibited under s.
 283 847.012.

284 2. Suited to student needs and their ability to comprehend
 285 the material presented.

286 3. Appropriate for the grade level and age group for which
 287 the materials are used or made available.

288 ~~(4) The funds described in subsection (3) which district~~
 289 ~~school boards may use to purchase materials not on the state-~~
 290 ~~adopted list shall be used for the purchase of instructional~~
 291 ~~materials or other items having intellectual content which~~
 292 ~~assist in the instruction of a subject or course. These items~~
 293 ~~may be available in bound, unbound, kit, or package form and may~~
 294 ~~consist of hardbacked or softbacked textbooks, electronic~~
 295 ~~content, replacements for items which were part of previously~~
 296 ~~purchased instructional materials, consumables, learning~~
 297 ~~laboratories, manipulatives, electronic media, computer~~
 298 ~~courseware or software, and other commonly accepted~~
 299 ~~instructional tools as prescribed by district school board rule.~~

300 (4)-(5) Each district school board is responsible for the

301 content of all instructional materials used in a classroom or
302 otherwise made available to students, ~~whether purchased through~~
303 ~~an adoption process or otherwise purchased or made available in~~
304 ~~the classroom.~~ Each district school board shall adopt rules, and
305 each district school superintendent shall implement procedures,
306 that:

307 (a) Maximize student use of the district-approved
308 instructional materials.

309 (b) Provide a process for public review of, public comment
310 on, and the adoption of instructional materials that satisfies
311 the requirements of s. 1006.283(2)(b)8., 9., and 11.

312 (5) ~~(6)~~ District school boards may issue purchase orders
313 subsequent to February 1 in an aggregate amount which does not
314 exceed 20 percent of the current year's allocation, and
315 subsequent to April 1 in an aggregate amount which does not
316 exceed 90 percent of the current year's allocation, for the
317 purpose of expediting the delivery of instructional materials
318 which are to be paid for from the ensuing year's allocation.
319 This subsection does not apply to a district school board or a
320 consortium of school districts that implements an instructional
321 materials program pursuant to s. 1006.283.

322 (6) ~~(7)~~ In any year in which the total instructional
323 materials allocation for a school district has not been expended
324 or obligated prior to June 30, the district school board shall
325 carry forward the unobligated amount and shall add it to the

326 next year's allocation.

327 ~~(7)(8) Subsections (3), (4), and (6) do not apply to A~~
 328 district school board or a consortium of school districts that
 329 implements an instructional materials program pursuant to s.
 330 1006.283 may use the annual allocation to purchase instructional
 331 materials not on the state-adopted list. However, except that,
 332 by the 2015-2016 fiscal year, each district school board shall
 333 use at least 50 percent of the annual instructional materials
 334 allocation for the purchase of digital or electronic
 335 instructional materials purchased pursuant to this section which
 336 are not included on the state-adopted list must meet the
 337 criteria of s. 1006.31(2), that align with state standards
 338 adopted by the State Board of Education pursuant to s. 1003.41,
 339 and be consistent with course expectations based on the
 340 district's comprehensive plan for student progression and course
 341 descriptions adopted in state board rule.

342 Section 5. This act shall take effect July 1, 2017.

1 A bill to be entitled
 2 An act relating to the Committee on Early Grade
 3 Success; creating the Committee on Early Grade Success
 4 within the Department of Education; specifying
 5 committee purpose; requiring the committee to develop
 6 a proposal for specified purposes; providing proposal
 7 requirements; providing for membership of the
 8 committee; providing requirements for electing a
 9 committee chair and vice chair; providing committee
 10 meeting requirements; requiring the University of
 11 Florida Lastinger Center for Learning to provide
 12 necessary staff for the committee; requiring the
 13 committee to submit a report by a specified date;
 14 providing for the expiration of the committee;
 15 authorizing rulemaking; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:
 18

19 Section 1. Committee on Early Grade Success.—The Committee
 20 on Early Grade Success, a committee as defined in s. 20.03,
 21 Florida Statutes, is created within the Department of Education
 22 to develop a proposal for establishing and implementing a
 23 coordinated child assessment system for the School Readiness
 24 Program, the Voluntary Prekindergarten Education Program, and
 25 the Kindergarten Readiness Assessment and, except as otherwise

26 provided in this section, shall operate consistent with s.
27 20.052, Florida Statutes.

28 (1) The committee's proposal must include legislative
29 recommendations for the design and implementation of a
30 coordinated child assessment system, including, but not limited
31 to:

32 (a) The purpose of a child assessment, with a focus on
33 developmentally appropriate learning gains.

34 (b) Attributes for tool selection that provide guidance on
35 procurement policies.

36 (c) An implementation schedule and protocols, including
37 the frequency of data collection and a timeline for training to
38 ensure reliability of the system.

39 (d) The methodology for collecting and analyzing data that
40 define reporting requirements.

41 (e) A budget for the system, including cost analyses for
42 purchasing materials and the necessary technology, training to
43 ensure reliability, and data system management.

44 (f) Considerations for student privacy and tracking child
45 development over time.

46 (2) The committee is composed of 17 members who are
47 residents of the state and appointed as follows:

48 (a) Three members appointed by the Governor:

49 1. One representative from the Office of Early Learning.

50 2. One representative from the Department of Education.

- 51 3. One parent of a child who is 3 to 6 years of age.
- 52 (b) Fourteen members jointly appointed by the President of
 53 the Senate and the Speaker of the House of Representatives:
- 54 1. One representative of an urban school district.
- 55 2. One representative of a rural school district.
- 56 3. One representative of an urban early learning
 57 coalition.
- 58 4. One representative of a rural early learning coalition.
- 59 5. One representative of an early learning provider.
- 60 6. One representative of a faith-based early learning
 61 provider.
- 62 7. One representative who is a kindergarten teacher with
 63 at least 5 years of teaching experience.
- 64 8. One representative who is an elementary school
 65 principal.
- 66 9. Four representatives with subject matter expertise in
 67 early learning, early grade success, or child assessments. The
 68 four representatives may not be direct stakeholders within the
 69 early learning or public school systems or potential recipients
 70 of a contract resulting from the committee's proposal.
- 71 10. One member of the Senate.
- 72 11. One member of the House of Representatives.
- 73 (3) The committee shall elect a chair and vice chair. The
 74 chair must be one of the four members with subject matter
 75 expertise in early learning, early grade success, or child

76 assessments. The vice chair must be a member appointed by the
77 President of the Senate and the Speaker of the House of
78 Representatives, who is not one of the four members who are
79 subject matter experts in early learning, early grade success,
80 or child assessments. Members of the committee shall serve
81 without compensation but are entitled to reimbursement for per
82 diem and travel expenses pursuant to s. 112.061, Florida
83 Statutes.

84 (4) The committee must meet at least three times and shall
85 meet by teleconference or other electronic means, if possible,
86 to reduce costs.

87 (5) A majority of the members constitutes a quorum.

88 (6) The University of Florida Lastinger Center for
89 Learning shall provide the committee with staff necessary to
90 assist the committee in the performance of its duties.

91 (7) The committee shall submit a report of its findings
92 and recommendations to the Governor, the President of the
93 Senate, and the Speaker of the House of Representatives by
94 December 1, 2017. Upon submission of the report, the committee
95 shall expire.

96 (8) The State Board of Education may adopt rules to
97 implement and administer this section.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1229 Committee on Early Grade Success
SPONSOR(S): Grall and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 806

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

SUMMARY ANALYSIS

HB 1229 creates the Committee on Early Grade Success, within the Department of Education to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Assessment.

The 17-member committee's proposal must include legislative recommendations for the design and implementation of a coordinated child assessment system, including, but not limited to:

- The purpose of a child assessment, with a focus on developmentally appropriate learning gains.
- Attributes for tool selection that provide guidance on procurement policies.
- An implementation schedule and protocols, including the frequency of data collection and a timeline for training to ensure reliability of the system.
- The methodology for collecting and analyzing data that define reporting requirements.
- A budget for the system, including cost analyses for purchasing materials and the necessary technology, training to ensure reliability, and data system management.
- Considerations for student privacy and tracking child development over time.

Members of the committee serve without compensation and to reduce costs, the committee must meet at least three times by teleconference or other electronic means, if possible

The University of Florida Lastinger Center for Learning will assist the committee in the performance of its duties.

The committee must submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2017. Once the report is submitted, the committee expires. The State Board of Education is granted the authority to adopt rules to implement and administer the provisions in the bill.

There is an indeterminate fiscal impact to the state.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School Readiness Program

The School Readiness Program¹ provides subsidies for child care services and early childhood education for children of low-income families; children in protective services who are at risk of abuse, neglect, or abandonment; and children with disabilities.² The School Readiness Program offers financial assistance for child care to support working families and children to develop skills for success in school and provides developmental screening and referrals to health and education specialists where needed. These services are provided in conjunction with other programs for young children such as Head Start, Early Head Start, and the Voluntary Prekindergarten Education (VPK) Program.³

The School Readiness Program is a state-federal partnership between Florida's Office of Early Learning (OEL)⁴ and the Office of Child Care of the United States Department of Health and Human Services.⁵ It is administered by early learning coalitions (ELC) at the county or regional level.⁶ Florida's OEL administers the program at the state level, including statewide coordination of the ELCs.⁷

The Florida Department of Children and Families' Office of Child Care Regulation (DCF), as the agency responsible for the state's child care provider licensing program, inspects licensed and license exempt child care providers that provide the School Readiness Program for specified health and safety standards.⁸ The law authorizes a county to designate a local licensing agency to license providers if its licensing standards meet or exceed DCF's standards. Five counties have done this – Broward, Hillsborough, Palm Beach, Pinellas, and Sarasota. Thus, in these five counties the local licensing agency, not DCF, inspects child care providers that provide the School Readiness Program for health and safety standards.⁹

A parent may apply for a child's admission to the School Readiness Program by submitting an application to an ELC. Florida's OEL has established, and ELCs must use, a single point of entry that enables a parent to enroll his or her child in the School Readiness Program at various locations throughout a county, by telephone, or through an Internet website.¹⁰ In FY 2015-2016 there were 207,

¹ Section 1, ch. 99-357, L.O.F

² Section 1002.87, F.S.

³ Florida Office of Early Learning,

Parents, http://www.floridaearlylearning.com/parents/early_learning_programs_and_services/school_readiness.aspx (last visited March 24, 2017).

⁴ In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness Program and the VPK Program. Section 1, ch. 2013-252, L.O.F., *codified as s.* 1001.213, F.S.

⁵ See U.S. Department of Health and Human Services, *Child Care and Development Fund Fact Sheet*, https://www.acf.hhs.gov/sites/default/files/occ/ccdf_factsheet_0.pdf (last visited March 24, 2017).

⁶ Section 1002.83, F.S.

⁷ Section 1001.213(3), F.S.

⁸ See ss. 402.301-319, F.S., and Parts V and VI, ch. 1002, F.S.

⁹ Section 402.306(1), F.S.; Department of Children and Families, *Licensing Information*, <http://www.myflfamilies.com/service-programs/child-care/child-care-licensure> (last visited March 24, 2017).

¹⁰ Section 1002.81(14), F.S.; see Florida's Office of Early Learning, *Family Portal*, <https://familyservices.floridaearlylearning.com/> (last visited March 24, 2017).

164 children enrolled in the School Readiness program.¹¹ In FY 2015-2016, there were 8,890 School Readiness program providers.¹²

Florida Office of Early Learning (OEL) Responsibilities

Florida's Office of Early Learning (OEL) is the lead agency in Florida for administering the federal Child Care and Development Fund (CCDF) block grant from which funds are used to implement the School Readiness Program. Florida law requires OEL to focus on improving the educational quality of all program providers participating in the School Readiness Program while preserving parental choice by permitting parents to choose from a variety of child care categories.¹³

OEL must adopt, in rule, a statewide provider contract to be used by each School Readiness Program provider, review and approve each Early Learning Coalition's (ELC) school readiness plan every 2 years, and monitor and evaluate the performance of each ELC in administering the School Readiness Program and the Voluntary Prekindergarten Program (VPK).¹⁴ OEL must also adopt specific system support services for the state's School Readiness Program including statewide data information program requirements that include:

- Eligibility requirements.
- Financial reports.
- Program accountability measures.
- Child progress reports.¹⁵

Additional support services include child care resource and referral services and a single point of entry¹⁶ and uniform waiting list.¹⁷ To promote informed child care choices OEL may provide technical assistance and guidance on additional support services to complement the School Readiness Program, including:

- Rating and improvement systems.
- Warm-line services.¹⁸
- Anti-fraud plans.
- School Readiness Program standards.
- Child screening and assessments.
- Training and support for parental involvement in children's early education, including research on child development and best practices.
- Family literacy activities and services.¹⁹

Performance Standards, Benchmarks, and Assessments

OEL must develop and adopt performance standards and benchmarks to address the age-appropriate progress of children in the development of school readiness skills. The performance standards for children from birth to 5 years of age must be aligned with the standards for children in the VPK program and must address the following domains:²⁰

¹¹ Florida Office of Early Learning *2015-2016 Annual Report*, p.19, available at

http://www.floridaearlylearning.com/sites/www/Uploads/Annual%20Report2016_Final_ADA.pdf (last visited March 24, 2017).

¹² *Id.* at 18.

¹³ Section 1002.82(1) and (2)(a)-(b), F.S. Care and curriculum by a faith-based provider must not be limited or excluded in any of these categories. *Id.*

¹⁴ Section 1002.82(2)(e), (m), and (p), F.S.

¹⁵ Section 1002.82(2)(f)1.a., F.S.

¹⁶ *See s.* 1002.82(14), F.S.

¹⁷ Section 1002.82(2)(f)1.c., F.S.

¹⁸ Florida's OEL must "administer a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to child care facilities and FDCHs regarding health, developmental, disability, and other special needs." Section 1002.82(2)(r), F.S.

¹⁹ Section 1002.82(2)(f)2., F.S.

²⁰ Section 1002.82(2)(j), F.S.; rule 6M-4.700, F.A.C.; Florida's Office of Early Learning, *Early Learning and Developmental Standards*,

- Approaches to learning.
- Cognitive development and general knowledge.
- Numeracy, language, and communication.
- Physical development.
- Self-regulation.

OEL is also required to select valid, reliable, and developmentally appropriate assessments for use as preassessment and postassessment for the ages ranges established in ELC plans. The assessments must be designed to measure the domains of the performance standards listed above, provide appropriate accommodations for children with disabilities and English learners, and be administered by qualified individuals and consistent with the publisher's instructions.²¹

Early Learning Coalition Responsibilities

Each ELC administers the School Readiness Program,²² the VPK Program,²³ and the state's child care resource and referral network in its county or multicounty region.²⁴ There are currently 30 ELCs.²⁵ Each ELC is governed by a board of directors comprised of various stakeholders and community representatives. Three board members, including the chair, are appointed by the Governor.²⁶

In order to participate in the School Readiness Program, each ELC must submit a school readiness plan to OEL for approval.²⁷ The plan must include, but is not limited to:

- The ELC's operations, including its membership and articles of incorporation and bylaws, if applicable.
- The minimum number of children to be served by care level.
- The procedures for implementing program requirements such as single point of entry, uniform waiting list, eligibility and enrollment, sliding fee scale, and payment rate.
- A detailed description of the ELC's quality activities and services.
- A detailed budget outlining the estimated expenditures for state, federal, and local matching funds.
- A detailed accounting of all revenues and expenditures during the previous state fiscal year.²⁸
- Policies and procedures governing procurement, maintenance of tangible personal property, maintenance of records, information technology security, and disbursement controls.
- A description of the procedures for monitoring school readiness program providers, including the process for responding to a parental complaint.
- Documentation that the coalition has solicited and considered comments regarding the proposed school readiness plan from the local community.

An ELC with an approved school readiness plan must implement a comprehensive system of school readiness services which enhances the cognitive, social, and physical development of children to

http://www.floridaearlylearning.com/parents/parent_resources/floridas_early_learning_and_development_standards_birth_to_five.asp
x (last visited March 22, 2017).

²¹ Section 1002.82(2)(k), F.S.

²² Part VI, ch. 1002, F.S.

²³ Part V, ch. 1002, F.S.

²⁴ Section 1002.84, F.S.

²⁵ Florida's Office of Early Learning, *Early Learning Coalitions List*, available at

http://www.floridaearlylearning.com/parents/find_quality_child_care/locate_a_child_care_resource_referral_program/countys_early_learning_coalition.aspx (last visited March 22, 2017). Florida law permits the establishment of 31 or fewer ELCs. Section 1002.83(1), F.S.

²⁶ Section 1002.83(3), F.S.

²⁷ Section 1002.85(2), F.S.

²⁸ Section 1002.85(2)(a)-(i), F.S.

achieve the children's performance standards.²⁹ Specific ELC requirements include, but are not limited, to:

- Establishing a uniform waiting list to track eligible children.
- Administering a child care resource and referral network for its service area.
- Establishing a regional Warm-Line.
- Establishing age-appropriate screening for children birth to 5 years.
- Implementing age appropriate preassessment and postassessment of children, if specified in the coalition's plan.
- Determining child eligibility.
- Establishing a parent sliding fee scale.
- Complying with federal and state procurement requirements.
- Establishing proper information technology security controls.
- Monitoring School Readiness Program providers.³⁰

ELCs are required to submit an annual report to OEL by October 1 of each year. The report must include information such as the total number of children served, details of expenditures by fund source, and an evaluation of its direct enhancement services.³¹

Funding

The School Readiness Program receives funding from a mixture of federal and state sources, including the federal CCDF block grant, the Federal Grants Trust Fund, the federal Temporary Assistance for Needy Families block grant, and the state general revenue funds.³²

For FY 2015-16, a total of \$560.5 million was appropriated for the School Readiness Program from state and federal funds, including \$136.9 million from the state's General Revenue Fund, \$326.4 million from the CCDF block grant, \$489,286 from Federal Grants Trust Fund, and \$96.6 million from the Welfare Transition Trust Fund.³³

Voluntary Prekindergarten Education Program

The Voluntary Prekindergarten Education Program (VPK program) is a voluntary, free prekindergarten program offered to eligible four-year-old children in the year before admission to kindergarten.³⁴ A child must be a Florida resident and attain four years of age on or before September 1 of the program year, and not enrolled in the Gardiner Scholarship program to be eligible for the VPK program.³⁵ The child is eligible for the VPK program during that program year or the subsequent program year and remains eligible until enrollment in kindergarten or attaining six years of age by February 1 of any school year.³⁶ Parents may choose either a school-year or summer program offered by either a public school or private prekindergarten provider.³⁷ In FY 2015-2016, there were 6,459 VPK providers.³⁸

²⁹ Section 1002.84(1), F.S.

³⁰ Section 1002.84, F.S.

³¹ Section 1002.84(18), F.S.

³² Specific Appropriation 88, s. 2, ch. 2014-51, L.O.F.

³³ *Id.*

³⁴ Section 1, ch. 2004-484, L.O.F.; part V, ch. 1002, F.S.; *see also* Art. IX, s. 1(b)-(c), Fla. Const.

³⁵ Section 1002.53(2), F.S.

³⁶ Section 1002.53(2), F.S. Children who attain five years of age on or before September 1 of the academic year are eligible for admission to public kindergarten. Section 1003.21(1)(a)2., F.S.

³⁷ Section 1002.53(3), F.S. In 2010, the Legislature established a specialized instructional services program for children with disabilities as an option under the VPK program. Section 3, ch. 2010-227, *codified at* s. 1002.53(3)(d), F.S. Beginning with the 2012-13 academic year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the VPK program and has a current Individual Education Plan (IEP) developed by the district school board. Specialized instructional services include applied behavior analysis, speech-language pathology, occupational therapy, and physical therapy. DOE is responsible for approving SIS providers. Section 1002.66, F.S. Children who participate in the program are eligible to receive a McKay Scholarship to enroll in and attend a private school. *See* s. 1002.39(2)(a)1., F.S.

Local Oversight

Local oversight of the VPK program is provided by early learning coalitions (ELC) and school districts. Each ELC is the single point of entry for VPK program registration and enrollment in the coalition's county or multi-county service area.³⁹ Each ELC must coordinate with each school district in the coalition's service area to develop procedures for enrolling children in public school VPK programs.⁴⁰ Local oversight of individual VPK program providers is split, with ELCs providing administration over programs delivered by private prekindergarten providers and school districts administering public school VPK programs.⁴¹

State Oversight

Florida's Office of Early Learning (OEL), and the Department of Children and Family Services (DCF) each play a role in the state-level oversight of the VPK program. As lead agency for Florida's school readiness system, Florida's OEL governs the day-to-day operations of the VPK program.⁴² OEL oversees ELCs regarding child enrollment, attendance reporting, and reimbursement of VPK program providers and monitors VPK program providers for compliance with program requirements.⁴³ OEL administers the accountability requirements of the VPK program at the state level. The Department of Education is responsible for adopting and requiring each school district to administer a statewide kindergarten readiness screening within the first 30 days of each school year.⁴⁴

DCF administers the state's child care provider licensing program, oversees the state mandated child care personnel training, and posts VPK program provider profiles on its Internet website.⁴⁵

Enrollment

Parents may enroll their child in the VPK program by submitting an application to an ELC.⁴⁶ OEL has established, and ELCs must use a single point of entry, the online Family Portal, that enables a parent to enroll his or her child in the VPK program at various locations throughout a county, by telephone, or through an Internet website.⁴⁷ The ELC must determine the child's eligibility, and provide the parent with a profile of eligible VPK program providers in the county where the child is being enrolled.⁴⁸ The profile must include information regarding provider services, curricula, instructor credentials, instructor-to-student ratios, and kindergarten readiness rates (when available).⁴⁹

The enrollment process is complete when the parent chooses a program offered by an eligible VPK program provider and the child's enrollment is recorded by the ELC.⁵⁰ A public school or private prekindergarten provider is prohibited from charging any fees for the VPK program. Additionally, a public school or private prekindergarten provider may not require a child to enroll for, or require the payment of a fee for, any supplemental services as a condition of enrollment in the VPK program.⁵¹

³⁸ See *supra* note 11.

³⁹ Section 1002.53(4)(a)-(b), F.S.

⁴⁰ Section 1002.53(4)(c), F.S.

⁴¹ Sections 1002.55(1), 1002.61(1)(a)-(b), and 1002.63(1), F.S.

⁴² Sections 1001.213 and 1002.75(1)-(2), F.S.

⁴³ Section 1002.75(2), F.S.

⁴⁴ Sections 1002.69(1)-(3) and 1002.73, F.S.

⁴⁵ Sections 402.301-402.319, F.S.; see also Florida Department of Children and Families, *Parent Resources*, <http://www.myflfamilies.com/service-programs/child-care/parent-resources> (last visited March 27, 2017).

⁴⁶ Section 1002.53(4)(a)-(b), F.S.; see also rule 6M-8.201(1)(b), F.A.C.

⁴⁷ Sections 1002.53(4)(a) and 1002.82, F.S.

⁴⁸ Section 1002.53(4)-(5), F.S.; see also rules 6M-8.202(1) and 6M-8.201(4)(a), F.A.C.

⁴⁹ Section 1002.53(5)(a)-(b), F.S.; see also rule 6M-8.201(4)(a)4.-7., F.A.C.

⁵⁰ Section 1002.53(3) and (6), F.S.; see also rule 6M-8.202(2)(a), (c), and (d), F.A.C.

⁵¹ Section 1002.71(8), F.S.

For FY 2015-2016 175, 233 children were enrolled in VPK: 163,582 (school year); 11,466 (summer); and 185 (VPK Specialized Instructional Services).⁵²

Each district school board determines which district schools will offer the school-year and summer VPK programs and such schools must apply with the ELC.⁵³ School districts must offer a summer VPK program and may limit enrollment at individual public schools so long as admission is provided to every eligible student who seeks enrollment in the district's summer program.⁵⁴

Kindergarten Screening

Within the first 30 school days of each academic year, each school district must screen each kindergarten student in the school district to determine his or her readiness for kindergarten. Nonpublic schools are authorized to administer the statewide kindergarten screening to each kindergarten student in a nonpublic school who was enrolled in the VPK program. Historically, DOE has adopted instruments for this purpose.⁵⁵ Currently, the instrument is a developmental screening tool based on the Work Sampling System (WSS). A subset of WSS performance indicators is provided in five domains: Personal and Social Development; Language and Literacy; Mathematical Thinking; Scientific Thinking; and Physical Development, Health, and Safety.⁵⁶

Kindergarten Readiness Rate

DOE is required to adopt a kindergarten readiness screener based on Florida's VPK program standards. These standards describe what children should know and be able to do at the end of VPK in five domains: physical health; approaches to learning; social and emotional development; language, communication and emergent literacy; and cognitive development and general knowledge (math, science, social studies and the arts). Students must be tested within the first 30 school days of kindergarten and the statewide screener must provide objective data concerning each student's readiness for kindergarten.

In 2012, DOE adopted rule 6M-8.601, Florida Administrative Code (F.A.C.), establishing that the Florida Kindergarten Readiness Screener (FLKRS) would consist of two distinct screening tools. The first would be the Early Childhood Observations System (ECHOS) (an observational tool that looks broadly across all domains of development) and the second would be the Florida Assessments for Instruction in Reading (FAIR) (measures emergent literacy skills). In fall 2014 the ECHOS instrument was replaced by a different broad, observational tool, Work Sampling System (WSS), and the FAIR was replaced by a newer version, FAIR-FS (Florida Standards). In September 2014, the administration of the FAIR-FS was suspended in kindergarten through second grade across the state for technical issues.

For fall 2015, only one screening tool—a subset of the WSS expanded to include early learning metrics—was administered to Florida kindergarteners. WSS is the only instrument scheduled for use in fall 2016.

In accordance with s. 1002.69(5), F.S., the OEL annually calculates a kindergarten readiness rate for each VPK provider based on results of the FLKRS. The readiness rates are expressed as the

⁵² Florida Office of Early Learning *2015-2016 Annual Report*, p. 17, available at http://www.floridaearlylearning.com/sites/www/Uploads/Annual%20Report2016_Final_ADA.pdf (last visited March 24, 2017).

⁵³ Sections 1002.61(3)(a) and (8) and 1002.63(3) and (8), F.S.

⁵⁴ Sections 1002.53(6)(b) and 1002.61(3)(a), F.S.

⁵⁵ Section 1002.69(1), F.S.

⁵⁶ Florida's Office of Early Learning, *VPK Prekindergarten Readiness Rate Resources for Parents*, <https://vpk.fldoe.org/InfoPages/ParentInfo.aspx> (last visited March 24, 2017); Florida's Office of Early Learning, *Florida Kindergarten Readiness Screener (FLKRS)*, http://www.floridaearlylearning.com/providers/provider_resources/florida_kindergarten_readiness_screener.aspx (last visited March 24, 2017).

percentage of children who are ready for kindergarten based on the criteria provided in the rule 6M-8.601, F.A.C. Children who attended less than 70 percent of a VPK program are not included in a provider's readiness rates, and readiness rates are not calculated for providers with fewer than four children assessed. Providers that do not meet the minimum readiness rate set by the department are placed on probation and required to take certain corrective actions.

For the 2013-14 VPK program year, readiness rates were not calculated for any provider because the FAIR administration was halted in September 2014; therefore no student met the criteria for inclusion in readiness rates. Those providers that did not previously meet the minimum readiness rate remained on probation. During the 2016 legislative session, language in the implementing bill directed the OEL not to adopt a kindergarten readiness rate for the 2014-15 or 2015-16 academic years for VPK providers.⁵⁷

*The Newly Awarded FLKRS Contract*⁵⁸

On February 24, 2017, school district superintendents were notified that DOE would award Renaissance Learning the new contract for the administration of FLKRS beginning in the 2017-2018 school year. The STAR Early Literacy assessment, previously adopted by some state school districts, will be used. "The assessment is an online, adaptive instrument that students complete independently in approximately 15-20 minutes. The results from the new FLKRS instrument will also be used in calculating the kindergarten readiness rates for the VPK Program, as has been done previously."⁵⁹

Each student is given a scale score and a percentile score which will assist in quickly identifying those who are not ready and in need of additional support immediately. To meet statutory requirements for administration of FLKRS within the first 30 days of the school year, and allowing for variability in school district calendars, the opening date for testing using the Star Early Literacy platform will be Monday, July 10, 2017, and the closing date will be Friday, October 20, 2017.⁶⁰

DOE, in coordination with the contractor, has planned to provide online resources and training for school staff who will administer the test. In addition, five regional train-the-trainer workshops are scheduled for June 2017, in Tallahassee, Jacksonville, Orlando, Tampa and Miami. Both online and face-to-face training will focus on operation of the new FLKRS testing platform, test administration, system requirements, online resources, reports and other information needed to effectively and securely administer the new screener.⁶¹

Funding

A separate base student allocation per full-time equivalent student in the VPK program is provided in the General Appropriations Act (GAA) for a school-year program and for a summer program.⁶² Each county's allocation per full-time equivalent student in the VPK program must be calculated by multiplying the base student allocation⁶³ provided in the GAA by the county's district cost differential.⁶⁴

⁵⁷ Section 34, ch. 2016-62, L.O.F.,

⁵⁸ Email, Florida Department of Education, March 24, 2017. DOE Memorandum, Selection of New Kindergarten Readiness Screener (FLKRS) for 2017-2018; Implementation of Program and Training for Test Administrators, (February 24, 2017) <https://info.fl DOE.org/docushare/dsweb/Get/Document-7855/dps-2017-27.pdf> (last visited March 24, 2017).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Section 1002.71(3), F.S.

⁶³ Base student allocation for a school-year program must be "equal for each student, regardless of whether the student is enrolled in a school-year prekindergarten program delivered by a public school or a private prekindergarten provider. The base student allocation for a summer prekindergarten program [must] be equal for each student, regardless of whether the student is enrolled in a summer prekindergarten program delivered by a public school or private prekindergarten provider." Section 1002.71(3)(a), F.S.

⁶⁴ Section 1002.71(3)(b), F.S. The district cost differential must be calculated by "adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The result for each district [must] be

Each public school or private prekindergarten provider must be paid according to the county's allocation per full-time equivalent student.⁶⁵

OEL has established payment procedures and a uniform student attendance policy used for funding purposes.⁶⁶ Funds are distributed monthly to ELCs for payments to public schools or private prekindergarten providers.⁶⁷ Each ELC is advanced funds based on projected attendance. Once a public school or private prekindergarten provider begins delivery of VPK program services, the parent of each student in the VPK program must verify and certify the student's attendance each month for the prior month, and submit the monthly verification of the student's attendance to the public school or private prekindergarten provider.⁶⁸ Payments disbursed after the initial advance payment are reconciled based on actual attendance.⁶⁹

Each ELC must report student enrollment to OEL on a monthly basis. ELCs may not amend student enrollment counts for the prior fiscal year after December 31 of the subsequent fiscal year.⁷⁰

VPK Program Funding: FYs 2010-11 to 2015						
	2010-11⁷¹	2011-12⁷²	2012-13⁷³	2013-14⁷⁴	2014-15⁷⁵	2015-16⁷⁶
Total Funding	\$404,372,806	\$394,921,554	\$413,312,552	\$404,927,801	\$396,065,224	\$389,254,479
Per Student Funding: School-Year Program	\$2,562	\$2,383	\$2,383	\$2,386	\$2,437	\$2,437
Per Student Funding: Summer Program	\$2,179	\$2,026	\$2,026	\$2,028	\$2,080	\$2,080

The State Constitution does not require the VPK program to provide transportation for students,⁷⁷ and current law does not earmark funding for transportation.⁷⁸ However, a public school or private prekindergarten provider may use part of its VPK program funding for student transportation.⁷⁹

Florida Statutory Definition of "Committee"

As defined in s. 20.03 (8), F.S., a "committee" or "task force" means an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution

multiplying by 0.008 and to the resulting product [must] be added 0.200; the sum thus obtained [must] be the cost differential for that district for that year." Section 1011.62(2), F.S.

⁶⁵ Sections 1002.71(3)(b) and 1011.62(2), F.S.

⁶⁶ Section 1002.71(5)(b) and (6)(d), F.S.; *see also* rule 6M-8.204, F.A.C.

⁶⁷ Section 1002.71(5)(b), F.S.

⁶⁸ Section 1002.71(6)(b)1.-2., F.S.

⁶⁹ Section 1002.71(5)(b), F.S.

⁷⁰ Section 1002.71(3)(c), F.S.

⁷¹ Specific Appropriations 75, s. 2, and 2246, s. 6, ch. 2010-152, L.O.F.

⁷² Specific Appropriations 66, s. 2, and 2036, s. 6, ch. 2011-69, L.O.F.

⁷³ Specific Appropriations 78, s. 2, ch. 2012-118, L.O.F.

⁷⁴ Specific Appropriations 82, s. 2, ch. 2013-40, L.O.F.

⁷⁵ Specific Appropriation 92, s. 2, ch. 2014-51, L.O.F.

⁷⁶ Specific Appropriation 86, s.2, ch. 2015-232, L.O.F.

⁷⁷ Art. IX, s. 1 (b)-(c), Fla. Const.

⁷⁸ See s. 1002.71(9), F.S.

⁷⁹ Sections 1002.71(9) and 1011.68, F.S.

or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.

Effect of Proposed Changes

The bill creates the Committee on Early Grade Success, within the Department of Education to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Assessment.

The committee's proposal must include legislative recommendations for the design and implementation of a coordinated child assessment system, including, but not limited to:

- The purpose of a child assessment, with a focus on developmentally appropriate learning gains.
- Attributes for tool selection that provide guidance on procurement policies.
- An implementation schedule and protocols, including the frequency of data collection and a timeline for training to ensure reliability of the system.
- The methodology for collecting and analyzing data that define reporting requirements.
- A budget for the system, including cost analyses for purchasing materials and the necessary technology, training to ensure reliability, and data system management.
- Considerations for student privacy and tracking child development over time.

The committee is composed of 17 members who are residents of the state and appointed as follows:

- Three members appointed by the Governor:
 - One representative from the Office of Early Learning.
 - One representative from the Department of Education.
 - One parent of a child who is 3 to 6 years of age.
- Fourteen members jointly appointed by the President of the Senate and the Speaker of the House of Representatives:
 - One representative of an urban school district.
 - One representative of a rural school district.
 - One representative of an urban early learning coalition.
 - One representative of a rural early learning coalition.
 - One representative of an early learning provider.
 - One representative of a faith-based early learning provider.
 - One representative who is a kindergarten teacher with at least 5 years of teaching experience.
 - One representative who is an elementary school principal.
 - Four representatives with subject matter expertise in early learning, early grade success, or child assessments. The four representatives may not be direct stakeholders within the early learning or public school systems or potential recipients of a contract resulting from the committee's proposal.
 - One member of the Senate.
 - One member of the House of Representatives.

The chair and vice chair must be elected by the committee and the chair must be one of the four members with subject matter expertise in early learning, early grade success, or child assessments. The vice chair must be a member appointed by the President of the Senate and the Speaker of the House of Representatives, who is not one of the four members who are subject matter experts in early learning, early grade success, or child assessments.

Members of the committee serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes. To reduce costs, the committee must meet at least three times by teleconference or other electronic means, if possible. A majority of the members constitutes a quorum.

The University of Florida Lastinger Center for Learning will assist the committee in the performance of its duties.

The committee is required to submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2017. Once the report is submitted, the committee expires. The State Board of Education is granted the authority to adopt rules to implement and administer the provisions in the bill.

B. SECTION DIRECTORY:

Section 1: Establishes the Early Grade Success Committee within the Department of Education to develop a proposal for establishing and implementing a coordinated child assessment system for the School Readiness Program, the Voluntary Prekindergarten Education Program, and the Kindergarten Readiness Assessment.

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:

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 fiscal impact on state revenues is indeterminable.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The State Board of Education is granted the authority to adopt rules to implement and administer these provisions in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.