

**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: SB 1068

INTRODUCER: Senator Legg

SUBJECT: Education

DATE: February 18, 2016      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>AP</u>	_____

**I. Summary:**

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:

- Expands public school reading provisions by requiring:
  - School districts to implement additional reading interventions, supports, and resources for K-2 students identified as having a substantial reading deficiency;
  - Immediate notification and frequent progress reports to those students’ parents;
  - Voluntary Prekindergarten Program providers to provide specialized reading instruction to students who exhibit deficiencies in emergent literacy skills; and
  - The use of data from the statewide kindergarten screening to identify students in need of reading interventions and supports.
- Expands teacher certification and training provisions by requiring:
  - Elementary reading instructors to attain specialized certification or endorsement and receive sufficient training through school district professional development systems; and
  - Educator preparation and certification programs to include, as part of the core curricula, intensive approaches to reading instruction and intervention.
- Expands school improvement and accountability provisions by requiring:
  - Early warning system data to include schools with students in K-5, and specifying a substantial reading deficiency as an early warning indicator;
  - School districts to certify the use of approved core and supplemental intervention reading materials as a condition to receiving instructional materials funds; and
  - The Commissioner of Education to report student reading performance data to the Legislature and State Board of Education.

According to the Department of Education, 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.

The bill takes effect upon becoming a law.

## II. Present Situation:

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

## III. Effect of Proposed Changes:

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

### 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.<sup>1</sup> The Just Read, Florida! Office is responsible for, among other things:<sup>2</sup>

- Providing technical assistance to school districts in the development and implementation of district plans for use of the research-based reading allocation.<sup>3</sup>
- Reviewing, evaluating, and providing technical assistance to school districts' implementation of the K-12 comprehensive reading plan.
- Working with the Florida Center for Reading Research<sup>4</sup> 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.<sup>5</sup> Student progression plans must include criteria emphasizing student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for

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

<sup>2</sup> Section 1001.215, F.S.

<sup>3</sup> 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.

<sup>4</sup> 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).

<sup>5</sup> Section 1008.25(2), F.S.

students with identified deficiencies in ELA.<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup> 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.<sup>9</sup>

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.<sup>10</sup> If a student's reading deficiency is not remedied<sup>11</sup> by the end of grade 3, the student will not be promoted to grade 4.<sup>12</sup> 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.<sup>13</sup>

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.<sup>14</sup> The school district must provide the student a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district.<sup>15</sup>

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

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at (3).

<sup>8</sup> *Id.* at (5)(a).

<sup>9</sup> *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).

<sup>10</sup> *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.*

<sup>11</sup> *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.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at (5)(c).

<sup>14</sup> *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.*

<sup>15</sup> *Id.*

assessment.<sup>16</sup> The class must focus on increasing a child's reading and ELA skill level at least two grade levels in one school year.<sup>17</sup>

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.<sup>18</sup>

For students in the Voluntary Prekindergarten (VPK) 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.<sup>19</sup> Each school district administers a statewide kindergarten screening to kindergarteners within the first 30 days of the school year.<sup>20</sup> The screening must provide objective data concerning each student's readiness for kindergarten and progress based on the VPK program performance standards adopted by the OEL.<sup>21</sup> Results from the screening are used to inform classroom instruction and to calculate a kindergarten readiness rate for VPK providers.<sup>22</sup>

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.<sup>23</sup> The OPPAGA study found that:<sup>24</sup>

- 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;

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<sup>16</sup> *Id.*

<sup>17</sup> *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.*

<sup>18</sup> *Id.* at (8)(b).

<sup>19</sup> 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.*

<sup>20</sup> Section 1002.69, F.S.

<sup>21</sup> *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).

<sup>22</sup> Section 1002.69(5)-(7), F.S.

<sup>23</sup> 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](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2855&Session=2016&DocumentType=Meeting%20Packets&FileName=kts%2010-20-15.pdf). Struggling reader is not a statutorily defined term.

<sup>24</sup> *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](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](http://www.researchgate.net/publication/275581846_Teachers_Knowledge_about_Beginning_Reading_Development_and_Instruction).

- 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.<sup>25</sup>

### *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 that students in kindergarten through grade 3 who are identified as having a substantial reading deficiency be provided an individualized progress monitoring plan or a federally required student plan, such as an individual education plan, or both, as necessary. The bill removes the requirement that a student be covered by a schoolwide system of progress monitoring plan, which may encourage schools to develop plans that include instructional strategies and supports based on the individual student's needs.

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.

The bill expands the requirement that students retained for having a substantial reading deficiency be provided a teacher who is evaluated as highly effective to include, beginning July 1, 2018, a teacher who is certified or endorsed in reading.

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.

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<sup>25</sup> 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](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2855&Session=2016&DocumentType=Meeting%20Packets&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 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 once every two weeks. The updates must be in writing and must explain any additional interventions or supports that will be used to accelerate the student's progress if current strategies are not working.

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

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

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 that data from the statewide kindergarten screening, along with other available data, be used to identify students in need of reading intervention and supports.

## **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.<sup>26</sup> The DOE issues three types of educator certificates: professional (Florida's highest type of full-time

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<sup>26</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

educator certification),<sup>27</sup> temporary,<sup>28</sup> and athletic coaching.<sup>29</sup> The professional certificate is valid for 5 years and is renewable.<sup>30</sup> An applicant seeking a professional certificate must meet the basic eligibility requirements for certification<sup>31</sup> and demonstrate mastery of general knowledge,<sup>32</sup> subject area knowledge,<sup>33</sup> and professional preparation and education competence.<sup>34</sup>

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.<sup>35</sup> 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.<sup>36</sup>

Teacher preparation programs are state-approved programs offered by postsecondary institutions and public school districts through which candidates may attain an educator certificate.<sup>37</sup> The State Board is charged with maintaining a system for development and approval of initial teacher preparation programs.<sup>38</sup> 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.<sup>39</sup>

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.<sup>40</sup> The uniform core curricula for teacher preparation programs must

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<sup>27</sup> Rule 6A-4.004(2), F.A.C.

<sup>28</sup> 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.

<sup>29</sup> Section 1012.55(2), F.S.

<sup>30</sup> 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.

<sup>31</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>32</sup> Section 1012.56(2)(g) and (3), F.S.; Florida Department of Education, *General Knowledge*, [http://www.fldoe.org/edcert/mast\\_gen.asp](http://www.fldoe.org/edcert/mast_gen.asp) (last visited January 23, 2016).

<sup>33</sup> Section 1012.56(2)(h) and (5), F.S.

<sup>34</sup> 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](http://www.fldoe.org/edcert/mast_prof.asp) (last visited January 23, 2016).

<sup>35</sup> Rule 6A-4.0291, F.A.C.

<sup>36</sup> Rule 6A-4.0292, F.A.C.

<sup>37</sup> 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.

<sup>38</sup> Section 1004.04(1), F.S.

<sup>39</sup> *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.

<sup>40</sup> Section 1004.85(3)(a)4., F.S.

include content in scientifically based reading instruction contained in the reading endorsement competencies adopted by the State Board.<sup>41</sup>

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.<sup>42</sup> 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.<sup>43</sup> 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.<sup>44</sup>

### *Effect of Proposed Changes*

The bill requires, beginning January 1, 2018, 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.

The bill adds the requirement that, beginning January 1, 2018 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 points<sup>45</sup> in the use of explicit, systematic, and

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<sup>41</sup> 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.

<sup>42</sup> Section 1012.98(1), F.S.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at (4)(b).

<sup>45</sup> Two college credits is equivalent to 40 inservice points or 40 hours.



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 that 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. 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 training to all elementary grades instructional personnel without a reading endorsement which is sufficient to allow those personnel to earn the endorsement before attainment or renewal of a professional certificate. 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.

The training may integrate effective approaches to reading instruction and intervention in classrooms having an impact on a greater number of students who are in need of such interventions and strategies.

## **School Improvement & Accountability**

### ***Present Situation***

Florida law requires each school that includes any of grades 6, 7, or 8 to implement an early warning system to identify students who are at risk of not graduating from high school.<sup>46</sup> Early warning systems are used to monitor middle grades students using attendance, behavior, and academic performance indicators shown by research to be reliable indicators of students at risk of dropping out.<sup>47</sup> The following indicators must be used to monitor middle grades students:<sup>48</sup>

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<sup>46</sup> Section 1001.42(18)(b), F.S.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* Districts may prescribe additional early warning indicators for schools to use. *Id.*

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

When a student exhibits two or more early warning indicators, the school must convene the school's child study team,<sup>49</sup> or a similar team established to implement the school's early warning system, to determine appropriate intervention strategies for the student.<sup>50</sup> The team may be the student's individual education plan (IEP) team, if applicable, or any other team the school establishes for the purpose of academic intervention.<sup>51</sup> The school must provide the student's parent with at least 10 days' written notice of the meeting.<sup>52</sup> The notice must indicate the meeting's purpose, time, and location, and the opportunity for the parent to participate in the meeting.<sup>53</sup>

Each school that includes any of grades 6, 7, or 8 must include annually in its school improvement plan certain information and data on the school's early warning system (*e.g.*, a list of early warning indicators used in the system and the number of students identified as exhibiting two or more indicators).<sup>54</sup>

The DOE is authorized to allocate and distribute to each school district funds, as prescribed by the Legislature, for instructional materials for student membership in basic and special programs in kindergarten through grade 12.<sup>55</sup> By July 1 each year and before instructional materials funds may be released to the school district, the district's superintendent must certify to the Commissioner of Education (Commissioner) that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs.<sup>56</sup> The report must verify that training was provided and that the materials are being implemented as designed.<sup>57</sup>

The Commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.<sup>58</sup> The Commissioner must review each district school board's annual feedback report to determine whether adequate progress is being made toward implementing and maintaining a system of school improvement and accountability.<sup>59</sup> The Commissioner must submit his or her findings to the State Board, and

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<sup>49</sup> School child study teams are convened by school principals to help enforce school attendance requirements pursuant to s. 1003.26, F.S.

<sup>50</sup> Section 1001.42(18)(b)2., F.S.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.* at (18)(a)2.

<sup>55</sup> Section 1011.67(1), F.S.

<sup>56</sup> *Id.* at (2).

<sup>57</sup> *Id.*

<sup>58</sup> Section 1008.345(1), F.S.

<sup>59</sup> *Id.* at (4).

prepare and implement a corrective action plan if adequate progress is not being made.<sup>60</sup> The Commissioner must report to the Legislature and recommend necessary changes in state policy.<sup>61</sup>

### *Effect of Proposed Changes*

The bill revises requirements relating to early warning systems by extending coverage to include students in kindergarten through grade 5, clarifying that a school-based team must monitor early warning system data, and specifying that a school psychologist may be a part of the team. The bill includes a substantial reading deficiency as an early warning indicator for students in kindergarten through grade 3 and clarifies that course failure constitutes an indicator if the failure occurs during any grading period. Data and information relating to the exhibited indicators must be used to inform any intervention strategies provided to a student identified by the early warning system.

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

The bill requires the Just Read, Florida! Office to post on its website a list core reading materials and supplemental intervention reading materials for kindergarten through grade 5 that meet criteria relating to specialized approaches and learning strategies in intensive reading instruction. The list may assist school districts in choosing and implementing materials that are uniformly aligned to the new requirements for specialized instruction and intervention strategies in reading.

Also, the bill requires that before the release of instructional materials funds, each school district superintendent certify to the Commissioner that the core reading materials and supplemental intervention reading materials used in kindergarten through grade 5 have been identified by the Just Read, Florida! Office on its list as meeting the specialized requirements. However, school districts are not precluded from purchasing or using other materials to supplement reading instruction and provide additional skills practice. As part of the superintendent's certification, he or she must report the number and percentage of the district's K-5 instructional personnel who have received training to implement the core and supplemental intervention reading materials, as well, as the process and timeline by which the remaining instructional personnel will be provided the training.

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

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<sup>60</sup> *Id.*

<sup>61</sup> *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.*

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.

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 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.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends the following sections of the Florida Statutes:

1001.215, 1001.42, 1002.20, 1002.59, 1002.67, 1002.69, 1004.04, 1004.85, 1008.25, 1008.345, 1011.67, 1012.585, 1012.586, and 1012.98.

The bill creates section 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.)

None.

**B. Amendments:**

None.

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

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