

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/HB 7011      PCB ELE 21-01      Student Literacy

**SPONSOR(S):** Education & Employment Committee and Early Learning & Elementary Education Subcommittee, Aloupis and others

**TIED BILLS:** None    **IDEN./SIM. BILLS:** SB 1898

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**FINAL HOUSE FLOOR ACTION:** 117 Y's      0 N's      **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

CS/HB 7011 passed the House on April 21, 2021, as amended, and subsequently passed the Senate on April 26, 2021. The bill enhances student literacy supports by aligning teacher preparation programs and teacher and administrator professional development with evidence-based reading instruction, implementing a progress monitoring system to aid in identifying students that require supports, and establishing a statewide system of literacy teams to work with schools to improve student performance in reading.

The bill requires the implementation of a Voluntary Prekindergarten Education Program through grade 8 progress monitoring system beginning in the 2022-2023 school year. The system must be designed to provide Florida educators with data to identify students with substantial deficiencies in reading and monitor the effectiveness of interventions.

The bill also establishes the Reading Achievement Initiative for Scholastic Excellence (RAISE) Program, a statewide system for delivering school-based literacy supports through 20 regional literacy expert support teams. Schools must be identified based on data from the progress monitoring system and results from statewide, standardized English Language Arts assessments. The program must include evidence-based professional development, assistance with implementing data-informed instruction and evidence-based interventions, and coordination of school improvement school district reading plans.

The Department of Education must update the reading endorsement credential and develop a competency-based pathway to earn the reading endorsement. Additionally, participants in certain teacher preparation programs must complete the reading endorsement competencies prior to graduation. The bill also streamlines school district adoption of certain evidence-based instructional materials and revises teacher preparation program admission requirements.

To increase parent involvement in educational decisions, school districts must provide monthly progress updates to parents of students with substantial reading deficiencies and provide them with information related to exceptional student education process and conditions that impair learning such as dyslexia. The Office of Early Learning and early learning coalitions must provide guidance and planning to assist with the transition from prekindergarten to kindergarten.

The General Appropriations Act for FY 2021-2022 appropriated \$14,500,000 for the implementation of this bill, with \$8,000,000 appropriated to implement the PK-8 Progress Monitoring System and \$6,500,000 appropriated to implement the RAISE Program. School districts may incur indeterminate costs associated with implementing the bill.

The bill was approved by the Governor on May 4, 2021, ch. 2021-9, L.O.F., and will become effective on July 1, 2021.

# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

### Background

In 2000, the National Reading Panel issued a final report after a years' long analysis of available research on how children learn to read and the most effective reading instruction methods.<sup>1</sup> The science of reading, supported by the findings of the National Reading Panel, focuses on teaching in five components of reading: phonemic awareness; phonics; fluency; vocabulary; and comprehension.<sup>2</sup> Research shows that instruction based on the science of reading is proven to provide students the foundational skills needed to learn to read, even for those students with reading difficulties, such as those with dyslexia.<sup>3</sup>

In response to the report's findings, Florida made sweeping policy changes to incorporate the science of reading into public school instruction. Florida implemented the Just Read, Florida! initiative;<sup>4</sup> a kindergarten through grade 3 reading policy, including a policy for retaining 3<sup>rd</sup> grade students who read far below grade level;<sup>5</sup> the federal Reading First program (funded by a grant from the United States Department of Education);<sup>6</sup> and established the reading endorsement credential to recognize teachers who complete extensive training based on the science of reading.<sup>7</sup> In 2006, Florida implemented the requirements for the school district Comprehensive Research-Based Reading Plans (CERP) and established the Just Read, Florida! Office (JRFO) within the Florida Department of Education (DOE) to monitor and assist with statewide implementation.<sup>8</sup>

Florida's efforts to improve reading instruction were reflected in the state's results on the National Assessment of Education Progress (NAEP), an assessment administered nationally every 2 years to measure student knowledge across subject areas.<sup>9</sup> Florida's 4<sup>th</sup> grade reading scores improved significantly between the 1998 and the 2007 assessments, with the average score rising 18 points, and surpassing the national average.<sup>10</sup> However, since the 2007 NAEP, Florida's reading results, after a period of continued improvement, regressed to near 2007 levels based on the 2019 administration of the assessment.<sup>11</sup>

In 2017, in order to help more students receive evidence-based instruction from highly trained instructional personnel, the Legislature required that the JRFO:

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<sup>1</sup> National Reading Panel, *Teaching Children to Read: An Evidence-Based Assessment of the Scientific Research Literature on Reading and Its Implications for Reading Instruction* (April 13, 2000), available at <https://www.nichd.nih.gov/sites/default/files/publications/pubs/nrp/Documents/report.pdf>.

<sup>2</sup> Kymyona Burk, Ed.D, Foundation for Excellence in Education, *How the Science of Reading is Transforming Education and Opportunities for All Students*, presentation before the Early Learning & Elementary Education Subcommittee, (Jan. 14, 2021).

<sup>3</sup> *Id.* (As described in the National Reading Panel Report and summarized by Dr. Burk in her presentation to the subcommittee, instruction and interventions based on the science of reading are evidence-based instruction and interventions.)

<sup>4</sup> The initiative was established by Governor Jeb Bush in 2001. *See* Exec. Order No. 01-260 (Sept. 7, 2001).

<sup>5</sup> Section 1008.25, F.S. The law requires that 3<sup>rd</sup> grade students that are severely below grade-level, and do not qualify for a good cause exemption, must be retained. Students are severely below grade-level if they fail to achieve a Level 2 or higher on the statewide standardized English Language Arts assessment. Students retained under this provision must receive intensive interventions and be taught by a highly effective teacher certified or endorsed in reading. *See* s. 1008.25(5) and (7), F.S.

<sup>6</sup> Cari Miller, Florida Department of Education, Office of Early Learning, *Overview of Literacy Policy and Practice to Support Educators & Improve Student Outcomes*, presentation before the Early Learning & Elementary Education Subcommittee, (Feb. 16, 2021).

<sup>7</sup> *Id.*

<sup>8</sup> *See* s. 1011.62, F.S., and ss. 8 and 50, ch. 2006-74, L.O.F.

<sup>9</sup> Kymyona Burk, Ed.D, Foundation for Excellence in Education, *How the Science of Reading is Transforming Education and Opportunities for All Students*, presentation before the Early Learning & Elementary Education Subcommittee, (Jan. 14, 2021).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

- identify proven reading instruction and intervention programs that incorporate explicit systematic, and sequential approaches to evidence-based instruction;
- coordinate with the Lastinger Center for Learning at the University of Florida to develop training for teachers, reading coaches, and principals on integration content knowledge-rich texts from other core subject areas into reading instruction and evidence-based reading strategies; and
- review teacher certification and alternative certification requirements to determine whether skills needed for evidence-based reading instruction are measured.<sup>12</sup>

The Legislature also required the DOE to review, by July 1, 2018, and at least once every 5 years thereafter, specialization and coverage area requirements in the elementary, reading, and exceptional student educational areas and recommend updates based upon any instructional or intervention strategies identified by the DOE as proven to improve student reading performance.<sup>13</sup> Additionally, the uniform core curricula used by teacher preparation programs and educator preparation institutes must include scientifically researched and evidence-based reading instruction strategies that improve reading performance for all students.<sup>14</sup> Full implementation of these policies has yet to occur and their impact on instructional quality and student learning remains unclear.

## **Teacher Training and Certification related to Evidence-based Practices**

### Present Situation

#### *Teacher Training in Evidence-based Practices*

Effective implementation of evidence-based instruction relies on a teacher's use of assessment and data analysis to monitor student progress and guide instruction.<sup>15</sup> Such instruction facilitates students' development in the five components of reading and must be differentiated to each student based on his or her needs.<sup>16</sup> To assist with uniform implementation of effective instruction, the DOE implemented a Multi-Tiered System of Supports (MTSS) for providing interventions through targeted instruction and supplemental supports to students who require additional assistance with reading.<sup>17</sup> Florida's MTSS is designed to tailor instruction and supports to the needs of each student through a continual process of implementing interventions and evaluating the effectiveness of those interventions.<sup>18</sup> Interventions include additional instruction time, narrowed focus of lessons, and reduced group size, including one-on-one instruction.<sup>19</sup>

In Florida, there are several ways in which instructional personnel who teach reading receive reading instruction and intervention training, both through preservice preparation and in-service professional development.

#### *Teacher Preparation Curricula*

Current law requires teacher preparation programs and teacher preparation institutes to use state-adopted content standards to guide their curricula.<sup>20</sup> The programs must also provide scientifically

<sup>12</sup> Section 16, ch. 2017-116, L.O.F.

<sup>13</sup> Section 12, ch. 2017-116, L.O.F.

<sup>14</sup> Sections 9 and 10, ch. 2017-116, L.O.F.

<sup>15</sup> Cari Miller, Florida Department of Education, Office of Early Learning, *Overview of Literacy Policy and Practice to Support Educators & Improve Student Outcomes*, presentation before the Early Learning & Elementary Education Subcommittee, (Feb. 16, 2021).

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

<sup>17</sup> Florida Department of Education, *Florida's MTSS*, <http://florida-rti.org/floridaMTSS/index.htm> (last visited April 27, 2021).

<sup>18</sup> *Id.*

<sup>19</sup> Florida Department of Education, *Reading Instruction Resources*, <http://www.fldoe.org/academics/standards/just-read-fl/reading-intervention.stml> (last visited April 27, 2021).

<sup>20</sup> Sections 1004.04(2)(b) and 1004.85(3)(a), F.S.

researched and evidence-based reading instructional strategies that improve reading performance for all students including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and comprehension and multisensory intervention strategies.<sup>21</sup> The State Board of Education (SBE) adopted the definition of the Uniform Core Curricula in rule, incorporating the above requirements.<sup>22</sup>

Although the law establishes requirements for school district personnel who supervise a preservice teacher's clinical field experience, including clinical educator training, a "highly effective" or "effective" rating, and at least 3 years of prekindergarten through 12 teaching experience, there is no requirement that the teacher have completed any specialized reading instruction training.<sup>23</sup> It is unknown how many clinical supervisors who work with interns in a setting that requires teaching reading have received adequate training in evidence-based reading instruction and intervention practices.

### *Professional Development*

Each school district professional development system is required to provide in-service activities and support targeted to the individual needs of teachers.<sup>24</sup> Each school district's professional development system must provide for 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 which are proven to improve reading performance for all students; and
- using predictive and other data to make instructional decisions based on individual student needs.<sup>25</sup>

All elementary grades instructional personnel must be provided access to sufficient training so they can meet certification or endorsement requirements established by the SBE with respect to reading instruction and intervention.<sup>26</sup>

Additionally, the JRFO, among other things, must:

- work with the Lastinger Center to develop training for K-12 teachers, reading coaches, and school principals on effective content-area-specific reading strategies and the integration of content-rich curriculum from other core subject areas into reading instruction;
- develop and provide access to sequenced, content-rich curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students' background knowledge and literacy skills; and
- work with the Florida Center for Reading Research to identify scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies.<sup>27</sup>

The William Cecil Golden Professional Development Program for School Leaders is a collaborative network of state and national professional leadership organizations for school principals. The program is designed to respond to Florida's needs for quality school leadership and support the efforts of school

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<sup>21</sup> *Id.*

<sup>22</sup> Rule 6A-5.066(1)(ii), F.A.C.

<sup>23</sup> See s. 1004.04(5)(b)1., F.S.

<sup>24</sup> Section 1012.98(4)(b)4., F.S.

<sup>25</sup> Section 1012.98(4)(b)11., F.S.

<sup>26</sup> *Id.*

<sup>27</sup> See s. 1001.215(3), (4), and (8), F.S. Reading intervention includes evidence-based strategies frequently used to remediate reading deficiencies and includes, but is not limited to, individual instruction, multisensory approaches, tutoring, mentoring, or the use of technology that targets specific reading skills and abilities. Section 1001.215(8), F.S.

leaders in improving instruction and student achievement and developing and retaining quality teachers. Professional development provided through the program must be based upon the Florida Principal Leadership Standards and other school leadership standards.<sup>28</sup>

### *Professional Development Certification and Education Competency Programs*

The DOE must develop, and individual school districts are permitted to develop, a competency-based professional development certification and education competency program (PDCP).<sup>29</sup> The PDCPs are designed to enable a teacher currently holding a temporary teaching certificate to satisfy the mastery of professional preparation and education competence requirements necessary to earn a professional certificate.<sup>30</sup> Each PDCP must include, among other requirements, a teacher mentorship and induction component.<sup>31</sup> This component provides the participant with a qualified mentor teacher and includes common planning time, ongoing professional development, opportunities to observe other teachers, co-teaching experiences, and reflection and follow-up discussions.<sup>32</sup> The teacher mentorship and induction component must also provide professional education preparation content knowledge, including scientifically based reading instruction.<sup>33</sup>

### *Florida's Reading Endorsement*

The reading endorsement was initially established in 2002 to recognize teachers who received explicit training in the implementation of evidence-based instruction and have demonstrated the ability to effectively implement those practices to improve students' ability to read.<sup>34</sup> The reading endorsement includes the following, taught over 300 hours of instruction:

- foundations of reading;
- application of research-based reading instructional practices;
- foundations of assessment;
- foundations and application of differentiated instruction; and
- demonstration of accomplishment (practicum).<sup>35</sup>

Current law requires that the DOE conduct a review of existing subject coverage or endorsement requirements in the elementary, reading, and exceptional student educational areas at least once every 5 years.<sup>36</sup> Although the DOE reviewed the reading endorsement competencies in 2018, the 2011 competencies were reaffirmed as an appropriate basis for the reading endorsement.<sup>37</sup>

There are four pathways to earn a reading endorsement:

- Completing 15 semester hours in college-level reading coursework rooted in scientifically based reading research with a focus on both prevention and remediation of reading difficulties.
- Completing the coursework/training through a school district's approved reading endorsement add-on program.<sup>38</sup>
- Obtaining a certificate from an approved internationally known organization with a reputation for setting reading standards.

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<sup>28</sup> Section 1012.986(1)-(2), F.S.

<sup>29</sup> Section 1012.56(8), F.S.

<sup>30</sup> *Id.*

<sup>31</sup> Section 1012.56(8)(a)3., F.S.

<sup>32</sup> Section 1012.56(8)(a)3.b., F.S.

<sup>33</sup> Section 1012.56(8)(a)5.a., F.S.

<sup>34</sup> Cari Miller, Florida Department of Education, Office of Early Learning, *Overview of Literacy Policy and Practice to Support Educators & Improve Student Outcomes*, presentation before the Early Learning & Elementary Education Subcommittee, (Feb. 16, 2021).

<sup>35</sup> Florida Department of Education, *Reading Endorsement Competencies 2011*, available at <http://www.fldoe.org/core/fileparse.php/7539/urlt/Reading-Endorsement-Competencies-2011.pdf>.

<sup>36</sup> Section 1002.586(1)(b), F.S.

<sup>37</sup> Rule 6A-4.0163(2), F.A.C.

<sup>38</sup> Section 1012.575, F.S. Reading endorsement add-on programs are approved by the DOE on a district-by-district basis.

- Passing the K-12 Reading Certification Subject Area Exam administered by the DOE.<sup>39</sup>

As a result of the requirement that the JRFO work with the Lastinger Center to develop training in evidence-based practices, a literacy matrix was created to provide a systematic way for teachers to demonstrate mastery of each reading endorsement competency.<sup>40</sup> The matrix is designed to develop teachers' abilities to effectively teach reading, identify reading difficulties, and provide appropriate interventions.<sup>41</sup> The literacy matrix is composed of six subject areas (phonological awareness, decoding I, decoding II, fluency, vocabulary, and comprehension) and 5 competencies (foundations of reading; instructional practices; assessment of reading; intervention; and demonstration of accomplishment).<sup>42</sup> Currently, the matrix is being used to help provide reading endorsement training as part of the supports provided under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).<sup>43</sup>

Currently, the only individuals required to have a reading endorsement include:

- teachers teaching summer reading camps;
- teachers providing instruction to retained third grade students;
- teachers providing Tier 3 reading interventions (must achieve the reading endorsement by June 30, 2021); and
- literacy coaches.<sup>44</sup>

### *Teacher Certificate Renewal*

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE.<sup>45</sup> The professional educator certificate is Florida's highest tier of full-time educator certification<sup>46</sup> and must be renewed every 5 years.<sup>47</sup> An educator must submit an application,<sup>48</sup> pay a fee,<sup>49</sup> and earn at least six college credits or 120 in-service points, or a combination of both, during each 5-year validity cycle to renew his or her professional certification.<sup>50</sup> At least three college credits or 60 in-service points must be earned in each subject area for which renewal is sought.<sup>51</sup>

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<sup>39</sup> Cari Miller, Florida Department of Education, Office of Early Learning, *Overview of Literacy Policy and Practice to Support Educators & Improve Student Outcomes*, presentation before the Early Learning & Elementary Education Subcommittee, (Feb. 16, 2021).

<sup>40</sup> Paige C. Pullen, Lastinger Center for Learning at the University of Florida, *The Science of Reading in Action: What it means for Caregivers, Early Childhood Educators, & Teachers*, presentation before the Early Learning & Elementary Education Subcommittee, (Feb 16, 2021).

<sup>41</sup> *Id.*

<sup>42</sup> *Id.* Teachers progress through the matrix by mastering all subject areas of a competency before proceeding to the next competency.

<sup>43</sup> Pub. L. No. 116-136, 134 Stat. 281 (Mar. 27, 2020). *See also* email, Florida Department of Education, Division of Public Schools (March 1, 2021).

<sup>44</sup> Rule 6A-6.053, F.A.C. Note: The requirement is generally that the individual must be "certified or endorsed in reading."

<sup>45</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

<sup>46</sup> Rule 6A-4.004(2), F.A.C.

<sup>47</sup> Section 1012.585(2)(a), F.S.

<sup>48</sup> Rule 6A-4.0051(3)(b), F.A.C. The DOE processes certification renewals for individuals who are not employed by district school boards. Section 1012.585(1)(b), F.S. District school boards are responsible for processing certificate renewals for school district employees. Section 1012.585(1)(a), F.S.

<sup>49</sup> Rules 6A-4.0051(3)(b) and 6A-4.0012(1)(a)1., F.A.C. The fee for a certification renewal is \$56.

<sup>50</sup> Section 1012.585(3)(a), F.S. Applicants may combine college credits and inservice points to meet this requirement. One semester hour of college credit is equivalent to 20 inservice points. Rule 6A-4.0051(1)(a)2., F.A.C. College credits must be earned at an accredited or state board-approved institution. In-service points must be earned through participation in state board-approved school district in-service activities. Rule 6A-4.0051(1)(a)1., F.A.C.; *see* rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

<sup>51</sup> Section 1012.585(3)(a), F.S.

For each area of specialization to be retained on a certificate, the teacher must earn at least three of the required credit hours or equivalent in-service points in the specialization area.<sup>52</sup> Training in other topics such as drug abuse, dropout prevention, or child abuse and neglect may also be applied to certain specialization requirements.<sup>53</sup>

In addition to specialization requirements, each teacher must also earn a minimum of one college credit or the equivalent in-service points in the area of instruction for teaching students with disabilities for renewal of a professional certificate.<sup>54</sup>

The law also provides for specific requirements for certificates and endorsements relating to reading instruction.<sup>55</sup> An applicant must earn at least two college credits or 40 in-service points, or a combination thereof, in the use of evidence based reading instruction in order to renew any of the following coverages:

- Elementary Education (K-6);
- Prekindergarten/Primary Education (age 3 through grade 3);
- Elementary Education (grades 1-6);
- Primary Education (grades K-3);
- English (grades 1-6);
- Middle Grades English (grades 5-9);
- Middle Grades Integrated Curriculum (grades 5-9);
- English (6-12);
- Reading (K-12);
- Reading (Endorsement); and
- English for Speakers of Other Languages (ESOL) (grades K-12).<sup>56</sup>

### *Training for Prekindergarten Teachers*

A public school or private prekindergarten provider offering a school-year VPK program must have, for each class, at least one instructor with the following credentials:

- a Child Development Associate (CDA) issued by the National Credentialing Program of the Council for Professional Recognition,<sup>57</sup> plus five clock hours of training in emergent literacy and successful completion of a student performance standards training course,<sup>58</sup> or

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<sup>52</sup> Section 1012.585(3)(a), F.S. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. In-service points may also be earned by participation in professional growth components approved by the SBE in the district's approved master plan for in-service educational training; however, such points may not be used to satisfy specialization requirements.

<sup>53</sup> See s. 1012.585(3)(a), F.S.

<sup>54</sup> Section 1012.585(3)(e), F.S.

<sup>55</sup> Section 1012.585(3)(d), F.S.

<sup>56</sup> Rule 6A-4.0051(7)(a), F.A.C.

<sup>57</sup> The CDA is a credential based on a core set of competency standards overseen by the Council for Professional Recognition. The CDA is designed to recognize instructors able to nurture the emotional, physical, intellectual and social development of children. See Council for Professional Recognition, *About The Child Development Associate (CDA) Credential*, <https://www.cdacouncil.org/about/cda-credential> (last visited April 27, 2021).

<sup>58</sup> Sections 1002.55(3)(c)1.a. and 2., 1002.59, and 1002.63(4), F.S. Emergent literacy includes oral communication, knowledge of print and letters, phonemic and phonological awareness (recognition that words are made up of sounds), and vocabulary and comprehension development. Sections 1002.59 and 1002.67(1)(b), F.S. The emergent literacy training requirement does not apply to individuals who completed required training for staff of child care facilities, family day care homes, and large family child care homes licensed by the Department of Children and Families before the establishment of emergent literacy training courses or April 1, 2005, whichever occurred later. Section 1002.55(3)(c)2., F.S.; see ss. 402.305(2)(d)5., 402.313(6), and 402.3131(5), F.S.

- a credential approved by the Department of Children and Families as being equivalent to or greater than the CDA, plus five clock hours of training in emergent literacy and successful completion of a student performance standards training course.<sup>59</sup>

However, in lieu of the minimum credentials listed above, a prekindergarten instructor for a private prekindergarten provider may hold:

- an educational credential approved by the Office of Early Learning (OEL) as being equivalent to or greater than any of these educational credentials;
- an associate's or higher degree in child development;
- an associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours of teaching or providing child care services for children any age from birth through 8 years of age;
- a bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science; or
- a bachelor's or higher degree in elementary education, if the instructor has been certified to teach children any age from birth through grade 6, regardless of whether the educator certificate is current.<sup>60</sup>

The OEL has additionally developed early learning professional development and career pathways.<sup>61</sup> Professional development and teacher resources are available online, including the VPK Teacher Toolkit, activity plans aligned to the VPK standards, Bright Beginnings resources, and courses developed by the OEL in collaboration with the Lastinger Center, to provide opportunities to earn educator credentials.<sup>62</sup>

## Effect of the Bill

### *Florida's Reading Endorsement*

The bill requires the DOE to conduct a review of the reading endorsement competencies and subject area certification examinations for alignment to evidence-based best practices and recommend any necessary changes to the SBE. Recommended changes must include evidence-based reading instruction and interventions specifically for students with characteristics of dyslexia. Following any update, each school district must resubmit, by July 1, 2023, its reading endorsement add-on program for approval by the SBE consistent with the updated competencies. The bill removes the option for instructional personnel, beginning July 1, 2024, to earn a reading endorsement simply by passing the K-12 reading certification subject area assessment.

Additionally, the bill requires the DOE to develop at least one statewide, competency-based pathway to earn a reading endorsement. A participant must be able to complete the pathway in person or remotely.

Beginning with participants entering the programs in the 2022-2023 school year, participants in teacher preparation programs, educator preparation institutes, and PDCPs must complete all the competencies

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<sup>59</sup> Sections 1002.55(3)(c)1.b. and 2. and 1002.59, F.S. An active Birth Through Five Child Care Credential awarded as a Florida Child Care Professional Credential, Florida Department of Education Child Care Apprenticeship Certificate, or Early Childhood Professional Certificate satisfies the staff credential requirement. Florida Department of Children and Families, *Child Care Facility Handbook* (2017), incorporated by reference in rule 65C-22.001(7), F.A.C.

<sup>60</sup> Section 1002.55(4), F.S. Although these credentialing requirements appear in the section of law regarding private prekindergarten providers offering the school year program, OEL interprets them to also apply to public school instructors of the school year program. Florida Department of Education, *Technical Assistance Paper: #07-01*, at 2 (Jan. 2007), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-4196/07-02att1.pdf>.

<sup>61</sup> Section 1002.995, F.S., and rule 6A-4.735, F.A.C.

<sup>62</sup> See Florida Office of Early Learning, *Professional Development and Training Resources*, <http://www.floridaearlylearning.com/providers/professional-development/professional-development-training-resources> (last visited April 27, 2021). See also Early Learning Florida, *Courses*, <https://www.earlylearningflorida.com/catalog> (last visited April 27, 2021).

for a reading endorsement, including the practicum requirement, prior to graduation or program completion.

### *Voluntary Prekindergarten Education Program Instruction*

The bill requires the JRFO to work with the OEL in the development of the emergent literacy training for prekindergarten instructors and such training must be consistent with evidence-based strategies for reading instruction. The emergent literacy course standards must be included in any review of existing subject coverage or endorsement requirements in the elementary, reading, and exceptional student educational areas performed by the DOE.

The bill revises emergent literacy training to require that instructors at private VPK providers complete three courses in emergent literacy, rather than only one, in order to serve as a lead VPK teacher. Additionally, the teacher must complete at least one qualifying emergent literacy course every 5 years thereafter. The required course must be part of the early learning career pathway identified by the DOE.

### *Instructional Personnel and School Administrator Training*

To enable school administrators to better observe and evaluate implementation of evidence-based reading instruction by teachers, the bill requires that the JRFO provide training on evidence-based reading instruction and intervention strategies to school administrators in addition to reading coaches. The bill also requires that the JRFO expand training provided through its partnership with the Lastinger Center to include all school administrators, not just principals, and to assist with the integration of content-rich curriculum into reading instruction with an emphasis on civic literacy.

Additionally, the bill revises the goals of the William Cecil Golden Professional Development Program to include supporting the professional growth of instructional personnel who provide reading instruction and intervention by training school administrators in observing and evaluating instruction aligned with the science of reading.

The bill requires the DOE to identify professional development opportunities that require a teacher to demonstrate proficiency in a specific classroom practice, with priority for implementing training to complete a reading endorsement.

The required training for a teacher seeking to renew a certificate or endorsement involving reading instruction must now include evidence-based instruction and interventions specifically designed for students with characteristics of dyslexia. The bill limits teacher training on topics not linked to professional growth and student learning so that they count towards in-service requirements only once per 5-year professional educator certificate validity cycle.

Beginning with the 2022-2023 school year, clinical supervision for interns who teach kindergarten through grade 3 or who are in a preparation program that involves reading instruction must be performed by a teacher certified or endorsed in reading.

## **Student Progress Monitoring, Intervention and Parental Support**

### Present Situation

#### *Early Learning and Elementary Supports*

While the SBE is responsible for K-20 public education in the state, OEL is responsible for statewide implementation of the School Readiness and Voluntary Prekindergarten Education (VPK) programs.<sup>63</sup> In 2013, the Legislature established the OEL in the Office of Independent Education and Parental

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<sup>63</sup> See ss. 20.15(3)(i)1. and 1001.213, F.S.

Choice at the DOE. The OEL is accountable to the commissioner but has authority to independently exercise all powers, duties, and functions prescribed by law and adopt rules to implement the School Readiness and VPK programs.<sup>64</sup> It oversees local Early Learning Coalitions (ELCs) regarding child enrollment, attendance reporting, and reimbursement of program providers and monitors compliance with program requirements.<sup>65</sup>

Local oversight of the School Readiness and VPK programs is provided by ELCs and school districts, with ELCs responsible for private providers and districts responsible for programs provided by public schools.<sup>66</sup> There are currently 30 ELCs, based on counties or regions, although the law permits the establishment of up to 31 ELCs.<sup>67</sup>

Every VPK provider is required to implement the Florida VPK Assessment that serves as the mandatory pre- and post- assessment for participating VPK students.<sup>68</sup> It is a progress monitoring instrument designed to measure student progress in early literacy, numeracy, and language.<sup>69</sup> The pre-assessment must be administered within the first 30 calendar days of VPK class schedule and the post-assessment must be administered within the final 30 days of the VPK class schedule.<sup>70</sup>

Each school district, within the first 30 days of the school year, must administer a statewide kindergarten screening to each kindergarten student in the school district.<sup>71</sup> The screening must provide objective data concerning each student's readiness for kindergarten and progress in attaining VPK performance standards.<sup>72</sup> The screener adopted by the DOE is Star Early Literacy developed by Renaissance Learning, Inc.<sup>73</sup>

State board rule provides criteria for determining whether a student has a substantial deficiency in reading, which includes the student:

- scoring the lowest level or benchmark on any assessment identified in the school district's approved CERP;
- scoring the lowest achievement level during a progress monitoring assessment identified in the school district's approved CERP; or
- demonstrating through consecutive formative assessments or teacher observation minimum skill levels in one or more areas of phonological awareness; phonics; vocabulary, including oral language skills; reading fluency; and reading comprehension.<sup>74</sup>

Students in kindergarten through 3<sup>rd</sup> grade who are determined to have a substantial deficiency in reading based on any of these criteria must be given intensive reading interventions immediately following the identification of the deficiency.<sup>75</sup> Students who do not achieve a Level 3 or above on the statewide, standardized English Language Arts (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>76</sup> District school boards must prioritize remedial and

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<sup>64</sup> Section 1001.213(1)-(2), F.S.

<sup>65</sup> Section 1002.75(2), F.S.

<sup>66</sup> Sections 1002.55(1), 1002.61(1)(a)-(b), 1002.63(1), and 1002.82(1), F.S.

<sup>67</sup> Section 1002.83(1), F.S.; Florida Office of Early Learning, *Early Learning Coalition Directory* (July 11, 2018), available at <http://www.floridaearlylearning.com/Content/Uploads/floridaearlylearning.com/files/ED%20ELAC/6.%20Coalition%20Directory.pdf>

<sup>68</sup> Section 1002.67, F.S. and rule 6A-1.09433, F.A.C.

<sup>69</sup> Section 1002.67(3)(b), F.S.

<sup>70</sup> Rule 6M-8.620, F.A.C.

<sup>71</sup> Section 1002.69, F.S.

<sup>72</sup> *Id.*; s. 1002.67(1), F.S.

<sup>73</sup> Florida Department of Education, *Florida Kindergarten Readiness Screener*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/flkrs> (last visited April 27, 2021).

<sup>74</sup> Rule 6A-6.053(12), F.A.C.

<sup>75</sup> Section 1008.25(5)(a), F.S. Students in kindergarten through grade 2 do not participate in statewide, standardized assessments.

<sup>76</sup> Section 1008.25(4)(a), F.S.

supplemental instruction resources first to students in kindergarten through 3<sup>rd</sup> grade who have a substantial reading deficiency and then to students who fail to meet performance levels required for promotion under the district's student progression plan.<sup>77</sup>

School districts have a variety of intervention and progress monitoring options available to help students improve their academic performance, including use of MTSS.<sup>78</sup> Retention is mandatory for 3<sup>rd</sup> grade students who score at Level 1 on the statewide, standardized ELA assessment.<sup>79</sup> Any student retained in 3<sup>rd</sup> grade because of his or her statewide, standardized ELA assessment score must receive intensive interventions and be taught by a "highly-effective" teacher with a reading endorsement or certification.<sup>80</sup> This intervention process must include parent involvement, student observation, review of data, vision and hearing screening to rule out sensory deficits, and evidence-based interventions implemented in the general education environment.<sup>81</sup> However, a student may be exempted from mandatory retention for good caused based on the falling in one of the following categories:<sup>82</sup>

- Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.
- Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate.
- Students who demonstrate an acceptable level of performance on an alternative standardized reading or ELA assessment.
- A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized ELA assessment.
- Students with disabilities who take the statewide, standardized ELA assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or ELA for more than 2 years but still demonstrates a deficiency and was previously retained in kindergarten through grade 3.
- Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years.

A parent of student in grade 3 who is at risk of retention may request that the school immediately begin collecting evidence for a portfolio.<sup>83</sup>

### *Progress Monitoring Initiatives*

In September 2020, the DOE announced that it would make available a new progress monitoring tool from the contractor for the state assessment program.<sup>84</sup> Use of this progress monitoring tool by a school district was optional.<sup>85</sup> The progress monitoring tool was available from October 1, 2020, through February 2021, and was aligned to the state standards for the following content areas:

- grades 3 through 10 ELA reading; and
- grades 3 through 8 mathematics.<sup>86</sup>

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<sup>77</sup> Section 1008.25(3), F.S.

<sup>78</sup> See Rules 6A-6.0331(1) and 6A-1.099811(2)(r), F.A.C.

<sup>79</sup> Section 1008.25(5)(b), F.S. A student may be promoted if he or she meets a "good cause" exception as provided in s. 1008.25(6)(b), F.S.

<sup>80</sup> See ss. 1008.25(5)(b) and (7) and 1012.34(2)(e), F.S.

<sup>81</sup> Rule 6A-6.0331(1), F.A.C.

<sup>82</sup> Section 1008.25(6)(b)1.-6., F.S.

<sup>83</sup> Section 1008.25(5)(c)7., F.S.

<sup>84</sup> Florida Department of Education, *Free Optional Progress Monitoring Tool Available to Public Schools* (Sept. 2, 2020), available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/CambiumProgressMonitoring2020-21.pdf>.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

In November 2020, the DOE announced that it would be launching a VPK progress monitoring pilot program by permitting VPK providers to access the Star Early Literacy Assessment.<sup>87</sup> The program began in January 2021 and will run through the 2021-2022 school year.<sup>88</sup> The assessment is intended to provide VPK providers with a more comprehensive overview of students' learning and growth during their participation in the VPK program.<sup>89</sup> While this opportunity will be made available for up to 1,900 VPK providers, participation by the providers is voluntary.<sup>90</sup>

### *Statewide Literacy Supports*

As part of its plan for federal funding provided under the CARES Act,<sup>91</sup> the DOE announced its intention to launch a statewide system of regional reading supports.<sup>92</sup> The program calls for the establishment of 20 regions in the state each with a designated regional reading consultant that will lead a regional literacy support team.<sup>93</sup> As of May 2021, 20 regional literacy directors are providing tiered supports in 15 regions across the state.<sup>94</sup> Current supports being provided by regional literacy directors include:<sup>95</sup>

- Supporting districts with effective implementation of K-12 Plans.
- Providing professional learning in K-2 ELA BEST Standards grounded in the science of reading.
- Providing evidence-based practices and programs and Florida Early Learning Standards “Bridge” to K-2 ELA BEST Standards.
- Providing professional learning and support for school level literacy leadership teams.
- Supporting improved literacy coach practices.

### Effect of the Bill

#### *Statewide Progress Monitoring Program*

In order to provide VPK providers, school districts, and the DOE with consistent high quality data for evaluating student progress and to inform instruction, the bill establishes the Voluntary Prekindergarten Education Program through grade 8 Progress Monitoring System. The progress monitoring system must be a statewide, standardized coordinated screening and progress monitoring system that:

- measures student progress in early literacy and mathematics standards;
- measures student performance in oral language, development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary and comprehension as applicable by grade level;
- provides a valid, reliable and developmentally appropriate computer-adaptive direct instrument that provide screening and diagnostic capabilities for monitoring student progress; identifies students with a substantial deficiency in reading, including students with characteristics of dyslexia; and informs instruction;
- provides data sufficient to calculate learning gains and kindergarten readiness for VPK Education Program participants;
- provides data and resources to enhance differentiated instruction; and
- provides data to the DOE to aid in the development of education programs, policies, and support for providers districts and schools.

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<sup>87</sup> Florida Department of Education, *Progress Monitoring: Building Effective, Data-Informed Strategies to Close Achievement Gaps* (Nov. 18, 2020), available at <https://www.fldoe.org/core/fileparse.php/19925/urlt/2-3.pdf>.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> Pub. L. No. 116-136, 134 Stat. 281 (Mar. 27, 2020).

<sup>92</sup> Florida Department of Education, *Reopening Florida's Schools and the CARES Act*, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/FLDOEReopeningCARESAct.pdf>.

<sup>93</sup> *Id.*

<sup>94</sup> Email, Florida Department of Education, Division of Public School (May 11, 2021).

<sup>95</sup> *Id.*

The progress monitoring system must be in place beginning with the 2022-2023 school year with progress monitoring occurring at least 3 times a year. The first progress monitoring screening must occur within 30 days after the beginning of the school year. Progress monitoring system results, including the number of students who demonstrate characteristics of dyslexia, must be reported to the DOE and maintained in the DOE Educational Data Warehouse. Results must be timely provided to a student's teachers and parents. Parents must receive annual notice of their child's educational progress based on the progress monitoring screenings.

The bill restricts the use of private VPK provider readiness rates calculated for the 2020-2021 program year to informational purposes only and prohibits the use of results of the kindergarten screener to calculate readiness rates for the 2021-2022 program year. The bill ends the use of the current VPK pre- and post- assessments and the statewide kindergarten readiness screening once the progress monitoring system is implemented, beginning with the 2022-2023 program year. All learning gains and kindergarten readiness rates will be calculated using data from the progress monitoring system. All private VPK providers must participate in the progress monitoring system beginning with the 2022-2023 program year. The progress monitoring results used to calculate learning gains and readiness rates must be from assessments conducted during the program year for which the learning gains and readiness rates are calculated. This means that data from the initial kindergarten administration of the progress monitoring system each year may not be used in calculating a VPK provider's readiness rate.<sup>96</sup>

A VPK student who is at risk of being identified as having a substantial deficiency in early literacy skills, based on the progress monitoring system, must be referred to the school district following completion of the VPK program and prior to the beginning of the next school year. Such a student may be eligible for intensive reading interventions from the school district, which may be funded from the evidence-based reading instruction allocation.

### *Statewide Literacy Supports*

The bill expands upon the statewide literacy supports implemented by the DOE by creating the Reading Achievement Initiative for Scholastic Excellence Program (RAISE Program) to provide instructional supports to school districts and their staff. Under the RAISE Program, the DOE must establish 20 literacy support regions, each with a reading literacy support team, to assist school districts in improving reading scores. Regional literacy directors and their team members must meet specified requirements, including demonstrating competence on certain evidence-based reading instruction and intervention strategies, and any additional requirements identified by the DOE.

The bill authorizes the DOE to establish criteria to identify schools that need supports from the regional literacy support teams; however, a school serving students in kindergarten through grade 5 must be identified as needing supports if less than 50 percent of the school's students score below a level 3 on the statewide, standardized ELA assessment for any grade level, or if progress monitoring data reflects that less than 50 percent of kindergarten through 3<sup>rd</sup> grade students are on track to pass the statewide, standardized grade 3 ELA assessment. The DOE must provide progress monitoring data to the regional literacy support teams to assist with identifying schools.

The bill requires that any school identified as requiring supports under the RAISE Program must develop a school improvement plan or, if the school is already implementing such a plan, amend it to explicitly address strategies for improving its students' reading performance. However, the school is not required, based only on receipt of such supports, to implement a turnaround option or take other

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<sup>96</sup> The provisions of the bill establishing procedures for the calculation of readiness rates for 2020-2021 through 2022-2023 program years are in a section of law repealed by CS/CS/HB 419, which passed during the 2021 Legislative Session, and included similar procedures for calculation of readiness rates.

corrective action under the state's school improvement program. A regional literacy support team may be used to assist a school progressing through the school improvement program.

The regional literacy support teams must provide the following supports to identified schools:

- Professional development aligned with evidence based strategies for reading instruction.
- Assistance with implementing data-informed instructional decision making, selection and consistent coordinated use of high-quality instructional materials, reading instruction in other core subject areas with an emphasis on civic literacy, and use of MTSS.
- Evaluating the required school improvement plan and school district's allocation of resources for supplemental and remedial instruction, including prioritizing supports for students in kindergarten through grade 3 who have a substantial deficiency in reading. If the regional literacy support team identifies deficiencies with the school improvement plan, the regional literacy director, in coordination with the school district and school administration, must amend the plan to correct the deficiencies.

Once the school's data reflects that the school exceeds the criteria established in law or by the DOE, a school receiving supports through the RAISE Program may discontinue receiving supports and implementing a school improvement plan at the conclusion of the school year. However, such supports may continue based on the availability of funding.

Within the RAISE Program, the bill creates a tutoring program whereby high school juniors and seniors, meeting certain criteria, may serve as tutors for students with a substantial reading deficiency in kindergarten through grade 3 identified as having a substantial deficiency in reading. Participating high school students must be provided training and supports to effectively tutor students. The hours that the high school student spends tutoring under this section may be counted as community-service hours to meet the requirements for graduation and the Bright Futures Scholarship. The DOE must designate a high school student who provides at least 75 hours of tutoring under this program as a New Worlds Scholar and provide him or her a commemorative pin. A parent of a kindergarten through grade 3 student identified as having a substantial deficiency in reading must consent to the tutoring and all such tutoring must be provided under the supervision, and in the presence of, a certificated educator.

#### *Immediate Initiation of Interventions for Students with Dyslexia*

The bill requires that school districts immediately provide appropriate, evidence-based interventions when a parent submits documentation from a professional licensed under chapter 490<sup>97</sup> that the student has been diagnosed with dyslexia. The interventions provided to the student must be based on the areas of difficulty identified by the diagnosing professional.

#### *Parental Supports*

In conjunction with the required written notice to parents when a student is identified as having a substantial deficiency in reading, the bill requires that the school immediately begin collecting evidence for a portfolio when a student in grade 3 is identified as being at risk of retention or upon request of the parent, whichever occurs sooner.

In addition to the written notification, the bill requires that parents of a student that has a substantial deficiency in reading receive updates, at least monthly, informing them of any additional interventions or supports to be provided to the student if the initial supports do not lead to improvement.

The bill requires that the read-at-home plan, which must be distributed to parents of any student that has been identified as having a substantial deficiency in reading, include the following information compiled by the DOE:

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<sup>97</sup> Chapter 490, F.S., is the Psychological Services Act and provides for the licensure of professionals providing psychological services by the Board of Psychology.

- Developmentally appropriate evidence based strategies and program which a parent can use to help improve his or her child's literacy.
- An overview of the types of assessments used to identify reading deficiencies and the requirements for interventions and supports that must be provided to students who do not make adequate academic progress.
- An overview of the process for initiating and conducting evaluations for exceptional education eligibility, including how information regarding a medical condition may be used in that process.
- Characteristics of conditions associated with learning difficulties such as dyslexia, dysgraphia, dyscalculia, and developmental aphasia.
- A list of resources for parents of students who have difficulty with learning.

These materials must be provided to parents in hardcopy format upon written request.

### *Kindergarten Transition*

To assist parents with the transition from prekindergarten to kindergarten, the bill requires that each ELC adopt a best-practices plan for transitioning students into kindergarten. The required plan must provide for the following:

- opportunities for prekindergarten students and their parent to visit schools where they may register;
- written information for parents on school registration and the academic and social expectations for kindergarten;
- meetings, at least annually, with school districts and charter schools in the ELC's service area to identify and address areas or improvement in transitioning students into kindergarten; and
- transferring student data to ensure continuity in progress monitoring.

The OEL must provide guidance for successful kindergarten transitions to the ELCs and make the guidance available to the school districts and parents.

## **Teacher Preparation Program Admission**

### Present Situation

State-approved teacher preparation programs are offered by Florida public and private postsecondary institutions, public school districts, and private providers and enable candidates for educator certification, depending on the type of program, to demonstrate mastery of general knowledge, professional preparation and education competence, and subject area knowledge in order to attain the certificate.<sup>98</sup>

As part of the initial approval requirements<sup>99</sup> for a teacher preparation program, the program must require its students to meet, at a minimum, the following prerequisites for admission into the program:<sup>100</sup>

- Have at least a 2.5 GPA for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum of a 2.5 GPA from any college or university.<sup>101</sup>

<sup>98</sup> See Florida Department of Education, *Professional Development in Florida*, <http://www.fldoe.org/teaching/professional-dev/> (last visited April 27, 2021). See also rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

<sup>99</sup> Section 1004.04(3)(a)-(c), F.S.

<sup>100</sup> Section 1004.04(3)(b)1.-2., F.S.

<sup>101</sup> See rule 6A-4.003(1), F.A.C. The college or university must be accredited by a regional accrediting association as defined by the State Board of Education (SBE) rule or any college or university otherwise approved by the SBE.

- Demonstrate mastery of general knowledge, including the ability to read, write, and perform in mathematics, by passing the General Knowledge Test of the Florida Teacher Certification Examination<sup>102</sup> or, for a graduate level program, obtain a baccalaureate degree from an institution.<sup>103</sup>

Teacher preparation programs may waive these admissions requirements for up to 10 percent of admitted students. Programs must implement strategies to ensure these students receive assistance to meet the professional certificate requirements and must annually report their status to the DOE.

### Effect of the Bill

The bill authorizes students in public postsecondary teacher preparation programs to meet GPA and General Knowledge Test requirements prior to completion of the program instead of as a condition of admission. Accordingly, the bill removes the authority for teacher preparation programs to waive admission requirements.

## **Research-based Reading Instruction Allocation and Instructional Materials**

### Present Situation

#### *The Research-based Reading Instruction Allocation*

The research-based reading instruction allocation provides \$130 million for a K-12 comprehensive, district-wide system of research-based reading instruction for the 2020-21 fiscal year.<sup>104</sup> The amount of \$115,000 is allocated to each district and the remaining balance is allocated based on each district's proportion of the total K-12 base funding.<sup>105</sup> This funding may be used to provide the following:<sup>106</sup>

- an additional hour of intensive reading instruction beyond the normal school day for students in the 300 lowest-performing elementary schools;
- reading intervention teachers and reading coaches;
- professional development for teachers to earn a certification or an endorsement in reading;
- summer reading camps;
- supplemental instructional materials identified by the JRFO; and
- intensive interventions for students identified as having a reading deficiency or who are reading below grade level.

School districts must submit a CERP for the specific use of the allocation, and beginning with the 2020-2021 school year, intensive reading interventions must be delivered by a teacher who is certified or endorsed in reading.<sup>107</sup>

#### *Instructional Material Review Process*

Prior to the purchase of any instructional material, whether from the state-adopted list or through a district-established instructional materials review process, 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

<sup>102</sup> See s. 1012.56(3)(a), F.S. and rule 6A-4.0021, F.A.C.

<sup>103</sup> See rule 6A-4.003(1), F.A.C. The institution must be accredited or approved by the SBE.

<sup>104</sup> Specific Appropriations 8 and 92, s. 2, ch. 2020-111, L.O.F.

<sup>105</sup> See s. 1001.62(9)(b), F.S.; Specific Appropriations 8 and 92, s. 2, ch. 2020-111, L.O.F.

<sup>106</sup> Section 1011.62(9)(c)1.-7., F.S.

<sup>107</sup> Section 1011.62(9)(c)7.(d)1., F.S. The deadline for this requirement was extended to June 30, 2021, by emergency order DOE Order No. 2020-EO-07.

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.<sup>108</sup>

The school board hearing must allow the parent of a public school student or a resident of the county to proffer evidence that an instructional material recommended for purchase: does not align to the state standards as adopted by the SBE; does not meet state adoption criteria; is not suitable to student needs; or is not appropriate for students in the course or age group for which the instructional material would be used. This evidence must be evaluated by the school board while considering course expectations based on the district's student progression plan and course descriptions in the course code directory.<sup>109</sup>

### Effect of the Bill

To conform the reading instruction allocation to the other evidence-based initiatives, the bill amends the "research-based reading instruction allocation" to be the "evidence-based reading instruction allocation," and aligns the definition of evidence-based to mean demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes, consistent with the Every Student Succeeds Act.<sup>110</sup>

The bill makes the following changes to the allocation:

- Funds may be used for supports to assist in the transition from the VPK Program to kindergarten for students at risk of being identified as having a substantial deficiency in early literacy skills through the PK-8 Progress Monitoring System.
- The extra hour of reading instruction for the 300 lowest performing elementary schools must include coordinated integration of civic literacy curriculum.
- A school district's CERP will no longer be deemed approved if it is not approved by June 1 or if 100 percent of the funds are spent.
- The DOE must withhold reading allocation funds if the funds are not being used to implement the approved plan.
- School district CERPs must provide for the evaluation of student performance data to determine the effectiveness of interventions.

The bill requires that the JRFO review English language arts instructional materials, during each adoption cycle, and identify those materials that are closely aligned with the evidence-based strategies for reading instruction and that include appropriate professional development for implementation.

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<sup>108</sup> Sections 1006.40(4)(b) and 1006.283(2)(b)8., 9., and 11., F.S.

<sup>109</sup> Sections 1006.283(2)(b)8.d., and 1006.31(2) F.S.

<sup>110</sup> The language "demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes" is drawn from part of the definition of "evidence based" under the federal Every Student Succeeds Act (ESSA). Pub. L. No. 114-95, 129 Stat. 1802 (Dec. 10, 2015); 20 U.S.C. s. 6301 *et seq.* Under ESSA, this language includes any state, local or school activity, strategy, or intervention that has strong evidence from at least one well-designed and well-implemented study, moderate evidence from at least one well-designed and well-implemented quasi-experimental study, or promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias. *See* 20 U.S.C. s. 7801(21)(A)(i).

Instructional materials identified by the JRFO may be purchased by a school district without going through the mandatory local adoption process.

In addition, school districts must provide training to all school librarians and media specialists on the prohibition of distributing harmful materials to minors and best practices for providing student access to age-appropriate materials.

## **Notification to Parents of School Choice Programs**

### Present Situation

Florida is a national leader in providing educational options for families. In addition to a myriad of public options, Florida offers four scholarship programs that allow parents of eligible students to register and attend private schools that may better serve a student's particular needs. Research shows students participating in another scholarship program were 15.0 percent more likely to enroll in a public college than their peers.<sup>111</sup>

The John M. McKay Scholarship for Students with Disabilities Program was established in 1999 to provide the option to attend a public school other than the one to which the student was assigned or to provide a scholarship to a private school of choice for students with an Individual Education Plan or a 504 Accommodation plan. The Gardiner Scholarship Program provides eligible students a scholarship that can be used to purchase approved services or products in order to design a customized educational program for the student.<sup>112</sup> Scholarships can be used for specialized services such as speech or occupational therapy, instructional materials, tuition at an eligible private school, contributions to a college prepaid account and more.<sup>113</sup> The program is directly administered by state-approved nonprofit scholarship funding organizations.<sup>114</sup>

In addition to the scholarships based on students with disabilities, the Family Empowerment Scholarship Program was established in 2019 to provide children of Florida families that have limited financial resources with educational options to achieve success in their education.<sup>115</sup> The Florida Tax Credit Scholarship Program was created in 2001<sup>116</sup> and allows taxpayers to make private, voluntary contributions to scholarship-funding organizations that can then be awarded as scholarships to eligible low-income students for private school tuition and fees. In 2018, the Legislature created the Hope Scholarship Program to provide the parent of a public school student subjected to a specified incident<sup>117</sup> at school the opportunity to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school.<sup>118</sup>

### Effect of the Bill

The bill requires that the school district inform parents, within 10 days of the issuance of an Individual Education Plan or a 504 accommodation plan, of all of the school choice scholarship options available under ch. 1002, F.S., which includes the above-referenced programs.

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<sup>111</sup> Urban Institute, *The Effects of Statewide Private School Choice on College Enrollment and Graduation – Evidence from the Florida Tax Credit Scholarship Program*, September 2017, available at [https://www.urban.org/sites/default/files/publication/93471/the\\_effects\\_of\\_statewide\\_private\\_school\\_choice\\_on\\_college\\_enrollment\\_and\\_graduation\\_1.pdf](https://www.urban.org/sites/default/files/publication/93471/the_effects_of_statewide_private_school_choice_on_college_enrollment_and_graduation_1.pdf).

<sup>112</sup> Section 1002.385(1) and (3), F.S.

<sup>113</sup> Section 1002.385(5), F.S.

<sup>114</sup> Section 1002.385(12), F.S.

<sup>115</sup> Section 1002.394(1), F.S.

<sup>116</sup> Section 1002.395, F.S.

<sup>117</sup> A specified incident includes: battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school. Section 1002.40(3), F.S.

<sup>118</sup> Section 1002.40(1), F.S.

## 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:

See Fiscal Comments.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

The General Appropriations Act for FY 2021-2022 appropriated \$14,500,000 for the implementation of this bill, with \$8,000,000 appropriated to implement the PK-8 Progress Monitoring System and \$6,500,000 appropriated to implement the RAISE Program. School districts may incur costs associated with implementing this legislation; however, the impact is indeterminate.