

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: PCS/SB 1068 (592236)

INTRODUCER: Senator Legg

SUBJECT: Education

DATE: February 24, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	Favorable
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

I. Summary:

PCS/SB 1068 expands public school reading requirements relating to interventions and instructional supports, teacher certification and training, and school improvement and accountability.

Specifically, the bill:

- Requires school districts to implement additional reading interventions, supports, and resources for K-2 students identified as having a substantial reading deficiency;
- Requires additional information and monthly progress reports to those students' parents;
- Requires the use of data from the statewide kindergarten readiness screening to identify students in need of reading interventions and supports;
- Authorizes the use of alternative pre-and post-assessments aligned to the performance standards adopted by the Office of Early Learning for the Voluntary Prekindergarten (VPK) Education Program;
- Expands teacher certification and training requirements to include specialized competencies in reading instructional strategies; and
- Requires the Commissioner of Education to report student reading performance data to the State Board of Education.

In addition, the bill:

- Establishes the Florida Seal of Biliteracy Program to recognize high school graduate who attain a high level of competency in foreign languages.
- Removes the requirement that notice of a student's right to not recite the pledge of allegiance be conspicuously posted, and rather requires that written notice be included in a student handbook or code of student conduct.

- Authorizes VPK or School Readiness providers to continue offering services during the pendency of an appeal of termination, if such termination is not an emergency termination or a termination for fraud.

According to the Department of Education (DOE), the Just Read, Florida! Office will need two FTE positions for the additional workload requirements of this bill. The total cost of these positions is estimated at \$294,848 in recurring general revenue. In addition, there is an estimated need of \$50,000 in nonrecurring funds for OPS research assistants to assist with the development and implementation of additional professional development requirements in the bill.

There may be costs to the DOE related to producing and distributing insignias to be affixed to qualifying students' diplomas. Because the number of students who will qualify for a Seal of Biliteracy cannot be determined, the fiscal impact of the bill is indeterminate, but likely minimal.

The bill takes effect upon becoming a law.

II. Present Situation:

The present situation for the relevant portions of PCS/SB 1068 is discussed in the Effect of Proposed Changes Section of this analysis.

III. Effect of Proposed Changes:

PCS/SB 1068 expands public school reading requirements relating to interventions and instructional supports, teacher certification and training, and school improvement and accountability.

Additionally, the bill establishes a program recognizing high school graduates for their competency in foreign languages, requires written notice of a student's right not to recite the pledge of allegiance to be included in a student handbook or code of student conduct, and authorizes Voluntary Prekindergarten Education Program and School Readiness providers to continue offering services during the pendency of an appeal of termination.

Public School Reading Requirements

Present Situation

In 2006, the Legislature created the Just Read, Florida! Office within the Department of Education (DOE) to oversee implementation of the statewide public school reading requirements.¹ The Just Read, Florida! Office is responsible for, among other things:²

- Providing technical assistance to school districts in the development and implementation of district plans for use of the research-based reading allocation.³

¹ Section 8, ch. 2006-74, L.O.F., *codified as* s. 1001.215, F.S.

² Section 1001.215, F.S.

³ Each school district is required to annually submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation. The reading plans are submitted to and approved by the Just Read, Florida! Office. Section 1011.62(9)(d), F.S. The requirements for the reading plans are set forth in rule by the State Board of Education. Rule 6A-6.053, F.A.C.

- Reviewing, evaluating, and providing technical assistance to school districts' implementation of the K-12 comprehensive reading plan.
- Working with the Florida Center for Reading Research⁴ to provide information on research-based reading programs and effective reading in the content area strategies.

Florida law requires each school district to 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 standards in English Language Arts (ELA), mathematics, science, and social studies.⁵ Student progression plans must include criteria emphasizing student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies in ELA.⁶ District school boards must prioritize allocation of remedial and supplemental instruction resources first to students who are deficient in reading by the end of grade 3, and then to students who fail to meet performance levels required for promotion consistent with the district's student progression plan.⁷

Schools districts must provide intensive reading instruction to any student who exhibits a substantial deficiency in reading based on assessments conducted in kindergarten through grade 3 or through teacher observations.⁸ A student who does not achieve a Level 3 score or above on the statewide, standardized ELA assessment must be evaluated to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance.⁹

A student who has been identified as having a substantial reading deficiency must be monitored and receive continued intensive instruction until the student demonstrates grade level proficiency as determined by the school district.¹⁰ If a student's reading deficiency is not remedied¹¹ by the end of grade 3, the student will not be promoted to grade 4.¹² The parent of any student who exhibits a substantial reading deficiency must receive written notification that includes, among other things, a description of the proposed supplemental instructional services and supports that will be provided to the child.¹³

⁴ The Florida Center for Reading Research (FCRR) was created at the Florida State University and includes two outreach centers, one at a Florida College System institution in central Florida and one at a south Florida state university. Section 1004.645, F.S. The FCRR conducts basic research on reading, reading growth, reading assessment, and reading instruction; disseminates information about research-based practices related to literacy instruction and assessment; conducts applied research; and provides technical assistance to Florida's schools and the Just Read, Florida! Office. *See* Florida State University, Florida Center for Reading Instruction, *The Center's Four Part Mission*, <http://www.fcrr.org/> (last visited January 22, 2016).

⁵ Section 1008.25(2), F.S.

⁶ *Id.*

⁷ *Id.* at (3).

⁸ *Id.* at (5)(a).

⁹ *Id.* at (4)(a). Students who do not meet school district or state requirements for satisfactory performance in ELA and mathematics must be covered by a federally required plan such as an individual education plan (IEP), a schoolwide system of progress monitoring, or an individualized progress monitoring plan. *Id.* at (4)(b).

¹⁰ *Id.* at (5)(a). Demonstration of grade level proficiency may include achieving a Level 3 on the statewide, standardized English Language Arts (ELA) assessment. *Id.*

¹¹ *Id.* at (5)(b). To be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized ELA assessment. *Id.*

¹² *Id.*

¹³ *Id.* at (5)(c).

A student who is retained in grade 3 must be provided a teacher rated “highly effective” and intensive reading interventions to remedy the student’s specific reading deficiency, as identified by a valid and reliable diagnostic assessment.¹⁴ The school district must provide the student a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction, including phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.¹⁵

Districts must establish at each school, when applicable, an intensive acceleration class for retained grade 3 students who subsequently score Level 1 on the statewide, standardized ELA assessment.¹⁶ The class must focus on increasing a child’s reading and ELA skill level at least two grade levels in one school year.¹⁷

Each district school board must annually publish on its website and in the local newspaper information relating to student progression and policies and procedures on student retention and promotion, as well as student performance data on the ELA assessment.¹⁸

For students in the Voluntary Prekindergarten (VPK) Education Program, the Office of Early Learning (OEL) is required to develop and adopt performance standards addressing, among other things, the age-appropriate progress of students in the development of emergent literacy skills.¹⁹ Each VPK private prekindergarten provider and public school must administer an evidence-based pre- and post-assessment approved by the State Board of Education, which must be valid, reliable, developmentally appropriate, and designed to measure student progress on a variety of domains, including, but not limited to, early literacy, numeracy, and language.²⁰

Each school district administers a statewide kindergarten readiness screening to kindergarteners within the first 30 days of the school year.²¹ The screening must provide objective data concerning each student’s readiness for kindergarten and progress based on the VPK program

¹⁴ *Id.* at (7)(b). This intensive intervention must include effective instructional strategies, participation in the school district’s summer reading camp, and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade. *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* The class must be provided to a student in grade 3 who scores Level 1 on the statewide, standardized ELA assessment and who was retained in grade 3 the prior year due to scoring Level 1; have a reduced teacher-student ratio; provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 academic standards in other core subject areas; use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year; and provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist. *Id.*

¹⁸ *Id.* at (8)(b).

¹⁹ Section 1002.67(1), F.S. The OEL must periodically review and revise the performance standards for the statewide kindergarten screening and align the standards to those established by the State Board of Education for student performance on statewide, standardized assessments. *Id.*

²⁰ *Id.* at 3(a) and (b).

²¹ Section 1002.69, F.S.

performance standards adopted by the OEL.²² Results from the screening are used to inform classroom instruction and to calculate a kindergarten readiness rate for VPK providers.²³

A 2015 study by the Office of Program Policy Analysis and Government Accountability (OPPAGA) identified several barriers to providing instructional interventions and supports to struggling readers.²⁴ The OPPAGA study found that:²⁵

- Teacher preparation programs do not sufficiently focus on identifying and assisting struggling readers;
- Professional development may not provide the information teachers need to address student reading deficiencies;
- The reading endorsement process does not require that teachers demonstrate knowledge of basic aspects of reading such as phonological awareness; and
- Students do not always receive appropriate intervention programs to meet their individual needs.²⁶

Effect of Proposed Changes

The bill requires district school boards to prioritize allocating remedial and supplemental instruction resources to students in kindergarten through grade 3 who have a substantial reading deficiency, which expands existing law that requires district school boards to only include students in grade 3 as a priority when allocating resources.

The bill requires the State Board of Education (State Board) to identify in rule guidelines for determining whether a student has a substantial reading deficiency. In effect, these guidelines may assist school districts and schools in better identifying students to begin implementing the necessary interventions and strategies.

²² *Id.* See also s. 1002.67(1), F.S. The Florida Kindergarten Readiness Screener-Work Sampling System (FLKRS-WSS) is the screener adopted by the DOE. Florida Department of Education, PMRN for Public Schools, <http://www.fldoe.org/academics/standards/just-read-fl/fair/public-school.stml> (last visited January 22, 2016).

²³ Section 1002.69(5)-(7), F.S.

²⁴ OPPAGA, *Research on Programs and Strategies for Struggling Readers*, presentation before the House K-12 Education Subcommittee (Oct. 20, 2015) available at http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2855&Session=2016&DocumentType=Meeting Packets&FileName=kts_10-20-15.pdf. Struggling reader is not a statutorily defined term.

²⁵ *Id.* Other studies have shown that teacher knowledge of reading science is crucial to effective reading instruction. See e.g., National Council on Teacher Quality, *What Education Schools Aren't Teaching about Reading and What Elementary Teachers Aren't Learning* (June 2006), available at http://www.nctq.org/nctq/images/nctq_reading_study_exec_summ.pdf; Cunningham & Ryan O'Donnell, *Teacher Knowledge in Early Literacy* (April 2015), at 450, available at http://www.researchgate.net/publication/275581846_Teachers_Knowledge_about_Beginning_Reading_Development_and_Instruction.

²⁶ According to the OPPAGA research study, many districts may be using the same interventions for students with specific learning disabilities and general struggling readers. OPPAGA, *Research on Programs and Strategies for Struggling Readers*, presentation before the House K-12 Education Subcommittee (Oct. 20, 2015) available at http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2855&Session=2016&DocumentType=Meeting Packets&FileName=kts_10-20-15.pdf. A specific learning disability includes, but is not limited to, dyslexia, dyscalculia, or developmental aphasia. Section 1003.01(3)(a), F.S.

The bill expands the requirement that students retained for having a substantial reading deficiency, including students participating in a school district's summer reading camp, be provided a teacher who is evaluated as highly effective to include, beginning July 1, 2019, a teacher who is also certified or endorsed in specialized reading competencies.

The bill expands the intensive acceleration course currently provided to retained grade 3 students to include any student who was previously retained in kindergarten, grade 1, or grade 2, and requires that the course include:

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

The bill also revises requirements for providing information to parents of a K-3 student who has a substantial reading deficiency. For a K-3 student who is identified as having a substantial reading deficiency, the district must inform the parent of opportunities to observe effective instruction and intervention in the classroom and to receive literacy instruction from the school or through community adult literacy initiatives. The school must also provide the parent opportunities to receive strategies through a read-at-home plan to help the parent provide additional reading instruction at home. Once a parent is notified that his or her child has a substantial reading deficiency, the school must update the parent of the student's progress at least monthly.

Additionally, the bill requires VPK providers to implement intensive, explicit, and systematic instruction for students who exhibit a deficiency in emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Current law does not require that such interventions be provided to students participating in VPK. Furthermore, the bill requires the OEL to identify in rule guidelines for determining whether a student is exhibiting a deficiency in emergent literacy skills, and provide to private providers and public schools examples of appropriate instructional strategies and supports to remediate such deficiency.

The bill also requires that data from the statewide kindergarten readiness screening, along with other available data, be used to identify students in need of reading intervention and supports, and authorizes the use of alternative VPK pre- and post-assessments if identified and approved by OEL as aligning to the adopted performance standards for the VPK program.

Educator Certification, Preparation & Training

Present Situation

In order to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, an individual must hold a certificate issued by the DOE.²⁷ The DOE issues three types of educator certificates: professional (Florida's highest type of full-time educator certification),²⁸ temporary,²⁹ and athletic coaching.³⁰ The professional certificate is valid for 5 years and is renewable.³¹ An applicant seeking a professional certificate must meet the basic eligibility requirements for certification³² and demonstrate mastery of general knowledge,³³ subject area knowledge,³⁴ and professional preparation and education competence.³⁵

The specialization requirements for a K-12 reading certification are a master's or higher degree with a graduate major in reading or a bachelor's or higher degree with 30 semester hours in reading.³⁶ The specialization requirements for a reading endorsement are a bachelor's or higher degree with certification in an academic, degreed vocational, administrative, or specialty class coverage and 15 semester hours in reading coursework, based upon scientifically-based reading research with a focus on both the prevention and remediation of reading difficulties.³⁷

Teacher preparation programs are state-approved programs offered by postsecondary institutions and public school districts through which candidates may attain an educator certificate.³⁸ The State Board is charged with maintaining a system for development and approval of initial teacher preparation programs.³⁹ The DOE is responsible for approving programs based on evidence of a program's capacity to meet the requirements for continued program approval established in law and State Board rule.⁴⁰

²⁷ Sections 1012.55(1) and 1002.33(12)(f), F.S.

²⁸ Rule 6A-4.004(2), F.A.C.

²⁹ Rule 6A-4.004(1)(a)2., F.A.C.; Rule 6A-4.004(1)(a), F.A.C. The DOE also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Sections 1012.56(7)(c) and 1012.54, F.S.; Rule 6A-4.001(1), F.A.C.

³⁰ Section 1012.55(2), F.S.

³¹ Section 1012.56(7)(a), F.S.; Rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The DOE also issues a nonrenewable 2-year temporary certificate and a nonrenewable 5-year professional certificate that allows an applicant with a bachelor's degree in the area of speech-language impairment to complete a master's degree in speech-language impairment. Section 1012.56(7)(c), F.S.; Rule 6A-4.004(3), F.A.C.

³² Section 1012.56(2)(a)-(f), F.S.

³³ Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited January 23, 2016).

³⁴ Section 1012.56(2)(h) and (5), F.S.

³⁵ Section 1012.56(2)(i) and (6), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited January 23, 2016).

³⁶ Rule 6A-4.0291, F.A.C.

³⁷ Rule 6A-4.0292, F.A.C.

³⁸ Florida Department of Education, *Professional Development in Florida*, <http://www.fldoe.org/profdev/approval.asp> (last visited January 23, 2016). See Rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

³⁹ Section 1004.04(1), F.S.

⁴⁰ *Id.* at (3)(a), F.S.; Rule 6A-5.066, F.A.C. The requirements for continued program approval are documentation that each candidate has met the admission requirements, documentation that the program and each program completer have met the curriculum requirements; and evidence of performance in other specified areas. Section 1004.04(4), F.S.

The DOE must approve an educator preparation institute certification program if the institute provides evidence of the institute's capacity to implement a competency-based program that includes, but is not limited to, the areas addressed by the uniform core curricula for initial teacher preparation programs and an educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification.⁴¹ The uniform core curricula for teacher preparation programs must include content in scientifically based reading instruction contained in the reading endorsement competencies adopted by the State Board.⁴²

Florida law requires a number of entities, including the DOE, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations, to work collaboratively to develop a coordinated system of professional development.⁴³ The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.⁴⁴ Each school district is required to develop a professional development system in consultation with teachers, teacher-educators of Florida College System institutions and state universities, business and community representatives, and local education foundations, consortia, and professional organizations.⁴⁵

Effect of Proposed Changes

The bill requires, beginning January 1, 2019, a candidate for a reading certificate or endorsement to demonstrate competence in:

- Identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills.
- Using explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve student reading performance.
- Using predictive and other data to make instructional decisions based on individual student needs.

Also, the bill requires the State Board to adopt in rule the minimum instructional requirements that must be provided by teacher preparation programs and school districts to ensure that candidates for certification in reading instruction and intervention meet the criteria for demonstrating competency. The State Board must also identify in rule the certification areas in which a candidate must demonstrate the requisite competency.

The bill requires the DOE to review, at least once every 5 years, the specialization and coverage area certification requirements in elementary, reading, and exceptional student educational areas, and recommend to the State Board any changes to the requirements. Additionally, the bill requires the DOE to recommend to the State Board the consolidation of endorsement areas and requirements to reduce duplication.

⁴¹ Section 1004.85(3)(a)4., F.S.

⁴² Sections 1004.04(2)(b)3. and 1004.85(3)(a)1.c., F.S. *See* Rules 6A-4.0163 and 6A-5.066(1)(hh)4., F.A.C.

⁴³ Section 1012.98(1), F.S.

⁴⁴ *Id.*

⁴⁵ *Id.* at (4)(b).

The bill adds the requirement that, beginning January 1, 2019 an applicant for renewal of a professional certificate in any area of certification requiring specialized competency in reading instruction and intervention, as identified by the State Board, must earn a minimum of two college credits or the equivalent inservice points⁴⁶ in the use of explicit, systematic, and multisensory approaches to reading instruction and intervention. The training must be provided by a teacher preparation program or school district professional development system.

The bill requires the curricula for each state-approved teacher preparation program and postsecondary educator preparation institute to include explicit, systematic, and multisensory approaches to reading instruction and intervention, including the use of technology tools, which are proven to improve student reading performance. Current law requires the curricula for such programs and institutes to include only scientifically researched reading instruction. Training in reading instruction must occur during course work and in field experiences.

Additionally, the bill requires teacher preparation programs to provide specialized instruction in reading strategies and interventions to receive initial or continued approval. The Just Read, Florida! Office must work with teacher preparation programs and educator preparation institutes to integrate specialized reading instructional and intervention strategies, which may include the use of technology tools to improve student reading performance. The Just Read, Florida! Office must also provide such training to teachers, reading coaches, and principals.

The bill adds a requirement that training in emergent literacy for prekindergarten instructors address early identification of and intervention for students experiencing difficulties with emergent literacy skills.

The bill requires school district professional development systems to provide all elementary grades instructional personnel access to training sufficient to earn a reading endorsement or renew a professional certificate in specialized reading competencies. The professional development systems must provide training to reading coaches, classroom teachers, and school administrators in effective methods of:

- Identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills;
- Incorporating instructional techniques into the general education setting that are proven to improve reading performance for all students; and
- Using predictive data to make instructional decisions based on individual student needs.

School Improvement & Accountability

Present Situation

The Commissioner of Education (Commissioner) is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.⁴⁷ The Commissioner must review each district school board's annual feedback report to determine

⁴⁶ Two college credits is equivalent to 40 inservice points or 40 hours.

⁴⁷ Section 1008.345(1), F.S.

whether adequate progress is being made toward implementing and maintaining a system of school improvement and accountability.⁴⁸ The Commissioner must submit his or her findings to the State Board, and prepare and implement a corrective action plan if adequate progress is not being made.⁴⁹ The Commissioner must report to the Legislature and recommend necessary changes in state policy.⁵⁰

Effect of Proposed Changes

The bill requires the Commissioner to annually report and make recommendations to both the State Board and the Legislature regarding the state's policies on school improvement and education accountability. This annual report must include, in addition to information currently required, the reading performance information each district must annually publish on its website and in the local newspaper. The annual report must also include, based upon a review of each district's reading plan, intervention and support strategies that were effective in improving the reading performance of students identified as having a substantial reading deficiency.

Florida Seal of Biliteracy Program

A program for recognizing high school graduates who have attained a high level of competency in foreign languages does not exist in current law.

The bill establishes the Florida Seal of Biliteracy Program to recognize a high school graduate who has attained a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English. The bill creates two levels of competency, allowing students to earn a Seal of Biliteracy at either the "Gold" or the "Silver" level.

The bill defines the following terms:

- "Biliteracy" means attainment of a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English, which is signified on a high school graduate's diploma and transcript as either a Gold or a Silver Seal of Biliteracy.
- "Foreign language" means a language other than English and includes American Sign Language, classical languages, and indigenous languages.
- "Gold" means the highest level of competency signified by the Seal of Biliteracy.
- "Silver" means the second-highest level of competency signified by the Seal of Biliteracy.

The Gold or the Silver Seal of Biliteracy must be awarded to a high school student who earns a standard high school diploma⁵¹ and demonstrates competency in a foreign language by:

⁴⁸ *Id.* at (4).

⁴⁹ *Id.*

⁵⁰ *Id.* at (5). The report must contain, among other things: for each school district, the percentage of students, by school and grade level, demonstrating learning growth in ELA and mathematics; and intervention and support strategies used by school boards whose students exceed the statewide average learning growth. *Id.*

⁵¹ A student must earn four credits in English language arts, pass the 10th grade standardized, statewide English Language Arts assessment, and earn a cumulative 2.0 GPA on a 4.0 scale to graduate from high school with a standard high school diploma. Section 1003.4282(3)(a), F.S.

- Earning four course credits in the same foreign language with a cumulative 3.0 grade point average or higher on a 4.0 scale;
- Achieving a qualifying score on a foreign language assessment, as determined by State Board rule; or
- Earning the seal through alternative means as determined by State Board rule.

The bill requires the State Board to adopt rules to implement the program. The rules must include:

- A process to confirm a student's successful completion of the competency requirements;
- The assessments and corresponding scores required to earn the Gold or the Silver Seal of Biliteracy, which may not be set lower than the assessments' passing scores, on at least one of the following:
 - An International Baccalaureate examination in the foreign language;
 - An Advanced Placement examination in the foreign language;
 - An SAT Subject Test examination in the foreign language; or
 - An Advanced International Certificate of Education examination in the foreign language.
- Alternative means by which a student may demonstrate equivalent competency in a foreign language, including the means by which a student whose native language is not English may demonstrate competency in his or her native language to earn the Gold or the Silver Seal of Biliteracy; and
- The award of foreign language course credits to a student who was not enrolled in a foreign language course or who did not complete the course but has demonstrated competency in a manner identified in State Board rule.

Qualifying scores on assessments identified by the state board may not be set below the passing score.

In addition, the bill requires the Commissioner to assist school districts in implementing the program by preparing and providing insignias for the Silver and the Gold Seal of Biliteracy and any other information necessary for successful implementation.

Each school district must:

- Maintain appropriate records to identify a student who has met the requirements to receive the Gold or the Silver Seal of Biliteracy;
- Provide the Commissioner with the number of students who have met the requirements to receive the Gold or the Silver Seal of Biliteracy; and
- Affix the appropriate insignia to the student's diploma and indicate on the student's transcript that the student has earned the Gold or the Silver Seal of Biliteracy.

The bill prohibits the DOE and school districts from charging a fee for the seal.

Pledge of Allegiance

Present Situation

Current law authorizes each school district board to adopt rules requiring, in all district schools, programs of a patriotic nature.⁵² The programs are designed to encourage greater respect for the United States government, the national anthem and the flag.⁵³ The programs are subject to other existing laws of the United States or the state.⁵⁴ When the national anthem is played, students and civilians shall stand at attention and men shall remove their headdress, unless worn for a religious purpose.⁵⁵

In each public elementary, middle and high school in the state, the pledge shall be recited at the beginning of the day.⁵⁶ The pledge shall be rendered by students standing with their right hand over his or her heart.⁵⁷ When the pledge is given, civilians must show full respect to the flag by standing at attention, and men must remove their headdress, unless worn for a religious purpose.⁵⁸

Each student must be informed of the right not to participate in the reciting of the pledge by a notice posted in a conspicuous place.⁵⁹ The student is excused from reciting the pledge when the student obtains a written statement from their parent.⁶⁰

Effect of Proposed Changes

The bill removes the requirement to conspicuously post notice of a student's right not to participate in reciting the pledge of allegiance. Rather, the bill requires that students be informed of that right by a written notice published in a student handbook or a code of student conduct.

Statewide Provider Contract for VPK and School Readiness Providers

Present Situation

The OEL must adopt by rule a standard, statewide provider contract to be used with each VPK or School Readiness provider, which must be published on OEL's website.⁶¹ The contract must include, at a minimum, provisions for provider probation, termination for cause, and emergency termination for action or inactions posing an immediate and serious danger to the health, safety, or welfare of children.⁶² The contract must also include due process procedures.⁶³ A VPK or

⁵² Section 1003.44(1), F.S.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Sections 1002.75(1) and 1002.82(2)(m), F.S.

⁶² *Id.*

⁶³ *Id.*

School Readiness provider is prohibited from continuing to offer its services during the pendency of an appeal of any termination.⁶⁴

Effect of Proposed Changes

The bill changes current law to allow VPK or School Readiness providers to continue to offer its services during the pendency of an appeal of termination, unless such termination is an emergency termination or a termination for fraud.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Education (DOE) estimates that the Just Read, Florida! Office will need two FTE positions for the additional workload requirements of this bill. The total cost of these positions is estimated at \$294,848 in recurring general revenue. In addition, there is an estimated need of \$50,000 in nonrecurring funds for OPS research assistants to assist with the development and implementation of additional professional development requirements.

There may be costs to the DOE related to producing and distributing insignias to be affixed to qualifying students' diplomas. Because the number of students who will

⁶⁴ *Id.*

qualify for a Seal of Biliteracy cannot be determined, the fiscal impact of the bill is indeterminate, but likely minimal.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 1001.215, 1002.20, 1002.59, 1002.67, 1002.69, 1002.75, 1002.82, 1003.44, 1004.04, 1004.85, 1008.25, 1008.345, 1012.585, 1012.586, and 1012.98.

The bill creates sections 1003.432 and 1012.567 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Education on February 24, 2016:

The committee substitute substantially differs from SB 1068 in the following ways:

- Does not expand the early warning system to elementary schools or include a substantial reading deficiency as an early warning indicator.
- Does not require the Department of Education develop a parent handbook for students identified as having a substantial reading deficiency.
- Does not include additional requirements and conditions for school districts to receive instructional materials funds.
- Modifies the type of information that a school must provide a parent on a student's progress in reading, and decreases the frequency by which such information must be provided from biweekly to monthly.
- Includes requirements that Office of Early Learning (OEL) identify guidelines for determining whether a prekindergarten student is exhibiting a deficiency in emergent literacy skills, and provide examples of instructional strategies to Voluntary Prekindergarten (VPK) Education Program providers to remediate such deficiency.
- Includes requirement that OEL identify concordant or comparative scores on alternative VPK pre- and post-assessments aligned to the performance standards and adopted by OEL.
- Includes clarification that students participating in a school district's summer reading camp be provided a highly effective teacher.
- Establishes the Florida Seal of Biliteracy Program to recognize high school graduates who attain a high level of competency in one or more foreign languages.

- Removes current law requirement that notice of a student's right to not recite the pledge of allegiance be conspicuously posted, and rather, requires written notice of such right in a student handbook or code of student conduct.
- Authorizes VPK or School Readiness providers to continue to offer its services during the pendency of an appeal of termination, unless such termination is an emergency termination or for fraud.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
