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# **Education Appropriations Subcommittee**

## **Meeting Packet**

**December 1, 2015  
3:30 p.m. – 6:30 p.m.  
Morris Hall**



# **The Florida House of Representatives**

## **APPROPRIATION COMMITTEE**

Education Appropriations Subcommittee

**Steve Crisafulli**  
Speaker

**Erik Fresen**  
Chair

### **MEETING AGENDA**

Morris Hall

December 1, 2015

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** Governor's Recommended Budget for Fiscal Years 2016-2017
- IV.** Consideration of the following bill(s):
  - HB 31 - High School Athletics by Rep. Spano
  - HB 117 - Education Funding by Rep. Beshears
  - HB 149 - Maximum Class Size by Rep. Moraitis
  - HB 585 - Instruction for Homebound and Hospitalized Students by Rep. Burgess
  - HB 7017 - Career and Adult Education by Higher Education & Workforce Subcommittee and Rep. Raburn
  - HB 7019 - Postsecondary Access and Affordability by Higher Education & Workforce Subcommittee and Rep. Porter
  - HB 7021 - Reading Instruction by K-12 Subcommittee and Rep. Adkins
- V.** Base Budget Review for Fiscal Year 2016-2017
- VI.** Closing Remarks
- VII.** Meeting Adjourned

Governor's  
Recommended Budget  
for Fiscal Year 2016-2017

# FLORIDA FIRST

GOVERNOR RICK SCOTT'S FLORIDA FIRST BUDGET 2016-2017



## Education Budget Recommendations

FLORIDA 1ST FOR JOBS

# The Governor's Office of Policy and Budget Education Unit

- Overview and the State University System
  - Ashley Spicola, Governor Scott's Education Coordinator
- Public Education
  - Pam Stewart, Commissioner of Education
- The Office of Early Learning
  - Rodney MacKinnon, Executive Director

Governor Scott's priorities to help diversify the economy to make Florida First in job creation:

## **Tax Cuts for Florida Families and Businesses**

Over \$1 billion in Tax Cuts

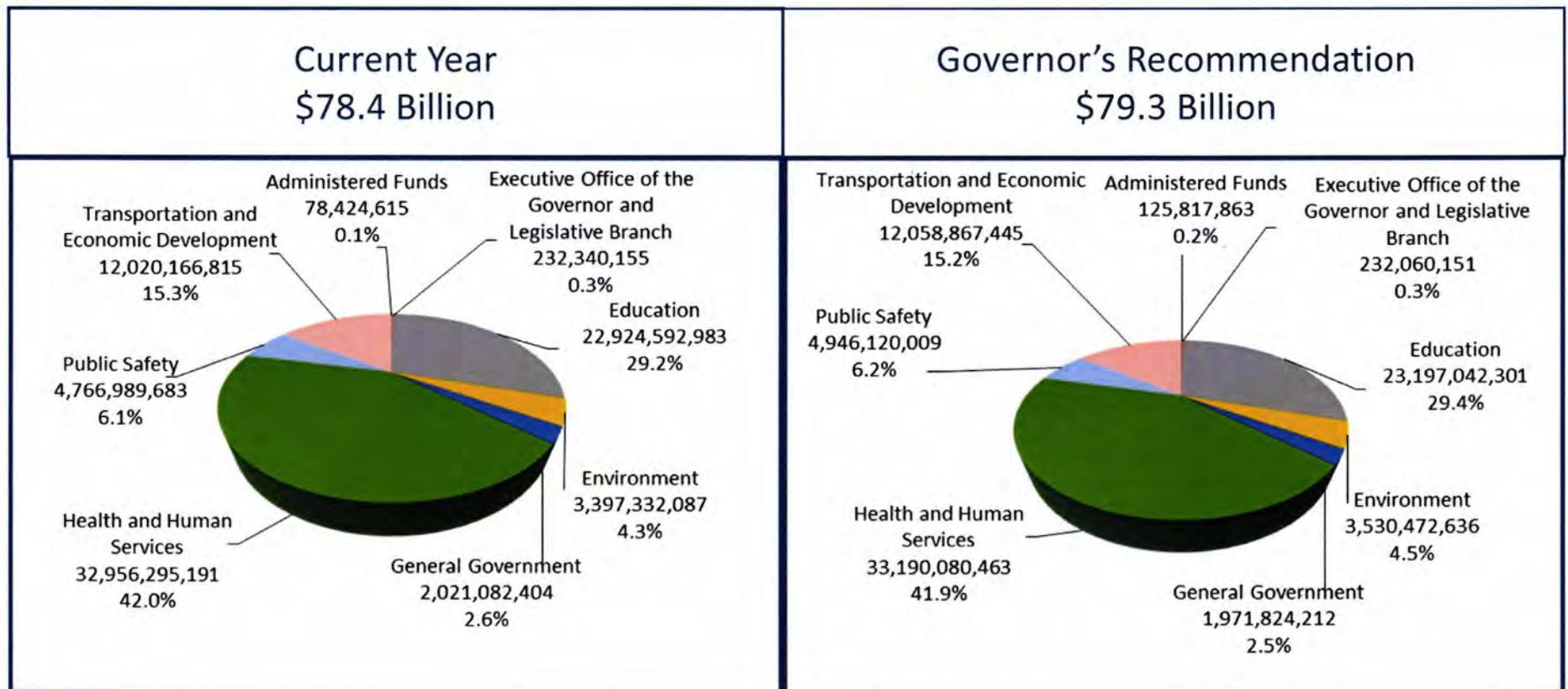
## **Making Florida more Competitive**

Help small businesses succeed

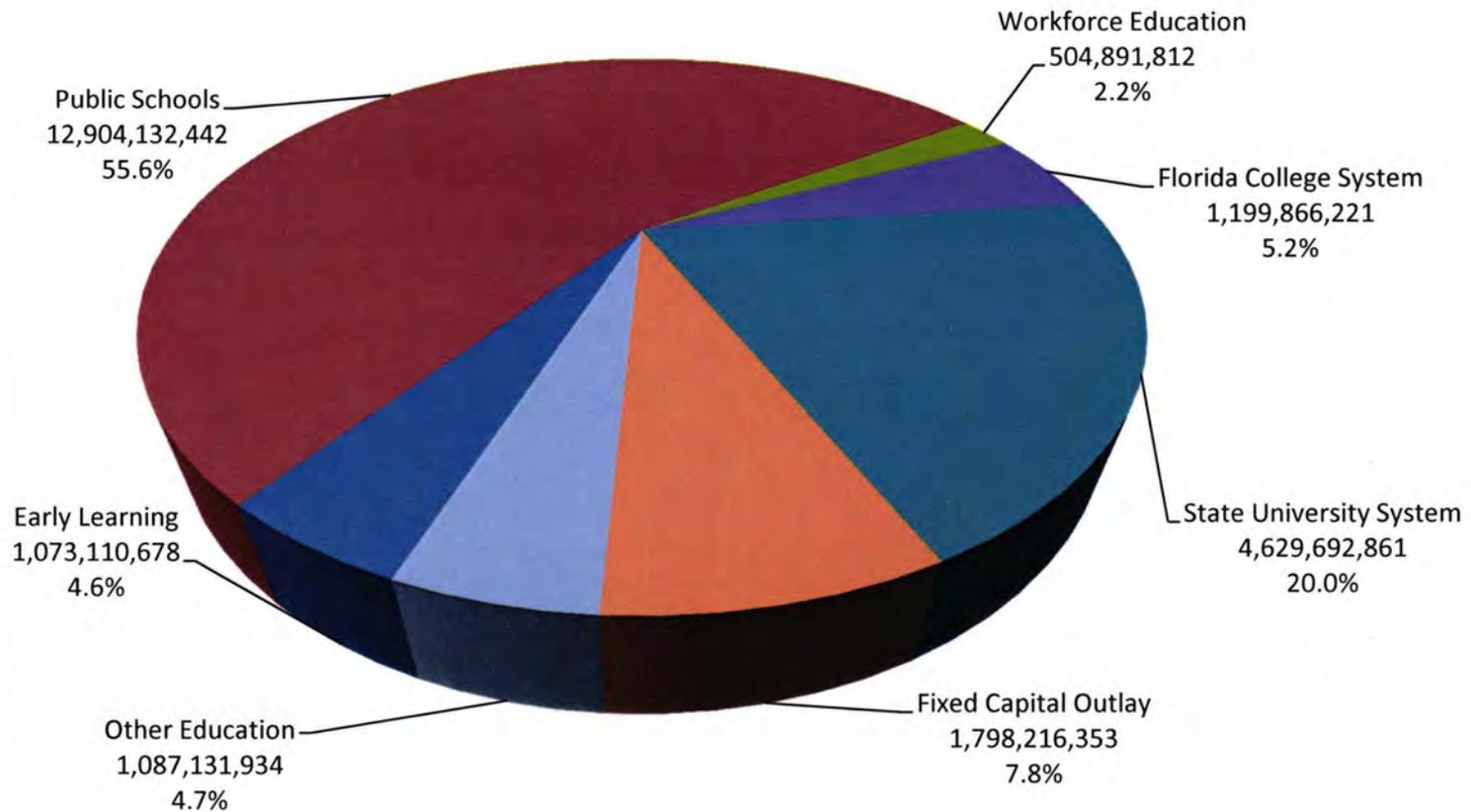
## **Investing Historic Funding in K-12 Education, State Colleges, and Universities**

Florida will have the most highly skilled  
workforce in the world

## Governor's Budget Recommendations By Policy Area



## Total Governor's Recommended 2016-2017 Budget by Major Funding Area - \$23 Billion



## Making Florida First in Education

| Historic Level of Funding                              | Funding Amount  |
|--|-----------------|
| K-12 Public Schools – Total Funding                    | \$20.21 billion |
| K-12 Public Schools – State Funding                    | \$11.01 billion |
| K-12 Public Schools – Per-Student Funding              | \$7,221         |
| Florida College System – Total Operating Funding       | \$2.03 billion  |
| Florida College System – State Operating Funding       | \$1.20 billion  |
| State University System – Total Core Operating Funding | \$3.97 billion  |
| State University System – State Core Operating Funding | \$2.18 billion  |

## Making Florida First in Education

| Major Issue Funded                          | Funding Amount |
|---|----------------|
| Performance Funding for Colleges            | \$70 million   |
| Performance Funding for Universities        | \$500 million  |
| Performance Funding for Workforce Programs  | \$6 million    |
| Technical Center Rapid Response Grant       | \$20 million   |
| STEM \$10,000 Degrees                       | \$5 million    |
| STEM Professional Development for Educators | \$1 million    |

The Governor's budget recommends a zero percent tuition increase for State Universities, State Colleges, and School District Workforce Programs.

**FLORIDA FIRST**

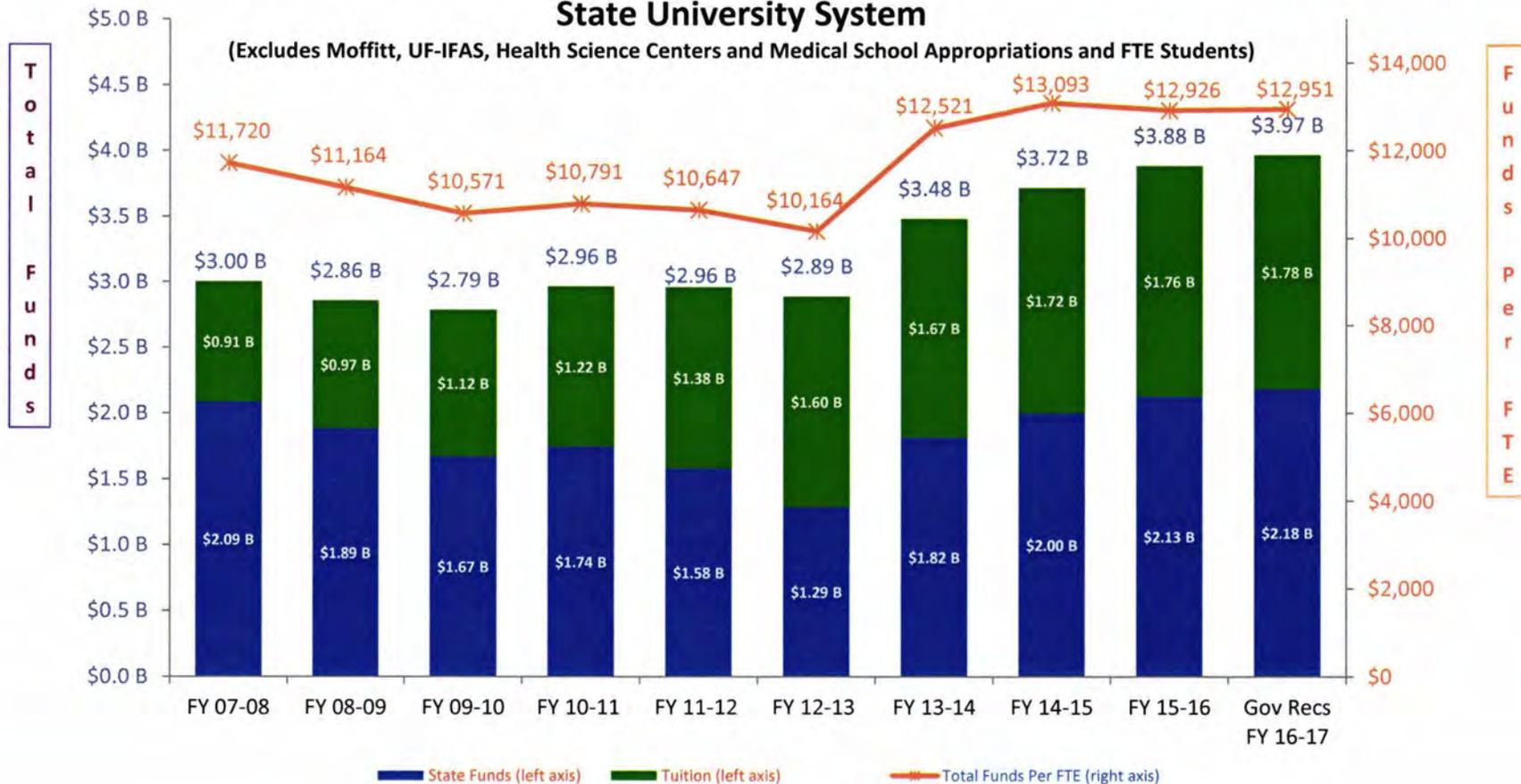
GOVERNOR RICK SCOTT'S FLORIDA FIRST BUDGET 2016-2017

# STATE UNIVERSITY SYSTEM

## Making Florida First in Education

### Historic Total & State Operating Funding for the State University System

(Excludes Moffitt, UF-IFAS, Health Science Centers and Medical School Appropriations and FTE Students)



## State University System Highlights

\$84.2 Million Increase Over Current Year Operating Funding Includes:

- **Performance Funding** – Provides \$500 million total (\$50 million in new state funds)
- **Johnson Matching Gift Program** – Provides \$1.2 million in funding for scholarships for students with disabilities
- **Lastinger Center** – \$4 million in funding for Algebra Nation and Math Nation

# K-12 PUBLIC SCHOOLS

## Making Florida First in Education

### Historic Total, State, & Per Student K-12 Public School Funding



## K-12 Public Schools / FEFP Highlights

- **Maintains required local millage tax rate at 4.984**
- **Historic Per FTE funding - \$7,221**
- **\$507.3 Million Increase Over Current Year**
  - **Digital Learning** - \$20 million in funding to support school districts, \$500,000 minimum per school district
  - **Lowest Performing Schools** - \$86.8 million in funding for the 300 lowest performing elementary schools, which allows districts to provide students an additional hour of intensive reading instruction
  - **Safe Schools** - \$10 million in funding for school safety initiatives, \$250,000 minimum per school district
  - **Workload** - \$145.3 million in funding to cover 25,877 new students
  - **Class Size** - \$16.7 million in funding to cover enrollment growth
  - **Sparsity** - \$3 million in funding for the Sparsity Supplement which provides funding to assist rural districts with sparse student populations
  - **Florida Retirement System** - \$30 million in funding to cover the increased costs and unfunded liability for the school district employees that are members of the FRS
  - **Other Initiatives** - \$195.5 million in funding for other education initiatives such as transportation and instructional materials

## K-12 Public Schools Non-FEFP

- **New Initiatives Funded**
  - **STEM Business Partnership Residency Program** – \$1 million
- **Increased Funding**
  - **Educator Recognition Programs** – \$1.1 million new funds for a total of \$1.2 million
  - **School District Matching Grants** – \$1.5 million new funds and restoration of \$500,000 for a total of \$6 million

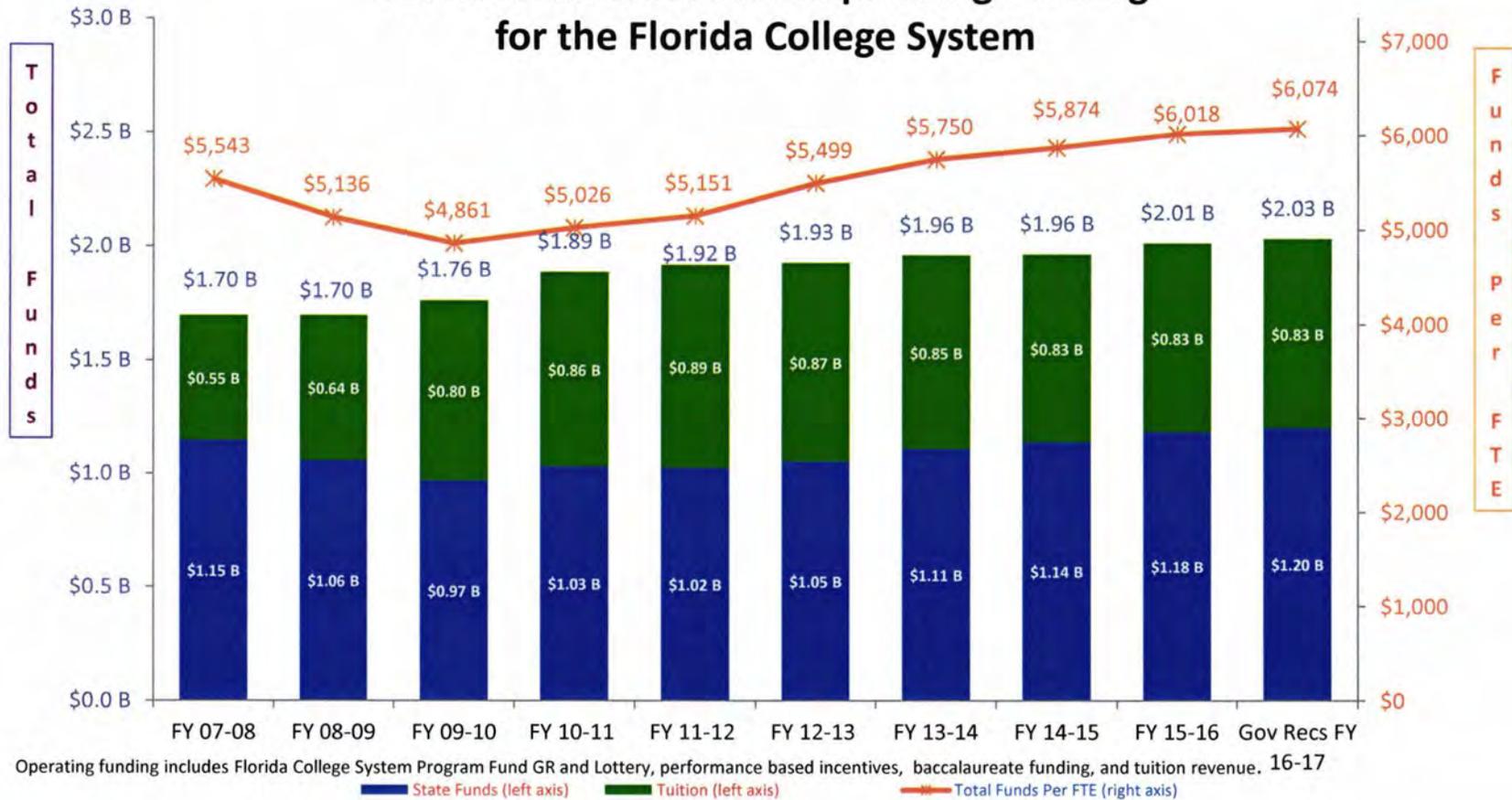
**FLORIDA FIRST**

GOVERNOR RICK SCOTT'S FLORIDA FIRST BUDGET 2016-2017

# FLORIDA HIGHER EDUCATION

## Making Florida First in Education

### Historic Total and State Operating Funding for the Florida College System



## Florida College System Highlights

\$18.9 Million Increase Over Current Year Operating Includes:

- **Performance Funding** – Provides \$60 million total
- **STEM \$10,000 Bachelor's Degrees** – Provides \$5 million to develop or enhance STEM \$10,000 Bachelor's degrees
- **Performance Incentives** – Provides \$5 million new funds for students earning high-demand industry certifications

## Workforce Education Highlights

- **Technical Center Rapid Response Grant** – Provides \$20 million in new funds to assist Florida's technical centers with providing programs in areas that are directly linked to workforce demands.
- **Performance Incentives** – Provides \$1.5 million in new funds for students earning industry certifications in high-demand areas.

## Student Financial Aid Highlights

- **Bright Futures Scholarships** – Fully funds at \$222.8 million based on latest estimating conference
- **Summer Bright Futures** – Provides \$16.9 million to provide Bright Futures funding for credit hours taken during the summer term

# VOCATIONAL REHABILITATION

## Vocational Rehabilitation Highlights

- **Adults with Disabilities** – Provides \$10 million to reinstate funding for the Adults with Disabilities Program.

# EARLY LEARNING

## Early Learning Program Highlights

\$51.7 Million Increase Over Current Year Budget

- **School Readiness Services** – \$20.3 million to reduce the School Readiness Program wait list to serve approximately 3,500 additional children.
- **Voluntary Prekindergarten** – Increase per student funding by \$50 for the school-year program and \$43 for summer program.
- **Early Learning Performance Funding** – \$5 million increase for performance-based funding to improve outcomes for children in the School Readiness Program.

# FLORIDA FIRST

GOVERNOR RICK SCOTT'S FLORIDA FIRST BUDGET 2016-2017



## Education Budget Recommendations



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 31 High School Athletics  
**SPONSOR(S):** Spano  
**TIED BILLS:**           **IDEN./SIM. BILLS:**

| REFERENCE                                | ACTION | ANALYST | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|--|--------|---------|--|
| 1) Education Appropriations Subcommittee |        | Dobson  | Heflin                                   |
| 2) Education Committee                   |        |         |  |

**SUMMARY ANALYSIS**

The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization for interscholastic athletics in Florida public schools in grades 6 through 12. FHSAA receives revenue from a variety of sources, including membership dues, administrative fees, fines, corporate sponsorships, royalties, sanctioning fees, athletic event and ticket sales, and interest on investments.

The bill increases accountability over the FHSAA by providing that special event fees, sanctioning fees, and contest receipts annually collected by the Florida High School Athletic Association (FHSAA) may not exceed the actual cost of performing the function that is the basis of the fee.

The bill also allows member schools to participate in the FHSAA on a per sport basis and prohibits the FHSAA from subjecting non-members to retributory or discriminatory treatment.

The bill does not have a fiscal impact on state or local government.

The bill takes effect July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. PRESENT SITUATION

##### **Florida High School Athletic Association**

The Florida High School Athletic Association (FHSAA) is statutorily designated as the governing nonprofit organization for interscholastic athletics in Florida public schools in grades 6 through 12. The FHSAA is not a state agency, but is assigned quasi-governmental functions. If the FHSAA fails to meet its obligations and responsibilities, the Commissioner of Education (commissioner) is directed to designate a nonprofit organization to manage interscholastic athletics with the approval of the State Board of Education.<sup>1</sup>

##### **Revenue and Fiscal Accountability**

FHSAA receives revenue from a variety of sources, including membership dues, administrative fees, fines, corporate sponsorships, royalties, sanctioning fees, athletic event and ticket sales, and interest on investments. FHSAA has made efforts to reduce dues charged to member schools, in favor of other sources of revenue.<sup>2</sup> Among other things, FHSAA charges sanctioning fees for multi-team athletic events involving member schools held by a corporation or promoter. These fees range from \$2,300 per every two teams for football jamborees to \$50 per every four teams in sports like bowling or cheerleading.<sup>3</sup>

The law requires the FHSAA to have an annual financial audit<sup>4</sup> of its accounts and records by an independent certified public accountant retained by it and paid from its funds. The accountant must furnish a copy of the audit report to the Auditor General. Additionally, the FHSAA must keep records of all revenues and expenditures; these records must be open for inspection by the Auditor General.<sup>5</sup>

##### **Membership**

Any high school, middle school, or combination school,<sup>6</sup> including charter schools, virtual schools, private schools and home education cooperatives,<sup>7</sup> may become a member of the FHSAA. Membership is not mandatory for any school.<sup>8</sup> FHSAA may not deny or discourage interscholastic competition between member and nonmember Florida schools, including members of another athletic governing organization.<sup>9</sup> However, FHSAA member schools may not join other athletic governing associations or participate in FHSAA sanctioned activities on a per sport basis.<sup>10</sup>

#### B. EFFECT OF PROPOSED CHANGES:

##### Accountability

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<sup>1</sup> Section 1006.20(1), F.S.

<sup>2</sup> Understanding the Financial Structure of the FHSAA, Hearing before the House Education Committee (Feb. 18, 2015).

<sup>3</sup> FHSAA, 2015-16 Event Sanction Fees for Third Party Direct Contract with FHSAA (2014-15), available at [http://www.fhsaa.org/sites/default/files/orig\\_uploads/forms/2015-16\\_third\\_party\\_fees.pdf](http://www.fhsaa.org/sites/default/files/orig_uploads/forms/2015-16_third_party_fees.pdf).

<sup>4</sup> "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Section 11.45(1)(c), F.S.

<sup>5</sup> Section 1006.19, F.S.

<sup>6</sup> A combination school is any school that serves both students in high school and the middle school grades; elementary, middle or high school grades combined; or elementary and middle grades combined, e.g., K-12, K-8, 6-12, or 7-12. Bylaw 3.2.2.3, FHSAA.

<sup>7</sup> A "home education cooperative" is a parent-directed group of individual home education students that provides opportunities for interscholastic athletic competition to those students and may include students in grades 6 through 12. Bylaw 3.2.2.4, FHSAA.

<sup>8</sup> Section 1006.20(1), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Bylaw 3.3.1, FHSAA. Member school must adopt the FHSAA bylaws annually as the rules governing its interscholastic athletic programs.

The bill specifies that FHSAA may not collect fees in excess of the annual cost of performing the function that is subject to or justifies the fee.

Membership

The bill authorizes schools to join FHSAA on a per-sport basis. Schools would also be allowed to join other organizations for some sports, while maintaining membership in FHSAA for others. The FHSAA is prohibited from discriminating against its member schools that join other associations for a sport for which they are not a member of the FHSAA. The commissioner may identify other associations that govern interscholastic athletic competition that comply with the requirements of the National Federation of State High School Associations (NFSHA) and the FHSAA may not withhold its approval of an application to become a member of the NFSHA filed by an association that meets the requirements of the NFHSA.

C. SECTION DIRECTORY:

**Section 1.** Amends s. 1006.20, F.S.; relating to athletics in public k-12 schools; revises FHSAA revenue and membership requirements.

**Section 2.** Provides an effective date of July 1, 2016.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill requires special event fees, sanctioning fees and gate receipts collected annually by the FHSAA to reflect the actual cost of the activity or justification for the fee. This may reduce public school spending on athletic events.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires special event fees, sanctioning fees and gate receipts collected annually by the FHSAA to reflect the actual cost of the activity or justification for the fee. This may result in reduced sanctioning fees for corporate sponsors and promoters that organize high school athletic events.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not applicable. This bill does not appear to affect county or municipal documents.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

1                                   A bill to be entitled  
 2           An act relating to high school athletics; amending s.  
 3           1006.20, F.S.; providing requirements regarding fees  
 4           and contest receipts collected by the Florida High  
 5           School Athletic Association (FHSAA); providing that a  
 6           school may join the FHSAA as a full-time member or on  
 7           a per-sport basis; prohibiting the FHSAA from taking  
 8           any retributory or discriminatory action against  
 9           specified schools; authorizing the Commissioner of  
 10          Education to identify other associations in compliance  
 11          with specified provisions; providing an effective  
 12          date.

13  
 14   Be It Enacted by the Legislature of the State of Florida:

15  
 16           Section 1. Subsection (1) of section 1006.20, Florida  
 17   Statutes, is amended to read:

18           1006.20 Athletics in public K-12 schools.—

19           (1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High  
 20   School Athletic Association (FHSAA) is designated as the  
 21   governing nonprofit organization of athletics in Florida public  
 22   schools. If the FHSAA fails to meet the provisions of this  
 23   section, the commissioner shall designate a nonprofit  
 24   organization to govern athletics with the approval of the State  
 25   Board of Education. The FHSAA is not a state agency as defined  
 26   in s. 120.52 but is. ~~The FHSAA shall be~~ subject to ss. 1006.15-

27 | 1006.19. Any special event fees, sanctioning fees, including  
 28 | third-party sanctioning fees, or contest receipts collected  
 29 | annually by the FHSAA may not exceed its actual costs to perform  
 30 | the function or duty that is the subject of or justification for  
 31 | the fee ~~the provisions of s. 1006.19. A private school that~~  
 32 | ~~wishes to engage in high school athletic competition with a~~  
 33 | ~~public high school may become a member of the FHSAA.~~ Any high  
 34 | school in the state, including private schools, traditional  
 35 | public schools, charter schools, virtual schools, and home  
 36 | education cooperatives, may become a member of the FHSAA and  
 37 | participate in the activities of the FHSAA. ~~However,~~ Membership  
 38 | in the FHSAA is not mandatory for any school. The FHSAA shall  
 39 | allow a school the option of joining the association as a full-  
 40 | time member or on a per-sport basis and may not prohibit or  
 41 | discourage any school from simultaneously maintaining membership  
 42 | in the FHSAA and another athletic association. The FHSAA may not  
 43 | deny or discourage interscholastic competition between its  
 44 | member schools and nonmember ~~non-FHSAA member Florida~~ schools,  
 45 | including members of another athletic association ~~governing~~  
 46 | ~~organization,~~ and may not take any retributory or discriminatory  
 47 | action against any of its member schools that seek to  
 48 | participate in interscholastic competition with nonmember ~~non-~~  
 49 | ~~FHSAA member Florida~~ schools or any of its member schools that  
 50 | seek membership in other associations for a sport for which they  
 51 | are not a member of the FHSAA. The FHSAA may not unreasonably  
 52 | withhold its approval of an application to become an affiliate

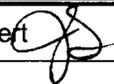
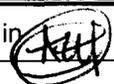
53 member of the National Federation of State High School  
 54 Associations submitted by any other association ~~organization~~  
 55 that governs interscholastic athletic competition in this state  
 56 which meets the requirements of this section. The commissioner  
 57 may identify other associations that govern interscholastic  
 58 athletic competition in compliance with this section ~~The bylaws~~  
 59 ~~of the FHSAA are the rules by which high school athletic~~  
 60 ~~programs in its member schools, and the students who participate~~  
 61 ~~in them, are governed, unless otherwise specifically provided by~~  
 62 ~~statute.~~ For the purposes of this section, "high school"  
 63 includes grades 6 through 12.

64           Section 2. This act shall take effect July 1, 2016.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 117 Education Funding  
**SPONSOR(S):** Beshears  
**TIED BILLS:** IDEN./SIM. BILLS:

| REFERENCE                                | ACTION | ANALYST  | STAFF DIRECTOR or BUDGET/POLICY CHIEF  |
|--|--------|--|--|
| 1) Education Appropriations Subcommittee |        | Seifer  | Heflin  |
| 2) Education Committee                   |        |  |  |
| 3) Appropriations Committee              |        |  |  |

**SUMMARY ANALYSIS**

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts and is the foundation for financing Florida's K-12 educational programs. The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index. This index is computed by dividing the full-time equivalent (FTE) of the district by the number of permanent senior high school centers. For districts with FTE student memberships between 20,000 and 24,000, the maximum number of high school centers for eligibility is four. The maximum number of high school centers is reduced to three for districts with fewer than 20,000 FTE students. There are four adjustments to the initial sparsity computation, including a wealth adjustment.

The wealth adjustment reduces the sparsity supplement of districts whose potential discretionary local effort per unweighted FTE student is greater than the state average. There are 12 districts that currently receive a wealth adjustment in the sparsity calculation: Charlotte, Citrus, Flagler, Franklin, Gulf, Jefferson, Martin, Monroe, Nassau, Sumter, Walton, and FAU-Palm Beach

The bill exempts a school district with a student population of 2,000 or less from receiving a sparsity wealth adjustment.

The bill does not have a fiscal impact on state government but will result in a redistribution of sparsity funding among eligible districts in the FEFP.

This bill takes effect July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts and is the foundation for financing Florida's K-12 educational programs. A key feature of the FEFP is that it bases financial support for education upon the individual student participating in a particular educational program rather than upon the number of teachers or classrooms.

The FEFP recognizes the relatively higher operating cost of smaller districts due to sparse student populations through a statutory formula in which the variable factor is a sparsity index. This index is computed by dividing the full-time equivalent (FTE) of the district by the number of permanent senior high school centers. For districts with FTE student memberships between 20,000 and 24,000, the maximum number of high school centers for eligibility is four. The maximum number of high school centers is reduced to three for districts with fewer than 20,000 FTE students. Per the General Appropriations Act proviso, participation is limited to districts of 24,000 or fewer FTE students. There are four adjustments to the initial sparsity computation, including a wealth adjustment. This supplement is limited to \$52,800,000 statewide for the 2015-16 fiscal year. There are 37 districts receiving a sparsity supplement for the 2015-16 fiscal year.

Districts with 24,000 or fewer FTE students receive a sparsity supplement calculated in accordance with s. 1011.62(7), F.S., to support the relatively higher operating cost of smaller districts due to sparse student populations. The formula outlined in statute has a variable factor for the sparsity index. This index is computed by dividing the FTE students of the school district by the number of permanent senior high school centers (not to exceed four). The index is compared to a value of 7,308, which is provided in s. 1011.62(7)(a), F.S. If the index is greater than 7,308, the school district is not eligible for a sparsity supplement. If it is less than 7,308, the index is used to calculate a sparsity factor, which when multiplied by the funded weighted FTE and base student allocation results in a computed sparsity supplement. After receiving a wealth adjustment, the computed amount is prorated to equal the sparsity supplement allocation.

The sparsity formula outlined in s. 1011.62(7), F.S., includes a wealth adjustment. The wealth adjustment reduces the sparsity supplement of districts whose potential discretionary local effort per unweighted FTE student is greater than the state average. This is done by multiplying the district's per FTE amount above the state average by its unweighted FTE. The result is then deducted from the calculated unadjusted sparsity supplement.

No district shall have a sparsity wealth adjustment that, when applied to the total potential funds, would cause the district's total potential funds per FTE student to be less than the state average. The total potential funds include all the components of the FEFP except for Florida School Recognition Program funds.

As of the 2015-16 FEFP Second Calculation, there are 14 districts (six of which are lab schools) with fewer than 2,000 FTE students. Of these 14 districts, four are currently receiving a sparsity wealth adjustment. This bill would prohibit those four districts (Franklin, Gulf, Jefferson and FAU-Palm Beach) from receiving a wealth adjustment in the sparsity formula.

#### B. SECTION DIRECTORY:

**Section 1.** Amends 1011.62, F.S., prohibiting a school district with a specified student population from receiving a sparsity wealth adjustment.

**Section 2.** Providing an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None

2. Expenditures:

None

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None

2. Expenditures:

None

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

None known.

**D. FISCAL COMMENTS:**

As of the 2015-16 FEFP Second Calculation, there are four districts (Franklin, Gulf, Jefferson and FAU-Palm Beach) with fewer than 2,000 FTE students receiving a sparsity wealth adjustment. This bill would exclude these districts from receiving a wealth adjustment, which is currently reducing their sparsity supplement by a total of \$1,363,928.

Because the sparsity allocation is prorated among the districts based on FTE student membership, elimination of the wealth adjustment in districts with fewer than 2,000 FTE students will result in an increase in sparsity funds for those districts and a decrease in sparsity funds among the other districts that received the sparsity supplement. If this bill had been implemented in the 2015-16 FEFP Second Calculation, the four districts with fewer than 2,000 FTE students (Franklin, Gulf, Jefferson and FAU-Palm Beach) would see an increase of \$1,203,550 in their overall sparsity supplements. The other 33 districts receiving this allocation would experience a decrease of \$1,203,550 in their sparsity supplements, ranging from a decrease of \$6,635 (Nassau) to \$80,218 (Jackson).

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

**B. RULE-MAKING AUTHORITY:**

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None known.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

1                                   A bill to be entitled  
 2           An act relating to education funding; amending s.  
 3           1011.62, F.S.; prohibiting a school district with a  
 4           specified student population from receiving a sparsity  
 5           wealth adjustment; providing an effective date.

6  
 7   Be It Enacted by the Legislature of the State of Florida:

8  
 9           Section 1. Paragraph (d) of subsection (7) of section  
 10          1011.62, Florida Statutes, is amended to read:

11           1011.62 Funds for operation of schools.—If the annual  
 12          allocation from the Florida Education Finance Program to each  
 13          district for operation of schools is not determined in the  
 14          annual appropriations act or the substantive bill implementing  
 15          the annual appropriations act, it shall be determined as  
 16          follows:

17           (7) DETERMINATION OF SPARSITY SUPPLEMENT.—

18           (d) Each district's allocation of sparsity supplement  
 19          funds shall be adjusted in the following manner:

20           1. A maximum discretionary levy per FTE value for each  
 21          district shall be calculated by dividing the value of each  
 22          district's maximum discretionary levy by its FTE student count.

23           2. A state average discretionary levy value per FTE shall  
 24          be calculated by dividing the total maximum discretionary levy  
 25          value for all districts by the state total FTE student count.

26           3. A total potential funds per FTE for each district shall

27 | be calculated by dividing the total potential funds, not  
 28 | including Florida School Recognition Program funds and the  
 29 | minimum guarantee funds, for each district by its FTE student  
 30 | count.

31 |         4. A state average total potential funds per FTE shall be  
 32 | calculated by dividing the total potential funds, not including  
 33 | Florida School Recognition Program funds and the minimum  
 34 | guarantee funds, for all districts by the state total FTE  
 35 | student count.

36 |         5. For districts that have a levy value per FTE as  
 37 | calculated in subparagraph 1. higher than the state average  
 38 | calculated in subparagraph 2., a sparsity wealth adjustment  
 39 | shall be calculated as the product of the difference between the  
 40 | state average levy value per FTE calculated in subparagraph 2.  
 41 | and the district's levy value per FTE calculated in subparagraph  
 42 | 1. and the district's FTE student count and -1. A ~~However, No~~  
 43 | district may not ~~shall~~ have a sparsity wealth adjustment that,  
 44 | when applied to the total potential funds calculated in  
 45 | subparagraph 3., would cause the district's total potential  
 46 | funds per FTE to be less than the state average calculated in  
 47 | subparagraph 4. A district with a student population of 2,000 or  
 48 | fewer students may not receive a sparsity wealth adjustment.

49 |         6. Each district's sparsity supplement allocation shall be  
 50 | calculated by adding the amount calculated as specified in  
 51 | paragraphs (a) and (b) and the wealth adjustment amount  
 52 | calculated in this paragraph.

HB 117

2016

53 | Section 2. This act shall take effect July 1, 2016. |



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 149 Maximum Class Size
SPONSOR(S): Moraitis, Jr.
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR or BUDGET/POLICY CHIEF. Row 1: 1) Education Appropriations Subcommittee, Seifer, Heflin. Row 2: 2) Education Committee.

SUMMARY ANALYSIS

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts and is the foundation for financing Florida's K-12 educational programs.

In 2003, the Florida Legislature enacted chapter 2003-391, Laws of Florida, which implements the provisions of the class-size amendment and defines the progress that districts must make in reducing class size.

Compliance with class size reduction requirements is calculated at the classroom level for traditional public schools as required by section 1003.03(1), F.S., at the school level for charter schools as required by section 1002.33(16)(b)3., F.S., and at the school level for district-operated schools of choice as required by section 1002.31(5), F.S.

Section 1003.03(4)(a), F.S., requires a reduction in class size categorical funding for districts and charter schools that are out of compliance with class size requirements. Up to 25 percent of the reduction is reallocated to districts and charter schools that are in compliance with these requirements. The remaining balance is restored to districts and charter schools that are not in compliance but have submitted a certified plan to the Commissioner annually by February 1, explaining the actions the district or charter school will take to ensure compliance by the next October.

The bill removes the exemptions for class size requirements and maintains class size compliance for each classroom but revises the method for calculating the penalty to be at the school average for any school that fails to comply with class size requirements. The bill also modifies the allowable uses of class size reduction operating categorical funds for schools not in compliance. The bill also repeals an increase in the penalty scheduled to begin in FY 2014-2015 and thereafter.

The bill will result in a reduction in the amount deducted from a school district's class size reduction operating categorical. See Fiscal Analysis & Economic Impact Statement.

The bill takes effect July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Maximum Class Size

###### Present Situation

In 2002, voters approved the Class Size Reduction Amendment to Section 1, Article IX of the Florida Constitution. The amendment required the Legislature by the beginning of the 2010 school year to make adequate provision to ensure that there are a sufficient number of classrooms in Florida so that the maximum number of students assigned to each teacher does not exceed:

- 18 students for prekindergarten through 3rd grade;
- 22 students for 4th through 8th grades; and
- 25 students for 9th through 12th grades.

Extracurricular courses are expressly excluded from the class size mandate; thus, its requirements apply only to core curricula courses, which are defined in s. 1003.01(14), F.S.

Additionally, the amendment requires that the Legislature provide sufficient funds, beginning in Fiscal Year (FY) 2003-2004, for school districts to reduce the average number of students in each classroom by at least two annually until the constitutionally prescribed maximum number of students is achieved. Under the initial implementing statute<sup>1</sup>, compliance with the class size requirements was to be measured at the:

- District level for each of the three grade groupings during FYs 2003-2006.
- School level for each of the three grade groupings in FYs 2006-2008.
- Individual classroom level for each of the three grade groupings in FY 2008-2009 and thereafter.

The timeframe for measuring class size at the school level was extended twice by the Legislature. In 2008, the Legislature extended school level measurement through FY 2008-2009.<sup>2</sup> The next year, the Legislature extended this timeframe by one more year, thereby delaying measurement of class size at the individual classroom level until FY 2010-2011 and thereafter.<sup>3</sup> Legislation enacted in 2010 established the compliance calculation for charter schools at the school level average.<sup>4</sup> Legislation enacted in 2013 granted the same treatment to district-operated schools of choice.<sup>5</sup>

In 2013, the Legislature also added a provision to exempt “blended learning courses” from the core courses required to be in compliance with class size.<sup>6</sup> Currently no definition exists for what comprises a “blended learning course”.

To implement the class size amendment, the Legislature annually appropriates class size reduction categorical funding for school district operating costs. Additionally, the Legislature has appropriated funds for capital outlay (facility) needs and granted bonding authority to fund classroom construction and other capital needs related to class size reduction. Since 2003, the Legislature has appropriated

<sup>1</sup> Section 2, ch. 2003-391, L.O.F.

<sup>2</sup> Section 5, ch. 2008-142, L.O.F.

<sup>3</sup> Section 13, ch. 2009-59, L.O.F.

<sup>4</sup> s. 1002.33(16)(b)3., F.S., as created in section 6, ch. 2010-154, L.O.F.

<sup>5</sup> s. 1002.31(9), F.S., as created in section 9, ch. 2013-250, L.O.F.

<sup>6</sup> s. 1003.01(14), F.S., as modified in section 3, ch. 2013-225, L.O.F.

more than \$31.1 billion for operational expenses and \$2.5 billion in facilities funding to implement the Class Size Reduction Amendment.

| <b>History of Funding for Class Size Reduction</b> |                         |                         |                         |
|--|-------------------------|-------------------------|-------------------------|
| <b>Fiscal Year</b>                                 | <b>Operating Funds</b>  | <b>Facilities Funds</b> | <b>Total Funds</b>      |
| 2003-2004  | \$ 468,198,634          | \$ 600,000,000          | \$ 1,068,198,634        |
| 2004-2005  | \$ 972,191,216          | \$ 100,000,000          | \$ 1,072,191,216        |
| 2005-2006  | \$ 1,507,199,696        | \$ 83,400,000           | \$ 1,590,599,696        |
| 2006-2007  | \$ 2,108,529,344        | \$1,100,000,000         | \$ 3,208,529,344        |
| 2007-2008  | \$ 2,640,719,730        | \$ 650,000,000          | \$ 3,290,719,730        |
| 2008-2009  | \$ 2,729,491,033        | \$ -                    | \$ 2,729,491,033        |
| 2009-2010  | \$ 2,845,578,849        | \$ -                    | \$ 2,845,578,849        |
| 2010-2011  | \$ 2,913,825,383        | \$ -                    | \$ 2,913,825,383        |
| 2011-2012  | \$ 2,927,464,879        | \$ -                    | \$ 2,927,464,879        |
| 2012-2013  | \$ 2,974,748,257        | \$ -                    | \$ 2,974,748,257        |
| 2013-2014  | \$ 2,974,766,164        | \$ -                    | \$ 2,974,766,164        |
| 2014-2015  | \$ 3,013,103,776        | \$ -                    | \$ 3,013,103,776        |
| 2015-16  | \$ 3,040,910,760        | \$ -                    | \$ 3,040,910,760        |
| <b>Total to Date</b>                               | <b>\$31,116,727,721</b> | <b>\$2,533,400,000</b>  | <b>\$33,650,127,721</b> |

Section 1003.03(4), F.S., requires the Department of Education (DOE) to reduce class size categorical funding for school districts and charter schools that are out of compliance with class size requirements. The penalty is calculated at the classroom level for traditional public schools and at the school level for charter schools, district-operated schools of choice, and innovation schools of technology. The penalties for traditional public schools and district-operated schools of choice are combined to make a total adjustment for each district. DOE must calculate the penalty for traditional public schools out of compliance as follows:

- Step 1:** Identify, for each grade grouping, the number of classrooms that exceed the maximum and the total number of students which exceeds the maximum for all classes.
- Step 2:** Determine the number of full-time equivalent (FTE) students which exceeds the maximum for each grade grouping.
- Step 3:** Multiply the total number of FTE students over the maximum for each grade grouping by the district's FTE dollar amount of the class size reduction operating categorical allocation for that year and calculate the total for all three grade groupings.
- Step 4:** Multiply the total number of FTE students over the maximum for all classes by an amount equal to 50 percent of the base student allocation adjusted by the district cost differential for the 2013-14 FY.

A school district's class size reduction operating categorical allocation is then reduced by an amount equal to the sum of the calculations in Steps 3 and 4. Beginning in FY 2014-2015 and thereafter, the total number of FTE students over the maximum for all classes must be multiplied by 100 percent, rather than 50 percent, of the base student allocation adjusted by the district cost differential, thereby increasing the amount of the penalty (see Step 4).

The reduced amount is the lesser of DOE's calculation or the undistributed balance of the school district's class size reduction operating categorical allocation. If a district made appropriate efforts to reduce class sizes but still failed to achieve compliance or an emergency caused noncompliance, the Commissioner of Education is authorized to recommend an alternative transfer amount for approval by the Legislative Budget Commission.<sup>7</sup> Once the reduced amount is determined, after district appeals, the commissioner must prepare a reallocation of the funds made available as a bonus to districts that have fully met the class size requirements by calculating an amount that is up to five percent of the

<sup>7</sup> s. 1003.03(4)(c), F.S.  
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base student allocation multiplied by the total district FTE students. The reallocation total may not exceed 25 percent of the total funds reduced.

| <b>History of Class Size Transfer (&amp; Reallocation) Calculation<br/>for Traditional Public Schools</b> |         |              |              |              |
|---|---------|--------------|--------------|--------------|
|   |         | Pre-Appeals  | Post-Appeals | After Plan   |
| District  | 2003-04 | \$21,488,179 | \$1,479,948  |              |
| District  | 2004-05 | \$11,354,475 | \$1,076,719  |              |
| District  | 2005-06 | \$5,222,735  | \$496,059    |              |
| School  | 2006-07 | \$7,836,834  | \$3,273,943  |              |
| School  | 2007-08 | \$5,330,411  | \$333,302    |              |
| School  | 2008-09 | \$1,396,108  | \$0          |              |
| School  | 2009-10 | \$1,912,030  | \$267,263    |              |
| Classroom   | 2010-11 | \$40,795,637 | \$31,305,124 | \$7,826,281  |
| Classroom   | 2011-12 | \$58,749,605 | \$43,407,465 | \$10,851,866 |
| Classroom   | 2012-13 | \$26,965,789 | \$22,698,784 | \$5,674,696  |
| Classroom   | 2013-14 | \$12,674,357 | \$9,558,513  | \$2,389,628  |
| Classroom   | 2014-15 | \$11,306,609 | \$1,260,083  | \$315,021    |
| Classroom   | 2015-16 | TBD          | TBD          | TBD          |
| <b>History of Class Size Transfer (&amp; Reallocation) Calculation<br/>for Charter Schools</b>            |         |              |              |              |
|   |         | Pre-Appeals  | Post-Appeals | After Plan   |
| N/A   | 2003-04 | \$0          | \$0          |              |
| N/A   | 2004-05 | \$0          | \$0          |              |
| N/A   | 2005-06 | \$0          | \$0          |              |
| School  | 2006-07 | \$6,831,504  | \$2,724,878  |              |
| School  | 2007-08 | \$802,515    | \$194,836    |              |
| N/A   | 2008-09 | \$0          | \$0          |              |
| N/A   | 2009-10 | \$0          | \$0          |              |
| School  | 2010-11 | \$2,292,191  | \$355,539    | \$88,885     |
| School  | 2011-12 | \$3,921,323  | \$652,851    | \$163,213    |
| School  | 2012-13 | \$1,570,397  | \$431,345    | \$107,836    |
| School  | 2013-14 | \$835,448    | \$204,863    | \$51,216     |
| School  | 2014-15 | \$2,789,830  | \$562,397    | \$140,599    |
| School  | 2015-16 | TBD          | TBD          | TBD          |
| <b>History of Class Size Transfer (&amp; Reallocation) Calculation<br/>for Choice Schools</b>             |         |              |              |              |
|   |         | Pre-Appeals  | Post-Appeals | After Plan   |
| School  | 2013-14 | \$1,129,183  | \$475,592    | \$118,898    |
| School  | 2014-15 | \$421,513    | \$177,347    | \$44,337     |
| School  | 2015-16 | TBD          | TBD          | TBD          |

School districts that fail to comply with the class size requirements must submit a plan certified by the district school board by February 1 which describes the actions the district will take in order to be in compliance by October of the following year. For districts that submit the plan by the required deadline, the funds remaining after the reallocation calculation must be added back to the district's class size reduction operating categorical allocation based on each qualifying district's proportion of the total reduction for all qualifying districts for which a reduction was calculated. The amount added back may not be greater than the amount that was reduced.<sup>8</sup>

Effect of Proposed Changes

The bill amends s. 1003.03(04), F.S., to revise the method for calculating the penalty for schools that fail to comply with the class size requirements by calculating steps 2, 3, and 4 at the school average instead of at the classroom level. The increase in the penalty scheduled to begin in FY 2014-2015 and thereafter is repealed.

The bill removes the exemption from the class size requirement for charter schools, district-operated school of choice, and district innovation schools of technology program.

The bill clarifies that a school's compliance with class size is measured at the classroom level and that only calculation of penalties is based upon the school average.

The bill requires the amount of the reduction calculation to be expended in the schools that are out of compliance to achieve compliance.

The bill repeals the reallocation of funds to districts that are in compliance with class size and requires the district to publish, by school, compliance data and the compliance plan on the school district website and provide a copy of the compliance plan to the School Advisory Committee at all non-compliant schools.

#### B. SECTION DIRECTORY:

Section 1: Amends s. 1002.31, F.S., exempting schools of choice from requirements relating to the class size.

Section 2: Amends s. 1002.33, F.S., exempting charter schools from requirements relating to the class size.

Section 3: Amends s. 1002.451, F.S., exempting the district innovation schools of technology program from requirements relating to the class size.

Section 4: Amends s. 1003.03, F.S., revising the compliance calculation for traditional public schools that fail to comply with the class size requirements by performing the compliance calculation at the school average instead of at the classroom level; requiring the amount of the reduction calculation to be expended in the schools that are out of compliance to achieve compliance; repealing the reallocation funds to class size compliant districts; modifying a plan describing the actions the district will take in order to be in compliance; and adding a requirement for the district to publish, by school, compliance data and the compliance plan on the school district website.

Section 5: Provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill revises the compliance calculation for traditional public schools that fail to comply with the class size requirements by performing the compliance calculation at the school average instead of at the classroom level, so the amount deducted from a school district's class size reduction operating categorical will be reduced. The bill requires the district to spend the compliance funds within the school that is out of compliance to get the school to the class size maximum.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1                                   A bill to be entitled  
 2           An act relating to maximum class size; amending s.  
 3           1002.31, F.S.; deleting a provision relating to  
 4           compliance with maximum class size requirements for  
 5           certain public schools of choice; amending s. 1002.33,  
 6           F.S.; revising requirements for charter school  
 7           compliance with maximum class size requirements;  
 8           amending s. 1002.451, F.S.; revising requirements for  
 9           district innovation school of technology compliance  
 10          with maximum class size requirements; amending s.  
 11          1003.03, F.S.; calculating a school district's class  
 12          size categorical allocation reduction at the school  
 13          average when maximum class size requirements are not  
 14          met; revising the calculation; providing for the  
 15          expenditure of funds; requiring a school district that  
 16          exceeds class size maximums to post its plan for  
 17          compliance on the district website and provide the  
 18          plan to the school advisory council of each  
 19          noncompliant school; authorizing a noncompliant school  
 20          to post the plan on its website; providing an  
 21          effective date.

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

24  
 25           Section 1. Subsection (5) of section 1002.31, Florida  
 26   Statutes, is amended to read:

27 1002.31 Controlled open enrollment; public school parental  
 28 choice.-

29 ~~(5) For a school or program that is a public school of~~  
 30 ~~choice under this section, the calculation for compliance with~~  
 31 ~~maximum class size pursuant to s. 1003.03 is the average number~~  
 32 ~~of students at the school level.~~

33 Section 2. Paragraph (b) of subsection (16) of section  
 34 1002.33, Florida Statutes, is amended to read:

35 1002.33 Charter schools.-

36 (16) EXEMPTION FROM STATUTES.-

37 (b) Additionally, a charter school shall be in compliance  
 38 with the following statutes:

39 1. Section 286.011, relating to public meetings and  
 40 records, public inspection, and criminal and civil penalties.

41 2. Chapter 119, relating to public records.

42 3. Section 1003.03, relating to the maximum class size,  
 43 ~~except that the calculation for compliance pursuant to s.~~  
 44 ~~1003.03 shall be the average at the school level.~~

45 4. Section 1012.22(1)(c), relating to compensation and  
 46 salary schedules.

47 5. Section 1012.33(5), relating to workforce reductions.

48 6. Section 1012.335, relating to contracts with  
 49 instructional personnel hired on or after July 1, 2011.

50 7. Section 1012.34, relating to the substantive  
 51 requirements for performance evaluations for instructional  
 52 personnel and school administrators.

53 Section 3. Paragraph (a) of subsection (5) of section  
 54 1002.451, Florida Statutes, is amended to read:

55 1002.451 District innovation school of technology  
 56 program.—

57 (5) EXEMPTION FROM STATUTES.—

58 (a) An innovation school of technology is exempt from  
 59 chapters 1000-1013. However, an innovation school of technology  
 60 shall comply with the following provisions of those chapters:

61 1. Laws pertaining to the following:

- 62 a. Schools of technology, including this section.
- 63 b. Student assessment program and school grading system.
- 64 c. Services to students who have disabilities.
- 65 d. Civil rights, including s. 1000.05, relating to  
 66 discrimination.
- 67 e. Student health, safety, and welfare.

68 2. Laws governing the election and compensation of  
 69 district school board members and election or appointment and  
 70 compensation of district school superintendents.

71 3. Section 1003.03, governing maximum class size, ~~except~~  
 72 ~~that the calculation for compliance pursuant to s. 1003.03 is~~  
 73 ~~the average at the school level.~~

74 4. Sections 1012.22(1)(c) and 1012.27(2), relating to  
 75 compensation and salary schedules.

76 5. Section 1012.33(5), relating to workforce reductions,  
 77 for annual contracts for instructional personnel. This  
 78 subparagraph does not apply to at-will employees.

79           6. Section 1012.335, relating to contracts with  
 80 instructional personnel hired on or after July 1, 2011, for  
 81 annual contracts for instructional personnel. This subparagraph  
 82 does not apply to at-will employees.

83           7. Section 1012.34, relating to requirements for  
 84 performance evaluations of instructional personnel and school  
 85 administrators.

86           Section 4. Subsection (4) of section 1003.03, Florida  
 87 Statutes, is amended to read:

88           1003.03 Maximum class size.—

89           (4) ACCOUNTABILITY.—

90           (a) If the department determines that the number of  
 91 students assigned to any individual class exceeds the class size  
 92 maximum, as required in subsection (1), based upon the October  
 93 student membership survey, the department shall:

94           1. ~~Identify, for each grade group, the number of classes~~  
 95 ~~in which the number of students exceeds the maximum and the~~  
 96 ~~total number of students which exceeds the maximum for all~~  
 97 ~~classes.~~

98           2. Determine the number of FTE students which exceeds the  
 99 maximum for each grade group calculated at the school average.

100           2.3. Multiply the total number of FTE students which  
 101 exceeds the maximum for each grade group calculated at the  
 102 school average by the district's FTE dollar amount of the class  
 103 size categorical allocation for that year and calculate the  
 104 total for all three grade groups.

105        3.4. Multiply the total number of FTE students which  
 106 exceeds the maximum for all classes calculated at the school  
 107 average by an amount equal to 50 percent of the base student  
 108 allocation adjusted by the district cost differential for ~~each~~  
 109 ~~of the 2010-2011 through 2013-2014 fiscal years and by an amount~~  
 110 ~~equal to the base student allocation adjusted by the district~~  
 111 ~~cost differential in~~ the 2014-2015 fiscal year and thereafter.

112        4.5. Reduce the district's class size categorical  
 113 allocation by an amount equal to the sum of the calculations in  
 114 subparagraphs 2. and 3. ~~and 4.~~

115        (b) The amount of funds reduced shall be the lesser of the  
 116 amount calculated in paragraph (a) or the undistributed balance  
 117 of the district's class size categorical allocation. The Florida  
 118 Education Finance Program Appropriation Allocation Conference  
 119 shall verify the department's calculation in paragraph (a). The  
 120 commissioner may withhold distribution of the class size  
 121 categorical allocation to the extent necessary to comply with  
 122 paragraph (a).

123        (c) In lieu of the reduction calculation in paragraph (a),  
 124 if the Commissioner of Education has evidence that a district  
 125 was unable to meet the class size requirements despite  
 126 appropriate efforts to do so or because of an extreme emergency,  
 127 the commissioner may recommend by February 15, subject to  
 128 approval of the Legislative Budget Commission, the reduction of  
 129 an alternate amount of funds from the district's class size  
 130 categorical allocation.

131 (d) Upon approval of the reduction calculation in  
 132 paragraphs (a)-(c), each district shall retain the calculated  
 133 reduction amount and expend the amount in the noncompliant  
 134 schools to comply with the requirements in subsection (1) ~~the~~  
 135 ~~commissioner must prepare a reallocation of the funds made~~  
 136 ~~available for the districts that have fully met the class size~~  
 137 ~~requirements. The funds shall be reallocated by calculating an~~  
 138 ~~amount of up to 5 percent of the base student allocation~~  
 139 ~~multiplied by the total district FTE students. The reallocation~~  
 140 ~~total may not exceed 25 percent of the total funds reduced.~~

141 (e) Each district that has not complied with the  
 142 requirements in subsection (1) shall submit to the commissioner  
 143 by February 1 a plan certified by the district school board that  
 144 describes the specific actions that the district will take in  
 145 order to fully comply with the requirements in subsection (1) by  
 146 October of the following school year. The plan shall be posted  
 147 on the district's website and be provided to the school advisory  
 148 council of each noncompliant school. A noncompliant school may  
 149 post the plan on its website ~~If a district submits the certified~~  
 150 ~~plan by the required deadline, the funds remaining after the~~  
 151 ~~reallocation calculation in paragraph (d) shall be added back to~~  
 152 ~~the district's class size categorical allocation based on each~~  
 153 ~~qualifying district's proportion of the total reduction for all~~  
 154 ~~qualifying districts for which a reduction was calculated in~~  
 155 ~~paragraphs (a)-(c). However, no district shall have an amount~~  
 156 ~~added back that is greater than the amount that was reduced.~~

HB 149

2016

157 |       ~~(f) The department shall adjust school district class size~~  
158 | ~~reduction categorical allocation distributions based on the~~  
159 | ~~calculations in paragraphs (a) (c).~~

160 |       Section 5. This act shall take effect July 1, 2016.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 585 Instruction for Homebound and Hospitalized Students  
**SPONSOR(S):** Burgess, Jr.  
**TIED BILLS:** IDEN./SIM. BILLS: SB 806

| REFERENCE                                | ACTION | ANALYST   | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF   |
|--|--------|---|--|
| 1) Education Appropriations Subcommittee |        | Seifert  | Heflin  |
| 2) Education Committee                   |        |   |  |

### SUMMARY ANALYSIS

The State Board of Education is a committee composed of members appointed by the Florida Governor to guide and direct public K-12 and Community College education in Florida.

Although the State Board of Education has adopted rule 6A-6.03020, Florida Administrative Code, *Specially Designed Instruction for Students Who Are Homebound or Hospitalized*, current law does not expressly provide minimum requirements for initiating instruction for such students.

Accordingly, the bill clarifies that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board. In addition, the bill expressly authorizes the state board to adopt rules relating to instruction for homebound or hospitalized students. The rules must establish, at minimum:

- Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
- Procedures for determining student eligibility.
- A list of appropriate methods for providing instruction to homebound or hospitalized students.
- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill requires the school district in which a children's specialty hospital is located to provide educational instruction to eligible students and to contract with the school district in which the student resides.

The bill requires the Department of Education to develop a standard agreement for use by school districts to provide seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

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

The bill provides an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

A student who is homebound or hospitalized qualifies as an exceptional student, and is thus eligible for certain exceptional student education services.<sup>1</sup>

A homebound or hospitalized student is a student who “has a medically diagnosed physical or psychiatric condition which is acute or catastrophic in nature, or a chronic illness, or a repeated intermittent illness due to a persisting medical problem and which confines the student to home or hospital, and restricts activities for an extended period of time.”<sup>2</sup>

State Board of Education rule provides criteria for determining when a student qualifies as hospitalized or homebound for purposes of receiving specially designed instruction.<sup>3</sup> A licensed physician<sup>4</sup> must certify that the student:

- Is expected to be absent from school due to a physical or psychiatric condition for at least fifteen consecutive school days, or, for students with a chronic condition, for at least 15 consecutive or nonconsecutive school days;
- Is confined to home or hospital;
- Will be able to participate in and benefit from an instructional program;
- Is under medical care for illness or injury which is acute, catastrophic, or chronic in nature; and
- Can receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact.<sup>5</sup>

In addition, unless a student already meets eligibility criteria for other exceptional student education services, the student must be enrolled in a public school in kindergarten through 12<sup>th</sup> grade prior to the referral for homebound or hospitalized services.<sup>6</sup> Finally, the student’s parent, guardian, or primary caregiver must sign an agreement concerning homebound or hospitalized policies and parental cooperation.<sup>7</sup>

At minimum, an annual report from a licensed physician must be used to determine the student’s eligibility for specially designed instruction. The report must:

- State that the student is unable to attend school;
- Describe the plan of treatment;
- Provide recommendations regarding school reentry; and
- Give an estimated duration of condition or prognosis.<sup>8</sup>

The team determining eligibility may require additional evaluation data, at no cost to the parent. A physical reexamination and medical report by a licensed physician may be requested on a more frequent basis and may be required if the student is scheduled to attend school part of a day while the

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<sup>1</sup> Section 1003.01(3)(a), F.S.; rule 6A-6.03020, F.A.C.

<sup>2</sup> Rule 6A-6.03020(1), F.A.C. A licensed physician must make the medical diagnosis. *Id.*

<sup>3</sup> Rule 6A-6.03020(3), F.A.C.

<sup>4</sup> The physician must be licensed under chapter 458 or 459, F.S.

<sup>5</sup> Rule 6A-6.03020(3)(a), F.A.C.

<sup>6</sup> Rule 6A-6.03020(3)(b), F.A.C.

<sup>7</sup> Rule 6A-6.03020(3)(c), F.A.C.

<sup>8</sup> Rule 6A-6.03020(4)(a), F.A.C.

student readjusts to a full school schedule. Reexaminations and reports must be provided at no cost to the parent.<sup>9</sup>

The school district is responsible for conducting all initial evaluations to determine if the student is eligible for services and to determine the student's educational needs.<sup>10</sup> An individual educational plan must be developed or revised for the student before he or she is assigned to a homebound or hospitalized student services program.<sup>11</sup>

State board rule specifies appropriate instructional methods for homebound or hospitalized students, including in-home instruction, instruction in a hospital,<sup>12</sup> and instruction through telecommunications or computer devices.<sup>13</sup>

There are three children's specialty hospitals in Florida that meet the licensing criteria in Part 1 of chapter 395, Florida Statutes. These three facilities are All Children's Hospital in Pinellas County, Nicklaus Children's Hospital in Miami-Dade County, and Nemours Children's Specialty Care in Orange County. During the 2014-2015 school year, All Children's Hospital provided educational services to over 2,300 students from 35 Florida counties.

### **Effect of Proposed Changes**

The bill clarifies that districts must provide instruction to homebound or hospitalized students in accordance with rules adopted by the state board. In addition, the bill authorizes the state board to adopt rules relating to instruction for homebound or hospitalized students. The rules must establish, at minimum:

- Criteria for eligibility of K-12 homebound or hospitalized students for specially designed instruction.
- Procedures for determining student eligibility.
- A list of appropriate methods for providing instruction to homebound or hospitalized students.
- Requirements for initiating instructional services for a homebound or hospitalized student once the student is determined to be eligible.

The bill requires the school district in which a children's specialty hospital is located to provide educational instruction to eligible students and to contract with the school district in which the student resides.

The bill requires the Department of Education to develop a standard agreement for use by school districts to provide seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

The bill requires that no later than August 15, 2016, each school district in which a licensed children's specialty hospital is located to enter into an agreement with the hospital to establish a process for the hospital to notify the school district of patients who may be eligible for instruction.

### **B. SECTION DIRECTORY:**

Section 1. Amends 1003.57, F.S; requiring districts to provide instruction to homebound or hospitalized students in accordance with state board rule; requiring certain provisions to be adopted in state board rule; requiring the school district in which a children's specialty hospital is located to provide educational

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<sup>9</sup> Rule 6A-6.03020(4)(b), F.A.C.

<sup>10</sup> See Rule 6A-6.03020(5); rule 6A-6.0331(3)(e), F.A.C.

<sup>11</sup> Rule 6A-6.03020(6), F.A.C.

<sup>12</sup> "The hospital administrator or designee shall provide appropriate space for the teacher and student to work and allow for the establishment of a schedule for student study between teacher visits." Rule 6A-6.03020(7)(b), F.A.C.

<sup>13</sup> Rules 6A-6.03020(7)(a), (b), and (c), F.A.C.

instruction to eligible students and to contract with the school district in which the student resides.; and requiring the Department of Education to develop a standard agreement for use by school districts to provide seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital.

Section 2. Providing an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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

None.

### D. FISCAL COMMENTS:

The bill codifies current district practice and State Board of Education rule regulating instruction for homebound and hospitalized students. Since school districts are already meeting the minimum requirements for providing instruction to such students there will not be a fiscal impact.

The bill requires a standard agreement for use by school districts to provide seamless educational instruction to students who transition between school districts while receiving treatment in the children's specialty hospital. The agreement ensures reimbursement to the hospital for educational services provided to students while hospitalized.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill provides the State Board of Education express rulemaking authority related to instruction for homebound and hospitalized students.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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A bill to be entitled  
 An act relating to instruction for homebound and  
 hospitalized students; amending s. 1003.57, F.S.;  
 requiring school districts to provide instruction to  
 homebound or hospitalized students; requiring the  
 State Board of Education to adopt rules for student  
 eligibility, methods of providing instruction to  
 homebound or hospitalized students, and the initiation  
 of services; requiring certain school districts to  
 enter into an agreement with certain children's  
 specialty hospitals to establish certain processes and  
 timelines relating to the instruction of homebound or  
 hospitalized students; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section  
 1003.57, Florida Statutes, is amended to read:

1003.57 Exceptional students instruction.—

(1)

(b) Each district school board shall provide for an  
 appropriate program of special instruction, facilities, and  
 services for exceptional students as prescribed by the State  
 Board of Education as acceptable. Each district program must,  
~~including provisions that:~~

1. ~~The district school board~~ Provide the necessary

27 professional services for diagnosis and evaluation of  
 28 exceptional students. At least once every 3 years, the district  
 29 school board must submit to the department its proposed  
 30 procedures for the provision of special instruction and services  
 31 for exceptional students.

32 2. ~~The district school board~~ Provide the special  
 33 instruction, classes, and services, either within the district  
 34 school system, in cooperation with other district school  
 35 systems, or through contractual arrangements with approved  
 36 private schools or community facilities that meet standards  
 37 established by the commissioner.

38 3. ~~The district school board~~ Annually provide information  
 39 describing the Florida School for the Deaf and the Blind and all  
 40 other programs and methods of instruction available to the  
 41 parent of a sensory-impaired student.

42 4. Provide instruction to homebound or hospitalized  
 43 students in accordance with this section and rules adopted by  
 44 the state board, which must establish, at a minimum, the  
 45 following:

46 a. Criteria for the eligibility of K-12 homebound or  
 47 hospitalized students for specially designed instruction.

48 b. Procedures for determining student eligibility.

49 c. A list of appropriate methods for providing instruction  
 50 to homebound or hospitalized students.

51 d. Requirements for providing instructional services for a  
 52 homebound or hospitalized student once the student is determined

53 to be eligible. Eligible students receiving treatment in a  
 54 children's specialty hospital licensed under part I of chapter  
 55 395 must be provided educational instruction from the school  
 56 district in which the hospital is located until the school  
 57 district in which the hospital is located enters into an  
 58 agreement with the school district in which the student resides.  
 59 The department shall develop a standard agreement for use by  
 60 school districts to provide seamless educational instruction to  
 61 students who transition between school districts while receiving  
 62 treatment in the children's specialty hospital.

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 64 No later than August 15, 2016, each school district in which a  
 65 children's specialty hospital licensed under part I of chapter  
 66 395 is located shall enter into an agreement with the hospital  
 67 which establishes a process by which the hospital must notify  
 68 the school district of students who may be eligible for  
 69 instruction consistent with this subparagraph and the timelines  
 70 for determining student eligibility and providing educational  
 71 instruction to eligible students ~~The district school board, once~~  
 72 ~~every 3 years, submit to the department its proposed procedures~~  
 73 ~~for the provision of special instruction and services for~~  
 74 ~~exceptional students.~~

75 Section 2. This act shall take effect July 1, 2016.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7017      PCB HEWS 16-02      Career and Adult Education  
**SPONSOR(S):** Higher Education & Workforce Subcommittee, Raburn  
**TIED BILLS:**            **IDEN./SIM. BILLS:** SB 726

| REFERENCE  | ACTION    | ANALYST           | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|--|-----------|-------------------|--|
| Orig. Comm.: Higher Education & Workforce Subcommittee | 10 Y, 0 N | Banner            | Bishop                                   |
| 1) Education Appropriations Subcommittee               |           | Butler <i>ABH</i> | Heflin <i>ABH</i>                        |
| 2) Education Committee                                 |           |                   |  |

### SUMMARY ANALYSIS

The bill:

- Revises the definition of applied technology diploma to convert clock hour credit to college credit.
- Establishes fees for applied technology diploma programs offered by public school districts commensurate with fees for college credit programs at Florida College System institutions.
- Revises the standards for career, adult, and community education programs and provides rule-making authority for the State Board of Education to make rules regarding accountability for career education.
- Adds the Chancellor for Career and Adult Education to the membership of the Higher Education Coordinating Council.
- Increases the number of CAPE Digital Tool Certificates that can be included on the CAPE Industry Certification Funding List from 15 to 30.
- Requires career centers and charter technical career centers to develop a procedure for appeals of grievances related to student financial aid.
- Requires more accurate financial reporting for workforce education programs.
- Promotes apprenticeship programs by creating the Florida Apprenticeship Grant (FLAG) Program to expand existing and establish new apprenticeship programs, updating terminology, revising membership on the State Apprenticeship Advisory Council, and clarifying language relating to industry standards.
- Establishes the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers.
- Requires each school district and Florida College System institution that offers an adult education program to provide at least one online option that enables students to earn a standard high school diploma or its equivalent.
- Allows a candidate to take the high school equivalency examination after reaching the age of 16 if a formal declaration of intent to terminate school enrollment is filed with the school district; and
- Corrects an incorrect reference to developmental education which is not offered by adult education programs.

The bill provides \$3 million in recurring general revenue to implement the FLAG Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Program. See fiscal impact section.

The bill has an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Apprenticeships**

###### Present Situation

The Department of Education (DOE) serves as the state apprenticeship agency and registers apprentices and apprenticeship programs on behalf of the United States Department of Labor's (USDOL) Office of Apprenticeship. The purpose of apprenticeships is to enable employers to develop and apply industry standards to training programs for registered apprentices that can increase productivity and improve the quality of the workforce. An apprenticeship is a highly structured training system in which the apprentice works full-time during the day for a sponsoring employer, learning the skills of the trade through on-the-job training along with related classroom instruction. While enrolled in the program, apprentices earn a progressive wage and upon completion of the program are considered a journeyworker and receive a nationally recognized state certificate of completion.<sup>1</sup>

Apprenticeship enrollment is obtained through school district programs, state college programs and independent agencies. Approximately 80 percent of the programs are offered through school districts and colleges and 20 percent through independent agencies. For the 2014-15 academic year, there were 7,424 students enrolled in school district programs and 2,471 students enrolled in state college programs. Based on 2013-14 cost data, school districts spent approximately \$17.1 million on apprenticeship programs and state colleges spent approximately \$5.3 million.<sup>2</sup>

During the 2002 Legislative Special Session E<sup>3</sup>, the department's rulemaking authority regarding Instructional Components of Vocational Education was repealed. As a result, DOE is unable to update its rule regarding instructional components of Career and Technical Education programs.

###### Effect of Proposed Changes

The bill redefines "journeyworker" to further identify individuals who may serve as journeyworkers to include mentors, technicians, specialists or other skilled workers who can document extensive occupational experience through an alternative means to traditional registered apprenticeship completion. It also revises the definition of "related instruction" to include instruction provided in the classroom, correspondence courses or self-study courses approved by DOE. The bill clarifies that no statute, rule, or agreement relating to apprenticeships shall invalidate any special provision for veterans, minorities or women in apprenticeship programs and modifies the requirements for the two public members appointed to the State Apprenticeship Advisory Council to be independent of any joint or non-joint organization.

The bill creates the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants to career centers, charter technical career centers and Florida College System (FCS) institutions for the purpose of expanding existing programs and establishing new apprenticeship programs. Program applications must contain projected enrollment and cost data and funds may be used for instructional equipment, supplies, personnel, student services or other administrative costs. The Division of Career

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<sup>1</sup> Department of Education, *Apprenticeship in Florida: presentation to Higher Education and Workforce Subcommittee* (Jan. 21, 2015), available at <http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76>.

<sup>2</sup> Email, Florida Department of Education, Apprenticeship Program Enrollment Information (September 17, 2015).

<sup>3</sup> Chapter 2002-387, L.O.F.

and Adult Education within the DOE shall administer the program and give priority to applications for programs in the critical need areas of information technology, health, and machining and manufacturing. Grant recipients must submit quarterly reports to the DOE.

The bill provides \$3 million in recurring general revenue to the Department of Education to implement the FLAG Program.

## **Applied Technology Diploma**

### Present Situation

An applied technology diploma (ATD) is currently defined as a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation. It may consist of either technical (clock hour) or college credit; however a public school district (through a career center or charter technical career center), may offer the ATD only as technical credit, and college credit can be awarded to the student only upon articulation to a Florida College System institution.<sup>4</sup> Enrollment data for the 2014-15 academic year indicates that ATD programs were offered in nine districts and enrolled 1,168 students statewide. Pasco-Hernando State College offered two clock hour ATD programs, with enrollment of 35 students.<sup>5</sup> Clock hour tuition rates are established at \$2.33 per clock hour for residents and nonresidents and the out-of-state fee is \$6.99 per contact hour, which is in addition to the resident and nonresident tuition amount.<sup>6</sup> Workforce education postsecondary student fees are subject to tuition and fee variances of no more than five percent below of 5 percent above the combined total of established standard tuition and out-of-state fees.<sup>7</sup>

### Effect of Proposed Changes

The bill revises the definition of “applied technology diploma” to consist of college credit rather than technical clock hour credit. ATDs, currently offered as clock hour programs, will be converted to college credit. College credit courses may be offered by a public school district or a Florida College System institution.

The bill establishes a new tuition rate for applied technology diploma programs to align with current tuition rates established for credit courses in Florida College System institutions, which is \$71.98 per credit hour. This fee will be subject to the tuition and fee variances established in s. 1009.22(3)(d), F.S.

## **Career and Technical Education Programs**

### Present Situation

Current law outlines the issues related to career education for which school boards, Florida College System institution boards of trustees and the Department of Education are responsible.<sup>8</sup> However, the State Board of Education (SBE) does not currently have rulemaking authority to define the quality components of a career and technical education program.

Additionally, current law requires each state university and Florida College System institution to establish a procedure for students to appeal grievances related to the award or administration of financial aid. Career centers and charter technical career centers are not subject to this requirement.

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<sup>4</sup> Section 1004.02(8), F.S.

<sup>5</sup> Email, Florida Department of Education Division of Career and Adult Education (September 17, 2015).

<sup>6</sup> Section 1009.22(3)(c), F.S.

<sup>7</sup> Section 1009.22(3)(d), F.S.

<sup>8</sup> Section 1004.92, F.S.

## Effect of Proposed Changes

The bill improves the quality of career and technical education programs by revising standards and authorizing the SBE to adopt rules related to program accountability.

The bill also requires career centers and charter technical career centers to establish procedures for students to appeal grievances related to the award or administration of financial aid. This change meets federal requirements related to federal financial aid by applying the same statutory requirements for state universities and Florida College System institutions apply to career centers and charter technical career centers.

## **Higher Education Coordinating Council**

### Present Situation

The Higher Education Coordinating Council (HECC) was created in 2010 for the purpose of identifying unmet needs and facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.<sup>9</sup> The HECC is comprised of eleven members:

- One member of the Board of Governors
- One member of the State Board of Education
- Chancellor of the State University System
- Chancellor of the Florida College System
- Executive Director of the Florida Association of Postsecondary Schools and Colleges
- President of the Independent Colleges and Universities of Florida;
- President of Workforce Florida, Inc.
- President of Enterprise Florida, Inc.
- Three business community representatives, one appointed by the Speaker of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Governor.<sup>10</sup>

## Effect of Proposed Changes

The bill adds the Chancellor of Career and Adult Education to the membership of the HECC to provide adequate representation of career centers in discussions and recommendations relating to higher education policies.

## **CAPE Digital Tool Certificates**

### Present Situation

Cape Digital Tools certificates are available to students in kindergarten through grade 8, to enable students to attain digital skills.<sup>11</sup> Certificates are identified and reviewed by the Florida Department of Education and added to the CAPE Industry Certification Funding List annually. The current list includes 15 different certificates.<sup>12</sup> Implementation of CAPE Digital Tools Certificate programs began during the

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<sup>9</sup> Section 1004.015, F.S.

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

<sup>11</sup> 1003.4203(1) F.S.

<sup>12</sup> Florida Department of Education, CAPE Industry Certification Funding List, *available at* [http://www.fldoe.org/core/fileparse.php/8904/urlt/1516icfl\\_detailed.pdf](http://www.fldoe.org/core/fileparse.php/8904/urlt/1516icfl_detailed.pdf) (last viewed October 23, 2015).

2014-2015 school year and funding for these programs became available during the 2015-2016 year. As of October 2015, 3,953 students have earned CAPE Digital Tool Certificates.<sup>13</sup>

For the 2015-2016 Industry Certification Funding List, the maximum number of CAPE Digital Tool Certificates authorized under law have been included on the list. The addition of any newly available certificate would require the removal of an existing certificate from the list.

### Effect of Proposed Changes

The bill allows the Department of Education to consider up to 15 additional certificates for designation as CAPE Digital Tool Certificates on the CAPE Industry Certification Funding List if the certificates meet the statutory requirements.

## **Adult Education**

### Present Situation

Adult general education is the provision of educational services that will enable adults to acquire:

1. The basic skills necessary to attain basic and functional literacy.
2. A high school diploma or successfully complete the high school equivalency examination.
3. An educational foundation that will enable them to become more employable, productive, and self-sufficient citizens.<sup>14</sup>

Adult general education programs are available to individuals who:

- Are at least 16 years of age and have legally left the secondary school system
- Do not have a high school diploma or its equivalent
- Want to learn to speak, read, and write in English.<sup>15</sup>

### Adult Standard High School Diploma

An Adult Standard High School Diploma may be issued by a school district or Florida College System institution. Students may choose a 24-credit or 18-credit ACCEL (Academically Challenging Curriculum to Enhance Learning) option and must complete the same courses and state assessments required to earn a standard high school diploma in the K-12 system. However, the following exceptions are allowed:

1. One elective credit may be substituted for the one credit requirement in fine or performing arts, speech and debate, or practical arts.
2. The requirement that two of the science credits include a laboratory component may be waived by the district school board.
3. The requirement for one credit in physical education may be substituted with an elective.<sup>16</sup>

### High School Equivalency Diploma

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<sup>13</sup> Quick Guide to the Florida Career and Professional Education Act (CAPE), available at <http://www.serve.org/uploads/docs/Events%20&%20Webinars/Quick%20Guide%20to%20the%20Florida%20Career%20and%20Professional%20Education.pdf>

<sup>14</sup> Section 1004.93, F.S.

<sup>15</sup> Department of Education, *Overview of Adult General Education: presentation to Higher Education and Workforce Subcommittee* (September 16, 2015), available at <http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=80>

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

Florida law<sup>17</sup> requires a candidate for the high school equivalency diploma to be at least 18 years of age on the date of the examination, except that in extraordinary circumstances a school district may determine that a candidate is eligible to take the examination after reaching the age of 16.

Forty-three states and the District of Columbia require candidates to be 18 years old to receive a GED credential. Most states, however, allow individuals younger than the required minimum age to take the tests with additional documentation.<sup>18</sup>

### Delivery of Diploma Programs: Adult High School and GED

Counties that offer ONLY a GED preparation (32)

- Okaloosa, Jackson, Washington, Bay, Calhoun, Liberty, Franklin, Wakulla, Jefferson, Madison, Taylor, Hamilton, Suwannee, Lafayette, Dixie, Baker, Union, Bradford, Levy, Putnam, Marion, Citrus, Sumter, Lake, Osceola, Manatee, Hardee, Highlands, DeSoto, Charlotte, Lee, Collier

Counties that offer ONLY an Adult High School option (1)

- Gulf

Counties that offer BOTH a GED preparation and an Adult High School option (30)

- Escambia, Santa Rosa, Walton, Gadsden, Leon, Columbia, Alachua, Clay, Nassau, Duval, St. Johns, Flagler, Volusia, Seminole, Orange, Brevard, Hernando, Pasco, Polk, Hillsborough, Pinellas, Indian River, Okeechobee, St. Lucie, Martin, Palm Beach, Sarasota, Broward, Miami-Dade, Monroe

Counties that do not offer either a GED preparation or Adult High School option (4)

- Holmes, Gilchrist, Glades, Hendry<sup>19</sup>

### Online delivery of Adult Education Programs

The Florida Adult and Technical Distance Education Consortium (FATDEC) is a consortium of 30 member institutions. The purpose of the group is to enable public schools, school districts and Florida College System institutions to work together to deliver curriculum in a web-based environment for adult education and career and technical programs in Florida.<sup>20</sup>

Membership in the consortium includes:

Baker County Public Schools  
Brevard County Public Schools  
Broward County Public Schools  
Calhoun County Adult School  
College of Central Florida (serving Levy County)  
Citrus County Public Schools

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<sup>17</sup> Section 1003.435(4), F.S.

<sup>18</sup> Jizhi Zhang, *Young GED Examinees and Their Performance on the GED Tests*, General Educational Development Testing Service of the American Council on Education (2009), available at <http://www.gedtestingservice.com/uploads/files/ecccfc5b0b5d764269e8780fc9f15d24.pdf>

<sup>19</sup> Department of Education, *Overview of Adult General Education: presentation to Higher Education and Workforce Subcommittee* (September 16, 2015), available at [http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=80](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2853&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=80)

<sup>20</sup> Florida Adult and Technical Education Consortium: Your future, Online, available at [http://fatdec.com/about\\_us.php](http://fatdec.com/about_us.php) (last viewed November 5, 2015)

Desoto County Public Schools  
First Coast Technical College (serving St. Johns County)  
Flagler County Public Schools  
George Stone Technical Center (serving Escambia County)  
Hernando County Public Schools  
Hillsborough County Public Schools  
Indian River State College (serving Martin, St. Lucie, Indian River, and Okeechobee Counties)  
Lee County Public Schools  
Manatee Technical Center  
Monroe County Public Schools  
Nassau County Public Schools  
Orange County Public Schools  
Palm Beach Public Schools  
Pasco County Public Schools  
Pinellas County Public Schools  
Polk County Technical Center  
Santa Fe State College (serving Alachua County)  
Santa Rosa County Public Schools  
Sarasota County Technical Institute  
Seminole State College (serving Seminole County)  
South Florida State College (serving Highlands County)  
St. Johns River State College (serving Putnam County)  
Tallahassee Community College (serving Leon County)  
Washington-Holmes Technical Center (serving Washington and Holmes Counties)  
*\*34 counties served by the consortium*

### Effect of Proposed Changes

The bill reduces the age at which a candidate may take the high school equivalency examination from 18 to 16 and requires public school students to file a formal declaration of intent to terminate school enrollment<sup>21</sup> with the school district before taking the examination.

The bill also requires any school district or Florida College System institution that offers an adult education program to provide at least one online option for students to earn a high school diploma or its equivalent no later than July 1, 2017.

In addition, the bill removes an incorrect reference to developmental education from the adult education section of statute because developmental education is not included in adult education programs.

### **Workforce Education Funding**

#### Present Situation

Funds provided for career and charter technical centers are appropriated separately in the General Appropriations Act (GAA) from other K-12 programs. Proviso language included in the GAA specifies that the funds appropriated shall not be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General verifies compliance with this requirement during scheduled audits of these institutions.<sup>22</sup> As part of the school district, career and charter technical centers benefit from the use of school district personnel and services for many activities which may include: payroll/human

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<sup>21</sup> Section 1003.21(1)(b), F.S., stipulates that any student who attains the age of 16 years is not subject to compulsory school attendance beyond the date upon which he or she reaches that age if the student files a formal declaration of intent to terminate school enrollment with the district school board.

<sup>22</sup> Chapter 2015-232, L.O.F., see Specific Appropriation 118 proviso referencing Specific Appropriations 10, 116, and 118

resources; building maintenance and repair; pest control; lawn care; risk management and liability insurance; marketing; financial and legal services; professional development; school police; technology and MIS; transportation for limited high school students; and utilities. By sharing services, the centers do not have to hire additional full-time staff, or contract for these activities. School districts, in turn, charge their center(s) associated indirect and administrative fees for usage. Currently the Department of Education's (DOE) financial data system does not separate secondary expenditures from postsecondary expenditures; thus, it has been difficult to obtain data or ascertain how the career education centers' indirect service charges are calculated. The indirect costs charged by school districts to the 48 centers vary in percentage of total allocations.

Postsecondary education, including workforce education programs, once conformed to a calculated percentage of the average cost of instruction funded with 75 percent from state general revenue and 25 percent from student fees. This ratio is no longer applicable, as tuition and fee revenues currently make up a larger percentage of total funding. Funding for workforce education is currently calculated based on weighted enrollment minus fee revenues generated to offset program operational costs.

### Effect of Proposed Changes

The bill requires each school district and Florida College System (FCS) institution receiving state appropriations for workforce education programs to maintain adequate and accurate records including a system to record school district workforce education funding and expenditures in order to maintain separation of postsecondary workforce education expenditures from secondary education expenditures.

The bill revises the calculation methodology for determining state funding for workforce education programs consistent with the current method used to allocate funds, and removes obsolete references for programs that are no longer funded.

The bill clarifies the requirements for workforce performance funding to reward all types of workforce education programs, including those that:

- prepare people to enter high-skill/high wage occupations;
- increase student achievement in Adult General Education courses; and
- award industry certifications

## **Rapid Response Grant Program**

### Present Situation

Florida does not currently have a formal mechanism for recruiting and retaining industry in the state by providing education and training programs specifically geared toward business employees. The lack of such a process may result in businesses choosing not to locate in Florida because they are not given adequate assurance that they will have the skilled workers needed for their enterprise to be successful in this state. Other states often have a competitive advantage over Florida in industry attraction, expansion, and retention projects and lose out on the associated jobs that they create.

### Effect of Proposed Changes

The bill creates the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers. Career centers applying for the program must submit an application that includes, at a minimum, the details regarding the program expansion and development, projected enrollment and projected costs. Career centers that are granted awards must submit quarterly reports. Grant funds may not be used to supplant current funds and must be used to expand enrollment in existing programs or create new programs.

The Department of Education shall administer the program and conduct an annual analysis and assessment of the effectiveness of the postsecondary programs in meeting labor market demands.

The bill provides \$10 million in recurring general revenue to the Department of Education to implement this program.

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 446.021, F.S., amending the definitions of “journeyworker” and “related instruction”.

**Section 2.** Amends s. 446.032, F.S., making a technical change of “journeymen” to “journeyworker”.

**Section 3.** Amends s. 446.045, F.S., clarifying that public members of the State Apprenticeship Advisory Council are to be independent of any joint or nonjoint organization.

**Section 4.** Amends s. 446.081, F.S., clarifying that nothing in ss. 446.011-446.092, F.S. or implementing rules shall operate to invalidate any special provisions for veterans, minorities, or women in apprenticeship programs.

**Section 5.** Amends s. 446.091, F.S., making a technical change of “journeymen” to “journeyworker”.

**Section 6.** Amends s. 446.092, F.S., clarifying language related to industry standards.

**Section 7.** Amends s. 1003.435, F.S., reducing the age at which a candidate may take the high school equivalency examination.

**Section 8.** Amends s. 1004.015, F.S., adding the Chancellor of Career and Adult Education at the Department of Education to the Higher Education Coordinating Council.

**Section 9.** Amends s. 1004.02, F.S., clarifying that the applied technology diploma consists of college credit and may be offered by a public school district or Florida College System institution.

**Section 10.** Amends s. 1004.92, F.S., revising language regarding career and technical education program standards and requiring the State Board of Education to adopt rules.

**Section 11.** Amends s. 1004.93, F.S., requiring each school district and Florida College System institution that offers an adult education program to, by July 1, 2017, provide at least one online option for students to earn a standard high school diploma or its equivalent; removing an incorrect reference to developmental education.

**Section 12.** Amends s. 1008.44, F.S. increasing the number of CAPE Digital Tool Certificates that can be included on the CAPE Industry Certification Funding List from 15 to 30; changing language on identification of the CAPE Digital Tool Certificates to conform with other statutory language.

**Section 13.** Amends s. 1009.22, F.S., removes the reference to the applied technology diploma under the per contact hour fee structure; and provides a new tuition fee structure for the applied technology diploma at the same rates as those charged by the Florida College System for college credit programs.

**Section 14.** Amends s. 1009.42, F.S., requiring career centers to develop procedures for appeals of grievances related to financial aid as required by the U.S. Department of Education.

**Section 15.** Amends s. 1011.80, F.S., requiring school districts and colleges to maintain adequate and accurate records, separating postsecondary workforce education expenditures from secondary education expenditures; clarifying the requirements for funding calculations to align with the current

methodology for determining workforce education funding; clarifying the requirements for workforce performance funding.

**Section 16.** Creates s. 1011.802, F.S., establishing the Florida Apprenticeship Grant (FLAG) Program to provide competitive grants for career centers, charter technical career centers and Florida College System institutions to expand existing or create new apprenticeship programs.

**Section 17.** Creates s. 1011.803, F.S., establishing the Rapid Response Grant Program for the purpose of providing a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers and charter technical career centers.

**Section 18.** Provides \$3 million in recurring general revenue to implement the Florida Apprenticeship Grant (FLAG) Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Education and Training Program to the Department of Education.

**Section 19.** Provides an effective date of July 1, 2016.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The 2014-2015 school year was the first year of implementation for CAPE Digital Tool Certificates. There is currently no data available on the number of students earning a certification. For 2015-16, the maximum number of CAPE Digital Tool Certificates (15) are included on the CAPE Industry Certification Funding List. It is possible that the addition of new CAPE Digital Tool Certificates to the funding list could attract more students to the program and result in an increase in the total number of certificates earned. Each additional certificate earned by an elementary or middle school student would generate 0.025 additional FTE, with a maximum of 1.0 FTE for any one student. The value of 0.025 FTE would generate approximately \$104 in additional funding for each certificate. The number of additional CAPE Digital Tool Certificates that may generate funding under the bill is unknown.

This bill provides the Department of Education with \$3 million in recurring general revenue to implement the Florida Apprenticeship Grant (FLAG) Program and \$10 million in recurring general revenue to implement the Rapid Response Grant Program.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

The costs to school districts and Florida College System institutions offering adult education programs to provide at least one online option that enables students to earn a standard high school diploma or its equivalent is unknown.

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

Redefining “applied technology diploma” and converting the tuition rates from contact hour to credit hour will result in a minimal increase in cost for some students. The student does, however, receive an upgraded product with college credit that is more easily transferable. The conversion of credit hours could potentially lower costs to some students depending upon length of program, and its conversion to credit hours.

The bill creates the Rapid Response Grant Program to provide a competitive grant process for the expansion or implementation of high-demand postsecondary programs at career centers or charter technical career centers. This new program may result in businesses choosing to locate in Florida because they will be given adequate assurance that they will have the skilled workers needed for their enterprise to be successful in this state.

The Florida Apprenticeship Grant Program will provide start-up funding for new apprenticeship programs and allow for expansion of existing apprenticeship programs at Florida College System institutions, career centers, and charter technical career centers. The program will benefit both businesses and students enrolled in the programs. Businesses have expressed the need for increased apprenticeship programs. Students enrolled in apprenticeship programs are exempt from the payment of tuition and fees.

**D. FISCAL COMMENTS:**

Based on 2014-2015 enrollment data, the conversion of the ATD from clock hour to college credit would likely result in tuition revenue increases of \$87,274 for school districts, and a decrease of \$15,897 for Pasco-Hernando State College, the only college institution offering clock hour programs.<sup>23</sup> The bill has an indeterminate future fiscal impact on tuition and fee revenues for career centers and charter technical centers. Changing applied technology diploma credit from clock hour credit to college credit could encourage increased student enrollment in these programs. Enrollment increases, if significant, could require additional state funding in future years since tuition covers only a portion of a student’s educational costs.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not applicable. The bill does not appear to affect county or municipal governments.

**2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

The bill provides rulemaking authority to the State Board of Education regarding instructional components of Career and Technical Education programs. The bill may also require the State Board of Education to modify rules related to workforce education program funding reporting.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

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<sup>23</sup> Email, Department of Education Division of Career and Adult Education (September 17, 2015)

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On November 18, 2015, the Higher Education and Workforce Subcommittee adopted two amendments. The first amendment clarifies that the requirement to file a formal declaration of intent to terminate school enrollment in order to be eligible to take the GED examination applies only to public school students. The second amendment corrects an incorrect date relating to appropriations for the Rapid Response Grant Program and the Florida Apprenticeship Grant (FLAG) program.

This analysis is drafted to the bill as amended and passed by the Higher Education and Workforce Subcommittee.



27 | programs may only provide academic services to  
 28 | specified students under certain circumstances;  
 29 | deleting duties of the State Board of Education  
 30 | relating to adult general education programs; deleting  
 31 | a requirement that specific expenditures be reported  
 32 | separately; revising allocation requirements for  
 33 | developmental education; amending s. 1008.44, F.S.;  
 34 | revising the number of allowable CAPE Digital Tool  
 35 | certificates in certain areas that do not lead to  
 36 | college credit; deleting a provision authorizing the  
 37 | Chancellor of Career and Adult Education to update the  
 38 | list of certificates; amending s. 1009.22, F.S.;  
 39 | revising tuition and fees for specific workforce  
 40 | education programs; amending s. 1009.42, F.S.;  
 41 | requiring district school boards operating a career  
 42 | center and governing bodies of charter technical  
 43 | career centers to establish a specific appeal  
 44 | procedure for students; amending s. 1011.80, F.S.;  
 45 | conforming provisions; requiring school districts and  
 46 | Florida College System institutions to maintain  
 47 | certain records; revising operational and performance  
 48 | funding calculation and allocation for workforce  
 49 | education programs; deleting provisions relating to a  
 50 | program to assist in responding to the needs of new  
 51 | and expanding businesses and a requirement that the  
 52 | State Board of Education and CareerSource Florida,

53 Inc., provide the Legislature with certain formulas  
 54 and mechanisms for distributing performance funds;  
 55 creating s. 1011.802, F.S.; creating the Florida  
 56 Apprenticeship Grant (FLAG) program; providing for the  
 57 purpose, requirements, and administration of the  
 58 program; requiring certain career centers and  
 59 institutions to provide quarterly reports; creating s.  
 60 1011.803, F.S.; creating the Rapid Response Grant  
 61 program; providing for the purpose, requirements, and  
 62 administration of the program; requiring certain  
 63 career centers to provide quarterly reports; requiring  
 64 the department to administer the program and conduct  
 65 an annual program analysis; providing appropriations;  
 66 providing an effective date.

67

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

69

70 Section 1. Section 446.021, Florida Statutes, is reordered  
 71 and amended to read:

72 446.021 Definitions of terms used in ss. 446.011-446.092.—

73 As used in ss. 446.011-446.092, the term:

74 (1)~~(2)~~ "Apprentice" means a person at least 16 years of  
 75 age who is engaged in learning a recognized skilled trade  
 76 through actual work experience under the supervision of a  
 77 journeyworker ~~journeymen craftsmen~~, which training should be  
 78 combined with properly coordinated studies of related technical

79 and supplementary subjects, and who has entered into a written  
 80 agreement, which may be cited as an apprentice agreement, with a  
 81 registered apprenticeship sponsor who may be ~~either~~ an employer,  
 82 an association of employers, or a local joint apprenticeship  
 83 committee.

84 (2)~~(6)~~ "Apprenticeship program" means an organized course  
 85 of instruction, registered and approved by the department, which  
 86 course shall contain all terms and conditions for the  
 87 qualifications, recruitment, selection, employment, and training  
 88 of apprentices including such matters as the requirements for a  
 89 written apprenticeship agreement.

90 (3)~~(10)~~ "Cancellation" means the deregistration of an  
 91 apprenticeship program or the termination of an apprenticeship  
 92 agreement.

93 (4)~~(12)~~ "Department" means the Department of Education.

94 (5)~~(4)~~ "Journeyworker ~~Journeyman~~" means a person working  
 95 in an ~~apprenticeable~~ occupation who has attained a level of  
 96 skill and the abilities and competencies recognized within the  
 97 industry as having mastered the skills and competencies required  
 98 for the occupation. The term includes a mentor, technician,  
 99 specialist, or other skilled worker who has documented  
 100 sufficient skills and knowledge of the occupation through formal  
 101 apprenticeship or practical on-the-job experience and formal  
 102 training ~~successfully completed a registered apprenticeship~~  
 103 ~~program or who has worked the number of years required by~~  
 104 ~~established industry practices for the particular trade or~~

105 ~~occupation.~~

106 (6)~~(11)~~ "Jurisdiction" means the specific geographical  
107 area for which a particular program is registered.

108 (7) "On-the-job training program" means a formalized  
109 system of job processes which may be augmented by related  
110 instruction that provides the experience and knowledge necessary  
111 to meet the training objective of learning a specific skill,  
112 trade, or occupation. The training program must be at least 6  
113 months and not more than 2 years in duration and must be  
114 registered with the department.

115 (8)~~(1)~~ "Preapprentice" means any person 16 years of age or  
116 over engaged in any course of instruction in the public school  
117 system or elsewhere, which course is registered as a  
118 preapprenticeship program with the department.

119 (9)~~(5)~~ "Preapprenticeship program" means an organized  
120 course of instruction in the public school system or elsewhere,  
121 which course is designed to prepare a person 16 years of age or  
122 older to become an apprentice and which course is approved by  
123 and registered with the department and sponsored by a registered  
124 apprenticeship program.

125 (10)~~(9)~~ "Related instruction" means an organized and  
126 systematic form of instruction designed to provide the  
127 apprentice with knowledge of the theoretical and technical  
128 subjects related to a specific trade or occupation. Such  
129 instruction may be given in a classroom, through occupational or  
130 industrial courses or correspondence courses of equivalent

HB 7017

2016

131 value, through electronic media, or through other forms of self-  
 132 study approved by the department.

133 (11)~~(3)~~ "Trainee" means a person at least 16 years of age  
 134 who is engaged in learning a specific skill, trade, or  
 135 occupation within a formalized, on-the-job training program.

136 (12)~~(8)~~ "Uniform minimum preapprenticeship standards"  
 137 means the minimum requirements established uniformly for each  
 138 craft under which a preapprenticeship program is administered  
 139 and includes standards of admission, training goals, training  
 140 objectives, curriculum outlines, objective standards to measure  
 141 successful completion of the preapprenticeship program, and the  
 142 percentage of credit which may be given to preapprenticeship  
 143 graduates upon acceptance into the apprenticeship program.

144 Section 2. Subsection (1) of section 446.032, Florida  
 145 Statutes, is amended to read:

146 446.032 General duties of the department for  
 147 apprenticeship training.—The department shall:

148 (1) Establish uniform minimum standards and policies  
 149 governing apprentice programs and agreements. The standards and  
 150 policies shall govern the terms and conditions of the  
 151 apprentice's employment and training, including the quality  
 152 training of the apprentice for, but not limited to, such matters  
 153 as ratios of apprentices to journeyworkers ~~journeymen~~, safety,  
 154 related instruction, and on-the-job training; but these  
 155 standards and policies may not include rules, standards, or  
 156 guidelines that require the use of apprentices and job trainees

HB 7017

2016

157 on state, county, or municipal contracts. The department may  
 158 adopt rules necessary to administer the standards and policies.

159 Section 3. Paragraph (b) of subsection (2) of section  
 160 446.045, Florida Statutes, is amended to read:

161 446.045 State Apprenticeship Advisory Council.—

162 (2)(b) The Commissioner of Education or the commissioner's  
 163 designee shall serve ex officio as chair of the State  
 164 Apprenticeship Advisory Council, but may not vote. The state  
 165 director of the Office of Apprenticeship of the United States  
 166 Department of Labor shall serve ex officio as a nonvoting member  
 167 of the council. The Governor shall appoint to the council four  
 168 members representing employee organizations and four members  
 169 representing employer organizations. Each of these eight members  
 170 shall represent industries that have registered apprenticeship  
 171 programs. The Governor shall also appoint two public members who  
 172 are knowledgeable about registered apprenticeship and  
 173 apprenticeable occupations and who are independent of any joint  
 174 or nonjoint organization, ~~one of whom shall be recommended by~~  
 175 ~~joint organizations, and one of whom shall be recommended by~~  
 176 ~~nonjoint organizations~~. Members shall be appointed for 4-year  
 177 staggered terms. A vacancy shall be filled for the remainder of  
 178 the unexpired term.

179 Section 4. Subsection (1) of section 446.081, Florida  
 180 Statutes, is amended to read:

181 446.081 Limitation.—

182 (1) Nothing in ss. 446.011-446.092, or in any apprentice

HB 7017

2016

183 agreement approved under those sections, may ~~shall operate to~~  
 184 invalidate:

185 (a) Any apprenticeship provision in any collective  
 186 agreement between employers and employees setting up higher  
 187 apprenticeship standards.

188 (b) Any special provision for veterans, minority persons,  
 189 or women in the standards, apprentice qualifications, or  
 190 operation of the program that is not otherwise prohibited by  
 191 law, executive order, or authorized regulation.

192 Section 5. Section 446.091, Florida Statutes, is amended  
 193 to read:

194 446.091 On-the-job training program.—All provisions of ss.  
 195 446.011-446.092 relating to apprenticeship and  
 196 preapprenticeship, including, but not limited to, programs,  
 197 agreements, standards, administration, procedures, definitions,  
 198 expenditures, local committees, powers and duties, limitations,  
 199 grievances, and ratios of apprentices and job trainees to  
 200 journeyworkers ~~journeymen~~ on state, county, and municipal  
 201 contracts, shall be appropriately adapted and made applicable to  
 202 a program of on-the-job training authorized under those  
 203 provisions for persons other than apprentices.

204 Section 6. Section 446.092, Florida Statutes, is amended  
 205 to read:

206 446.092 Criteria for apprenticeship occupations.—An  
 207 apprenticeable occupation is a skilled trade which possesses all  
 208 of the following characteristics:

209 (1) It is customarily learned in a practical way through a  
 210 structured, systematic program of on-the-job, supervised  
 211 training.

212 (2) It is clearly identified and commonly recognized  
 213 throughout an the industry ~~or recognized with a positive view~~  
 214 ~~towards changing technology.~~

215 (3) It involves manual, mechanical, or technical skills  
 216 and knowledge which, in accordance with the industry standards  
 217 for the occupation, would require a minimum of 2,000 hours of  
 218 on-the-job work and training, which hours are excluded from the  
 219 time spent at related instruction.

220 (4) It requires related instruction to supplement on-the-  
 221 job training. Such instruction may be given in a classroom,  
 222 through occupational or industrial courses or through  
 223 correspondence courses of equivalent value, through electronic  
 224 media, or through other forms of self-study approved by the  
 225 department.

226 ~~(5) It involves the development of skill sufficiently~~  
 227 ~~broad to be applicable in like occupations throughout an~~  
 228 ~~industry, rather than of restricted application to the products~~  
 229 ~~or services of any one company.~~

230 ~~(6) It does not fall into any of the following categories:~~

231 ~~(a) Selling, retailing, or similar occupations in the~~  
 232 ~~distributive field.~~

233 ~~(b) Managerial occupations.~~

234 ~~(c) Professional and scientific vocations for which~~

HB 7017

2016

235 ~~entrance requirements customarily require an academic degree.~~

236 Section 7. Subsection (4) of section 1003.435, Florida  
 237 Statutes, is amended to read:

238 1003.435 High school equivalency diploma program.—

239 (4) A candidate for a high school equivalency diploma  
 240 shall be at least 16 ~~18~~ years of age on the date of the  
 241 examination, ~~except that in extraordinary circumstances, as~~  
 242 ~~provided for in rules of the district school board of the~~  
 243 ~~district in which the candidate resides or attends school, a~~  
 244 ~~candidate may take the examination after reaching the age of 16.~~  
 245 Before taking the examination, a public school student must file  
 246 a formal declaration of intent to terminate school enrollment  
 247 pursuant to s. 1003.21.

248 Section 8. Subsection (2) of section 1004.015, Florida  
 249 Statutes, is amended to read:

250 1004.015 Higher Education Coordinating Council.—

251 (2) Members of the council shall include:

252 (a) One member of the Board of Governors, appointed by the  
 253 chair of the Board of Governors.

254 (b) The Chancellor of the State University System.

255 (c) The Chancellor of the Florida College System.

256 (d) The Chancellor of Career and Adult Education.

257 (e) ~~(d)~~ One member of the State Board of Education,  
 258 appointed by the chair of the State Board of Education.

259 (f) ~~(e)~~ The Executive Director of the Florida Association  
 260 of Postsecondary Schools and Colleges.

HB 7017

2016

261        (g)~~(f)~~ The president of the Independent Colleges and  
 262 Universities of Florida.

263        (h)~~(g)~~ The president of CareerSource Florida, Inc., or his  
 264 or her designee.

265        (i)~~(h)~~ The president of Enterprise Florida, Inc., or a  
 266 designated member of the Stakeholders Council appointed by the  
 267 president.

268        (j)~~(i)~~ Three representatives of the business community,  
 269 one appointed by the President of the Senate, one appointed by  
 270 the Speaker of the House of Representatives, and one appointed  
 271 by the Governor, who are committed to developing and enhancing  
 272 world class workforce infrastructure necessary for Florida's  
 273 citizens to compete and prosper in the ever-changing economy of  
 274 the 21st century.

275        Section 9. Subsection (7) of section 1004.02, Florida  
 276 Statutes, is amended to read:

277        1004.02 Definitions.—As used in this chapter:

278        (7) "Applied technology diploma program" means a course of  
 279 study that is part of a technical degree program, is less than  
 280 60 credit hours, and leads to employment in a specific  
 281 occupation. An applied technology diploma program consists ~~may~~  
 282 ~~consist~~ of ~~either technical credit or~~ college credit and may be  
 283 offered by a public school district or a Florida College System  
 284 institution. ~~A public school district may offer an applied~~  
 285 ~~technology diploma program only as technical credit, with~~  
 286 ~~college credit awarded to a student upon articulation to a~~

HB 7017

2016

287 ~~Florida College System institution.~~ Statewide articulation among  
 288 public schools and Florida College System institutions is  
 289 guaranteed by s. 1007.23~~7~~ and is subject to guidelines and  
 290 standards adopted by the State Board of Education pursuant to  
 291 ss. 1007.24 and 1007.25.

292       Section 10. Paragraph (b) of subsection (2) of section  
 293 1004.92, Florida Statutes, is amended, and subsection (4) is  
 294 added to that section, to read:

295       1004.92 Purpose and responsibilities for career  
 296 education.—

297       (2)

298       (b) Department of Education accountability for career  
 299 education includes, but is not limited to:

300       1. The provision of timely, accurate technical assistance  
 301 to school districts and Florida College System institutions.

302       2. The provision of timely, accurate information to the  
 303 State Board of Education, the Legislature, and the public.

304       3. The development of policies, rules, and procedures that  
 305 facilitate institutional attainment of the accountability  
 306 standards and coordinate the efforts of all divisions within the  
 307 department.

308       4. The development of program standards and industry-  
 309 driven benchmarks for career, adult, and community education  
 310 programs, which must be updated every 3 years. The standards  
 311 must reflect the quality components of a career and technical  
 312 education program and include career, academic, and workplace

HB 7017

2016

313 skills; viability of distance learning for instruction; and  
 314 work/learn cycles that are responsive to business and industry.

315 5. Overseeing school district and Florida College System  
 316 institution compliance with the provisions of this chapter.

317 6. Ensuring that the educational outcomes for the  
 318 technical component of career programs are uniform and designed  
 319 to provide a graduate who is capable of entering the workforce  
 320 on an equally competitive basis regardless of the institution of  
 321 choice.

322 (4) The State Board of Education shall adopt rules to  
 323 administer this section.

324 Section 11. Section 1004.93, Florida Statutes, is  
 325 reordered and amended to read:

326 1004.93 Adult general education.—

327 (1)(a) The intent of this section is to encourage the  
 328 provision of educational services that will enable adults to  
 329 acquire:

330 1. The basic skills necessary to attain basic and  
 331 functional literacy.

332 2. A high school diploma or successfully complete the high  
 333 school equivalency examination.

334 3. An educational foundation that will enable them to  
 335 become more employable, productive, and self-sufficient  
 336 citizens.

337 (b) It is further intended that educational opportunities  
 338 be available for adults who have earned a diploma or high school

339 equivalency diploma but who lack the basic skills necessary to  
 340 function effectively in everyday situations, to enter the job  
 341 market, or to enter career certificate instruction.

342 (2) The adult education program must provide academic  
 343 services to ~~students in the following priority:~~

344 (a) Students who ~~demonstrate skills at less than a fifth~~  
 345 ~~grade level, as measured by tests approved for this purpose by~~  
 346 ~~the State Board of Education, and who~~ are studying to achieve  
 347 basic literacy.

348 (b) Students who ~~demonstrate skills at the fifth grade~~  
 349 ~~level or higher, but below the ninth grade level, as measured by~~  
 350 ~~tests approved for this purpose by the State Board of Education,~~  
 351 ~~and who~~ are studying to achieve functional literacy.

352 (c) Students who are earning credit required for a high  
 353 school diploma or ~~who are~~ preparing for the high school  
 354 equivalency examination. By July 1, 2017, each school district  
 355 or Florida College System institution with an adult high school  
 356 or offering a high school equivalency examination preparation  
 357 program must offer at least one online program option that  
 358 enables students to earn a high school diploma or its  
 359 equivalent.

360 (d) Students who have earned high school diplomas and  
 361 require specific improvement in order to:

- 362 1. Obtain or maintain employment or benefit from  
 363 certificate career education programs;  
 364 2. Pursue a postsecondary degree; or

365 3. Develop competence in the English language to qualify  
 366 for employment.

367 (3) If all students meeting the criteria of subsection (2)  
 368 are provided academic services, the adult education program may  
 369 provide academic services to:

370 (a) ~~(e)~~ Students who enroll in lifelong learning courses or  
 371 activities that seek to address community social and economic  
 372 issues that consist of health and human relations, government,  
 373 parenting, consumer economics, and senior citizens.

374 (b) ~~(f)~~ Students who enroll in courses that relate to the  
 375 recreational or leisure pursuits of the students. The cost of  
 376 courses conducted pursuant to this paragraph shall be borne by  
 377 the enrollees.

378 (4) ~~(3)~~ (a) Each district school board or Florida College  
 379 System institution board of trustees shall negotiate with the  
 380 regional workforce board for basic and functional literacy  
 381 skills assessments for participants in the welfare transition  
 382 employment and training programs. Such assessments shall be  
 383 conducted at a site mutually acceptable to the district school  
 384 board or Florida College System institution board of trustees  
 385 and the regional workforce board.

386 (b) State employees who are employed in local or regional  
 387 offices of state agencies shall inform clients of the  
 388 availability of adult basic and secondary programs in the  
 389 region. The identities of clients who do not possess high school  
 390 diplomas or who demonstrate skills below the level of functional

391 literacy shall be conveyed, with their consent, to the local  
 392 school district or Florida College System institution, or both.

393 (c) To the extent funds are available, the Department of  
 394 Children and Families shall provide for day care and  
 395 transportation services to clients who enroll in adult basic  
 396 education programs.

397 (5)~~(4)~~(a) Adult general education shall be evaluated and  
 398 funded as provided in s. 1011.80.

399 (b) Fees for adult basic instruction are to be charged in  
 400 accordance with chapter 1009.

401 ~~(c) The State Board of Education shall define, by rule,~~  
 402 ~~the levels and courses of instruction to be funded through the~~  
 403 ~~developmental education program. The state board shall~~  
 404 ~~coordinate the establishment of costs for developmental~~  
 405 ~~education courses, the establishment of statewide standards that~~  
 406 ~~define required levels of competence, acceptable rates of~~  
 407 ~~student progress, and the maximum amount of time to be allowed~~  
 408 ~~for completion of developmental education. Developmental~~  
 409 ~~education is part of an associate in arts degree program and may~~  
 410 ~~not be funded as an adult career education program.~~

411 ~~(d) Expenditures for developmental education and lifelong~~  
 412 ~~learning students shall be reported separately. Allocations for~~  
 413 ~~developmental education shall be based on proportional full-time~~  
 414 ~~equivalent enrollment. Program review results shall be included~~  
 415 ~~in the determination of subsequent allocations. A student shall~~  
 416 ~~be funded to enroll in the same developmental education class~~

417 ~~within a skill area only twice, after which time the student~~  
 418 ~~shall pay 100 percent of the full cost of instruction to support~~  
 419 ~~the continuous enrollment of that student in the same class;~~  
 420 ~~however, students who withdraw or fail a class due to~~  
 421 ~~extenuating circumstances may be granted an exception only once~~  
 422 ~~for each class, provided approval is granted according to policy~~  
 423 ~~established by the board of trustees. Each Florida College~~  
 424 ~~System institution shall have the authority to review and reduce~~  
 425 ~~payment for increased fees due to continued enrollment in a~~  
 426 ~~developmental education class on an individual basis contingent~~  
 427 ~~upon the student's financial hardship, pursuant to definitions~~  
 428 ~~and fee levels established by the State Board of Education.~~  
 429 ~~Developmental education and lifelong learning courses do not~~  
 430 ~~generate credit toward an associate or baccalaureate degree.~~

431 (c) ~~(e)~~ A district school board or a Florida College System  
 432 institution board of trustees may negotiate a contract with the  
 433 regional workforce board for specialized services for  
 434 participants in the welfare transition program, beyond what is  
 435 routinely provided for the general public, to be funded by the  
 436 regional workforce board.

437 (6) ~~(5)~~ If students who have been determined to be adults  
 438 with disabilities are enrolled in workforce development  
 439 programs, the funding formula must provide additional incentives  
 440 for their achievement of performance outputs and outcomes.

441 (7) ~~(6)~~ The commissioner shall recommend the level of  
 442 funding for public school and Florida College System institution

443 adult education within the legislative budget request and make  
 444 other recommendations and reports considered necessary or  
 445 required by rules of the State Board of Education.

446 (8)~~(7)~~ Buildings, land, equipment, and other property  
 447 owned by a district school board or Florida College System  
 448 institution board of trustees may be used for the conduct of the  
 449 adult education program. Buildings, land, equipment, and other  
 450 property owned or leased by cooperating public or private  
 451 agencies, organizations, or institutions may also be used for  
 452 the purposes of this section.

453 (9)~~(8)~~ In order to accelerate the employment of adult  
 454 education students, students entering adult general education  
 455 programs after July 1, 2013, must complete the following action-  
 456 steps-to-employment activities before the completion of the  
 457 first term:

458 (a) Identify employment opportunities using market-driven  
 459 tools.

460 (b) Create a personalized employment goal.

461 (c) Conduct a personalized skill and knowledge inventory.

462 (d) Compare the results of the personalized skill and  
 463 knowledge inventory with the knowledge and skills needed to  
 464 attain the personalized employment goal.

465 (e) Upgrade skills and knowledge needed through adult  
 466 general education programs and additional educational pursuits  
 467 based on the personalized employment goal.

468

469 The action-steps-to-employment activities may be developed  
 470 through a blended approach with assistance provided to adult  
 471 general education students by teachers, employment specialists,  
 472 guidance counselors, business and industry representatives, and  
 473 online resources. Students may be directed to online resources  
 474 and provided information on financial literacy, student  
 475 financial aid, industry certifications, and occupational  
 476 services and a listing of job openings.

477 (10)~~(9)~~ The State Board of Education may adopt rules  
 478 necessary for the implementation of this section.

479 Section 12. Paragraph (b) of subsection (1) of section  
 480 1008.44, Florida Statutes, is amended to read:

481 1008.44 CAPE Industry Certification Funding List and CAPE  
 482 Postsecondary Industry Certification Funding List.-

483 (1) Pursuant to ss. 1003.4203 and 1003.492, the Department  
 484 of Education shall, at least annually, identify, under rules  
 485 adopted by the State Board of Education, and the Commissioner of  
 486 Education may at any time recommend adding the following  
 487 certificates, certifications, and courses:

488 (b) No more than 30 ~~15~~ CAPE Digital Tool certificates  
 489 limited to the areas of word processing; spreadsheets; sound,  
 490 motion, and color presentations; digital arts; cybersecurity;  
 491 and coding pursuant to s. 1003.4203(3) that do not articulate  
 492 for college credit. Such certificates shall be annually  
 493 identified on the CAPE Industry Certification Funding List ~~and~~  
 494 ~~updated solely by the Chancellor of Career and Adult Education.~~

495 The certificates shall be made available to students in  
 496 elementary school and middle school grades and, if earned by a  
 497 student, shall be eligible for additional full-time equivalent  
 498 membership pursuant to s. 1011.62(1)(o)1.

499 Section 13. Paragraphs (d) and (e) of subsection (3) of  
 500 section 1009.22, Florida Statutes, are redesignated as  
 501 paragraphs (e) and (f), respectively, paragraph (c) of that  
 502 subsection is amended, and a new paragraph (d) is added to that  
 503 subsection, to read:

504 1009.22 Workforce education postsecondary student fees.-  
 505 (3)

506 (c) Effective July 1, 2014, for programs leading to a  
 507 career certificate ~~or an applied technology diploma~~, the  
 508 standard tuition shall be \$2.33 per contact hour for residents  
 509 and nonresidents, and the out-of-state fee shall be \$6.99 per  
 510 contact hour. For adult general education programs, a block  
 511 tuition of \$45 per half year or \$30 per term shall be assessed.  
 512 Each district school board and Florida College System  
 513 institution board of trustees shall adopt policies and  
 514 procedures for the collection of and accounting for the  
 515 expenditure of the block tuition. All funds received from the  
 516 block tuition shall be used only for adult general education  
 517 programs. Students enrolled in adult general education programs  
 518 may not be assessed the fees authorized in subsection (5),  
 519 subsection (6), or subsection (7).

520 (d) Effective July 1, 2016, for programs leading to an

HB 7017

2016

521 applied technology diploma, the standard tuition shall be \$71.98  
 522 per credit hour for residents and nonresidents, and the out-of-  
 523 state fee shall be \$215.94 per credit hour.

524 Section 14. Subsection (2) of section 1009.42, Florida  
 525 Statutes, is amended to read:

526 1009.42 Financial aid appeal process.—

527 (2) The president of each state university and each  
 528 Florida College System institution, each district school board  
 529 operating a career center pursuant to s. 1001.44, and each  
 530 governing body of a charter technical career center operating  
 531 pursuant to s. 1002.34 shall establish a procedure for appeal,  
 532 by students, of grievances related to the award or  
 533 administration of financial aid at the institution.

534 Section 15. Section 1011.80, Florida Statutes, is  
 535 reordered and amended to read:

536 1011.80 Funds for operation of workforce education  
 537 programs.—

538 (1) As used in this section, the terms "workforce  
 539 education" and "workforce education program" include:

540 (a) Adult general education programs designed to improve  
 541 the employability skills of the state's workforce as defined in  
 542 s. 1004.02(3).

543 (b) Career certificate programs, as defined in s.  
 544 1004.02(20).

545 (c) Applied technology diploma programs.

546 (d) Continuing workforce education courses.

547 (e) Degree career education programs.

548 (f) Apprenticeship and preapprenticeship programs as  
549 defined in s. 446.021.

550 (2) A ~~Any~~ workforce education program may be conducted by  
551 a Florida College System institution or a school district,  
552 except that ~~college credit in~~ an associate in applied science or  
553 an associate in science degree may be awarded only by a Florida  
554 College System institution. However, if an associate in applied  
555 science or an associate in science degree program contains  
556 within it an occupational completion point that confers a  
557 certificate or an applied technology diploma, that portion of  
558 the program may be offered ~~conducted~~ by a school district career  
559 center. ~~Any~~ Instruction designed to articulate to a degree  
560 program is subject to guidelines and standards adopted by the  
561 State Board of Education pursuant to s. 1007.25.

562 (3) Each school district and Florida College System  
563 institution receiving state appropriations for workforce  
564 education programs must maintain adequate and accurate records,  
565 including a system to record school district workforce education  
566 funding and expenditures, in order to maintain separation of  
567 postsecondary workforce education expenditures from secondary  
568 workforce education expenditures. These records must be filed  
569 with the Department of Education in correct and proper form on  
570 or before the date due as provided by law or rule for each  
571 annual or periodic report that is required by rules of the State  
572 Board of Education.

573        (4) ~~(9)~~ School districts shall report full-time equivalent  
 574 students by discipline category for the programs specified in  
 575 subsection (1). There shall be an annual cost analysis for the  
 576 school district workforce education programs that reports cost  
 577 by discipline category consistent with the reporting for full-  
 578 time equivalent students. The annual financial reports submitted  
 579 by the school districts must accurately report on the student  
 580 fee revenues by fee type according to the programs specified in  
 581 subsection (1). The Department of Education shall develop a plan  
 582 for comparable reporting of program, student, facility,  
 583 personnel, and financial data between the Florida College System  
 584 institutions and the school district workforce education  
 585 programs.

586        ~~(3) If a program for disabled adults pursuant to s.  
 587 1004.93 is a workforce program as defined in law, it must be  
 588 funded as provided in this section.~~

589        ~~(4) Funding for all workforce education programs must be  
 590 based on cost categories, performance output measures, and  
 591 performance outcome measures.~~

592        ~~(a) The cost categories must be calculated to identify  
 593 high cost programs, medium cost programs, and low cost programs.  
 594 The cost analysis used to calculate and assign a program of  
 595 study to a cost category must include at least both direct and  
 596 indirect instructional costs, consumable supplies, equipment,  
 597 and standard program length.~~

598 ~~(b) The performance output measure for an adult general~~  
 599 ~~education course of study is measurable improvement in student~~  
 600 ~~skills. This measure shall include improvement in literacy~~  
 601 ~~skills, grade level improvement as measured by an approved test,~~  
 602 ~~or attainment of a State of Florida diploma or an adult high~~  
 603 ~~school diploma.~~

604 ~~(c) The performance outcome measures for adult general~~  
 605 ~~education programs are associated with placement and retention~~  
 606 ~~of students after reaching a completion point or completing a~~  
 607 ~~program of study. These measures include placement or retention~~  
 608 ~~in employment. Continuing postsecondary education at a level~~  
 609 ~~that will further enhance employment is a performance outcome~~  
 610 ~~for adult general education programs.~~

611 (5) State funding and student fees for workforce education  
 612 instruction shall be established as follows:

613 (a) Expenditures for the continuing workforce education  
 614 programs provided by the Florida College System institutions or  
 615 school districts must be fully supported by fees. Enrollments in  
 616 continuing workforce education courses shall not be counted for  
 617 purposes of funding full-time equivalent enrollment.

618 (b) For all other workforce education programs, state  
 619 funding shall be calculated based on weighted enrollment and  
 620 program costs minus fee revenues generated to offset program  
 621 operational costs ~~equal 75 percent of the average cost of~~  
 622 ~~instruction with the remaining 25 percent made up from student~~  
 623 ~~fees.~~ Fees for courses within a program shall not vary according

624 to the cost of the individual program, but instead shall be as  
 625 provided in s. 1009.22 ~~based on a uniform fee calculated and set~~  
 626 ~~at the state level, as adopted by the State Board of Education,~~  
 627 unless otherwise specified in the General Appropriations Act.

628 ~~(c) For fee exempt students pursuant to s. 1009.25, unless~~  
 629 ~~otherwise provided for in law, state funding shall equal 100~~  
 630 ~~percent of the average cost of instruction.~~

631 (c) ~~(d)~~ For a public educational institution that has been  
 632 fully funded by an external agency for direct instructional  
 633 costs of any course or program, the FTE generated shall not be  
 634 reported for state funding.

635 (6) (a) ~~A school district or a Florida College System~~  
 636 ~~institution that provides workforce education programs shall~~  
 637 ~~receive funds in accordance with distributions for base and~~  
 638 ~~performance funding established by the Legislature in the~~  
 639 ~~General Appropriations Act.~~ To ensure equitable funding for all  
 640 school district workforce education programs and to recognize  
 641 enrollment growth, the Department of Education shall use the  
 642 funding model developed by the District Workforce Education  
 643 Funding Steering Committee to determine each district's  
 644 workforce education funding needs. To assist the Legislature in  
 645 allocating workforce education funds in the General  
 646 Appropriations Act, the funding model shall annually be provided  
 647 to the legislative appropriations committees no later than March  
 648 1.

649        (b) Operational funding shall be provided to school  
 650 districts for workforce education programs based on weighted  
 651 student enrollment and program costs determined by cost  
 652 categories. The cost categories must be calculated to identify  
 653 high-cost programs, medium-cost programs, and low-cost programs.  
 654 The cost analysis used to calculate and assign a program of  
 655 study to a cost category must include, at a minimum, direct and  
 656 indirect instructional costs, consumable supplies, equipment,  
 657 and standard program length.

658        (7) Performance funding for workforce education programs  
 659 shall be contingent upon specific appropriation in the General  
 660 Appropriations Act. To assist the Legislature in determining  
 661 performance funding allocations, the State Board of Education  
 662 shall annually, by March 1, provide the Legislature with  
 663 recommended formulas, criteria, timeframes, and mechanisms for  
 664 distributing performance funds. These recommendations shall  
 665 reward programs that:

666        (a) Prepare people to enter high-skill and high-wage  
 667 occupations identified by the Workforce Estimating Conference  
 668 pursuant to s. 216.136 and programs approved by CareerSource  
 669 Florida, Inc. At a minimum, performance incentives shall be  
 670 calculated for adults who reach completion points or complete  
 671 programs that lead to their placement in high-skill and high-  
 672 wage employment.

673        (b) Prepare adults who are eligible for public assistance,  
 674 economically disadvantaged, disabled, not proficient in English,

675 or dislocated workers for high-wage occupations. At a minimum,  
 676 performance incentives shall be calculated at an enhanced value  
 677 for such adults who complete programs that lead to their  
 678 placement in high-wage employment. In addition, adjustments may  
 679 be made in performance incentives for such adults who become  
 680 employed in high-wage occupations in areas with high  
 681 unemployment rates.

682 (c) Increase student achievement in adult general  
 683 education courses by measuring performance output and outcome  
 684 measures.

685 1. The performance output measure for an adult general  
 686 education course is measurable improvement in student skills.  
 687 This measure includes improvement in literacy skills, grade-  
 688 level improvement as measured by an approved test, or attainment  
 689 of a high school diploma.

690 2. The performance outcome measures for adult general  
 691 education programs are placement in and retention of employment  
 692 after reaching a completion point or completing a program. These  
 693 measures include continuation of postsecondary education at a  
 694 level that will further enhance employment.

695 (d) ~~(b)~~ Award industry certifications. Performance funding  
 696 for industry certifications ~~for school district workforce~~  
 697 education programs is contingent upon specific appropriation in  
 698 the General Appropriations Act and shall be determined as  
 699 follows:

700 1. Occupational areas for which industry certifications  
 701 may be earned, as established in the General Appropriations Act,  
 702 are eligible for performance funding. Priority shall be given to  
 703 the occupational areas emphasized in state, national, or  
 704 corporate grants provided to Florida educational institutions.

705 2. The Chancellor of Career and Adult Education shall  
 706 identify the industry certifications eligible for funding on the  
 707 CAPE Postsecondary Industry Certification Funding List approved  
 708 by the State Board of Education pursuant to s. 1008.44, based on  
 709 the occupational areas specified in the General Appropriations  
 710 Act.

711 3. Each school district shall be provided \$1,000 for each  
 712 industry certification earned by a workforce education student.  
 713 The maximum amount of funding appropriated for performance  
 714 funding pursuant to this paragraph shall be limited to \$15  
 715 million annually. If funds are insufficient to fully fund the  
 716 calculated total award, such funds shall be prorated.

717 ~~(c) A program is established to assist school districts~~  
 718 ~~and Florida College System institutions in responding to the~~  
 719 ~~needs of new and expanding businesses and thereby strengthening~~  
 720 ~~the state's workforce and economy. The program may be funded in~~  
 721 ~~the General Appropriations Act. The district or Florida College~~  
 722 ~~System institution shall use the program to provide customized~~  
 723 ~~training for businesses which satisfies the requirements of s.~~  
 724 ~~288.047. Business firms whose employees receive the customized~~  
 725 ~~training must provide 50 percent of the cost of the training.~~

726 ~~Balances remaining in the program at the end of the fiscal year~~  
 727 ~~shall not revert to the general fund, but shall be carried over~~  
 728 ~~for 1 additional year and used for the purpose of serving~~  
 729 ~~incumbent worker training needs of area businesses with fewer~~  
 730 ~~than 100 employees. Priority shall be given to businesses that~~  
 731 ~~must increase or upgrade their use of technology to remain~~  
 732 ~~competitive.~~

733 (8) ~~(7)~~ (a) A school district or Florida College System  
 734 institution that receives workforce education funds must use the  
 735 money to benefit the workforce education programs it provides.  
 736 The money may be used for equipment upgrades, program  
 737 expansions, or any other use that would result in workforce  
 738 education program improvement. The district school board or  
 739 Florida College System institution board of trustees may not  
 740 withhold any portion of the performance funding for indirect  
 741 costs.

742 (b) State funds provided for the operation of  
 743 postsecondary workforce programs may not be expended for the  
 744 education of state or federal inmates.

745 ~~(8) The State Board of Education and CareerSource Florida,~~  
 746 ~~Inc., shall provide the Legislature with recommended formulas,~~  
 747 ~~criteria, timeframes, and mechanisms for distributing~~  
 748 ~~performance funds. The commissioner shall consolidate the~~  
 749 ~~recommendations and develop a consensus proposal for funding.~~  
 750 ~~The Legislature shall adopt a formula and distribute the~~  
 751 ~~performance funds to the State Board of Education for Florida~~

752 ~~College System institutions and school districts through the~~  
 753 ~~General Appropriations Act. These recommendations shall be based~~  
 754 ~~on formulas that would discourage low-performing or low-demand~~  
 755 ~~programs and encourage through performance funding awards:~~

756 ~~(a) Programs that prepare people to enter high wage~~  
 757 ~~occupations identified by the Workforce Estimating Conference~~  
 758 ~~created by s. 216.136 and other programs as approved by~~  
 759 ~~CareerSource Florida, Inc. At a minimum, performance incentives~~  
 760 ~~shall be calculated for adults who reach completion points or~~  
 761 ~~complete programs that lead to specified high-wage employment~~  
 762 ~~and to their placement in that employment.~~

763 ~~(b) Programs that successfully prepare adults who are~~  
 764 ~~eligible for public assistance, economically disadvantaged,~~  
 765 ~~disabled, not proficient in English, or dislocated workers for~~  
 766 ~~high-wage occupations. At a minimum, performance incentives~~  
 767 ~~shall be calculated at an enhanced value for the completion of~~  
 768 ~~adults identified in this paragraph and job placement of such~~  
 769 ~~adults upon completion. In addition, adjustments may be made in~~  
 770 ~~payments for job placements for areas of high unemployment.~~

771 ~~(c) Programs that are specifically designed to be~~  
 772 ~~consistent with the workforce needs of private enterprise and~~  
 773 ~~regional economic development strategies, as defined in~~  
 774 ~~guidelines set by CareerSource Florida, Inc. CareerSource~~  
 775 ~~Florida, Inc., shall develop guidelines to identify such needs~~  
 776 ~~and strategies based on localized research of private employers~~  
 777 ~~and economic development practitioners.~~

778 ~~(d) Programs identified by CareerSource Florida, Inc., as~~  
 779 ~~increasing the effectiveness and cost efficiency of education.~~  
 780 (9) ~~(10)~~ A high school student dually enrolled under s.  
 781 1007.271 in a workforce education program operated by a Florida  
 782 College System institution or school district career center  
 783 generates the amount calculated for workforce education funding,  
 784 including any payment of performance funding, and the  
 785 proportional share of full-time equivalent enrollment generated  
 786 through the Florida Education Finance Program for the student's  
 787 enrollment in a high school. If a high school student is dually  
 788 enrolled in a Florida College System institution program,  
 789 including a program conducted at a high school, the Florida  
 790 College System institution earns the funds generated for  
 791 workforce education funding, and the school district earns the  
 792 proportional share of full-time equivalent funding from the  
 793 Florida Education Finance Program. If a student is dually  
 794 enrolled in a career center operated by the same district as the  
 795 district in which the student attends high school, that district  
 796 earns the funds generated for workforce education funding and  
 797 also earns the proportional share of full-time equivalent  
 798 funding from the Florida Education Finance Program. If a student  
 799 is dually enrolled in a workforce education program provided by  
 800 a career center operated by a different school district, the  
 801 funds must be divided between the two school districts  
 802 proportionally from the two funding sources. A student may not  
 803 be reported for funding in a dual enrollment workforce education

804 program unless the student has completed the basic skills  
 805 assessment pursuant to s. 1004.91. A student who is coenrolled  
 806 in a K-12 education program and an adult education program may  
 807 be reported for purposes of funding in an adult education  
 808 program. If a student is coenrolled in core curricula courses  
 809 for credit recovery or dropout prevention purposes and does not  
 810 have a pattern of excessive absenteeism or habitual truancy or a  
 811 history of disruptive behavior in school, the student may be  
 812 reported for funding for up to two courses per year. Such a  
 813 student is exempt from the payment of the block tuition for  
 814 adult general education programs provided in s. 1009.22(3)(c).  
 815 The Department of Education shall develop a list of courses to  
 816 be designated as core curricula courses for the purposes of  
 817 coenrollment.

818 (10)~~(11)~~ The State Board of Education may adopt rules to  
 819 administer this section.

820 Section 16. Section 1011.802, Florida Statutes, is created  
 821 to read:

822 1011.802 Florida Apprenticeship Grant (FLAG) program.—

823 (1) The Florida Apprenticeship Grant (FLAG) program is  
 824 created to provide grants to career centers, charter technical  
 825 career centers, and Florida College System institutions on a  
 826 competitive basis to establish new apprenticeship programs and  
 827 expand existing apprenticeship programs. The Division of Career  
 828 and Adult Education within the department shall administer the  
 829 grant program.

830       (2) Applications from career centers, charter technical  
 831 career centers, and Florida College System institutions must  
 832 contain projected enrollment and projected costs for the new or  
 833 expanded apprenticeship program.

834       (3) The department shall give priority to apprenticeship  
 835 programs in the areas of information technology, health, and  
 836 machining and manufacturing. Grant funds may be used for  
 837 instructional equipment, supplies, personnel, student services,  
 838 and other expenses associated with the creation or expansion of  
 839 an apprenticeship program. Grant funds may not be used for  
 840 recurring instructional costs or for a center's or an  
 841 institution's indirect costs. Grant recipients must submit  
 842 quarterly reports in a format prescribed by the department.

843       Section 17. Section 1011.803, Florida Statutes, is created  
 844 to read:

845       1011.803 Rapid Response Grant program.—

846       (1) The Rapid Response Grant program is established to  
 847 competitively award grants for the expansion or implementation  
 848 of high-demand postsecondary programs at career centers, as  
 849 defined in ss. 1001.44 and 1002.34.

850       (2) Each career center applying for a grant shall submit  
 851 an application to the Department of Education in the format  
 852 prescribed by the department. The application must include, but  
 853 need not be limited to, program expansion or development  
 854 details, projected enrollment, and projected costs.

855       (3) Each career center that is awarded a grant under this

856 section shall submit quarterly reports to the department in the  
 857 format prescribed by the department. Grant funds may not be used  
 858 to supplant current funds and must be used to expand enrollment  
 859 in existing postsecondary programs or develop new postsecondary  
 860 programs.

861 (4) The department shall administer the program and  
 862 conduct an annual analysis and assessment of the effectiveness  
 863 of the postsecondary programs funded under this section in  
 864 meeting labor market demand.

865 Section 18. For the 2016-2017 fiscal year:

866 (1) The sum of \$3 million in recurring funds is  
 867 appropriated from the General Revenue Fund to the Department of  
 868 Education to implement the Florida Apprenticeship Grant (FLAG)  
 869 program.

870 (2) The sum of \$10 million in recurring funds is  
 871 appropriated from the General Revenue Fund to the Department of  
 872 Education to implement the Rapid Response Grant program.

873 Section 19. This act shall take effect July 1, 2016.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7019      PCB HEWS 16-01      Postsecondary Access and Affordability  
**SPONSOR(S):** Higher Education & Workforce Subcommittee, Porter  
**TIED BILLS:**            **IDEN./SIM. BILLS:**

| REFERENCE  | ACTION    | ANALYST  | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF   |
|--|-----------|--|--|
| Orig. Comm.: Higher Education & Workforce Subcommittee | 11 Y, 0 N | Banner   | Bishop   |
| 1) Education Appropriations Subcommittee               |           | deNagy  | Heflin  |
| 2) Education Committee                                 |           |  |  |

### SUMMARY ANALYSIS

Promotes college affordability by:

- Requiring public postsecondary institutions to publicly notice any proposal to increase tuition or fees at least 28 days prior to consideration by the board of trustees.
- Eliminating the ability for state universities to seek approval from the Board of Governors (BOG) for an increase in the tuition differential fee.
- Clarifying that preeminent universities may increase the tuition differential by no more than 6 percent only if they meet specific performance benchmarks established by the BOG.
- Removing the requirement that seventy percent of revenues generated by the tuition differential fee be spent on undergraduate education.
- Removing the authority for the BOG to delegate the establishment of tuition for graduate and professional programs and out-of-state fees to the university boards of trustees.
- Requiring the SBE and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition and fees, financial aid policies, and textbook costs) and submit an annual report to the Governor, Senate President, and Speaker of the House of Representatives.
- Enhancing the current textbook affordability law to provide students with sufficient time and information to seek out the lowest available prices by:
  - Authorizing state universities and Florida College System institutions to create innovative price structures for instructional materials by incorporating the cost of integrated digital materials into the cost of specific courses.
  - Requiring public postsecondary institutions to conduct cost benefit analyses and report annually to chancellors on implementation of textbook affordability policies;
  - Requiring chancellors to summarize institutional reports and submit a summary to SBE and BOG respectively; and
  - Requiring public postsecondary institution boards of trustees to report, by semester, the cost variance among sections and length of time textbooks and other materials are in use for all general education courses. This provision expires July 1, 2018.

The bill may result in significant cost savings to students when institutions incorporate required textbook and instructional materials costs into the cost of the course because institutions will be able to negotiate with publishers to obtain significantly lower prices on such instructional materials. The bill will also result in lower revenues for state universities due to the removal of the ability for universities to seek approval from the BOG for an increase in the tuition differential fee. See FISCAL COMMENTS.

The bill has an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Tuition Differential**

###### Present Situation

The tuition differential fee was established in 2007 as a mechanism to generate revenue for state universities to improve the quality of direct undergraduate instruction and support services.<sup>1</sup> Revenues from this fee are also used to provide financial aid to undergraduate students exhibiting financial need.<sup>2</sup>

During the 2009 Legislative Session, Senate Bill 762<sup>3</sup> prescribed more specific expenditure requirements related to the revenues generated by this fee. The law requires that seventy percent of the revenues be expended for purposes of undergraduate education, such as increasing course offerings, improving graduation rates, decreasing student-faculty ratios and use of adjunct professors, improving efficiency, and reducing the number of students enrolling in excess credit hours. The remaining thirty percent, or an equivalent amount from private sources, is to provide financial aid to undergraduate students exhibiting financial need. Current law prohibits these funds from supplanting the amount of need-based aid provided from financial aid fee revenues, direct appropriations for student financial assistance, or other private sources. If the entire amount of tuition and fees for resident students receiving Pell grants has been met, the remaining revenues dedicated to student financial aid may be used in the same manner as the seventy percent set aside for undergraduate education.<sup>4</sup>

State universities are prohibited from increasing the tuition differential fee unless the institution is designated as a preeminent state research university. The annual percentage increase is limited to six percent contingent upon meeting or exceeding performance standard targets established by the Board of Governors (BOG). A preeminent university may increase its tuition differential by up to two percent for meeting each of these specified performance targets:

- Increase in 6-year graduation rate for full-time, first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System;
- Increase in the total annual research expenditures; and
- Increase in the total patents awarded by the United State Patent and Trademark Office for the most recent years.<sup>5</sup>

Current law outlines twelve specific academic and research excellence standards for preeminent research programs. Institutions must meet at least eleven of them to be designated by the BOG as a preeminent state research university.<sup>6</sup> The University of Florida and Florida State University are the only two state universities that have been designated as preeminent state research universities.

###### Effect of Proposed Changes

The bill authorizes state universities to continue to assess a tuition differential fee if the fee was approved prior to July 1, 2015. However, the bill removes the ability for universities to seek approval from the BOG for an increase in the tuition differential fee, effectively capping tuition differential fees at universities not designated as preeminent to the level in place as of July 1, 2015. The bill further

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<sup>1</sup> Chapter 2007-225, L.O.F.

<sup>2</sup> Section 1009.24(16), F.S.

<sup>3</sup> Chapter 2009-98, L.O.F.

<sup>4</sup> Section 1009.24(16)(a), F.S.

<sup>5</sup> Section 1009.24(16)3., F.S.

<sup>6</sup> Section 1001.7065, F.S.

clarifies that institutions with preeminent research university status may increase the tuition differential fee by no more than 6 percent provided they meet the specified performance benchmarks established by the BOG.

The bill also removes the provision requiring state universities to expend seventy percent of tuition differential fee revenues on specific purposes related to undergraduate instruction; however the requirement to expend thirty percent on student financial aid remains in effect.

## **State University and Florida College System Institution Tuition and Fees**

### Present Situation

Current law authorizes the Board of Governors (BOG), or the board's designee, to establish tuition for graduate and professional programs and out-of-state fees for all programs.<sup>7</sup> The BOG has adopted regulations related to the adoption of tuition and fees at state universities. The regulations authorize undergraduate tuition per credit hour to be charged as established in law and that each university board of trustees (UBOT) set out-of-state fees, graduate fees and myriad other associated student fees.<sup>8</sup> All university actions pertaining to undergraduate student tuition and fees require BOG approval and do not become effective until such approval is received.<sup>9</sup>

### *Boards of Trustees Meetings*

BOG regulation requires the board to authorize all fees assessed to students and that only tuition and fees outlined in the board regulations may be charged.<sup>10</sup> The BOG's regulation development procedures for the university boards of trustees (UBOT) require that UBOTs give at least 30 days notice prior to any proposed adoption or repeal of a regulation. Notice of the proposed regulation, amendment or repeal must be published on a clearly marked area of the institution's website and include a summary of the proposed action, the full text of the proposed action, a reference to the authority for the regulation, the university official initiating the proposed action and a procedure for commenting on the proposed action. Following the adoption by the UBOT, the regulation must be provided to the BOG for adoption. All regulations pertaining to student tuition and fees require BOG approval and do not become effective until such approval is received.<sup>11</sup>

BOG staff surveyed each university to obtain information regarding the meeting notice policies for their boards of trustees. The majority of the university boards of trustees post meeting notices and/or materials on the institution website at least 7 days prior to the meeting. One institution posts meeting notices and/or materials at least 10 days in advance and several others at least 14 days in advance of the meeting. One institution also posts meeting notices in the local newspaper. In addition, three institutions indicated that meeting dates are provided as far in advance as an entire academic year.<sup>12</sup>

The State Board of Education has adopted a rule related to student fees. The rule authorizes each FCS institution board of trustees to establish, publish, collect, and budget student fees, and establish dates for the payment of such fees.<sup>13</sup> Department of Education (DOE) staff surveyed the Florida College System (FCS) institutions to obtain information regarding the meeting notice policies for their boards of trustees. The majority of FCS institutions post meeting notices and/or materials their websites 7 to 14 days in advance of the meeting. Many institutions also indicated that the president

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<sup>7</sup> Section 1009.24(4)(b), F.S.

<sup>8</sup> Board of Governors Regulation 7.001

<sup>9</sup> Board of Governors, Regulation Development Procedure for University Boards of Trustees, *available at* <http://www.flbog.edu/aboutsus/ubt.php> (last viewed September 18, 2015).

<sup>10</sup> Board of Governors Regulation 7.003

<sup>11</sup> Board of Governors, Regulation Development Procedure for University Boards of Trustees, *available at* <http://www.flbog.edu/aboutsus/ubt.php> (last viewed September 18, 2015).

<sup>12</sup> Email, Board of Governors, General Counsel (September 18, 2015)

<sup>13</sup> Rule 6A-14.054, F.A.C.

speaks with student groups (e.g., student government association) to discuss consideration of tuition changes. In addition, several institutions indicated that meeting dates are provided as far in advance as an entire academic year.<sup>14</sup>

### Effect of Proposed Changes

The bill removes the authority for the BOG to delegate the establishment of tuition for graduate and professional programs and out-of-state fees for all programs to the university boards of trustees.

The bill requires that each state university and FCS institution board of trustees publicly notice and notify all enrolled students of any proposal to increase tuition or fees at least 28 days before its consideration at a board of trustees meeting. The notice must be posted on the institution's website and issued in a press release. Additionally, the notice must include the day and time of the meeting, specific details of the original tuition and fee, the rationale for the increase and intended use of the funds generated by the increase in tuition rate or fee.

### **College Affordability**

#### Present Situation

The average published annual cost of attendance for a full-time, undergraduate Florida resident at a state university for the 2013-14 academic year is \$20,529 for students living on campus and \$11,407 for students living off-campus with family. Comparably, at Florida College System (FCS) institutions, the average published annual cost of attendance for a full-time, Florida resident is \$16,511 for students living on campus and \$8,514 for students living off-campus with family.<sup>15</sup> The cost of attendance data published by these institutions represents a general estimate and does not account for any financial assistance a student may receive.<sup>16</sup>

The average 2015-16 in-state tuition and fees at public four-year institutions in Florida is \$5,943, an increase of 7.4 percent over the last five years.<sup>17</sup> The average 2014-15 in-state tuition and fees at public two-year institutions in Florida is \$3,156, an increase of 14.2 percent over the last five years.<sup>18</sup> Nationally, the average cost of attendance has increased 6.4 percent at public four-year institutions and 14.8 percent at public two-year institutions from 2011-12 to 2013-14.<sup>19</sup>

Of the full-time resident undergraduates attending state universities, approximately 40 percent have a family income below \$40,000. At FCS institutions, approximately 50 percent of students have a family income below \$40,000.<sup>20</sup> According to the United States Department of Education Office of Federal

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<sup>14</sup> Email, Department of Education, Florida College System (September 28, 2015).

<sup>15</sup> Email, Florida Department of Education, Division of Florida Colleges and Florida Board of Governors, State University System (March 10, 2015)

<sup>16</sup> Florida Board of Governors, *Affordability Study: presentation to the Education Appropriations Subcommittee* (March 4, 2015) available at

[http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

<sup>17</sup> Board of Governors, Tuition and Fees, available at <http://www.flbog.edu/about/budget/current.php> (last visited September 24, 2015).

<sup>18</sup> Florida Department of Education, Division of Florida Colleges, Tuition and Fees

<sup>19</sup> U.S. Department of Education, College Affordability and Transparency Center, <http://collegecost.ed.gov/catc/> (last visited September 18, 2015)

<sup>20</sup> Florida Board of Governors, *Affordability Study: presentation to the Education Appropriations Subcommittee* (March 4, 2015) available at

[http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting Packets&SessionId=76](http://myfloridahouse.gov/Sections/Documents/publications.aspx?CommitteeId=2830&PublicationType=Committees&DocumentType=Meeting%20Packets&SessionId=76).

Student Aid, 253,170 students enrolled in FCS institutions and 114,056 students enrolled in state universities have received federal Pell Grants for the 2014-15 year.<sup>21</sup>

Current law regarding textbook affordability requires FCS institutions and state universities to post textbooks required for each course offered during the upcoming term at least 30 days prior to the beginning of the term. The posted list must include the International Standard Book Number (ISBN) for each required textbook or other identifying information, which must include, at a minimum: the title, all authors listed, publishers, edition number, copyright date, published date and any other relevant information necessary to identify the required textbook. Additionally, the State Board of Education (SBE) and the BOG are required to adopt policies, procedures, and guidelines for the implementation of efforts to further minimize the cost of textbooks for students while ensuring that the quality of education and academic freedom is maintained.<sup>22</sup>

### Effect of Proposed Changes

The bill requires the SBE and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition & fees, financial aid policies, and textbook and instructional materials costs) and submit an annual report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31<sup>st</sup> of each year.

The bill also enhances the current textbook affordability law to provide students with sufficient time and information to seek out the lowest available prices by requiring each FCS institution and state university board of trustees to examine, by semester, the cost of textbooks and instructional materials by course and section for all general education courses offered at the institution. This examination is intended to identify the variance in the cost of textbooks and instructional materials among different sections of the same course and the percentage of materials that remained in use for more than one term. All courses identified to have a wide variance in cost or frequent changes in textbook or instructional material selection shall be identified and sent to the appropriate academic department chair for review. This provision shall expire on July 1, 2018, unless reviewed and reenacted.

The bill also requires each postsecondary institution to conduct cost benefit analyses that consider the following guiding principles:

- Purchasing digital textbooks in bulk;
- Expanding the use of open-access textbooks and instructional materials;
- Providing rental options for textbooks and instructional materials;
- Increasing the availability and use of affordable digital textbooks and learning objects;
- Developing mechanisms to assist in buying, renting, selling, and sharing textbooks and instructional materials; and
- Examining the length of time textbooks and instructional materials remain in use.

The bill authorizes state universities and Florida College System institutions to create innovative price structures for instructional materials by incorporating the cost of integrated digital materials into the cost of specific courses.

Each FCS institution and state university board of trustees shall report to their respective chancellor by September 30 of each year, the institution's textbook and instructional material selection process for general education courses with identified cost variances and high-enrollment courses, specific initiatives designed to reduce costs, policies implemented to address the guiding principles of the cost-benefit analysis, and the number of courses and sections that were unable to meet the textbook and instructional material posting deadline. By November 1 of each year, each chancellor is required to provide a summary of the institution reports to the SBE and BOG, as appropriate.

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<sup>21</sup> U.S. Department of Education, Federal Student Aid, <https://studentaid.ed.gov/sa/about/data-center/student/title-iv> (last visited September 28, 2015) (Data reported does not include Florida Polytechnic University).

<sup>22</sup> Section 1004.085(3), F.S.

The bill extends the textbook affordability requirements to instructional materials which is defined as educational materials used within a course that are available in either print or digital format. Each FCS institution and state university must post in the course registration system and on its website a hyperlink to both required and recommended textbooks and course materials for each course being offered during the upcoming term.

The bill also requires FCS institutions and state universities to consult with school districts in identifying practices that impact the cost of dual enrollment textbooks and instructional materials to school districts, including the length of time textbook and related instructional materials should remain in use.

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1001.7065, F.S., adding instructional materials to those costs not included in tuition at the Preeminent State Research University Institute for Online Learning at the University of Florida.

**Section 2.** Creates s. 1004.084, F.S., requiring the Board of Governors and the State Board of Education to annually identify strategies and initiatives aimed at promoting college affordability, including, but not limited to, tuition and fees, financial aid policies, cost of attendance, and the cost of textbooks and instructional materials. The bill also requires the submission of an annual report, by December 31, on identified college affordability initiatives.

**Section 3.** Amends s. 1004.085, F.S., providing a definition of “instructional materials”; requiring Florida College System institutions and state universities post prominently in course registrations systems and websites hyperlinks to lists of required and recommended textbooks and instructional materials for courses offered during the upcoming term; requiring postsecondary institutions to consult with school districts on the cost of dual enrollment textbooks; requiring postsecondary institutions to conduct cost-benefit analyses; requiring Florida College System institutions and state universities to annually report textbook affordability information to their respective chancellors; and requiring the Florida College System institution and state university boards of trustees to compile information regarding the instructional materials selection process for high enrollment courses and general education courses with a cost variance and overall instructional material affordability and report annually to the State Board of Education and Board of Governors, respectively. The bill also requires Florida College System institutions and state universities to examine, by semester, the cost of textbooks and materials for all general education courses to identify any variance in cost across different sections of the same courses. This provision expires July 1, 2018.

**Section 4.** Amends s. 1009.23, F.S., requiring each Florida College System institution to publicly notice any proposal to increase tuition or fees at least 28 days prior to it being considered at a board of trustees meeting; authorizing FCS institutions to assess an instructional materials user fee for courses that require integrated digital materials that are included as part of their learning management systems.

**Section 5.** Amends s. 1009.24, F.S., removing the Board of Governor’s authority to delegate the establishment of tuition for graduate and professional programs and out-of-state fees to the university boards of trustees; clarifying that materials and supplies fees may include integrated course materials and texts delivered digitally or through other technologies that are required for and used in a course; authorizing state universities to continue assessing tuition differential fees approved prior to July 1, 2015; eliminating the ability for a state university to seek approval for an increase in the tuition differential fee; clarifying that preeminent universities may increase the tuition differential by no more than 6 percent provided they meet specific performance benchmarks established by the Board of Governors; removing the requirement that seventy percent of tuition differential fee revenues be expended for the purpose of undergraduate education; and requiring each state university to publicly notice any proposal to increase tuition or fees at least 28 days prior to it being considered at a Board of Trustees meeting.

**Section 6.** Provides an effective date of July 1, 2016.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

The bill removes the ability for universities to seek approval from the BOG for an increase in the tuition differential fee, effectively capping tuition differential fees at universities not designated as preeminent at the level in place as of July 1, 2015. This provision reduces the ability for universities to increase revenues in the Education and General Student and Other Fees Trust Fund.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

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

Students at state universities and colleges will benefit from having a sufficient amount of time and information to seek out the lowest available prices for textbooks and instructional materials. In addition, students may realize significant cost savings when institutions incorporate required textbook and instructional materials costs into the cost of the course because institutions will be able to negotiate with publishers to obtain significantly lower prices on such instructional materials.

### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

#### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable. This bill does not appear to affect county or municipal governments.

#### **2. Other:**

### **B. RULE-MAKING AUTHORITY:**

The bill may require the State Board of Education to modify rules relating to textbook affordability and Florida College System institution boards of trustees meeting notice policies.

The bill may also require the Board of Governors to modify regulations relating to textbook affordability, the delegation of the establishment of graduate and professional tuition and all out-of-state fees to the university boards of trustees, tuition differential fees, and Board of Governors and university boards of trustees meeting notice policies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On November 18, 2015, the Higher Education and Workforce Subcommittee adopted two amendments authorizing state universities and Florida College System institutions to create innovative price structures for instructional materials by incorporating the cost of integrated digital materials into the cost of specific courses.

This analysis is drafted to the bill as amended and passed by the Higher Education and Workforce Subcommittee.



27 review and repeal of specified provisions; requiring  
 28 postsecondary institutions to consult with certain  
 29 school districts to identify certain practices;  
 30 requiring cost-benefit analyses relating to textbooks  
 31 and instructional materials; providing reporting  
 32 requirements; amending s. 1009.23, F.S.; authorizing  
 33 Florida College System institution instructional  
 34 materials user fees; requiring Florida College System  
 35 institutions to provide a public notice relating to  
 36 increases in tuition and fees; amending s. 1009.24,  
 37 F.S.; revising provisions relating to state university  
 38 materials and supplies fees; revising provisions  
 39 relating to the assessment of a tuition differential  
 40 by a state university board of trustees; revising  
 41 requirements for the use of tuition differential  
 42 revenues; deleting a requirement that a certain  
 43 percentage of tuition differential revenues be used  
 44 for the purpose of improvements in the quality of  
 45 undergraduate education; requiring state universities  
 46 to provide a public notice relating to increases in  
 47 tuition and fees; providing an effective date.

48  
 49 Be It Enacted by the Legislature of the State of Florida:

50  
 51 Section 1. Paragraph (k) of subsection (4) of section  
 52 1001.7065, Florida Statutes, is amended to read:

53 1001.7065 Preeminent state research universities program.—

54 (4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR  
 55 ONLINE LEARNING.—A state research university that, as of July 1,  
 56 2013, meets all 12 of the academic and research excellence  
 57 standards identified in subsection (2), as verified by the Board  
 58 of Governors, shall establish an institute for online learning.  
 59 The institute shall establish a robust offering of high-quality,  
 60 fully online baccalaureate degree programs at an affordable cost  
 61 in accordance with this subsection.

62 (k) The university shall establish a tuition structure for  
 63 its online institute in accordance with this paragraph,  
 64 notwithstanding any other provision of law.

65 1. For students classified as residents for tuition  
 66 purposes, tuition for an online baccalaureate degree program  
 67 shall be set at no more than 75 percent of the tuition rate as  
 68 specified in the General Appropriations Act pursuant to s.  
 69 1009.24(4) and 75 percent of the tuition differential pursuant  
 70 to s. 1009.24(16). No distance learning fee, fee for campus  
 71 facilities, or fee for on-campus services may be assessed,  
 72 except that online students shall pay the university's  
 73 technology fee, financial aid fee, and Capital Improvement Trust  
 74 Fund fee. The revenues generated from the Capital Improvement  
 75 Trust Fund fee shall be dedicated to the university's institute  
 76 for online learning.

77 2. For students classified as nonresidents for tuition  
 78 purposes, tuition may be set at market rates in accordance with

HB 7019

2016

79 the business plan.

80 3. Tuition for an online degree program shall include all  
81 costs associated with instruction, materials, and enrollment,  
82 excluding costs associated with the provision of textbooks and  
83 instructional materials pursuant to s. 1004.085 and physical  
84 laboratory supplies.

85 4. Subject to the limitations in subparagraph 1., tuition  
86 may be differentiated by degree program as appropriate to the  
87 instructional and other costs of the program in accordance with  
88 the business plan. Pricing must incorporate innovative  
89 approaches that incentivize persistence and completion,  
90 including, but not limited to, a fee for assessment, a bundled  
91 or all-inclusive rate, and sliding scale features.

92 5. The university must accept advance payment contracts  
93 and student financial aid.

94 6. Fifty percent of the net revenues generated from the  
95 online institute of the university shall be used to enhance and  
96 enrich the online institute offerings, and 50 percent of the net  
97 revenues generated from the online institute shall be used to  
98 enhance and enrich the university's campus state-of-the-art  
99 research programs and facilities.

100 7. The institute may charge additional local user fees  
101 pursuant to s. 1009.24(14) upon the approval of the Board of  
102 Governors.

103 8. The institute shall submit a proposal to the president  
104 of the university authorizing additional user fees for the

HB 7019

2016

105 provision of voluntary student participation in activities and  
 106 additional student services.

107 Section 2. Section 1004.084, Florida Statutes, is created  
 108 to read:

109 1004.084 College affordability.-

110 (1) The Board of Governors and the State Board of  
 111 Education shall annually identify strategies to promote college  
 112 affordability for all Floridians by evaluating, at a minimum,  
 113 the impact of:

114 (a) Tuition and fees on undergraduate, graduate, and  
 115 professional students at public colleges and universities and  
 116 graduate assistants employed by public universities.

117 (b) Federal, state, and institutional financial aid  
 118 policies on the actual cost of attendance for students and their  
 119 families.

120 (c) The costs of textbooks and instructional materials.

121 (2) By December 31 of each year, beginning in 2016, the  
 122 Board of Governors and the State Board of Education shall submit  
 123 a report on their respective college affordability initiatives  
 124 to the Governor, the President of the Senate, and the Speaker of  
 125 the House of Representatives.

126 Section 3. Section 1004.085, Florida Statutes, is amended  
 127 to read:

128 1004.085 Textbook and instructional materials  
 129 affordability.-

130 (1) As used in this section, the term "instructional

131 materials" means educational materials for use within a course  
 132 which may be available in printed or digital format.

133 (2) ~~(1)~~ An ~~No~~ employee of a Florida College System  
 134 institution or state university may not demand or receive any  
 135 payment, loan, subscription, advance, deposit of money, service,  
 136 or anything of value, present or promised, in exchange for  
 137 requiring students to purchase a specific textbook or  
 138 instructional material for coursework or instruction.

139 (3) ~~(2)~~ An employee may receive:

140 (a) Sample copies, instructor copies, or instructional  
 141 materials. These materials may not be sold for any type of  
 142 compensation if they are specifically marked as free samples not  
 143 for resale.

144 (b) Royalties or other compensation from sales of  
 145 textbooks or instructional materials that include the  
 146 instructor's own writing or work.

147 (c) Honoraria for academic peer review of course  
 148 materials.

149 (d) Fees associated with activities such as reviewing,  
 150 critiquing, or preparing support materials for textbooks or  
 151 instructional materials pursuant to guidelines adopted by the  
 152 State Board of Education or the Board of Governors.

153 (e) Training in the use of course materials and learning  
 154 technologies.

155 (4) Each Florida College System institution and state  
 156 university board of trustees shall, each semester, examine the

157 cost of textbooks and instructional materials by course and  
 158 course section for all general education courses offered at the  
 159 institution to identify any variance in the cost of textbooks  
 160 and instructional materials among different sections of the same  
 161 course and the percentage of textbooks and instructional  
 162 materials that remain in use for more than one term. Courses  
 163 that have a wide variance in costs among sections or that have  
 164 frequent changes in textbook and instructional materials  
 165 selections shall be identified and a list of such courses sent  
 166 to the appropriate academic department chair for review. This  
 167 subsection is repealed July 1, 2018, unless reviewed and saved  
 168 from repeal through reenactment by the Legislature.

169 (5)(3) Each Florida College System institution  
 170 ~~institutions~~ and state university universities shall post  
 171 prominently in the course registration system and on its website  
 172 ~~on their websites~~, as early as is feasible, but at least 45 not  
 173 ~~less than 30 days before~~ prior to the first day of class for  
 174 each term, a hyperlink to lists list of each textbook required  
 175 and recommended textbooks and instructional materials for at  
 176 least 95 percent of all courses and each course sections offered  
 177 at the institution during the upcoming term. The lists posted  
 178 ~~list~~ must include the International Standard Book Number (ISBN)  
 179 for each required and recommended textbook and instructional  
 180 material or other identifying information, which must include,  
 181 at a minimum, all of the following: the title, all authors  
 182 listed, publishers, edition number, copyright date, published

183 date, and other relevant information necessary to identify the  
 184 specific ~~textbook or~~ textbooks or instructional materials  
 185 required and recommended for each course. The State Board of  
 186 Education and the Board of Governors shall include in the  
 187 policies, procedures, and guidelines adopted under subsection  
 188 (6) ~~(4)~~ certain limited exceptions to this notification  
 189 requirement for classes added after the notification deadline.

190 (6) ~~(4)~~ After receiving input from students, faculty,  
 191 bookstores, and publishers, the State Board of Education and the  
 192 Board of Governors each shall adopt textbook and instructional  
 193 materials affordability policies, procedures, and guidelines for  
 194 implementation by Florida College System institutions and state  
 195 universities, respectively, that further efforts to minimize the  
 196 cost of textbooks and instructional materials for students  
 197 attending such institutions while maintaining the quality of  
 198 education and academic freedom. The policies, procedures, and  
 199 guidelines shall address ~~provide for the following:~~

200 (a) The establishment of deadlines for an instructor or  
 201 department to notify the bookstore of required and recommended  
 202 textbooks and instructional materials so that the bookstore may  
 203 verify availability, source lower cost options when practicable,  
 204 explore alternatives with faculty when academically appropriate,  
 205 and maximize the availability of used textbooks and  
 206 instructional materials ~~That textbook adoptions are made with~~  
 207 ~~sufficient lead time to bookstores so as to confirm availability~~  
 208 ~~of the requested materials and, where possible, ensure maximum~~

209 ~~availability of used books.~~

210 (b) Confirmation by the course instructor or academic  
 211 department offering the course, before the textbook or  
 212 instructional materials adoption is finalized ~~That, in the~~  
 213 ~~textbook adoption process, of~~ the intent to use all items  
 214 ordered, particularly each individual item sold as part of a  
 215 bundled package, ~~is confirmed by the course instructor or the~~  
 216 ~~academic department offering the course before the adoption is~~  
 217 ~~finalized.~~

218 (c) Determination by ~~That~~ a course instructor or the  
 219 academic department offering the course ~~determines~~, before a  
 220 textbook or instructional material is adopted, of the extent to  
 221 which a new edition differs significantly and substantively from  
 222 earlier versions and the value to the student of changing to a  
 223 new edition or the extent to which an open-access textbook or  
 224 instructional material is available ~~may exist and be used.~~

225 (d) ~~That the establishment of policies shall address~~ The  
 226 availability of required and recommended textbooks and  
 227 instructional materials to students otherwise unable to afford  
 228 the cost, including consideration of the extent to which an  
 229 open-access textbook or instructional material may be used.

230 (e) Participation by ~~That~~ course instructors and academic  
 231 departments ~~are encouraged to participate~~ in the development,  
 232 adaptation, and review of open-access textbooks and  
 233 instructional materials and, in particular, open-access  
 234 textbooks and instructional materials for high-demand general

HB 7019

2016

235 education courses.

236 (f) Consultation with school districts to identify  
237 practices that impact the cost of dual enrollment textbooks and  
238 instructional materials to school districts, including, but not  
239 limited to, the length of time that textbooks and instructional  
240 materials remain in use.

241 (g) Selection of textbooks and instructional materials  
242 through cost-benefit analyses that enable students to obtain the  
243 highest-quality product at the lowest available price, by  
244 considering:

245 1. Purchasing digital textbooks in bulk.

246 2. Expanding the use of open-access textbooks and  
247 instructional materials.

248 3. Providing rental options for textbooks and  
249 instructional materials.

250 4. Increasing the availability and use of affordable  
251 digital textbooks and learning objects.

252 5. Developing mechanisms to assist in buying, renting,  
253 selling, and sharing textbooks and instructional materials.

254 6. The length of time that textbooks and instructional  
255 materials remain in use.

256 (7) The board of trustees of each Florida College System  
257 institution and state university shall report, by September 30  
258 of each year, beginning in 2016, to the Chancellor of the  
259 Florida College System or the Chancellor of the State University  
260 System, as applicable, the textbook and instructional materials

261 selection process for general education courses with a wide cost  
 262 variance identified pursuant to subsection (4) and high-  
 263 enrollment courses; specific initiatives of the institution  
 264 designed to reduce the costs of textbooks and instructional  
 265 materials; policies implemented in accordance with subsection  
 266 (6); the number of courses and course sections that were not  
 267 able to meet the textbook and instructional materials posting  
 268 deadline for the previous academic year; and any additional  
 269 information determined by the chancellors. By November 1 of each  
 270 year, beginning in 2016, each chancellor shall provide a summary  
 271 of the information provided by institutions to the State Board  
 272 of Education and the Board of Governors, as applicable.

273 Section 4. Paragraph (a) of subsection (12) of section  
 274 1009.23, Florida Statutes, is amended, and subsection (20) is  
 275 added to that section, to read:

276 1009.23 Florida College System institution student fees.-

277 (12)(a) In addition to tuition, out-of-state, financial  
 278 aid, capital improvement, student activity and service, and  
 279 technology fees authorized in this section, each Florida College  
 280 System institution board of trustees is authorized to establish  
 281 fee schedules for the following user fees and fines: laboratory  
 282 fees, which do not apply to a distance learning course; parking  
 283 fees and fines; library fees and fines; instructional materials  
 284 fees, including, but not limited to, fees for integrated course  
 285 materials and texts delivered digitally or through other  
 286 technologies that are, or the licenses of which are, required

287 | for and used in a specific course; fees and fines relating to  
 288 | facilities and equipment use or damage; access or identification  
 289 | card fees; duplicating, photocopying, binding, or microfilming  
 290 | fees; standardized testing fees; diploma replacement fees;  
 291 | transcript fees; application fees; graduation fees; and late  
 292 | fees related to registration and payment. Such user fees and  
 293 | fines shall not exceed the cost of the services provided and  
 294 | shall only be charged to persons receiving the service. A  
 295 | Florida College System institution may not charge any fee except  
 296 | as authorized by law. Parking fee revenues may be pledged by a  
 297 | Florida College System institution board of trustees as a  
 298 | dedicated revenue source for the repayment of debt, including  
 299 | lease-purchase agreements, with an overall term of not more than  
 300 | 7 years, including renewals, extensions, and refundings, and  
 301 | revenue bonds with a term not exceeding 20 years and not  
 302 | exceeding the useful life of the asset being financed. Florida  
 303 | College System institutions shall use the services of the  
 304 | Division of Bond Finance of the State Board of Administration to  
 305 | issue any revenue bonds authorized by this subsection. Any such  
 306 | bonds issued by the Division of Bond Finance shall be in  
 307 | compliance with the provisions of the State Bond Act. Bonds  
 308 | issued pursuant to the State Bond Act may be validated in the  
 309 | manner established in chapter 75. The complaint for such  
 310 | validation shall be filed in the circuit court of the county  
 311 | where the seat of state government is situated, the notice  
 312 | required to be published by s. 75.06 shall be published only in

313 the county where the complaint is filed, and the complaint and  
 314 order of the circuit court shall be served only on the state  
 315 attorney of the circuit in which the action is pending.

316 (20) Each Florida College System institution shall  
 317 publicly notice and notify all enrolled students of any proposal  
 318 to increase tuition or fees at least 28 days before its  
 319 consideration at a board of trustees meeting. The notice must:

320 (a) Include the date and time of the meeting at which the  
 321 proposal will be considered.

322 (b) Specifically outline the details of existing tuition  
 323 and fees, the rationale for the proposed increase, and how the  
 324 funds from the proposed increase will be used.

325 (c) Be posted on the institution's website and issued in a  
 326 press release.

327 Section 5. Paragraph (b) of subsection (4), paragraph (i)  
 328 of subsection (14), and subsection (16) of section 1009.24,  
 329 Florida Statutes, are amended, and subsection (20) is added to  
 330 that section, to read:

331 1009.24 State university student fees.—

332 (4)

333 (b) The Board of Governors, ~~or the board's designee,~~ may  
 334 establish tuition for graduate and professional programs~~7~~ and  
 335 out-of-state fees for all programs. Except as otherwise provided  
 336 in this section, the sum of tuition and out-of-state fees  
 337 assessed to nonresident students must be sufficient to offset  
 338 the full instructional cost of serving such students. However,

HB 7019

2016

339 adjustments to out-of-state fees or tuition for graduate  
 340 programs and professional programs may not exceed 15 percent in  
 341 any year.

342 (14) Except as otherwise provided in subsection (15), each  
 343 university board of trustees is authorized to establish the  
 344 following fees:

345 (i) Materials and supplies fees to offset the cost of  
 346 materials or supplies, including, but not limited to, integrated  
 347 course materials and texts delivered digitally or through other  
 348 technologies that are, or the licenses of which are, required  
 349 for and used ~~consumed~~ in the course of the student's  
 350 instructional activities, excluding the cost of equipment  
 351 replacement, repairs, and maintenance.

352  
 353 With the exception of housing rental rates and except as  
 354 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)  
 355 shall be based on reasonable costs of services. The Board of  
 356 Governors shall adopt regulations and timetables necessary to  
 357 implement the fees and fines authorized under this subsection.  
 358 The fees assessed under this subsection may be used for debt  
 359 only as authorized under s. 1010.62.

360 (16) Each university board of trustees may assess  
 361 ~~establish~~ a tuition differential for undergraduate courses if  
 362 such fee was approved by the Board of Governors before July 1,  
 363 2015 ~~upon receipt of approval from the Board of Governors.~~  
 364 ~~However, beginning July 1, 2014, the Board of Governors may only~~

365 ~~approve the establishment of or an increase in tuition~~  
 366 ~~differential for a state research university designated as a~~  
 367 ~~preeminent state research university pursuant to s.~~  
 368 ~~1001.7065(3).~~ The tuition differential shall promote  
 369 improvements in the quality of undergraduate education and shall  
 370 provide financial aid to undergraduate students who exhibit  
 371 financial need.

372 (a) Thirty ~~Seventy~~ percent of the revenues from the  
 373 ~~tuition differential shall be expended for purposes of~~  
 374 ~~undergraduate education. Such expenditures may include, but are~~  
 375 ~~not limited to, increasing course offerings, improving~~  
 376 ~~graduation rates, increasing the percentage of undergraduate~~  
 377 ~~students who are taught by faculty, decreasing student faculty~~  
 378 ~~ratios, providing salary increases for faculty who have a~~  
 379 ~~history of excellent teaching in undergraduate courses,~~  
 380 ~~improving the efficiency of the delivery of undergraduate~~  
 381 ~~education through academic advisement and counseling, and~~  
 382 ~~reducing the percentage of students who graduate with excess~~  
 383 ~~hours. This expenditure for undergraduate education may not be~~  
 384 ~~used to pay the salaries of graduate teaching assistants. Except~~  
 385 ~~as otherwise provided in this subsection, the remaining 30~~  
 386 percent of the revenues from the tuition differential, or the  
 387 equivalent amount of revenue from private sources, shall be  
 388 expended to provide financial aid to undergraduate students who  
 389 exhibit financial need, including students who are scholarship  
 390 recipients under s. 1009.984, to meet the cost of university

391 attendance. This expenditure for need-based financial aid shall  
 392 not supplant the amount of need-based aid provided to  
 393 undergraduate students in the preceding fiscal year from  
 394 financial aid fee revenues, the direct appropriation for  
 395 financial assistance provided to state universities in the  
 396 General Appropriations Act, or from private sources. The total  
 397 amount of tuition differential waived under subparagraph (b)7.  
 398 ~~(b)8.~~ may be included in calculating the expenditures for need-  
 399 based financial aid to undergraduate students required by this  
 400 subsection. This expenditure for need-based financial aid is not  
 401 required if the entire tuition and fee costs of resident  
 402 students who have applied for and received Pell Grant funds have  
 403 been met and the university has excess funds remaining from the  
 404 30 percent of the revenues from the tuition differential  
 405 required to be used to assist students who exhibit financial  
 406 need, ~~the university may expend the excess portion in the same~~  
 407 ~~manner as required for the other 70 percent of the tuition~~  
 408 ~~differential revenues.~~

409 (b) Each tuition differential is subject to the following  
 410 conditions:

411 1. The tuition differential may be assessed on one or more  
 412 undergraduate courses or on all undergraduate courses at a state  
 413 university.

414 2. The tuition differential may vary by course or courses,  
 415 by campus or center location, and by institution. Each  
 416 university board of trustees shall strive to maintain and

417 increase enrollment in degree programs related to math, science,  
 418 high technology, and other state or regional high-need fields  
 419 when establishing tuition differentials by course.

420 ~~3. For each state university that is designated as a~~  
 421 ~~preeminent state research university by the Board of Governors,~~  
 422 ~~pursuant to s. 1001.7065, the aggregate sum of tuition and the~~  
 423 ~~tuition differential may be increased by no more than 6 percent~~  
 424 ~~of the total charged for the aggregate sum of these fees in the~~  
 425 ~~preceding fiscal year. The tuition differential may be increased~~  
 426 ~~if the university meets or exceeds performance standard targets~~  
 427 ~~for that university established annually by the Board of~~  
 428 ~~Governors for the following performance standards, amounting to~~  
 429 ~~no more than a 2-percent increase in the tuition differential~~  
 430 ~~for each performance standard:~~

431 ~~a. An increase in the 6-year graduation rate for full-~~  
 432 ~~time, first time in college students, as reported annually to~~  
 433 ~~the Integrated Postsecondary Education Data System.~~

434 ~~b. An increase in the total annual research expenditures.~~

435 ~~c. An increase in the total patents awarded by the United~~  
 436 ~~States Patent and Trademark Office for the most recent years.~~

437 3.4. The aggregate sum of undergraduate tuition and fees  
 438 per credit hour, including the tuition differential, may not  
 439 exceed the national average of undergraduate tuition and fees at  
 440 4-year degree-granting public postsecondary educational  
 441 institutions.

442 4.5. The tuition differential shall not be included in any

443 award under the Florida Bright Futures Scholarship Program  
 444 established pursuant to ss. 1009.53-1009.538.

445 ~~5.6.~~ Beneficiaries having prepaid tuition contracts  
 446 pursuant to s. 1009.98(2)(b) which were in effect on July 1,  
 447 2007, and which remain in effect, are exempt from the payment of  
 448 the tuition differential.

449 ~~6.7.~~ The tuition differential may not be charged to any  
 450 student who was in attendance at the university before July 1,  
 451 2007, and who maintains continuous enrollment.

452 ~~7.8.~~ The tuition differential may be waived by the  
 453 university for students who meet the eligibility requirements  
 454 for the Florida public student assistance grant established in  
 455 s. 1009.50.

456 ~~9. Subject to approval by the Board of Governors, the~~  
 457 ~~tuition differential authorized pursuant to this subsection may~~  
 458 ~~take effect with the 2009 fall term.~~

459 (c) Each state university that is designated as a  
 460 preeminent state research university by the Board of Governors  
 461 pursuant to s. 1001.7065 may increase the tuition differential  
 462 annually in accordance with this subsection. However, the  
 463 aggregate sum of tuition and the tuition differential may be  
 464 increased by no more than 6 percent of the total charged for the  
 465 aggregate sum of these fees in the preceding fiscal year. The  
 466 tuition differential may be increased only if the university  
 467 meets or exceeds performance standard targets for that  
 468 university established annually by the Board of Governors for

469 the following performance standards, amounting to no more than a  
 470 2-percent increase in the tuition differential for each  
 471 performance standard:

472 1. An increase in the 6-year graduation rate for full-  
 473 time, first-time-in-college students, as reported annually to  
 474 the Integrated Postsecondary Education Data System.

475 2. An increase in total annual research expenditures.

476 3. An increase in total patents awarded by the United  
 477 States Patent and Trademark Office for the most recent years.

478 ~~(c) A university board of trustees may submit a proposal~~  
 479 ~~to the Board of Governors to implement a tuition differential~~  
 480 ~~for one or more undergraduate courses. At a minimum, the~~  
 481 ~~proposal shall:~~

482 ~~1. Identify the course or courses for which the tuition~~  
 483 ~~differential will be assessed.~~

484 ~~2. Indicate the amount that will be assessed for each~~  
 485 ~~tuition differential proposed.~~

486 ~~3. Indicate the purpose of the tuition differential.~~

487 ~~4. Indicate how the revenues from the tuition differential~~  
 488 ~~will be used.~~

489 ~~5. Indicate how the university will monitor the success of~~  
 490 ~~the tuition differential in achieving the purpose for which the~~  
 491 ~~tuition differential is being assessed.~~

492 ~~(d) The Board of Governors shall review each proposal and~~  
 493 ~~advise the university board of trustees of approval of the~~  
 494 ~~proposal, the need for additional information or revision to the~~

495 ~~proposal, or denial of the proposal. The Board of Governors~~  
 496 ~~shall establish a process for any university to revise a~~  
 497 ~~proposal or appeal a decision of the board.~~

498 (d) ~~(e)~~ The Board of Governors shall submit a report to the  
 499 President of the Senate, the Speaker of the House of  
 500 Representatives, and the Governor describing the implementation  
 501 of ~~the provisions of~~ this subsection no later than February 1 of  
 502 each year. The report shall ~~summarize proposals received by the~~  
 503 ~~board during the preceding fiscal year and actions taken by the~~  
 504 ~~board in response to such proposals. In addition, the report~~  
 505 ~~shall~~ provide the following information for each university that  
 506 assesses ~~has been approved by the board to assess~~ a tuition  
 507 differential:

508 1. The course or courses for which the tuition  
 509 differential was assessed and the amount assessed.

510 2. The total revenues generated by the tuition  
 511 differential.

512 3. With respect to waivers authorized under subparagraph  
 513 (b)7. ~~(b)8.~~, the number of students eligible for a waiver, the  
 514 number of students receiving a waiver, and the value of waivers  
 515 provided.

516 4. Detailed expenditures of the revenues generated by the  
 517 tuition differential.

518 5. Changes in retention rates, graduation rates, the  
 519 percentage of students graduating with more than 110 percent of  
 520 the hours required for graduation, pass rates on licensure

521 examinations, the number of undergraduate course offerings, the  
 522 percentage of undergraduate students who are taught by faculty,  
 523 student-faculty ratios, and the average salaries of faculty who  
 524 teach undergraduate courses.

525 ~~(e)(f)~~ A ~~No~~ state university is not ~~shall be~~ required to  
 526 lower a ~~any~~ tuition differential that was approved by the Board  
 527 of Governors and in effect before July 1, 2015 ~~prior to January~~  
 528 ~~1, 2009~~, in order to comply with ~~the provisions of~~ this  
 529 subsection.

530 (20) Each state university shall publicly notice and  
 531 notify all enrolled students of any proposal to increase tuition  
 532 or fees at least 28 days before its consideration at a board of  
 533 trustees meeting. The notice must:

534 (a) Include the date and time of the meeting at which the  
 535 proposal will be considered.

536 (b) Specifically outline the details of existing tuition  
 537 and fees, the rationale for the proposed increase, and how the  
 538 funds from the proposed increase will be used.

539 (c) Be posted on the university's website and issued in a  
 540 press release.

541 Section 6. This act shall take effect July 1, 2016.



**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 7021      PCB KTS 16-01      Reading Instruction  
**SPONSOR(S):** K-12 Subcommittee, Adkins  
**TIED BILLS:**                      **IDEN./SIM. BILLS:**

| REFERENCE                                | ACTION   | ANALYST   | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF   |
|--|----------|---|--|
| Orig. Comm.: K-12 Subcommittee           | 9 Y, 0 N | Brink   | Fudge  |
| 1) Education Appropriations Subcommittee |          | Seifert  | Heflin  |
| 2) Education Committee                   |          |   |  |

**SUMMARY ANALYSIS**

After a period of steady improvement on the FCAT reading assessment and National Assessment of Education Progress during the 2000s, reading scores over the past several years have seen a decreased rate of growth, including for students in 3rd grade. The rate of 3rd grade students performing below grade level in reading has consistently exceeded 40 percent over the past several years. Although the law requires districts to implement interventions and supports for struggling readers, teachers may not receive adequate training in effective strategies to improve the reading performance of all students, including those with conditions such as dyslexia. To help schools identify struggling readers more quickly and implement effective instruction and interventions, the bill:

- Requires the Just Read, Florida! Office to provide training in explicit, systematic, and multisensory strategies and identify core instructional and intervention materials that incorporate those strategies.
- Requires school districts to use core and supplemental intervention materials identified by the Office in order to receive instructional materials funds.
- Requires teacher preparation programs to provide candidates for specified certification areas training in explicit, systematic, and multisensory reading strategies. Candidates for renewal of a certificate in the specified areas or for a reading endorsement must also receive training in those strategies.
- Prohibits districts from waiting until a student receives a failing grade in reading to initiate interventions.
- Enhances communication to parents by requiring the Department of Education to develop a handbook that districts must provide to parents of students with a substantial reading deficiency and requiring school districts to regularly update the parents on their child's progress.
- Extends early warning system coverage to students in kindergarten through grade 5 and specifies that a substantial reading deficiency is an indicator for students in kindergarten through grade 3.
- Requires teachers who teach retained 3rd graders to hold a reading certificate or endorsement.
- Promotes transparency by requiring the Commissioner of Education to annually report to the State Board of Education district reading performance information and identify effective intervention and support strategies used by school districts to improve the performance of struggling readers.
- Requires the department to periodically review certification and coverage areas that involve reading instruction and recommend changes to improve training and instruction.
- Requires prekindergarten instructors to receive training in explicit, systematic, and multisensory reading instruction and requires VPK program providers to provide specialized reading instruction to students who exhibit a deficiency in emergent literacy skills.

The bill has a fiscal impact of \$344,848 to the Just Read, Florida! office for workload based on requirements contained in the bill. See FISCAL COMMENTS.

The bill is effective upon becoming a law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

Florida's history of reading instruction reform dates back to the early 1970s.<sup>1</sup> Since then, the state has implemented a number of initiatives to improve the reading performance of Florida's students. By 2001, Florida established statewide, standardized assessments to measure how well students in grades 3 through 10 had learned the state's reading standards.<sup>2</sup> Also in 2001, Florida Governor Jeb Bush established the Just Read, Florida! initiative, which aimed at helping students become successful, independent readers.<sup>3</sup> The Legislature formally created the Just Read, Florida! Office within the Department of Education in 2006.<sup>4</sup>

The Office must:

- Train highly effective reading coaches.
- Create multiple designations of effective reading instruction, with accompanying credentials, which encourage all teachers to integrate reading instruction into their content areas.
- Train K-12 teachers and school principals on effective content-area-specific reading strategies. For secondary teachers, emphasis shall be on technical text. These strategies must be developed for all content areas in the K-12 curriculum.
- Provide parents with information and strategies for assisting their children in reading in the content area.
- Provide technical assistance to school districts in the development and implementation of district plans for use of the research-based reading instruction allocation and annually review and approve such plans.<sup>5</sup>
- Review, evaluate, and provide technical assistance to school districts' implementation of the K-12 comprehensive reading plan.
- Work with the Florida Center for Reading Research to provide information on research-based reading programs and effective reading in the content area strategies.
- Periodically review the Sunshine State Standards for reading at all grade levels.
- Periodically review teacher certification examinations, including alternative certification exams, to ascertain whether the examinations measure the skills needed for research-based reading instruction and instructional strategies for teaching reading in the content areas.
- Work with initial teacher preparation programs to integrate research-based reading instructional strategies and reading in the content area instructional strategies into teacher preparation programs.
- Administer grants and perform other functions as necessary to meet the goal that all students read at grade level.<sup>6</sup>

After a period of steady improvement on the FCAT reading assessment and National Assessment of Education Progress reading assessment during the 2000s, the growth rate of reading scores has

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<sup>1</sup> Florida Department of Education, *History of Reading Policy in Florida: hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015).

<sup>2</sup> Florida Department of Education, *A Chronology of Events: 2001*, <http://www.fldoe.org/accountability/assessments/k-12-student-assessment/history-of-fls-statewide-assessment/assessment-chronology/hsap01.stml> (last visited on Nov. 7, 2015).

<sup>3</sup> Exec. Order No. 01-260 (2001).

<sup>4</sup> Section 8, ch. 2006-74, L.O.F.

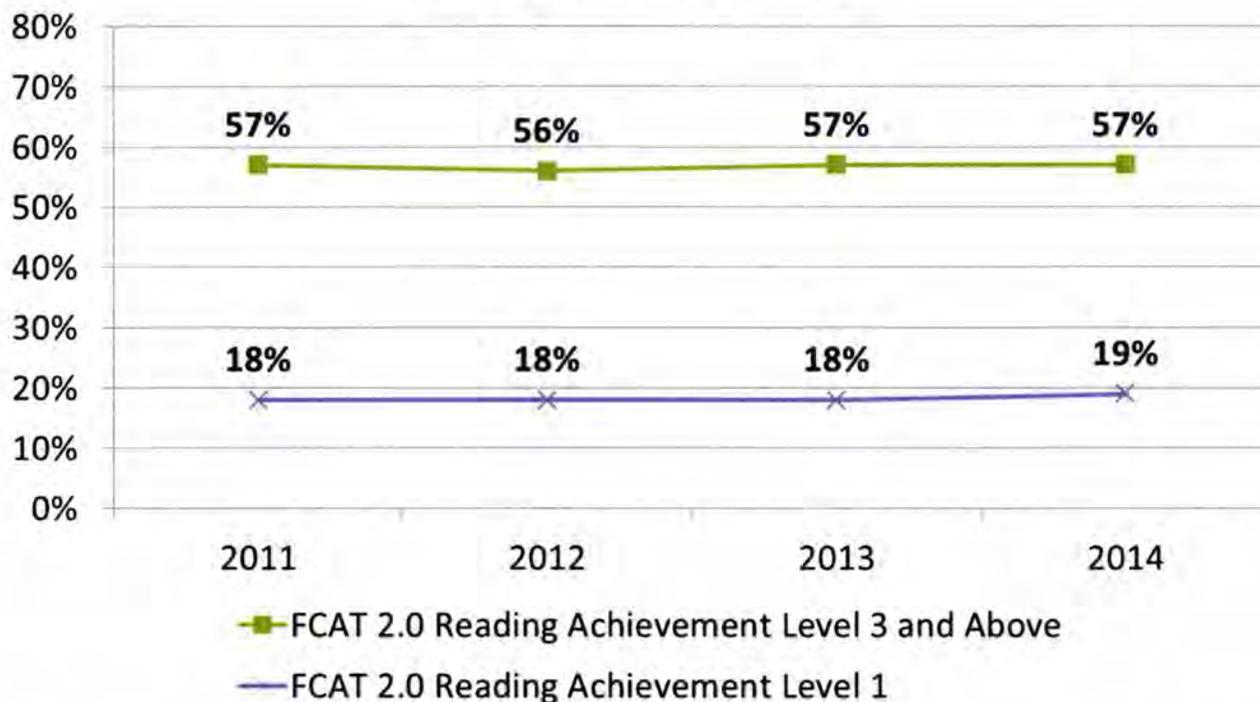
<sup>5</sup> Requirements relating to district reading plans are found in s. 1011.62(9), F.S.

<sup>6</sup> Section 1001.215, F.S.

decreased, including for students in 3rd grade. The rate of 3rd grade students performing below grade level in reading has consistently eclipsed 40 percent over the past several years.<sup>7</sup>

## Student Performance on Statewide Assessments in Reading

### Grade 3 Reading Results



Although the law requires districts to implement interventions and supports for struggling readers, many teachers may not receive adequate training to implement effective strategies to improve the reading performance of many students, including those with conditions such as dyslexia.<sup>8</sup>

A 2015 study by the Office of Program Policy Analysis and Government Accountability (OPPAGA) identified a number of barriers to providing instruction and intervention to struggling readers, including findings that:

- Teacher preparation programs do not sufficiently focus on identifying and assisting struggling readers;
- Professional development may not provide the information teachers need to address student reading deficiencies;
- The reading endorsement process does not require that teachers demonstrate knowledge of basic aspects of reading such as phonological awareness; and
- Students do not always receive appropriate intervention programs to meet their individual needs.<sup>9</sup>

<sup>7</sup> See Florida Department of Education, *History of Reading Policy in Florida: hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015.); The Nation's Report Card, *2015 Reading State Snapshot Report: Florida Grade 4* (2015), available at <https://nces.ed.gov/nationsreportcard/subject/publications/stt2015/pdf/2016008FL4.pdf> (indicating growth in 4th grade reading scores by only 1 average scale score point since 2009); The Nation's Report Card, *2015 Reading State Snapshot Report: Florida Grade 8* (2015), available at <https://nces.ed.gov/nationsreportcard/subject/publications/stt2015/pdf/2016008FL8.pdf> (indicating a decrease in 8<sup>th</sup> grade reading scores by 1 average scale score point since 2009).

<sup>8</sup> University of Florida, *Teacher Preparation & Struggling Readers: hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015).

A significant portion of students who need specialized reading instruction and intervention include students who have poor phonological processing skills, including students with conditions such as dyslexia.<sup>10</sup> However, research shows that children who are likely to have difficulties learning to read, whether because of conditions like dyslexia or other reasons, can be identified as early as prekindergarten.<sup>11</sup> By 1st grade, differences between dyslexic and typical readers in reading scores and verbal IQ become evident, making early identification and intervention critical. Implementing effective reading programs as early as kindergarten or preschool can close the achievement gap.<sup>12</sup>

Research has uncovered reading instruction and intervention strategies that are proven to improve the reading performance of all students, including struggling readers. Such instruction is explicit and systematic (increasing difficulty over time at an appropriate pace), and incorporates multisensory techniques which simultaneously engage multiple senses at once, such as touch, hearing, and sight.<sup>13</sup>

## Reading Instruction and Intervention

### Present Situation

The law requires school districts to identify students with deficiencies in reading. For kindergarten through grade 3, students who exhibit a “substantial reading deficiency” based upon locally determined or statewide assessments or through teacher observations must be given intensive reading instruction immediately following the identification of the deficiency.<sup>14</sup> Each student who does not achieve a Level 3 or above on the statewide, standardized English Language Arts (ELA) assessment (administered in grades 3 through 10) must be evaluated to determine the nature of the student’s difficulty, the areas of academic need, and strategies for providing academic supports to improve the student’s performance.<sup>15</sup>

Within the first 30 days of the school year, each school must administer a statewide kindergarten screening to each kindergarten student in the school district.<sup>16</sup> The screening must provide objective data concerning each student’s readiness for kindergarten and progress in attaining the Voluntary

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<sup>9</sup> See Office of Program Policy and Government Accountability, *OPPAGA Research on Programs and Strategies for K-12 Struggling Readers: hearing before the House K-12 Education Subcommittee* (Oct. 20, 2015). Other studies have shown that teacher knowledge of reading science is crucial to effective reading instruction. See e.g., National Council on Teacher Quality, *What Education Schools Aren’t Teaching about Reading and What Elementary Teachers Aren’t Learning* (June 2006), available at [http://www.nctq.org/nctq/images/nctq\\_reading\\_study\\_exec\\_summ.pdf](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)

<sup>10</sup> Dyslexia is a term used to refer to a specific type of learning disability that is neurological in origin and is characterized by difficulties with accurate and fluent word recognition and by poor spelling and decoding abilities. It is caused by a deficit in the phonological component of language that is unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. See Florida Center for Reading Research, Technical Report No. 8, *Dyslexia: A Brief for Educators, Parents, and Legislators in Florida* (2007), available at [http://www.fcrr.org/TechnicalReports/Dyslexia\\_Technical\\_Assistance\\_Paper-Final.pdf](http://www.fcrr.org/TechnicalReports/Dyslexia_Technical_Assistance_Paper-Final.pdf).

<sup>11</sup> See Florida Center for Reading Research, Technical Report No. 8, *Dyslexia: A Brief for Educators, Parents, and Legislators in Florida* (2007), at 3 available at [http://www.fcrr.org/TechnicalReports/Dyslexia\\_Technical\\_Assistance\\_Paper-Final.pdf](http://www.fcrr.org/TechnicalReports/Dyslexia_Technical_Assistance_Paper-Final.pdf). See also Nemours BrightStart!, *Happy Readers, Healthy Kids: Nemours BrightStart! Research and Tools for a Path to Reading Success*.

<sup>12</sup> See Sally Shaywitz et al., *Achievement Gap in Reading Is Present as Early as First Grade and Persists through Adolescence*, 167 J. Pediatrics 1121, 1124-25 (2015).

<sup>13</sup> University of Florida Literacy Initiative, *Teacher Preparation and Struggling Readers; hearing before the House K-12 Education Subcommittee* (Sept. 17, 2015).

<sup>14</sup> Section 1008.25(5)(a), F.S. Students in kindergarten through 2nd grade do not participate in statewide, standardized assessments.

<sup>15</sup> Section 1008.25(4)(a).

<sup>16</sup> Section 1002.69, F.S.

Prekindergarten Education (VPK) Program performance standards.<sup>17</sup> The screener selected by the department is the Florida Kindergarten Readiness Screener-Work Sampling System.<sup>18</sup>

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.<sup>19</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>20</sup>

School districts have a variety of intervention options available to help students improve their academic performance, from instructional materials to intervention systems that allow teachers and schools monitor the progress of students and determine appropriate supports. The law requires districts to develop and implement a multi-tiered system of supports (MTSS), which utilizes a problem-solving process to identify and support student needs based upon available data, including attendance, behavior and discipline, statewide assessment, and progress monitoring data.<sup>21</sup> The process must include parent involvement, student observation, review of data, vision and hearing screening to rule out sensory deficits, and evidence-based interventions implemented in the general education environment.<sup>22</sup>

MTSS consists of three tiers, with each tier providing increasingly intensive instruction and support depending on a student's needs and response to the interventions provided. MTSS involves monitoring screening and early warning data to identify students at risk before they fail.<sup>23</sup> At tier 1, students receive instruction in the general classroom setting, using core curriculum materials.<sup>24</sup> If students do not make adequate progress based on the instruction, they are provided instruction in smaller groups using supplemental intervention materials targeted to their identified areas of deficiency. Students who do not respond sufficiently to tier 2 instruction are provided intensive interventions in small group and one-to-one instructional settings in tier 3. Tier 3 students who continue to struggle may be identified for an evaluation to determine eligibility for exceptional student education.<sup>25</sup>

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<sup>17</sup> *Id.*; s. 1002.67(1), F.S.

<sup>18</sup> Florida Department of Education, *PMRN for Public Schools*, <http://www.fldoe.org/academics/standards/just-read-fl/fair/public-school.html> (last visited Nov. 9, 2015).

<sup>19</sup> Section 1008.25(4)(b), F.S.

<sup>20</sup> Section 1008.25(3), F.S.

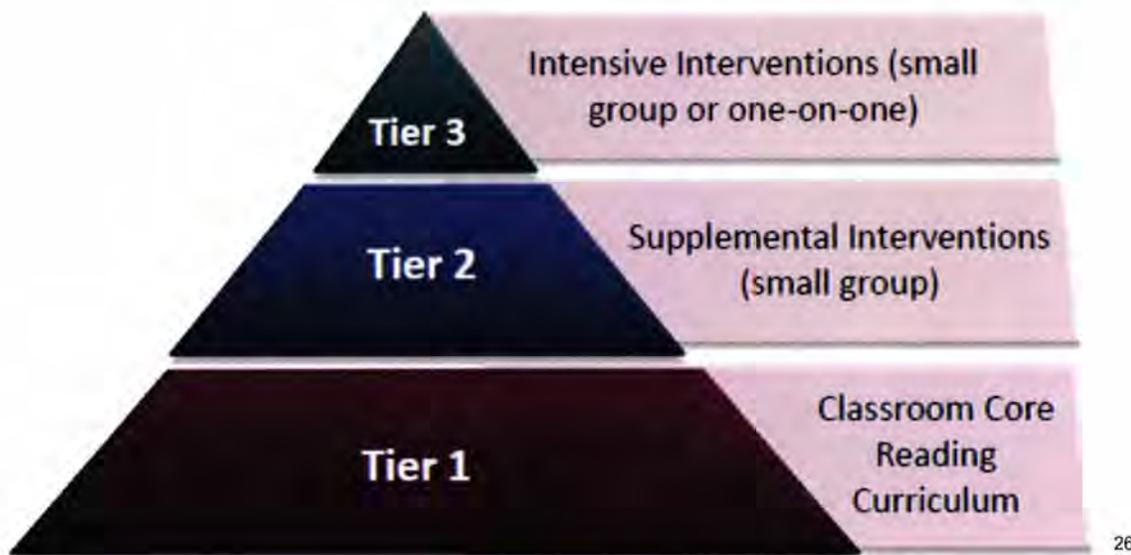
<sup>21</sup> See Rules 6A-6.0331(1) and 6A-1.099811(2)(r), F.A.C.

<sup>22</sup> Rule 6A-6.0331(a), F.S.

<sup>23</sup> See University of South Florida Institute for School Reform, *Multi-tiered Systems of Support (MTSS): Evidence-Based Model to Improve the Performance of ALL Students, Including Those with Disabilities: hearing before the House K-12 Education Subcommittee* (Oct. 7, 2015).

<sup>24</sup> See Office of Program Policy and Government Accountability, *OPPAGA Research on Programs and Strategies for K-12 Struggling Readers: hearing before the House K-12 Education Subcommittee* (Oct. 20, 2015). Tier 1 instruction is intended for 100% of students in the general classroom setting. Tier 2 is intended for approximately 20% of students, and tier 3 provides the most intensive interventions to approximately 5% of students.

<sup>25</sup> See *id.* The department has aligned the criteria for exceptional education eligibility with the MTSS to increase access to instruction and supports in a timely and efficient way. See rules 6A-6.0331 and 6A-6.03018, F.A.C. See also University of South Florida Institute for School Reform, *Multi-tiered Systems of Support (MTSS): Evidence-Based Model to Improve the Performance of ALL Students, Including Those with Disabilities: hearing before the House K-12 Education Subcommittee* (Oct. 7, 2015).



Teachers typically administer interventions; however, at some schools, districts provide other staff, such as interventionists, to assist teachers in delivering the interventions. The timeline for administering interventions may vary by school level. OPPAGA's 2015 study indicates that elementary schools often provide interventions during a dedicated time in the school day, whereas middle and high schools often provide interventions during intensive reading classes.<sup>27</sup>

A school district has discretion to retain a student at any grade level if, after implementing a progress monitoring plan for a student identified as having an academic deficiency, subsequent evaluations of the student indicate that the deficiency has not been remediated. Retention is mandatory for 3rd graders who score at Level 1 on the statewide, standardized ELA assessment, unless the student meets a good cause exemption.<sup>28</sup> Good cause exemptions exist for a student who:

- Is limited English proficient and has had less than two years of instruction in an English for Speakers of Other Languages program.
- Has a disability for which the IEP indicates that participation in the statewide assessment program is not appropriate.
- Demonstrates an acceptable level of performance on an alternative standardized reading or ELA assessment approved by the state board.
- Demonstrates, through a student portfolio, that he or she is performing at least at Level 2 on the statewide, standardized ELA assessment.
- Has a disability, takes the statewide, standardized ELA assessment, and has an IEP or a Section 504 plan indicating that he or she has received intensive remediation in reading and ELA for more than two years but still demonstrates a deficiency and was previously retained in kindergarten, 1st grade, 2nd grade, or 3rd grade.
- Has received intensive remediation in reading and ELA for two or more years but still demonstrates a deficiency and who was previously retained in kindergarten, 1st grade, 2nd grade, or 3rd grade for a total of two years. Intensive reading instruction provided to a student so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for the student.<sup>29</sup>

<sup>26</sup> Office of Program Policy and Government Accountability, *OPPAGA Research on Programs and Strategies for K-12 Struggling Readers: hearing before the House K-12 Education Subcommittee* (Oct. 20, 2015).

<sup>27</sup> See *id.*

<sup>28</sup> Section 1008.25(5)(a)-(b), F.S.

<sup>29</sup> Section 1008.25(6)(b), F.S.

A student who is retained in 3rd grade must be provided a teacher rated “highly effective” and intensive interventions in reading to remedy the student’s specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district’s summer reading camp, and appropriate teaching methodologies necessary to assist the student in becoming a successful reader, able to read at or above grade level, and ready for promotion to the next grade.<sup>30</sup> Further, the school district must provide the student a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include, but are not limited to:

- Integration of science and social studies content within the 90-minute block.
- Small group instruction.
- Reduced teacher-student ratios.
- More frequent progress monitoring.
- Tutoring or mentoring.
- Transition classes containing 3rd and 4th grade students.
- Extended school day, week, or year.<sup>31</sup>

Districts must establish at each school, when applicable, an intensive acceleration class for retained 3rd grade students who subsequently score Level 1 on the statewide, standardized ELA assessment. The class must focus on increasing a child’s reading and English Language Arts skill level at least two grade levels in one school year.<sup>32</sup>

The class must:

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

Each district school board must annually report to the parent of each student, in a format determined by the board, the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The evaluation of each student’s progress must be based upon the student’s classroom work, observations, tests, district and state assessments, and other relevant information. The student’s results on each statewide assessment test must be provided to the parent.<sup>33</sup>

The law requires school districts to hire reading coaches (also referred to as literacy coaches) for schools determined to have the greatest need. Reading coaches who are funded using the district’s Research-Based Reading Instruction Allocation must be hired as a full-time coach.<sup>34</sup>

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<sup>30</sup> Section 1008.25(7)(b), F.S.

<sup>31</sup> *Id.*

<sup>32</sup> Section 1008.25(7)(b)5., F.S. This provision is obsolete, as the law now prohibits retaining a student more than once in third grade.

*See s. 1008.25(6)(b)6., F.S.*

<sup>33</sup> Section 1008.25(8)(a), F.S.

<sup>34</sup> Rule 6A-6.053(6)(e), F.A.C.

All schools utilizing reading coaches must implement the Just Read, Florida! reading/literacy coach model. The model requires that coaches support and provide initial and ongoing professional development to teachers in:

- Each of the major reading components,<sup>35</sup> as needed, based on an analysis of student performance data.
- Administration and analysis of instructional assessments.
- Providing differentiated instruction and intensive intervention.

In addition, reading coaches must, among other things:

- Model effective instructional strategies for teachers.
- Train teachers in data analysis and using data to differentiate instruction.
- Provide daily support to classroom teachers.
- Work with teachers to ensure that research-based reading programs (comprehensive core reading programs, supplemental reading programs and comprehensive intervention reading programs) are implemented with fidelity.
- Help lead and support reading leadership teams at their school(s).
- Continue to increase their knowledge base in best practices in reading instruction, intervention, and instructional reading strategies.
- Work with all teachers in the school they serve, prioritizing their time to those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in classrooms.
- Work frequently with students in whole and small group instruction in the context of modeling and coaching in other teachers' classrooms.
- Spend limited time administering or coordinating assessments.<sup>36</sup>

Currently, an individual may be hired as a reading coach if he or she has a minimum of a bachelor's degree and advanced coursework or professional development in reading. The reading coach must be endorsed or K-12 certified in the area of reading; however, the law still allows individuals to be hired as a reading coach if they are working toward their reading certification or endorsement by completing a minimum of two reading endorsement competencies of 60 inservice hours each or six semester hours of college coursework in reading per year.

The Office of Early Learning is required to develop and adopt performance standards for students in the VPK Program.<sup>37</sup> The standards must address, among other things, the age-appropriate progress of students in the development of emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. The Office 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.<sup>38</sup>

### Effect of Proposed Changes

#### *Intervention and Instruction*

The bill requires district school boards, when allocating remedial and supplemental instruction resources, to give the highest priority to students in kindergarten through grade 3 who have a substantial reading deficiency, instead of just those students in grade 3.

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<sup>35</sup> The major components include phonemic awareness; phonics; vocabulary development; reading fluency, including oral reading skills; and reading comprehension Rule 6A-6.0331(6)(d)1., F.A.C.

<sup>36</sup> Rule 6A-6.053(6)(e), F.A.C.

<sup>37</sup> Section 1002.67(1)(a), F.S.

<sup>38</sup> Section 1002.67(1)(b), F.S.

The bill requires that students in kindergarten through grade 3 who are identified as having a substantial reading deficiency be provided an individual progress monitoring plan, a federal plan (such as an individual education plan), or both if necessary, and eliminates the requirement that a student be covered by a schoolwide progress monitoring plan. The bill does not prohibit or otherwise preclude the use of a schoolwide plan; however, once a student is identified as having a substantial reading deficiency, instructional strategies and goals must be developed based on the individual student's needs. Such students must be provided intensive, explicit, systematic, and multisensory reading interventions immediately following identification of the substantial deficiency. The State Board of Education must identify in rule guidelines for determining whether a student in kindergarten through grade 3 has a substantial reading deficiency.

The bill prohibits schools from waiting until a student receives a failing grade at the end of the grading period to identify the deficiency and initiate interventions. Consequently, schools should increase the use of predictive data to guide instructional strategies, encourage consistent evaluation of student progress in response to instruction in the general classroom setting, and provide more frequent communication with parents on the progress of their child.

The bill requires that the interventions school districts provide to students who are retained in 3rd grade include evidence-based, explicit, systematic, and multisensory instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension. Beginning July 1, 2018, retained 3rd grade students must be taught by a teacher who holds a reading certification or endorsement. This is in addition to the current requirement that the teacher be rated "highly effective."

The bill expands the intensive acceleration course currently provided to retained 3rd graders to also include students who were previously retained in kindergarten, 1st grade, or 2nd grade. The intensive acceleration reading course must include:

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

The bill requires school districts to assist schools and teachers with implementing explicit, systematic, and multisensory reading instruction and intervention strategies for students promoted to 4th grade with a good cause exemption.

The bill also requires VPK providers to implement intensive, explicit, and systematic instruction for participants 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. The bill clarifies that the Office of Early Learning, rather than the State Board of Education, has rulemaking authority related to VPK pre- and post-assessments and adoption of VPK standards.

#### *Parental Notification*

The bill revises requirements for providing information to parents of a K-3 student with a substantial reading deficiency. Under the bill, if a K-3 student is identified with 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, including multisensory 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 department to develop a handbook that schools must provide to parents if their child is identified with a substantial reading deficiency. The handbook must be made available online and must include the following information:

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

## **Teacher Preparation and Professional Development, Certification, and Endorsement**

### Present Situation

#### *Certification and Endorsement*

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the department.<sup>39</sup> Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.<sup>40</sup> The purpose of certification is to require school-based personnel to "possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools."<sup>41</sup>

The department issues three types of educator certificates: professional (Florida's highest type of full-time educator certification),<sup>42</sup> temporary,<sup>43</sup> and athletic coaching.<sup>44</sup> The professional certificate is valid for five years and is renewable.<sup>45</sup> The temporary certificate is valid for three years and is nonrenewable.

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<sup>39</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

<sup>40</sup> Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S. District school boards and charter school governing boards are authorized to hire non-certificated individuals who possess expertise in a given field to serve in an instructional capacity. Rule 6A-1.0502, F.A.C.; ss. 1002.33(12)(f) and 1012.55(1)(c), F.S. Occupational therapists, physical therapists, audiologists, and speech therapists are not required to be certified educators. Rule 6A-1.0502(10) and (11), F.A.C.

<sup>41</sup> Section 1012.54, F.S.; see rule 6A-4.001(1), F.A.C.

<sup>42</sup> Rule 6A-4.004(2), F.A.C.

<sup>43</sup> Rule 6A-4.004(1)(a)2., F.A.C.; rule 6A-4.004(1)(a), F.A.C. The department also issues a nonrenewable temporary certificate, which is valid for 2 years, in the area of speech-language impairment. Sections 1012.56(7)(c) and 1012.54, F.S.; rule 6A-4.001(1), F.A.C.

<sup>44</sup> Section 1012.55(2), F.S.

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;<sup>46</sup>
- Demonstrate mastery of general knowledge;<sup>47</sup>
- Demonstrate mastery of subject area knowledge;<sup>48</sup> and
- Demonstrate mastery of professional preparation and education competence.<sup>49</sup>

Certification reciprocity is granted to educators who hold a valid professional standard teaching certificate for a subject area issued by another state or the National Board for Professional Teaching Standards (NBPTS).<sup>50</sup> These individuals are deemed to have met the requirements for Florida professional certification, including mastery of general knowledge, subject area knowledge, and professional preparation and education competence.<sup>51</sup>

Each educator certificate has subject area “coverage”--a designation on the certificate that indicates the field in which the educator has content knowledge (e.g., Mathematics, grades 6-12). An “endorsement” is a “rider” shown on an educator certificate that signifies the educator has knowledge of instructional strategies that target particular levels, stages of development, or circumstances (e.g., Reading Endorsement or Endorsement in English for Speakers of Other Languages).

To add subject area coverage or an endorsement to a professional certificate or temporary certificate, an educator must submit an application and the required fee and complete requirements as specified in state board rule.

The specialization requirements for a K-12 reading certification are:

- A master’s or higher degree with a graduate major in reading; or
- A bachelor’s or higher degree with 30 semester hours in reading to include the following areas:
  - Six semester hours in foundations of reading instruction to include the elementary and secondary levels.
  - Six semester hours in diagnosis of reading disabilities and techniques of corrective or remedial reading.
  - Three semester hours in educational measurement.
  - Three semester hours in literature for children or adolescents.
  - Three semester hours in methods of teaching language arts at the elementary or secondary level.
  - Three semester hours in administration and interpretation of instructional assessments with instructional strategies and materials based upon scientifically based reading research for the prevention and remediation of reading difficulties.

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<sup>45</sup> Section 1012.56(7)(a), F.S.; see rule 6A-4.0051(3)(c), F.A.C. (validity period is expressed as 5 years from July 1 of the school fiscal year). The department also issues a nonrenewable 2-year temporary certificate and a nonrenewable 5-year professional certificate that 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>46</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>47</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 Nov. 8, 2015).

<sup>48</sup> Section 1012.56(2)(h) and (5), F.S.

<sup>49</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 June 26, 2014) [hereinafter *Professional Preparation and Education Competence*].

<sup>50</sup> Section 1012.56(5)(e)-(f), F.S.; see rules 6A-4.002(1)(i)-(j) and 6A-4.003(2), F.A.C. (flush-left provisions following paragraph (2)(e)); Florida Department of Education, *Reciprocity for Out-of-State Teachers and Administrators*, <http://www.fldoe.org/edcert/level1.asp> (last visited Nov. 6, 2015).

<sup>51</sup> Section 1012.56(3)(c)-(d), (5)(e)-(f), and (6)(c)-(d), F.S.; rule 6A-4.002(1)(i)1. and (j), F.A.C.

- Three semester hours in a supervised reading practicum to obtain practical experience in increasing the reading performance of a student(s) with the prescription and utilization of appropriate strategies and materials based upon scientifically based reading research to address the prevention, identification, and intervention of reading difficulties.<sup>52</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, to include the following:

- Six semester hours in understanding reading as a process of student engagement in both fluent decoding of words and construction of meaning;
- Three semester hours in the administration and interpretation of instructional assessments to include screening, diagnosis, and progress monitoring with purposes of prevention, identification, and remediation of reading difficulties;
- Three semester hours in understanding how to prescribe, differentiate instruction, and utilize appropriate strategies and materials based upon scientifically based reading research in order to address the prevention, identification, and remediation of reading difficulties in order to increase reading performance; and,
- Three semester hours in a supervised practicum to obtain practical experience in increasing the reading performance of a student(s) with the prescription and utilization of appropriate strategies and materials based upon scientifically based reading research to address the prevention, identification, and remediation of reading difficulties.<sup>53</sup>

To renew their professional certificate, an educator must submit an application, pay a fee, and earn at least six college credits or 120 inservice points.<sup>54</sup> At least three college credits or 60 inservice points must be earned in each subject area for which renewal is sought.<sup>55</sup> In addition to credits or inservice points required in the subject area, credits or inservice points may be earned in courses in clinical educator training, literacy and computational skills acquisition, exceptional student education, child development, drug abuse, child abuse, limited English proficiency, dropout prevention, and other topics.<sup>56</sup>

Any professional certificate holder must complete at least one college credit, or 20 inservice points, or a combination thereof, in the instruction of students with disabilities prior to renewing their certificate.<sup>57</sup> The law allows a professional certificate holder to use college credits or inservice points earned through training in teaching students of limited English proficiency or students with disabilities and training in teaching reading in excess of six semester hours during one certificate-validity period toward renewal of the professional certificate during the subsequent validity periods.<sup>58</sup>

Certification in subject areas may also be renewed by earning a passing score on the corresponding Florida-developed subject area test or standardized examination specified in state board rule.<sup>59</sup>

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<sup>52</sup> Rule 6A-4.0291, F.A.C.

<sup>53</sup> Rule 6A-4.0292, F.A.C.

<sup>54</sup> Section 1012.585(3)(a), F.S. College credits must be earned at an accredited or state board-approved institution. Inservice points must be earned through participation in state board-approved school district inservice activities. Rule 6A-4.0051(1)(a), F.A.C.; *see* rule 6A-4.003(1) and (2), F.A.C. (list of approved accrediting agencies and guidelines for nonaccredited approved institutions).

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

<sup>56</sup> Section 1012.585(3)(a), F.S.

<sup>57</sup> Section 1012.585(3)(d), F.S.; rule 6A-4.0051, F.A.C.

<sup>58</sup> Section 1012.585(3)(d)1., F.S.

<sup>59</sup> Section 1012.585(3)(b), F.S., *as amended by* s. 5, ch. 2014-32, L.O.F. For the purposes of renewing a professional certificate, passage of a subject area examination is equivalent to three semester hours of college credit. Rule 6A-4.0051(1)(b), F.A.C.

## *Teacher Preparation Programs*

Teacher preparation programs are state-approved programs offered by postsecondary institutions and public school districts through which candidates for an educator certificate can, attain an educator certificate.<sup>60</sup>

Two types of teacher preparation programs are initial teacher preparation programs and educator preparation institutes. Initial teacher preparation programs are “traditional” teacher preparation programs that require candidates to demonstrate mastery of subject area knowledge in one or more specific subject areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Such programs result in qualification for a professional educator certificate. Educator preparation institutes are “alternative” certification programs offered by postsecondary institutions for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a professional educator certificate.

The state board is charged with maintaining a system for development and approval of initial teacher preparation programs.<sup>61</sup> The department is responsible for approving programs based on evidence of a program’s capacity to meet the requirements for continued program approval established in law and state board rule.<sup>62</sup> The requirements for continued program approval are:

- Documentation that each candidate has met the admission requirements,<sup>63</sup>
- Documentation that the program and each program completer have met the curriculum requirements,<sup>64</sup> and
- Evidence of performance in other specified areas.<sup>65</sup>

The department must approve an educator preparation institute certification program if the institute provides evidence of the institute’s capacity to implement a competency-based program that includes each of the following:

- The areas addressed by the uniform core curricula for initial teacher preparation programs,<sup>66</sup>
- An educational plan for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification, which is based on an assessment of his or her competency in the areas addressed by the uniform core curricula;
- Field experiences appropriate to the certification subject area specified in the educational plan with a diverse population of students in a variety of settings under the supervision of qualified educators; and
- A certification ombudsman to facilitate the process and procedures required for participants who complete the program to meet any requirements related to the background screening requirements.<sup>67</sup>

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

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<sup>60</sup> See Florida Department of Education, *Educator Preparation*, <http://www.fldoe.org/profdev/approval.asp> (last visited Nov. 9, 2015). See also rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

<sup>61</sup> Section 1004.04(1), F.S.

<sup>62</sup> See s. 1004.04(3)(a), F.S.; 6A-5.066, F.A.C.

<sup>63</sup> Section 1004.04(4)(a)1., F.S.

<sup>64</sup> Section 1004.04(4)(a)2., F.S.

<sup>65</sup> Section 1004.04(4)(a)3., F.S.

<sup>66</sup> See ss. 1004.85(3)(a)1. and 1004.04(2)(b), F.S.

<sup>67</sup> Section 1004.85(3)(a)4., F.S.

- Documentation from the program that each program completer has met the requirements established in law;
- Evidence of performance in each other specified areas.<sup>68</sup>

The uniform core curricula for teacher preparation programs must include content in scientifically based reading instruction contained in the reading endorsement competencies adopted by the State Board of Education.<sup>69</sup> The reading endorsement competencies include five major components:

- Competency 1: Foundations of Reading Instruction
- Competency 2: Application of Research-Based Instructional Practices
- Competency 3: Foundations of Assessment
- Competency 4: Foundations and Applications of Differentiated Instruction
- Competency 5: Demonstration of Accomplishment (Culminating Practicum)

Students at an initial teacher preparation program who are a candidate in prekindergarten-primary (age 3-Grade 3), elementary (K-6), reading (K-12) and exceptional student education (K-12) certification programs must be prepared in reading endorsement competencies 1 through 4.<sup>70</sup> Candidates in educator preparation institutes and district professional development certification programs must be prepared in only competencies 1 and 2.<sup>71</sup>

### *Professional Development*

Florida law requires a number of entities, including the department, public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations, to work collaboratively to develop a coordinated system of professional development. The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.<sup>72</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>73</sup>

### Effect of Proposed Changes

#### *Certification and Endorsement*

Beginning January 1, 2018, candidates for a reading endorsement or certification in an area involving elementary reading must first demonstrate competence in:

- Explicit, systematic, and multisensory approaches to reading instruction;
- Identifying characteristics of conditions such as dyslexia and other causes of poor phonological processing; and
- Using predictive and other data to make instructional decisions.

<sup>68</sup> Section 1004.85(4)(b), F.S.

<sup>69</sup> See ss. 1004.04(2)(b)3. and 1004.85(3)(a)c., F.S. See also rules 6A-4.0163 and 6A-5.066(1)(hh)4., F.A.C.

<sup>70</sup> Rule 6A-5.066(1)(hh)4.a., F.A.C.

<sup>71</sup> Rule 6A-5.066(1)(hh)4.b., F.A.C.

<sup>72</sup> Section 1012.98(1), F.S.

<sup>73</sup> Section 1012.98(4)(b), F.S.

The State Board of Education must identify in rule the certificates for which competence in these areas must be demonstrated during the certification process and establish a procedure by which out-of-state candidates can meet this requirement.

By July 1, 2017, and at least once every five years thereafter, the department must review specialization and coverage areas requirements in the elementary, reading, and exceptional student educational areas. At the conclusion of each review, the department must recommend to the State Board of Education changes to the specialization and coverage area requirements based upon any instructional or intervention strategies identified by the department that are proven to improve student reading performance.

Beginning January 1, 2018, candidates seeking to renew a certificate identified by the state board must complete a minimum of 2 college credit hours (equivalent to 40 inservice points or 40 hours) in the use of explicit, systematic, and multisensory approaches to reading instruction and intervention. The training must be provided by approved Florida teacher preparation programs or school district professional development programs.

The bill limits the training that may satisfy certification renewal requirements for teachers who hold a certificate in an area that involves reading instruction or intervention for K-6 students. However, the bill specifies that scientifically researched, knowledge-based reading literacy which includes explicit, systematic, and multisensory approaches to reading instruction and intervention may be applied to any specialization area.

The bill provides that inservice points earned through participation in professional growth components in a school district's plan for inservice educational training may not be used to satisfy specialization requirements for renewal, but may be used to satisfy nonspecialization requirements. The bill eliminates the authority to use credit or points earned for service as a trainer or as a part of a committee or council towards the fulfillment of the credit requirements.

The bill specifies that the Office must review teacher certification and alternative certification requirements, as well as examinations, to determine whether skills needed for evidence-based reading instruction are measured.

#### *Teacher Preparation and Professional Development*

The bill requires school district professional development systems to provide all elementary instructional personnel without a reading endorsement training sufficient to earn the endorsement before renewal or attainment of their professional certificate. To reduce duplication, the bill expressly authorizes the department to recommend consolidation of endorsement areas and requirements to the State Board of Education.

In addition, each school district must provide professional development to classroom teachers, reading coaches, and school administrators in effective methods of identifying characteristics of conditions such as dyslexia and other causes of diminished phonological processing skills; incorporating instructional techniques into the general education setting that are proven to improve reading performance for all students; and using predictive data to make instructional decisions based on individual student needs. The training must help teachers to integrate phonemic awareness; phonics, word study, and spelling; reading fluency; vocabulary, including academic vocabulary; and text comprehension strategies into an explicit, systematic, and multisensory approach to reading instruction and intervention.

The bill requires the uniform core curricula used by teacher preparation programs and educator preparation institutes to include explicit, systematic, and multisensory approaches to reading instruction and intervention that are proven to improve reading performance for all students. To qualify for continued approval, programs must provide training in explicit, systematic, and multisensory instructional approaches; identifying characteristics of conditions such as dyslexia; and using predictive

and other data to make instructional decisions based on a student's needs. The training must occur both in coursework and in field experiences.

The bill requires the Just Read, Florida! Office to identify proven reading instruction and intervention strategies<sup>74</sup> and provide training to teachers, reading coaches, and principals on explicit, systematic, and multisensory reading instruction and integration of content-rich, nonfiction texts in other core subject areas. The Office must also help initial teacher preparation programs and educator preparation institutes to integrate explicit, systematic, and multisensory reading instruction and intervention strategies into their curricula.

The bill requires emergent literacy training courses for prekindergarten teachers, used in part to satisfy training requirements for licensed and family child care providers, to address early identification of and intervention for struggling readers.

## **Instructional Materials**

### Present Situation

By July 1 each year and before instructional materials funds may be released to the school district, the district's superintendent must certify to the commissioner that the district school board has approved a comprehensive staff development plan that supports fidelity of implementation of instructional materials programs. The report must verify that training was provided and that the materials are being implemented as designed.<sup>75</sup>

### Effect of Proposed Changes

The bill requires the Just Read, Florida! Office to post on its website a list of K-5 core reading materials and supplemental intervention reading materials that meet, at a minimum, all of the following criteria:

- Use of an explicit, systematic, sequential, and multisensory approach to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension.
- Incorporation of cooperative learning strategies.
- Incorporation of one-to-one or small group instructional strategies.
- Incorporation of decodable or phonetic text instructional strategies.
- Provision of teacher training on well-specified teaching methods and instructional processes designed to implement the materials.

The purpose of the list is to provide districts access to quality instructional materials that incorporate the instructional strategies in which teachers and teacher candidates must receive training as required by the bill.

Under the bill, each district school superintendent must certify to the commissioner, prior to the release of instructional material funds, that the district's K-5 core and supplemental intervention reading materials are listed on the Just Read, Florida! Office website. The certification requirement applies to core reading materials starting with the next English language arts instructional materials adoption cycle, which will occur in 2019.<sup>76</sup>

As part of the certification, the district school superintendent must report the number and percentage of K-5 instructional personnel who have received training on the use of the core and supplemental

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<sup>74</sup> The bill defines "reading interventions" as evidence-based strategies frequently used to remediate reading deficiencies and include individual instruction, tutoring, or mentoring that target specific reading skills and abilities.

<sup>75</sup> Section 1011.67(2), F.S.

<sup>76</sup> Florida Department of Education, *Florida Instructional Materials Adoption Schedule for Adoption Years 2015-2016 through 2019-2020* (Feb. 3, 2015), available at <http://www.fldoe.org/core/fileparse.php/5574/urlt/AdoptionCycle.pdf>.

intervention reading materials. The superintendent must also explain how and when the remaining K-5 instructional personnel will receive the training, including those newly hired by the district.

## Early Warning Systems

### 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. 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>77</sup> Once a student is identified as being off track, research-based intervention techniques are initiated to help the student get back on track to graduate on time.<sup>78</sup>

In Florida, the following indicators must be used to monitor middle grades students:

- Attendance below 90 percent.
- Course failure in English language arts or mathematic.
- One or more in-school or out-of-school suspensions.
- Scoring a Level 1 score on the statewide, standardized reading or mathematics assessments.<sup>79</sup>

When a student exhibits two or more early warning indicators, the school must convene the school's child study team,<sup>80</sup> or a similar team established to implement the school's early warning system, to determine appropriate intervention strategies for the student.<sup>81</sup> The team may be the student's IEP team, if applicable, or any other team the school establishes for the purpose of academic intervention. The school must provide the student's parent with at least 10 days' written notice of the meeting. The notice must indicate the meeting's purpose, time, and location, and the opportunity for the parent to participate in the meeting.

Each school that includes any of grades 6, 7, or 8 must include annually in its school improvement plan the following information and data on the school's early warning system:

- A list of the early warning indicators used in the system.
- The number of students identified by the system as exhibiting two or more early warning indicators.
- The number of students by grade level that exhibit each indicator.
- A description of all intervention strategies employed by the school to improve the academic performance of students identified by the early warning system.

Students identified by a school's early warning system are eligible to receive services funded through the dropout prevention and academic intervention programs, subject to appropriation in the General Appropriations Act.<sup>82</sup>

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<sup>77</sup> Section 1001.42(18)(b), F.S.

<sup>78</sup> Robert Balfanz, *Putting Middle Grades Students on the Graduation Path: A Policy and Practice Brief*, National Middle School Association, June 2009, at 10-11; Diplomas Now, *Diplomas Now Benefits Students, their Schools, and Communities: hearing before the House Education K-12 Subcommittee* (Nov. 5, 2013).

<sup>79</sup> Districts may prescribe additional early warning indicators for schools to use. Section 1001.42(18)(b)1., F.S.

<sup>80</sup> School child study teams are convened by school principals to help enforce school attendance requirements pursuant to s. 1003.26, F.S.

<sup>81</sup> Section 1001.42(18)(b)2., F.S.

<sup>82</sup> Section 1003.53(1)(c)4., F.S.

## Effect of Proposed Changes

The bill revises requirements related to early warning systems by extending coverage to include students in kindergarten through grade 5 and by clarifying that a school-based team must monitor early warning system data. The bill specifies 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 it occurs during any grading period.

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 that 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.

## **Reading Performance Reporting**

### Present Situation

#### *School Districts*

Each district school board must annually report to the parent of each student, in a format determined by the board, the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. The student's results on each statewide assessment test must be provided to the parent.<sup>83</sup>

Each district school board must annually publish on the district website and in the local newspaper the following information on the prior school year:

- The provisions relating to public school student progression and the district school board's policies and procedures on student retention and promotion.
- By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.<sup>84</sup>
- By grade, the number and percentage of all students retained in grades 3 through 10.
- Information on the total number of students who were promoted for good cause, by each category of good cause.
- Any revisions to the district school board's policy on student retention and promotion from the prior year.<sup>85</sup>

#### *Commissioner of Education*

The commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.<sup>86</sup> Part of the commissioner's responsibilities is to

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<sup>83</sup> Section 1008.25(8)(a), F.S.

<sup>84</sup> As of the 2014-2015 school year, the reading portion of the FCAT has been replaced by the statewide, standardized ELA assessment (Florida Standards Assessment).

<sup>85</sup> Section 1008.25(9)(b), F.S.

<sup>86</sup> Section 1008.345(1), F.S.

report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. Currently, the report must include:

- For each school district:
  - The percentage of students, by school and grade level, demonstrating learning growth in English language arts and mathematics.
  - The percentage of students, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in English language arts and mathematics.
- Intervention and support strategies used by school boards whose students in both the highest and lowest quartiles exceed the statewide average learning growth for students in those quartiles.
- Intervention and support strategies used by school boards whose schools provide educational services to youth in Department of Juvenile Justice programs that demonstrate learning growth in English Language Arts and mathematics that exceeds the statewide average learning growth for students in those subjects.

### Effect of Proposed Changes

The bill specifies that the commissioner's report and recommendations must be provided to the state board as well as the Legislature on an annual basis. The bill requires the report to include, in addition to information currently required, the reading performance information each district must annually publish on its website and in the local newspaper. The bill also requires the commissioner's annual report to include, based upon a review of each district's reading plan, intervention and support strategies that were effective in improving the reading performance of students who are identified as having a substantial reading deficiency.

#### B. SECTION DIRECTORY:

Section 1. Amends s. 1001.215, F.S., revising the duties of the Just Read, Florida! Office.

Section 2. Amends s. 1001.42, F.S., requiring certain schools to include specific information in the school's improvement plan; requiring certain schools to implement an early warning system for students who meet specific criteria; requiring certain school personnel to monitor data from the early warning system and perform certain duties when a student exhibits specified indicators.

Section 3. Amends s. 1002.20, F.S., revising requirements for notifying a parent of a student with a substantial reading deficiency.

Section 4. Amends s. 1002.59, F.S., revising the emergent literacy and performance standards training course requirements to include specific reading instruction.

Section 5. Amends s. 1002.67, F.S., requiring the Office of Early Learning to approve specific Voluntary Prekindergarten Education Program assessments and establish requirements for individuals administering the assessments; requiring certain prekindergarten students to receive specific reading instruction.

Section 6. Amends s. 1002.69, F.S., conforming provisions; requiring data from the statewide kindergarten screening to be used to identify certain students.

Section 7. Amends s. 1004.04, F.S., revising core curricula requirements for certain teacher preparation programs to include certain reading instruction and interventions.

Section 8. Amends s. 1004.85, F.S., requiring certain educator preparation institutes to provide evidence of specified reading instruction as a condition of program approval.

Section 9. Amends s. 1008.25, F.S., requiring district school boards to allocate certain instruction resources to certain students deficient in reading; revising criteria and requiring the State Board of Education to identify guidelines for determining whether certain students have a substantial deficiency in reading; revising the required plans for certain students deficient in reading; revising the parental notification requirements for students with a substantial deficiency in reading; requiring a school to provide updates to parents of students who receive certain services; requiring the Department of Education to develop a handbook containing specific information for parents of students with a substantial reading deficiency; requiring schools to provide certain instruction to students who received a good cause exemption from retention; revising grounds for such good cause exemption; revising intervention requirements for certain retained students; revising provisions relating to the Intensive Acceleration Class for retained students in certain grades; revising student progress evaluation requirements.

Section 10. Amends s. 1008.345, F.S., revising reporting requirements of the Commissioner of Education relating to the state system of school improvement and education accountability.

Section 11. Amends s. 1011.67, F.S., revising the contents of a comprehensive staff development plan required for each school district; requiring certain information to be included in a certification provided to the commissioner from each district school superintendent.

Section 12. Creates s. 1012.567, F.S., requiring candidates for an educator certificate in certain areas to demonstrate competence in specified areas; providing that a teacher certification from another state does not meet competency requirements; requiring the state board to identify teacher certification areas in which candidates must demonstrate competence; requiring certain teacher preparation courses to provide specific instruction in order to receive approval; providing requirements for an endorsement in reading instruction; providing for review of specialization and coverage area requirements for certain education area certifications; providing for rulemaking.

Section 13. Amends s. 1012.585, F.S., revising requirements for renewal of professional teaching certificates.

Section 14. Amends s. 1012.586, F.S., authorizing the department to recommend consolidation of endorsement areas and requirements for endorsements for teacher certificate.

Section 15. Amends s. 1012.98, F.S., revising duties and requirements for implementation of the School Community Professional Development Act.

Section 16. Provides that the bill is effective upon becoming a law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

See FISCAL COMMENTS.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Department of Education estimated a need for 2 FTE positions for the Just Read! Florida office to complete the additional workload required by the bill. The total cost for those 2 positions is estimated at \$294,848 in recurring general revenue. There is also estimated a need for OPS research assistants to assist with the development and implementation of additional professional development requirements in the bill. The OPS funding would be nonrecurring for the 2016-17 fiscal year and is estimated to be \$50,000.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill clarifies that the Office of Early Learning, rather than the State Board of Education, has rulemaking authority related to VPK pre- and post-assessments and adoption of VPK standards. The bill also requires the state board to adopt rules concerning educator certification and reading endorsement training requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 18, 2015, the K-12 Subcommittee reported the bill favorably as amended. The amendments:

- Clarify the duties of the Just Read, Florida! Office related to training and review of the Next Generation Sunshine State Standards for English language arts.
- Specify that supplemental materials identified by the Office on its website must be materials used for interventions.
- Specify that a school psychologist may be part of the team that monitors early warning system data.
- Clarify that the emergent literacy course for prekindergarten teachers must address early identification and intervention for students who struggle with emergent literacy skills.
- Require that parents be provided multisensory strategies they can use to help their child with reading as part of a read at home plan.

- Specify that the 90-minute reading block for retained 3rd grade students must integrate information texts in science and social studies.
- Restores language requiring 3rd grade students who are retained for the second time to receive uninterrupted reading instruction for the majority of student contact time each day and be provided instruction in other core subject areas using informational texts.
- Clarify that training in the use of predictive data also address the use of other types of data.

This analysis is drafted to the bill as amended and passed by the K-12 Subcommittee.

1                                   A bill to be entitled  
2       An act relating to reading instruction; amending s.  
3       1001.215, F.S.; revising the duties of the Just Read,  
4       Florida! Office; amending s. 1001.42, F.S.; requiring  
5       certain schools to include specific information in the  
6       school's improvement plan; requiring certain schools  
7       to implement an early warning system for students who  
8       meet specific criteria; requiring certain school  
9       personnel to monitor data from the early warning  
10      system and perform certain duties when a student  
11      exhibits specified indicators; amending s. 1002.20,  
12      F.S.; revising requirements for notifying a parent of  
13      a student with a substantial reading deficiency;  
14      amending s. 1002.59, F.S.; revising the emergent  
15      literacy and performance standards training course  
16      requirements to include specific reading instruction;  
17      amending s. 1002.67, F.S.; requiring the Office of  
18      Early Learning to approve specific Voluntary  
19      Prekindergarten Education Program assessments and  
20      establish requirements for individuals administering  
21      the assessments; requiring certain prekindergarten  
22      students to receive specific reading instruction;  
23      amending s. 1002.69, F.S.; conforming provisions;  
24      requiring data from the statewide kindergarten  
25      screening to be used to identify certain students;  
26      amending s. 1004.04, F.S.; revising core curricula

27 requirements for certain teacher preparation programs  
 28 to include certain reading instruction and  
 29 interventions; amending s. 1004.85, F.S.; requiring  
 30 certain educator preparation institutes to provide  
 31 evidence of specified reading instruction as a  
 32 condition of program approval; amending s. 1008.25,  
 33 F.S.; requiring district school boards to allocate  
 34 certain instruction resources to certain students  
 35 deficient in reading; revising criteria and requiring  
 36 the State Board of Education to identify guidelines  
 37 for determining whether certain students have a  
 38 substantial deficiency in reading; revising the  
 39 required plans for certain students deficient in  
 40 reading; revising the parental notification  
 41 requirements for students with a substantial  
 42 deficiency in reading; requiring a school to provide  
 43 updates to parents of students who receive certain  
 44 services; requiring the Department of Education to  
 45 develop a handbook containing specific information for  
 46 parents of students with a substantial reading  
 47 deficiency; requiring schools to provide certain  
 48 instruction to students who received a good cause  
 49 exemption from retention; revising grounds for such  
 50 good cause exemption; revising intervention  
 51 requirements for certain retained students; revising  
 52 provisions relating to the Intensive Acceleration

53 | Class for retained students in certain grades;  
 54 | revising student progress evaluation requirements;  
 55 | amending s. 1008.345, F.S.; revising reporting  
 56 | requirements of the Commissioner of Education relating  
 57 | to the state system of school improvement and  
 58 | education accountability; amending s. 1011.67, F.S.;  
 59 | revising the contents of a comprehensive staff  
 60 | development plan required for each school district;  
 61 | requiring certain information to be included in a  
 62 | certification provided to the commissioner from each  
 63 | district school superintendent; creating s. 1012.567,  
 64 | F.S.; requiring candidates for an educator certificate  
 65 | in certain areas to demonstrate competence in  
 66 | specified areas; providing that a teacher  
 67 | certification from another state does not meet  
 68 | competency requirements; requiring the state board to  
 69 | identify teacher certification areas in which  
 70 | candidates must demonstrate competence; requiring  
 71 | certain teacher preparation courses to provide  
 72 | specific instruction in order to receive approval;  
 73 | providing requirements for an endorsement in reading  
 74 | instruction; providing for review of specialization  
 75 | and coverage area requirements for certain education  
 76 | area certifications; providing for rulemaking;  
 77 | amending s. 1012.585, F.S.; revising requirements for  
 78 | renewal of professional teaching certificates;

79 amending s. 1012.586, F.S.; authorizing the department  
 80 to recommend consolidation of endorsement areas and  
 81 requirements for endorsements for teacher certificate;  
 82 amending s. 1012.98, F.S.; revising duties and  
 83 requirements for implementation of the School  
 84 Community Professional Development Act; providing an  
 85 effective date.

86

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

88

89 Section 1. Section 1001.215, Florida Statutes, is amended  
 90 to read:

91 1001.215 Just Read, Florida! Office.—There is created in  
 92 the Department of Education the Just Read, Florida! Office. The  
 93 office is ~~shall be~~ fully accountable to the Commissioner of  
 94 Education and shall:

95 (1) Train ~~highly effective~~ reading coaches.

96 (2) Create multiple designations of effective reading  
 97 instruction, with accompanying credentials, to enable ~~which~~  
 98 ~~encourage~~ all teachers to integrate reading instruction into  
 99 their content areas.

100 (3) Provide training to ~~Train~~ K-12 teachers, reading  
 101 coaches, and school principals on effective content-area-  
 102 specific reading strategies; the integration of content-rich,  
 103 nonfiction texts from other core subject areas into reading  
 104 instruction; and explicit, systematic, and multisensory

105 approaches to reading instruction that are proven to improve the  
 106 reading performance of all students. For secondary teachers,  
 107 emphasis shall be on technical text. These strategies must be  
 108 developed for all content areas in the K-12 curriculum.

109 (4) Provide parents with information and strategies for  
 110 assisting their children in reading, including reading in the  
 111 content areas ~~area~~.

112 (5) Provide technical assistance to school districts in  
 113 the development and implementation of district plans for use of  
 114 the research-based reading instruction allocation provided in s.  
 115 1011.62(9) and annually review and approve such plans.

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

119 (7) Work with the Florida Center for Reading Research to  
 120 identify effective research-based and evidence-based reading  
 121 instructional and intervention ~~provide information on research-~~  
 122 ~~based reading programs and effective reading in the content area~~  
 123 strategies. Reading intervention strategies are evidence-based  
 124 strategies frequently used to remediate reading deficiencies and  
 125 include individual instruction, tutoring, or mentoring that  
 126 targets specific reading skills and abilities.

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

130 (9) Periodically review teacher certification requirements

131 and examinations, including alternative certification  
 132 requirements and examinations ~~exams~~, to ascertain whether the  
 133 examinations measure the skills needed for evidence-based  
 134 ~~research-based~~ reading instruction and instructional strategies  
 135 for teaching reading, including reading in the content areas.

136 (10) Work with teacher preparation programs approved  
 137 pursuant to ss. ~~s.~~ 1004.04 and 1004.85 to integrate effective,  
 138 research-based, and evidence-based reading instructional and  
 139 intervention strategies; ~~and~~ reading in ~~the~~ content area  
 140 instructional strategies; and explicit, systematic, and  
 141 multisensory reading instructional strategies into teacher  
 142 preparation programs.

143 (11) Post on its website a list of core reading materials  
 144 and supplemental intervention reading materials for kindergarten  
 145 through grade 5 that meet, at a minimum, all of the following  
 146 criteria:

147 (a) Use of an explicit, systematic, sequential, and  
 148 multisensory approach to teaching phonemic awareness, phonics,  
 149 vocabulary, fluency, and text comprehension.

150 (b) Incorporation of cooperative learning strategies.

151 (c) Incorporation of one-to-one or small group  
 152 instructional strategies.

153 (d) Incorporation of decodable or phonetic text  
 154 instructional strategies.

155 (e) Provision of teacher training on well-specified  
 156 teaching methods and instructional processes designed to

157 implement the materials.

158 (12)~~(11)~~ Administer grants and perform other functions as  
 159 necessary to help ~~meet the goal that all~~ students read at their  
 160 highest potential ~~grade level~~.

161 Section 2. Paragraphs (a) and (b) of subsection (18) of  
 162 section 1001.42, Florida Statutes, are amended to read:

163 1001.42 Powers and duties of district school board.—The  
 164 district school board, acting as a board, shall exercise all  
 165 powers and perform all duties listed below:

166 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—  
 167 Maintain a system of school improvement and education  
 168 accountability as provided by statute and State Board of  
 169 Education rule. This system of school improvement and education  
 170 accountability shall be consistent with, and implemented  
 171 through, the district's continuing system of planning and  
 172 budgeting required by this section and ss. 1008.385, 1010.01,  
 173 and 1011.01. This system of school improvement and education  
 174 accountability shall comply with the provisions of ss. 1008.33,  
 175 1008.34, 1008.345, and 1008.385 and include the following:

176 (a) School improvement plans.—

177 1. The district school board shall annually approve and  
 178 require implementation of a new, amended, or continuation school  
 179 improvement plan for each school in the district. If a school  
 180 has a significant gap in achievement on statewide, standardized  
 181 assessments administered pursuant to s. 1008.22 by one or more  
 182 student subgroups, as defined in the federal Elementary and

183 Secondary Education Act (ESEA), 20 U.S.C. s.  
 184 6311(b)(2)(C)(v)(II); has not significantly increased the  
 185 percentage of students passing statewide, standardized  
 186 assessments; has not significantly increased the percentage of  
 187 students demonstrating Learning Gains, as defined in s. 1008.34  
 188 and as calculated under s. 1008.34(3)(b), who passed statewide,  
 189 standardized assessments; or has significantly lower graduation  
 190 rates for a subgroup when compared to the state's graduation  
 191 rate, that school's improvement plan shall include strategies  
 192 for improving these results. The state board shall adopt rules  
 193 establishing thresholds and for determining compliance with this  
 194 subparagraph.

195 2. A school that serves any students in kindergarten  
 196 through grade ~~includes any of grades 6, 7, or 8~~ shall include  
 197 annually in its school improvement plan information and data on  
 198 the school's early warning system required under paragraph (b),  
 199 including a list of the early warning indicators used in the  
 200 system, the number of students identified by the system as  
 201 exhibiting two or more early warning indicators, the number of  
 202 students by grade level that exhibit each early warning  
 203 indicator, and a description of all intervention strategies  
 204 employed by the school to improve the academic performance of  
 205 students identified by the early warning system. The plan must  
 206 also ~~In addition, a school that includes any of grades 6, 7, or~~  
 207 ~~8 shall describe in its school improvement plan the strategies~~  
 208 used by the school to implement and evaluate the instructional

209 practices ~~for middle grades~~ emphasized by the district's  
 210 professional development system pursuant to s. 1012.98(4)(b)9.  
 211 and 10.

212 (b) Early warning system.-

213 1. A school that serves any students in kindergarten  
 214 through grade ~~includes any of grades 6, 7, or 8~~ shall implement  
 215 an early warning system to identify students in these grades ~~6,~~  
 216 ~~7, and 8~~ who need additional support to improve academic  
 217 performance and stay engaged in school. The early warning system  
 218 must include the following early warning indicators:

219 a. Attendance below 90 percent, regardless of whether  
 220 absence is excused or a result of out-of-school suspension.

221 b. One or more suspensions, whether in school or out of  
 222 school.

223 c. Course failure in English Language Arts or mathematics  
 224 during any grading period.

225 d. A Level 1 score on the statewide, standardized  
 226 assessments in English Language Arts or mathematics or, for  
 227 students in kindergarten through grade 3, a substantial reading  
 228 deficiency as provided in s. 1008.25(5)(a).

229

230 A school district may identify additional early warning  
 231 indicators for use in a school's early warning system.

232 2. A school-based team responsible for implementing the  
 233 requirements of this paragraph shall monitor the data from the  
 234 early warning system in subparagraph (a)2. The team may include

235 a school psychologist. When a student exhibits two or more early  
 236 warning indicators, the team shall ~~school's child study team~~  
 237 ~~under s. 1003.02 or a school-based team formed for the purpose~~  
 238 ~~of implementing the requirements of this paragraph shall convene~~  
 239 ~~to~~ determine, in consultation with the student's parent,  
 240 appropriate intervention strategies for the student unless the  
 241 student is already being served by an intervention program at  
 242 the direction of a school-based, multidisciplinary team. Data  
 243 and information relating to a student's early warning indicators  
 244 must be used to inform any intervention strategies provided to  
 245 the student ~~The school shall provide at least 10 days' written~~  
 246 ~~notice of the meeting to the student's parent, indicating the~~  
 247 ~~meeting's purpose, time, and location, and provide the parent~~  
 248 ~~the opportunity to participate.~~

249 Section 3. Subsection (11) of section 1002.20, Florida  
 250 Statutes, is amended to read:

251 1002.20 K-12 student and parent rights.—Parents of public  
 252 school students must receive accurate and timely information  
 253 regarding their child's academic progress and must be informed  
 254 of ways they can help their child to succeed in school. K-12  
 255 students and their parents are afforded numerous statutory  
 256 rights including, but not limited to, the following:

257 (11) STUDENTS WITH READING DEFICIENCIES.—The parent of any  
 258 K-3 student who exhibits a substantial reading deficiency shall  
 259 be immediately notified of the student's deficiency pursuant to  
 260 s. 1008.25(5) and ~~with a description and explanation, in terms~~

261 ~~understandable to the parent, of the exact nature of the~~  
 262 ~~student's difficulty in learning and lack of achievement in~~  
 263 ~~reading;~~ shall be consulted in the development of a plan, as  
 264 described in s. 1008.25(4)(b), ~~and shall be informed that the~~  
 265 ~~student will be given intensive reading instruction until the~~  
 266 ~~deficiency is corrected. This subsection operates in addition to~~  
 267 ~~the remediation and notification provisions contained in s.~~  
 268 ~~1008.25 and in no way reduces the rights of a parent or the~~  
 269 ~~responsibilities of a school district under that section.~~

270 Section 4. Subsection (1) of section 1002.59, Florida  
 271 Statutes, is amended to read:

272 1002.59 Emergent literacy and performance standards  
 273 training courses.—

274 (1) The office shall adopt minimum standards for one or  
 275 more training courses in emergent literacy for prekindergarten  
 276 instructors. Each course must comprise 5 clock hours and provide  
 277 instruction in explicit, systematic, and multisensory  
 278 instruction strategies and techniques to address the age-  
 279 appropriate progress of prekindergarten students in developing  
 280 emergent literacy skills, including oral communication,  
 281 knowledge of print and letters, phonemic and phonological  
 282 awareness, and vocabulary and comprehension development. Each  
 283 course must address early identification of and intervention for  
 284 students experiencing difficulties with emergent literacy skills  
 285 and also provide resources containing strategies that allow  
 286 students with disabilities and other special needs to derive

HB 7021

2016

287 maximum benefit from the Voluntary Prekindergarten Education  
 288 Program. Successful completion of an emergent literacy training  
 289 course approved under this section satisfies requirements for  
 290 approved training in early literacy and language development  
 291 under ss. 402.305(2)(d)5., 402.313(6), and 402.3131(5).

292 Section 5. Paragraphs (a) and (c) of subsection (3) of  
 293 section 1002.67, Florida Statutes, are amended, and paragraph  
 294 (d) is added to that subsection, to read:

295 1002.67 Performance standards; curricula and  
 296 accountability.-

297 (3)

298 (a) Contingent upon legislative appropriation, each  
 299 private prekindergarten provider and public school in the  
 300 Voluntary Prekindergarten Education Program must implement an  
 301 evidence-based pre- and post-assessment that has been approved  
 302 by the office ~~rule of the State Board of Education~~.

303 (c) The pre- and post-assessment must be administered by  
 304 individuals meeting requirements established by the office ~~rule~~  
 305 ~~of the State Board of Education~~.

306 (d) Students who exhibit a deficiency in emergent literacy  
 307 skills, including oral communication, knowledge of print and  
 308 letters, phonemic and phonological awareness, and vocabulary and  
 309 comprehension development, must be provided intensive, explicit,  
 310 and systematic instruction.

311 Section 6. Subsections (1) and (2) of section 1002.69,  
 312 Florida Statutes, are amended to read:

313 1002.69 Statewide kindergarten screening; kindergarten  
 314 readiness rates; state-approved prekindergarten enrollment  
 315 screening; good cause exemption.—

316 (1) The department shall adopt a statewide kindergarten  
 317 screening that assesses the readiness of each student for  
 318 kindergarten based upon the performance standards adopted by the  
 319 office ~~department~~ under s. 1002.67(1) for the Voluntary  
 320 Prekindergarten Education Program. The department shall require  
 321 that each school district administer the statewide kindergarten  
 322 screening to each kindergarten student in the school district  
 323 within the first 30 school days of each school year. Nonpublic  
 324 schools may administer the statewide kindergarten screening to  
 325 each kindergarten student in a nonpublic school who was enrolled  
 326 in the Voluntary Prekindergarten Education Program.

327 (2) The statewide kindergarten screening shall provide  
 328 objective data concerning each student's readiness for  
 329 kindergarten and progress in attaining the performance standards  
 330 adopted by the office under s. 1002.67(1). Data from the  
 331 screening, along with other available data, must be used to  
 332 identify students in need of intervention and support pursuant  
 333 to s. 1008.25(5).

334 Section 7. Paragraphs (b) and (c) of subsection (2) of  
 335 section 1004.04, Florida Statutes, are amended to read:

336 1004.04 Public accountability and state approval for  
 337 teacher preparation programs.—

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

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

- 342 1. The Florida Educator Accomplished Practices.
- 343 2. The state-adopted content standards.
- 344 3. Scientifically researched reading instruction,  
 345 including explicit, systematic, and multisensory approaches to  
 346 reading instruction and intervention that are proven to improve  
 347 reading performance for all students.
- 348 4. Content literacy and mathematics practices.
- 349 5. Strategies appropriate for the instruction of English  
 350 language learners.
- 351 6. Strategies appropriate for the instruction of students  
 352 with disabilities.
- 353 7. School safety.

354 (c) Each candidate must receive instruction and be  
 355 assessed on the uniform core curricula in the candidate's area  
 356 or areas of program concentration, including reading instruction  
 357 under s. 1012.567, as applicable, during course work and field  
 358 experiences.

359 Section 8. Paragraphs (a) and (b) of subsection (3) of  
 360 section 1004.85, Florida Statutes, are amended to read:

361 1004.85 Postsecondary educator preparation institutes.—

362 (3) Educator preparation institutes approved pursuant to  
 363 this section may offer competency-based certification programs  
 364 specifically designed for noneducation major baccalaureate

HB 7021

2016

365 degree holders to enable program participants to meet the  
366 educator certification requirements of s. 1012.56. An educator  
367 preparation institute choosing to offer a competency-based  
368 certification program pursuant to the provisions of this section  
369 must implement a program previously approved by the Department  
370 of Education for this purpose or a program developed by the  
371 institute and approved by the department for this purpose.  
372 Approved programs shall be available for use by other approved  
373 educator preparation institutes.

374 (a) Within 90 days after receipt of a request for  
375 approval, the Department of Education shall approve a  
376 preparation program pursuant to the requirements of this  
377 subsection or issue a statement of the deficiencies in the  
378 request for approval. The department shall approve a  
379 certification program if the institute provides evidence of the  
380 institute's capacity to implement a competency-based program  
381 that includes each of the following:

382 1.a. Participant instruction and assessment in the Florida  
383 Educator Accomplished Practices.

384 b. The state-adopted student content standards.

385 c. Scientifically researched reading instruction,  
386 including explicit, systematic, and multisensory approaches to  
387 reading instruction and intervention that are proven to improve  
388 reading performance for all students.

389 d. Content literacy and mathematical practices.

390 e. Strategies appropriate for instruction of English

391 language learners.

392 f. Strategies appropriate for instruction of students with  
393 disabilities.

394 g. School safety.

395 2. An educational plan for each participant to meet  
396 certification requirements and demonstrate his or her ability to  
397 teach the subject area for which the participant is seeking  
398 certification, which is based on an assessment of his or her  
399 competency in the areas listed in subparagraph 1.

400 3. Field experiences appropriate to the certification  
401 subject area specified in the educational plan with a diverse  
402 population of students in a variety of settings under the  
403 supervision of qualified educators.

404 4. A certification ombudsman to facilitate the process and  
405 procedures required for participants who complete the program to  
406 meet any requirements related to the background screening  
407 pursuant to s. 1012.32 and educator professional or temporary  
408 certification pursuant to s. 1012.56.

409 (b) Each program participant must:

410 1. Meet certification requirements pursuant to s.  
411 1012.56(1) by obtaining a statement of status of eligibility in  
412 the certification subject area of the educational plan and meet  
413 the requirements of s. 1012.56(2)(a)-(f).

414 2. Participate in coursework and field experiences that  
415 are appropriate to his or her educational plan prepared under  
416 paragraph (a), including reading instruction under s. 1012.567,

417 as applicable.

418 3. Before completion of the program, fully demonstrate his  
 419 or her ability to teach the subject area for which he or she is  
 420 seeking certification by documenting a positive impact on  
 421 student learning growth in a prekindergarten through grade 12  
 422 setting and achieving a passing score on the professional  
 423 education competency examination, the basic skills examination,  
 424 and the subject area examination for the subject area  
 425 certification which is required by state board rule.

426 Section 9. Subsection (3), paragraph (b) of subsection  
 427 (4), paragraphs (a) and (c) of subsection (5), paragraph (b) of  
 428 subsection (6), subsection (7), and paragraph (a) of subsection  
 429 (8) of section 1008.25, Florida Statutes, are amended, and  
 430 paragraph (d) is added to subsection (5) of that section, to  
 431 read:

432 1008.25 Public school student progression; student  
 433 support; reporting requirements.—

434 (3) ALLOCATION OF RESOURCES.—District school boards shall  
 435 allocate remedial and supplemental instruction resources to  
 436 students in the following priority:

437 (a) Students in kindergarten through grade 3 who have a  
 438 substantial deficiency ~~are deficient~~ in reading as determined in  
 439 paragraph (5)(a) ~~by the end of grade 3.~~

440 (b) Students who fail to meet performance levels required  
 441 for promotion consistent with the district school board's plan  
 442 for student progression required in subsection (2) ~~paragraph~~

443 ~~(2) (b).~~

444 (4) ASSESSMENT AND SUPPORT.—

445 (b) A student who has a substantial reading deficiency as  
 446 determined in paragraph (5) (a) or is not meeting ~~the school~~  
 447 ~~district or~~ state requirements for satisfactory performance in  
 448 English Language Arts and mathematics must be covered by ~~one of~~  
 449 ~~the following plans:~~

450 ~~1.~~ a federally required student plan, such as an  
 451 individual education plan, ~~+~~

452 ~~2. A schoolwide system of progress monitoring for all~~  
 453 ~~students, except a student who scores Level 4 or above on the~~  
 454 ~~English Language Arts and mathematics assessments may be~~  
 455 ~~exempted from participation by the principal; or~~

456 ~~3.~~ an individualized progress monitoring plan, or both, as  
 457 necessary.

458 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

459 (a) Any student in kindergarten through grade 3 who  
 460 exhibits a substantial deficiency in reading, based upon  
 461 screening, diagnostic, progress monitoring, or assessment data;  
 462 ~~locally determined or statewide assessments; conducted in~~  
 463 ~~kindergarten or grade 1, grade 2, or grade 3, or through~~ teacher  
 464 observations, must be provided ~~given~~ intensive, explicit,  
 465 systematic, and multisensory reading interventions ~~instruction~~  
 466 immediately following the identification of the reading  
 467 deficiency. A school may not wait for a student to receive a  
 468 failing grade at the end of a grading period to identify the

HB 7021

2016

469 student as having a substantial reading deficiency and initiate  
470 intensive reading interventions. The student's reading  
471 proficiency must be monitored and the intensive interventions  
472 ~~instruction~~ must continue until the student demonstrates grade  
473 level proficiency in a manner determined by the district, which  
474 may include achieving a Level 3 on the statewide, standardized  
475 English Language Arts assessment. The State Board of Education  
476 shall identify by rule guidelines for determining whether a  
477 student in kindergarten through grade 3 has a substantial  
478 deficiency in reading.

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

482 1. That his or her child has been identified as having a  
483 substantial deficiency in reading, including a description and  
484 explanation, in terms understandable to the parent, of the exact  
485 nature of the student's difficulty in learning and lack of  
486 achievement in reading.

487 2. A description of the current services that are provided  
488 to the child.

489 3. A description of the proposed intensive interventions  
490 ~~supplemental instructional services~~ and supports that will be  
491 provided to the child that are designed to remediate the  
492 identified area of reading deficiency.

493 4. That if the child's reading deficiency is not  
494 remediated by the end of grade 3, the child must be retained

495 unless he or she is exempt from mandatory retention for good  
 496 cause.

497 5. Opportunities to observe effective instruction and  
 498 intervention strategies in the classroom; receive literacy  
 499 instruction from the school or through community adult literacy  
 500 initiatives; and receive strategies, including multisensory  
 501 strategies, through a read-at-home plan the parent can ~~for~~  
 502 ~~parents to~~ use in helping his or her ~~their~~ child succeed in  
 503 reading ~~proficiency~~.

504 6. That the statewide, standardized English Language Arts  
 505 assessment is not the sole determiner of promotion and that  
 506 additional evaluations, portfolio reviews, and assessments are  
 507 available to the child to assist parents and the school district  
 508 in knowing when a child is reading at or above grade level and  
 509 ready for grade promotion.

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

517 8. The district's specific criteria and policies for  
 518 midyear promotion. Midyear promotion means promotion of a  
 519 retained student at any time during the year of retention once  
 520 the student has demonstrated ability to read at grade level.

521  
522 After initial notification, the school shall apprise the parent  
523 of the student's progress in response to the intensive  
524 interventions and supports at least once every 2 weeks. These  
525 communications must be in writing and must explain any  
526 additional interventions or supports that will be used to  
527 accelerate the student's progress if the interventions and  
528 supports already being implemented have not resulted in  
529 improvement.

530 (d) The Department of Education shall develop a handbook  
531 that schools must provide to the parent of a student who is  
532 identified as having a substantial reading deficiency. The  
533 handbook must be made available in an electronic format that is  
534 accessible online and must include the following information:

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

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

547           3. Characteristics of conditions associated with learning  
 548 disorders, including dyslexia, dysgraphia, dyscalculia, and  
 549 developmental aphasia.

550           4. A list of resources that support informed parent  
 551 involvement in decisionmaking processes for students who have  
 552 difficulty with learning.

553           (6) ELIMINATION OF SOCIAL PROMOTION.—

554           (b) The district school board may only exempt students  
 555 from mandatory retention, as provided in paragraph (5)(b), for  
 556 good cause. A student who is promoted to grade 4 with a good  
 557 cause exemption shall be provided intensive reading instruction  
 558 and intervention that include specialized diagnostic information  
 559 and specific reading strategies to meet the needs of each  
 560 student so promoted. The school district shall assist schools  
 561 and teachers with the implementation of explicit, systematic,  
 562 and multisensory reading instruction and intervention strategies  
 563 for students promoted with a good cause exemption which research  
 564 has shown to be successful in improving reading among students  
 565 who have reading difficulties. Good cause exemptions are limited  
 566 to the following:

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

571           2. Students with disabilities whose individual education  
 572 plan indicates that participation in the statewide assessment

573 program is not appropriate, consistent with the requirements of  
 574 s. 1008.212.

575 3. Students who demonstrate an acceptable level of  
 576 performance on an alternative standardized reading or English  
 577 Language Arts assessment approved by the State Board of  
 578 Education.

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

582 5. Students with disabilities who take the statewide,  
 583 standardized English Language Arts assessment and who have an  
 584 individual education plan or a Section 504 plan that reflects  
 585 that the student has received intensive instruction in reading  
 586 or English Language Arts for more than 2 years but still  
 587 demonstrates a deficiency and was previously retained in  
 588 kindergarten, grade 1, grade 2, or grade 3.

589 6. Students who have received intensive reading  
 590 intervention for 2 or more years but still demonstrate a  
 591 deficiency in reading and who were previously retained in  
 592 kindergarten, grade 1, grade 2, or grade 3 for a total of 2  
 593 years. A student may not be retained more than once in grade 3.

594 ~~7. Students who have received intensive remediation in~~  
 595 ~~reading or English Language Arts for 2 or more years but still~~  
 596 ~~demonstrate a deficiency and who were previously retained in~~  
 597 ~~kindergarten, grade 1, grade 2, or grade 3 for a total of 2~~  
 598 ~~years. Intensive instruction for students so promoted must~~

599 ~~include an altered instructional day that includes specialized~~  
 600 ~~diagnostic information and specific reading strategies for each~~  
 601 ~~student. The district school board shall assist schools and~~  
 602 ~~teachers to implement reading strategies that research has shown~~  
 603 ~~to be successful in improving reading among low-performing~~  
 604 ~~readers.~~

605 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE  
 606 STUDENTS.-

607 (a) Students retained under ~~the provisions of~~ paragraph  
 608 (5) (b) must be provided intensive interventions in reading to  
 609 ameliorate the student's specific reading deficiency and prepare  
 610 the student for promotion to the next grade. These  
 611 interventions, as identified by a valid and reliable diagnostic  
 612 assessment. This intensive intervention must include:

613 1. Evidence-based, explicit, systematic, and multisensory  
 614 reading instruction in phonemic awareness, phonics, fluency,  
 615 vocabulary, and comprehension and other strategies prescribed by  
 616 the school district. effective instructional strategies,

617 2. Participation in the school district's summer reading  
 618 camp, which must incorporate the instructional and intervention  
 619 strategies under subparagraph 1, and appropriate teaching  
 620 methodologies necessary to assist those students in becoming  
 621 successful readers, able to read at or above grade level, and  
 622 ready for promotion to the next grade.

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

625 strategies under subparagraph 1. This instruction may include:

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

627 ~~1. Provide third grade students who are retained under the~~  
 628 ~~provisions of paragraph (5)(b) with intensive instructional~~  
 629 ~~services and supports to remediate the identified areas of~~  
 630 ~~reading deficiency, including participation in the school~~  
 631 ~~district's summer reading camp as required under paragraph (a),~~  
 632 ~~and a minimum of 90 minutes of daily, uninterrupted,~~  
 633 ~~scientifically research-based reading instruction which includes~~  
 634 ~~phonemic awareness, phonics, fluency, vocabulary, and~~  
 635 ~~comprehension and other strategies prescribed by the school~~  
 636 ~~district, which may include, but are not limited to:~~

- 637 a. Integration of content-rich, nonfiction texts in
- 638 science and social studies ~~content~~ within the 90-minute block.
- 639 b. Small group instruction.
- 640 c. Reduced teacher-student ratios.
- 641 d. More frequent progress monitoring.
- 642 e. Tutoring or mentoring.
- 643 f. Transition classes containing 3rd and 4th grade
- 644 students.
- 645 g. Extended school day, week, or year.

646 (b) Each school district shall:

647 ~~1.2.~~ Provide written notification to the parent of a  
 648 student who is retained under ~~the provisions of~~ paragraph (5)(b)  
 649 that his or her child has not met the proficiency level required  
 650 for promotion and the reasons the child is not eligible for a

651 good cause exemption as provided in paragraph (6) (b). The  
 652 notification must comply with paragraph (5) (c) ~~the provisions of~~  
 653 ~~s. 1002.20(15)~~ and must include a description of proposed  
 654 interventions and supports that will be provided to the child to  
 655 remediate the identified areas of reading deficiency.

656 2.3. Implement a policy for the midyear promotion of a  
 657 student retained under ~~the provisions of~~ paragraph (5) (b) who  
 658 can demonstrate that he or she is a successful and independent  
 659 reader and performing at or above grade level in reading or,  
 660 upon implementation of English Language Arts assessments,  
 661 performing at or above grade level in English Language Arts.  
 662 Tools that school districts may use in reevaluating a student  
 663 retained may include subsequent assessments, alternative  
 664 assessments, and portfolio reviews, in accordance with rules of  
 665 the State Board of Education. Students promoted during the  
 666 school year after November 1 must demonstrate proficiency levels  
 667 in reading equivalent to the level necessary for the beginning  
 668 of grade 4. The rules adopted by the State Board of Education  
 669 must include standards that provide a reasonable expectation  
 670 that the student's progress is sufficient to master appropriate  
 671 grade 4 level reading skills.

672 3.4. Provide students who are retained under ~~the~~  
 673 ~~provisions of~~ paragraph (5) (b) with a highly effective teacher  
 674 as determined by the teacher's performance evaluation under s.  
 675 1012.34, and, beginning July 1, 2018, the teacher must also be  
 676 certified or endorsed in reading.

677 4.5. Establish at each school, when applicable, an  
 678 intensive reading acceleration course ~~Class~~ for any student  
 679 retained in grade 3 who was previously retained in kindergarten,  
 680 grade 1, or grade 2 students who subsequently score Level 1 on  
 681 ~~the required statewide, standardized assessment identified in s.~~  
 682 ~~1008.22. The focus of the Intensive Acceleration Class shall be~~  
 683 ~~to increase a child's reading and English Language Arts skill~~  
 684 ~~level at least two grade levels in 1 school year.~~ The intensive  
 685 reading acceleration course must provide the following ~~Class~~  
 686 shall:

687 a. Uninterrupted reading instruction for the majority of  
 688 student contact time each day and opportunities to master the  
 689 grade 4 Next Generation Sunshine State Standards in other core  
 690 subject areas through content-rich, nonfiction texts.

691 b. Small group instruction.

692 c. Reduced teacher-student ratios.

693 d. The use of explicit, systematic, and multisensory  
 694 reading interventions, including intensive language and  
 695 vocabulary instruction and use of a speech-language therapist if  
 696 necessary, that have proven results in accelerating student  
 697 reading achievement within the same school year.

698 e. A read-at-home plan.

699 ~~a. Be provided to a student in grade 3 who scores Level 1~~  
 700 ~~on the statewide, standardized English Language Arts assessment~~  
 701 ~~and who was retained in grade 3 the prior year because of~~  
 702 ~~scoring Level 1.~~

- 703 ~~b. Have a reduced teacher-student ratio.~~
- 704 ~~e. Provide uninterrupted reading instruction for the~~
- 705 ~~majority of student contact time each day and incorporate~~
- 706 ~~opportunities to master the grade 4 Next Generation Sunshine~~
- 707 ~~State Standards in other core subject areas.~~
- 708 ~~d. Use a reading program that is scientifically research-~~
- 709 ~~based and has proven results in accelerating student reading~~
- 710 ~~achievement within the same school year.~~
- 711 ~~e. Provide intensive language and vocabulary instruction~~
- 712 ~~using a scientifically research-based program, including use of~~
- 713 ~~a speech-language therapist.~~

714 (8) ANNUAL REPORT.—

715 (a) In addition to the requirements in paragraph (5)(b),

716 each district school board must annually report to the parent of

717 each student the progress of the student toward achieving state

718 and district expectations for proficiency in English Language

719 Arts, science, social studies, and mathematics. The district

720 school board must report to the parent the student's results on

721 each statewide, standardized assessment. The evaluation of each

722 student's progress must be based upon the student's classroom

723 work, observations, tests, district and state assessments,

724 response to intensive interventions provided under paragraph

725 (5)(a), and other relevant information. Progress reporting must

726 be provided to the parent in writing in a format adopted by the

727 district school board.

728 Section 10. Subsection (5) of section 1008.345, Florida

729 Statutes, is amended to read:

730 1008.345 Implementation of state system of school  
731 improvement and education accountability.—

732 (5) The commissioner shall annually report to the State  
733 Board of Education and the Legislature and recommend changes in  
734 state policy necessary to foster school improvement and  
735 education accountability. The report shall include:

736 (a) For each school district:

737 1. The percentage of students, by school and grade level,  
738 demonstrating learning growth in English Language Arts and  
739 mathematics.

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

743 3. The information contained in the school district's  
744 annual report required under s. 1008.25(8).

745 (b) Intervention and support strategies used by school  
746 districts ~~boards~~ whose students in both the highest and lowest  
747 quartiles exceed the statewide average learning growth for  
748 students in those quartiles.

749 (c) Intervention and support strategies used by school  
750 districts ~~boards~~ whose schools provide educational services to  
751 youth in Department of Juvenile Justice programs that  
752 demonstrate learning growth in English Language Arts and  
753 mathematics that exceeds the statewide average learning growth  
754 for students in those subjects.

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

761  
 762 School reports shall be distributed pursuant to this subsection  
 763 and s. 1001.42(18)(c) and according to rules adopted by the  
 764 State Board of Education.

765 Section 11. Subsection (2) of section 1011.67, Florida  
 766 Statutes, is amended to read:

767 1011.67 Funds for instructional materials.—

768 (2) (a) Annually by July 1 and before ~~prior to~~ the release  
 769 of instructional materials funds, each district school  
 770 superintendent shall certify to the Commissioner of Education  
 771 that the district school board has approved a comprehensive  
 772 staff development plan that supports fidelity of implementation  
 773 of instructional materials programs, including. ~~The report shall~~  
 774 ~~include~~ verification that training was provided; and that the  
 775 materials are being implemented as designed; and, beginning  
 776 April 1, 2019, for core reading materials and supplemental  
 777 intervention reading materials used in kindergarten through  
 778 grade 5, that the materials have been identified by the Just  
 779 Read, Florida! Office as meeting the requirements of s.  
 780 1001.215(11). This paragraph does not preclude school districts

781 from purchasing or using other materials to supplement reading  
 782 instruction and provide additional skills practice.

783 (b) Each district school superintendent shall, as part of  
 784 the certification under paragraph (a), report the number and  
 785 percentage of the district's K-5 instructional personnel who  
 786 have received training to implement the core and supplemental  
 787 intervention reading materials. The district school  
 788 superintendent shall also report the process and timeline by  
 789 which the remaining K-5 personnel will be provided the training,  
 790 including those newly hired by the district.

791 Section 12. Section 1012.567, Florida Statutes, is created  
 792 to read:

793 1012.567 Certification and endorsement of elementary  
 794 reading instructors.-

795 (1) CERTIFICATION.-

796 (a) Beginning January 1, 2018, a candidate for an educator  
 797 certificate in an area involving reading instruction or  
 798 intervention for any students in kindergarten through grade 6  
 799 must, as part of the certification process, demonstrate  
 800 competence in the following:

801 1. Identifying characteristics of conditions such as  
 802 dyslexia and other causes of diminished phonological processing  
 803 skills.

804 2. Using explicit, systematic, and multisensory approaches  
 805 to reading instruction and intervention that are proven to  
 806 improve reading performance for all students.

807 3. Using predictive and other data to make instructional  
 808 decisions based on individual student needs.

809  
 810 The State Board of Education shall adopt by rule the minimum  
 811 requirements for instruction provided by teacher preparation  
 812 programs and school districts for this purpose.

813 (b) Documentation of a valid professional standard  
 814 teaching certificate issued by another state is not sufficient  
 815 to meet the requirements of paragraph (a). The State Board of  
 816 Education shall establish a procedure by which a candidate who  
 817 holds a certificate issued by another state may demonstrate  
 818 competence as required in paragraph (a).

819 (c) The State Board of Education shall identify by rule  
 820 certification areas in which candidates must demonstrate  
 821 competence as provided in paragraph (a) as part of the  
 822 certification process.

823 (d) To receive initial or continued approval, a teacher  
 824 preparation program under s. 1004.04 or s. 1004.85 must provide  
 825 instruction in the skills and strategies listed in paragraph (a)  
 826 to candidates for certificates in the areas identified by the  
 827 state board pursuant to paragraph (c).

828 (2) ENDORSEMENT.—Beginning January 1, 2018, the  
 829 specialization requirements for an endorsement in reading  
 830 instruction must include at least 3 semester hours of  
 831 instruction in explicit, systematic, and multisensory approaches  
 832 to reading instruction and intervention that are proven to

833 improve reading performance for all students. This instruction  
 834 may be incorporated into semester hour requirements established  
 835 in State Board of Education rule.

836 (3) REVIEW.—By July 1, 2017, and at least once every 5  
 837 years thereafter, the department shall conduct a review of  
 838 specialization and coverage area requirements in the elementary,  
 839 reading, and exceptional student educational areas. At the  
 840 conclusion of each review, the department shall recommend to the  
 841 State Board of Education changes to the specialization and  
 842 coverage area requirements based upon any identified  
 843 instructional or intervention strategies proven to improve  
 844 student reading performance.

845 (4) STATE BOARD RULES.—The State Board of Education shall  
 846 adopt rules pursuant to ss. 120.536 and 120.54 as necessary to  
 847 implement this section.

848 Section 13. Paragraph (a) of subsection (3) of section  
 849 1012.585, Florida Statutes, is amended, and paragraph (f) is  
 850 added to that subsection, to read:

851 1012.585 Process for renewal of professional  
 852 certificates.—

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

855 (a) The applicant must earn a minimum of 6 college credits  
 856 or 120 inservice points or a combination thereof. For each area  
 857 of specialization to be retained on a certificate, the applicant  
 858 must earn at least 3 of the required credit hours or equivalent

859 inservice points in the specialization area. Education in  
 860 "clinical educator" training pursuant to s. 1004.04(5)(b) and  
 861 credits or points that provide training in the area of  
 862 scientifically researched, knowledge-based reading literacy,  
 863 including explicit, systematic, and multisensory approaches to  
 864 reading instruction and intervention; ~~and~~ computational skills  
 865 acquisition;; exceptional student education;; normal child  
 866 development;; and the disorders of development may be applied  
 867 toward any specialization area. Credits or points that provide  
 868 training in the areas of drug abuse, child abuse and neglect,  
 869 strategies in teaching students having limited proficiency in  
 870 English, or dropout prevention, or training in areas identified  
 871 in the educational goals and performance standards adopted  
 872 pursuant to ss. 1000.03(5) and 1008.345 may be applied toward  
 873 any specialization area, except specialization areas identified  
 874 by State Board of Education rule as involving reading  
 875 instruction or intervention for any students in kindergarten  
 876 through grade 6 under s. 1012.567(1)(c). Credits or points  
 877 earned through approved summer institutes may be applied toward  
 878 the fulfillment of these requirements. Inservice points may also  
 879 be earned by participation in professional growth components  
 880 approved by the State Board of Education and specified pursuant  
 881 to s. 1012.98 in the district's approved master plan for  
 882 inservice educational training; however, such points may not be  
 883 used to satisfy the specialization requirements of this  
 884 paragraph, ~~including, but not limited to, serving as a trainer~~

885 ~~in an approved teacher training activity, serving on an~~  
 886 ~~instructional materials committee or a state board or commission~~  
 887 ~~that deals with educational issues, or serving on an advisory~~  
 888 ~~council created pursuant to s. 1001.452.~~

889 (f) Beginning January 1, 2018, an applicant for renewal of  
 890 a professional certificate in any area of certification  
 891 identified by State Board of Education rule pursuant to s.  
 892 1012.567(1)(c) must earn a minimum of 2 college credits or the  
 893 equivalent inservice points in the use of explicit, systematic,  
 894 and multisensory approaches to reading instruction and  
 895 intervention. Such training must be provided by teacher  
 896 preparation programs under s. 1004.04 or s. 1004.85 or approved  
 897 school district professional development systems under s.  
 898 1012.98. The requirements in this paragraph may not add to the  
 899 total hours required by the department for continuing education  
 900 or inservice training.

901 Section 14. Subsection (1) of section 1012.586, Florida  
 902 Statutes, is amended to read:

903 1012.586 Additions or changes to certificates; duplicate  
 904 certificates.—A school district may process via a Department of  
 905 Education website certificates for the following applications of  
 906 public school employees:

907 (1) Addition of a subject coverage or endorsement to a  
 908 valid Florida certificate on the basis of the completion of the  
 909 appropriate subject area testing requirements of s.  
 910 1012.56(5)(a) or the completion of the requirements of an

911 approved school district program or the inservice components for  
 912 an endorsement. To reduce duplication, the department may  
 913 recommend the consolidation of endorsement areas and  
 914 requirements to the State Board of Education.

915  
 916 The employing school district shall charge the employee a fee  
 917 not to exceed the amount charged by the Department of Education  
 918 for such services. Each district school board shall retain a  
 919 portion of the fee as defined in the rules of the State Board of  
 920 Education. The portion sent to the department shall be used for  
 921 maintenance of the technology system, the web application, and  
 922 posting and mailing of the certificate.

923 Section 15. Paragraph (b) of subsection (4) of section  
 924 1012.98, Florida Statutes, is amended, and paragraph (e) is  
 925 added to subsection (3) of that section, to read:

926 1012.98 School Community Professional Development Act.—

927 (3) The activities designed to implement this section  
 928 must:

929 (e) Provide all elementary grades instructional personnel  
 930 without a reading endorsement with training sufficient to earn  
 931 the endorsement before attainment or renewal of a professional  
 932 certificate pursuant to s. 1012.56 or s. 1012.585.

933 (4) The Department of Education, school districts,  
 934 schools, Florida College System institutions, and state  
 935 universities share the responsibilities described in this  
 936 section. These responsibilities include the following:

937 (b) Each school district shall develop a professional  
 938 development system as specified in subsection (3). The system  
 939 shall be developed in consultation with teachers, teacher-  
 940 educators of Florida College System institutions and state  
 941 universities, business and community representatives, and local  
 942 education foundations, consortia, and professional  
 943 organizations. The professional development system must:

944 1. Be approved by the department. All substantial  
 945 revisions to the system shall be submitted to the department for  
 946 review for continued approval.

947 2. Be based on analyses of student achievement data and  
 948 instructional strategies and methods that support rigorous,  
 949 relevant, and challenging curricula for all students. Schools  
 950 and districts, in developing and refining the professional  
 951 development system, shall also review and monitor school  
 952 discipline data; school environment surveys; assessments of  
 953 parental satisfaction; performance appraisal data of teachers,  
 954 managers, and administrative personnel; and other performance  
 955 indicators to identify school and student needs that can be met  
 956 by improved professional performance.

957 3. Provide inservice activities coupled with followup  
 958 support appropriate to accomplish district-level and school-  
 959 level improvement goals and standards. The inservice activities  
 960 for instructional personnel shall focus on analysis of student  
 961 achievement data, ongoing formal and informal assessments of  
 962 student achievement, identification and use of enhanced and

963 differentiated instructional strategies that emphasize rigor,  
 964 relevance, and reading in the content areas, enhancement of  
 965 subject content expertise, integrated use of classroom  
 966 technology that enhances teaching and learning, classroom  
 967 management, parent involvement, and school safety.

968 4. Include a master plan for inservice activities,  
 969 pursuant to rules of the State Board of Education, for all  
 970 district employees from all fund sources. The master plan shall  
 971 be updated annually by September 1, must be based on input from  
 972 teachers and district and school instructional leaders, and must  
 973 use the latest available student achievement data and research  
 974 to enhance rigor and relevance in the classroom. Each district  
 975 inservice plan must be aligned to and support the school-based  
 976 inservice plans and school improvement plans pursuant to s.  
 977 1001.42(18). Each district inservice plan must provide a  
 978 description of the training that middle grades instructional  
 979 personnel and school administrators receive on the district's  
 980 code of student conduct adopted pursuant to s. 1006.07;  
 981 integrated digital instruction and competency-based instruction  
 982 and CAPE Digital Tool certificates and CAPE industry  
 983 certifications; classroom management; student behavior and  
 984 interaction; extended learning opportunities for students; and  
 985 instructional leadership. District plans must be approved by the  
 986 district school board annually in order to ensure compliance  
 987 with subsection (1) and to allow for dissemination of research-  
 988 based best practices to other districts. District school boards

989 must submit verification of their approval to the Commissioner  
 990 of Education no later than October 1, annually. Each school  
 991 principal may establish and maintain an individual professional  
 992 development plan for each instructional employee assigned to the  
 993 school as a seamless component to the school improvement plans  
 994 developed pursuant to s. 1001.42(18). An individual professional  
 995 development plan must be related to specific performance data  
 996 for the students to whom the teacher is assigned, define the  
 997 inservice objectives and specific measurable improvements  
 998 expected in student performance as a result of the inservice  
 999 activity, and include an evaluation component that determines  
 1000 the effectiveness of the professional development plan.

1001       5. Include inservice activities for school administrative  
 1002 personnel that address updated skills necessary for  
 1003 instructional leadership and effective school management  
 1004 pursuant to s. 1012.986.

1005       6. Provide for systematic consultation with regional and  
 1006 state personnel designated to provide technical assistance and  
 1007 evaluation of local professional development programs.

1008       7. Provide for delivery of professional development by  
 1009 distance learning and other technology-based delivery systems to  
 1010 reach more educators at lower costs.

1011       8. Provide for the continuous evaluation of the quality  
 1012 and effectiveness of professional development programs in order  
 1013 to eliminate ineffective programs and strategies and to expand  
 1014 effective ones. Evaluations must consider the impact of such

HB 7021

2016

1015 activities on the performance of participating educators and  
 1016 their students' achievement and behavior.

1017 9. For middle grades, emphasize:

1018 a. Interdisciplinary planning, collaboration, and  
 1019 instruction.

1020 b. Alignment of curriculum and instructional materials to  
 1021 the state academic standards adopted pursuant to s. 1003.41.

1022 c. Use of small learning communities; problem-solving,  
 1023 inquiry-driven research and analytical approaches for students;  
 1024 strategies and tools based on student needs; competency-based  
 1025 instruction; integrated digital instruction; and project-based  
 1026 instruction.

1027

1028 Each school that includes any of grades 6, 7, or 8 must include  
 1029 in its school improvement plan, required under s. 1001.42(18), a  
 1030 description of the specific strategies used by the school to  
 1031 implement each item listed in this subparagraph.

1032 10. Provide training to reading coaches, classroom  
 1033 teachers, and school administrators in effective methods of  
 1034 identifying characteristics of conditions such as dyslexia and  
 1035 other causes of diminished phonological processing skills;  
 1036 incorporating instructional techniques into the general  
 1037 education setting that are proven to improve reading performance  
 1038 for all students; and using predictive and other data to make  
 1039 instructional decisions based on individual student needs. The  
 1040 training must help teachers integrate phonemic awareness;

HB 7021

2016

1041 phonics, word study, and spelling; reading fluency; vocabulary,  
1042 including academic vocabulary; and text comprehension strategies  
1043 into an explicit, systematic, and multisensory approach to  
1044 reading instruction and intervention.

1045 Section 16. This act shall take effect upon becoming a  
1046 law.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

|                       |       |       |
|-----------------------|-------|-------|
| ADOPTED               | ___   | (Y/N) |
| ADOPTED AS AMENDED    | ___   | (Y/N) |
| ADOPTED W/O OBJECTION | ___   | (Y/N) |
| FAILED TO ADOPT       | ___   | (Y/N) |
| WITHDRAWN             | ___   | (Y/N) |
| OTHER                 | _____ |       |

1 Committee/Subcommittee hearing bill: Education Appropriations  
 2 Subcommittee  
 3 Representative Adkins offered the following:

**Amendment (with title amendment)**

Between lines 1044 and 1045, insert:

7 Section 16. For the 2016-2017 fiscal year, the sums of  
 8 \$286,850 in recurring funds and \$57,998 in nonrecurring funds  
 9 from the General Revenue Fund are appropriated to the Department  
 10 of Education, and 2 full-time equivalent positions with  
 11 associated salary rate of 190,000 are authorized, for the  
 12 purpose of implementing the provisions of this act.

14 -----  
 15 **T I T L E A M E N D M E N T**

16 Remove line 84 and insert:

Amendment No. 1

17 | Community Professional Development Act; providing an  
18 | appropriation; providing an