

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill establishes the Just Read, Florida! Office and the Florida Center for Reading Research in statute; mandates a statewide standard for middle school grading and promotion requirements, but authorizes a district school board waiver process; establishes a statewide professional development program for principals; and requires State Board of Education rule-making related to middle school promotion and school leadership.

Empower families – The bill establishes a credit-based system for middle school that may enable districts to offer credit-recovery to middle grades students, eliminating the need for such students to repeat an entire school year. The bill requires intensive reading courses for certain students, ensuring those students get the instruction they need to achieve grade-level proficiency.

B. EFFECT OF PROPOSED CHANGES:

The Sunshine State Standards and Provision of a Complete Education

The Sunshine State Standards (SSS) were approved by the State Board of Education (SBE) in 1996 and provide the expectations for student achievement in Florida by specifying content and skill standards for each subject area by grade level. Subject areas covered by the SSS include language arts, mathematics, science, social studies, health, physical education, foreign languages and the arts.

The standards have not been formally revised since their adoption, although minor technical revisions were made in 1999. The results of a 2001 midcourse review conducted by the Department of Education (DOE) and several independent reviews will be used in the revision process ongoing this year. Adoption of the revised standards by the SBE is planned for December 2005. There is no formal policy on the review of the standards, but the department has planned to revise them every ten years.¹

The bill requires the SBE to review the standards periodically and to evaluate the extent to which the standards are being taught at each grade level. The evaluation must be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives and must include a determination of the extent to which district school boards have provided a complete education program. The bill adds to district school board powers the power to adopt policies to provide a complete education program, including specified subjects as defined by the SSS. The subjects specified in the bill as inclusive of a complete education program are the subjects currently covered by the SSS.

Reading Initiatives

Just Read, Florida! Office

Governor Bush launched the “Just Read, Florida!” initiative in 2001, with the goal of every student reading at or above grade level by 2012. The “Just Read, Florida!” Office was established in the DOE to support the initiative. The office currently provides training and professional development for educators and school staff, reading coaches for schools, workshops for parents and other reading instruction resources.

The bill codifies the establishment and activities of the Just Read, Florida! Office, including the following duties:

- Training teachers to become reading coaches,

¹ Correspondence with Paula Shea, Director of Governmental Relations, Florida Department of Education, March 4, 2005.

- Creating multiple designations of effective reading instruction, with accompanying credentials, to encourage all teachers to seek training to integrate reading instruction into their subject area,
- Providing training to teachers, school principals and parents on reading strategies,
- Reviewing, approving, and providing technical assistance with district plans for use of the research-based reading allocation,
- Providing information on research-based reading programs in concert with the Florida Center for Reading Research,
- Periodically reviewing the Sunshine State Standards for reading,
- Periodically reviewing teacher certification exams to ensure exams measure necessary skills for research-based reading instruction,
- Ensuring integration of reading instruction strategies into teacher preparation programs, and
- Administering grants and performing other functions to assist with meeting reading goals.

Florida Center for Reading Research

The Florida Center for Reading Research (FCRR) was established in 2002 with \$2.5 million in federal funds. The FCRR was established to be a hub for research on effective reading instruction. The FCRR is currently situated at Florida State University and focuses on developing and evaluating research-based reading curricula and reading assessment practices.

The bill codifies the establishment of FCRR and provides that its administrative housing will be determined by the Board of Governors. The bill enumerates the duties of the FCRR, to include:

- Providing technical assistance to school districts in literacy instruction and programs,
- Conducting basic and applied research on reading, literacy instruction and assessment,
- Developing reading intervention course frameworks for middle and high schools,
- Disseminating information about research-based practices related to literacy instruction,
- Collecting, managing, and reporting on assessment information through Florida's Progress Monitoring and Reporting Network, and
- Establishing regional partnerships with other postsecondary institutions for the fulfillment of the requirements of the bill.

The bill subjects persons engaged in FCRR activities to certain ethics provisions. They must not have, nor may their relatives have, a substantial financial interest in the design or delivery of reading-related instructional materials, programs, courses, or training. They are subject to standards of conduct for employees of agencies (s. 112.313, F.S.).

Research-Based Reading Instruction Allocation

In addition to the base funding allocation, the Florida Education Finance Program (FEFP) includes a number of allocations for specific programs; examples include the Safe Schools allocation and the Supplemental Academic Instruction allocation. There is no current statutory requirement for a specific reading instruction allocation as part of the FEFP formula; however, in the 2004 General Appropriations Act, \$25 million was provided for supplemental reading instruction under the FEFP. Those funds were allocated based on Full-Time Equivalent (FTE) enrollment. The bill establishes as part of the FEFP formula, the Research-Based Reading Instruction Allocation. (HB 1885 includes within the FEFP \$74 million for the Research-Based Reading Instruction Allocation, with each district receiving \$50,000 and the remaining balance allocated on each district's share of K-12 base funding. The \$25 million from the 2004-05 reading program is included in the \$74 million.)

The bill requires school districts to annually submit a plan for use of the funds and requires that the funds be used for a system of comprehensive reading instruction, including the following:

- Highly qualified reading coaches,
- Professional development for teachers in reading instruction,
- Summer reading camps for students who score at Level 1 on the FCAT,
- Supplemental instructional materials and training for teachers in the use of such materials, and

- Intensive interventions for middle and high school students reading below grade level.

For any instructional materials purchased using these funds, teachers must be trained in the use of such materials and must receive inservice credit and certification of their proficiency by the publisher and school district. The bill requires DOE to collect data on such training.

By May 1, of each year, school districts must submit a plan for the use of the Research-based Reading Allocation. The format of the plan must be developed with input from the school districts. The Just Read, Florida! Office will review and approve the plans prior to the release of the school district's allocated funds no later than July 1. Funds shall not be released to a district without an approved plan, but the school district may appeal to the SBE if a school district and the Just Read, Florida! Office cannot reach agreement on the plan.

Middle Grades Reform

The middle grades in Florida comprise grades 6, 7, and 8. Currently, Florida serves approximately 627,300 students in the middle grades, in 484 schools with traditional middle school or junior high grade configurations, as well as in a number of other types of schools, such as K-8 schools.²

While national and state student achievement data demonstrate that Florida's elementary grades are making progress, FCAT data in reading indicate that performance begins to decline in grade five, decreasing each year through grade nine. Florida's gain in fourth-grade reading on the National Assessment of Educational Progress (NAEP) from 1998 to 2003 (from 206 to 218) was four times the national gain. In contrast, 2003 NAEP scores for Florida's eighth-graders (257) were a slight increase from the 1998 score (255), but a decline from the 2002 score (261).³

In 2004, the Legislature passed the Middle Grades Reform Act, which required the DOE to establish a Middle Grades Reform Task Force to make recommendations for further middle school reforms. The Task Force completed their work in February 2005 and this bill implements several of their recommendations, as well as modifying certain requirements of the Middle Grades Reform Act.

- Middle Grades Purpose: Current law does not expressly define a mission for middle school, but does include the intent that "students promoted from eighth grade will be ready for success in high school."⁴
 - The bill adds to the intent statement by defining the mission of middle grades as preparing students to graduate from high school.
- Personalized Middle School Success Plans: Currently, middle school staff must develop and administer a personalized middle school success plan for each entering student who scored below Level 3 in reading on the most recently administered FCAT. The plan must remain in place until the student completes eighth grade, or scores Level 3 on FCAT Reading.
 - The bill changes the FCAT level that triggers personalized success plans and plan completion from Level 3 to Level 2.5. This would require DOE to establish an additional FCAT level that approximates the midpoint of proficiency between Level 2 and Level 3. FCAT levels are established by rule. There are other examples of the use of FCAT scores between levels; the 2003-04 passing developmental scale score for the Grade 10 FCAT in reading falls at slightly below the midpoint between FCAT Level 2 and FCAT Level 3.⁵

² Florida Department of Education. Available at <http://www.firn.edu/doe/eias/eiaspubs/pdf/pk-12mbrship.pdf> and <http://www.firn.edu/doe/eias/eiaspubs/pdf/schoolsbytype.pdf>.

³ Florida Middle Grades Reform Task Force, *Report and Recommendations*, February 18, 2005. Available at <http://www.flmiddlegradesreform.com/pdf/recommendations-feb18.pdf>

⁴ Section 1003.415, F.S.

⁵ Florida Department of Education, *Understanding FCAT Reports 2004*, http://www.firn.edu/doe/sas/fcat/pdf/fc_ufr2004.pdf

- Middle School Grading System: Currently, district school board policy determines the grading scale for students in the middle grades. According to the Middle Grades Reform Task Force, having a statutorily-defined common system would help ensure an aligned and consistent grading scale for grades 6-12, the equitability of grades and credits in grades 6-12, and the transferability of grades and credits for students throughout the state.⁶
 - The bill requires a common grading system. The system proposed in the bill is consistent with the high school grading system specified in 1003.437, F.S., and is as follows:
 - Grade “A” equals 90% through 100% and has a grade point average value of 4.
 - Grade “B” equals 80% through 89% and has a grade point average value of 3.
 - Grade “C” equals 70% through 79% and has a grade point average value of 2.
 - Grade “D” equals 60% through 69% and has a grade point average value of 1.
 - Grade “F” equals 0% through 59% and has a grade point average value of 0.
 - This grading system is already being used in 66 districts. The only district that does not currently use this system is Liberty County, which uses a higher standard.⁷

- Middle School Promotion Requirements: Student progression in the middle grades is determined by local school districts in their student progression plans. There is no statewide standard set by statute or rule. A Task Force review of the student progression plans of Florida’s larger districts found that most require a minimum number of credits in core academic areas (language arts, mathematics, science, and social studies).⁸
 - The bill would require the following statewide standard for promotion from middle school, beginning with students entering grade six in 2005-06:
 - A credit is defined as 135 hours of instruction, or 120 hours in block scheduling; and
 - Students must obtain three middle school or higher credits each in: English/language arts, mathematics, social studies, and science.
 - The bill authorizes district school boards to establish a waiver process, which must be approved by the SBE. The waiver process must include:
 - Opportunity for credit recovery,
 - Opportunity for promotion to high school on time, and
 - Opportunity to be placed in alternative programs that emphasize applied integrated curricula, small learning communities, support services, increased discipline, or other strategies documented to improve student achievement.
 - The standardized credit system enables districts to establish credit recovery policies so that students who fail to earn a credit in a core subject area could make-up that credit without failing an entire grade level and having to repeat the entire school year.
 - The bill authorizes the SBE to adopt rules for alternative standards for students in grades 6, 7, or 8 who are not enrolled in schools with a grade 6 through 8 middle school configuration.

- Middle School Reading Courses: According to the Task Force, data from 2003-2004 show that, while 56% of eighth-graders scored Level 1 or 2 on FCAT reading, only 8% of eighth grade students were enrolled in an intensive reading course. The majority of middle grades students were enrolled in reading courses that were not intensive in nature or were not taught by a teacher who holds a reading endorsement or reading certification.⁹
 - Following the requirement of the Task Force, the bill requires a student to complete a full-year intensive reading course the year following each year the student scores at Level 1 or Level 2 on FCAT reading, in order to be promoted from middle school.

⁶ Florida Middle Grades Reform Task Force, *Report and Recommendations*, February 18, 2005. Available at <http://www.flmiddlegradesreform.com/pdf/recommendations-feb18.pdf>

⁷ Correspondence with Paula Shea, Director of Governmental Relations, Florida Department of Education, March 4, 2005.

⁸ Florida Middle Grades Reform Task Force, *Report and Recommendations*, February 18, 2005. Available at <http://www.flmiddlegradesreform.com/pdf/recommendations-feb18.pdf>

⁹ *Id.*

- Additionally, the bill deletes the requirement that schools with fewer than 75% of students reading at or above grade level (as defined by FCAT Level 3) incorporate a rigorous reading requirement as the primary component of their school improvement plans.

Public School Student Progression Data

District school boards are currently required under s. 1008.25, F.S. to annually publish and report to DOE the following student progression data:

- The number and percentage of all students in grades 3 through 10 performing at Level 1 or 2 on FCAT reading, by grade,
- The number and percentage of all students retained in grades 3 through 10, by grade, and
- The total number of students who were promoted for good cause, by each category of good cause as specified in 1008.25(6)(b), F.S.

The bill requires DOE to establish a uniform format for the reporting of this information, with input from the school districts, and also to compile such information and to report it annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Supplemental Educational Services

Supplemental educational services provide extra academic help, such as tutoring, and are offered outside of the regular school day. Under the federal No Child Left Behind Act, low-income students in certain Title I schools are eligible to receive supplemental educational services funded with federal Title I funds. In order to be eligible for these services, a student must attend a Title I school that has not met adequate yearly progress requirements for three consecutive years. Parents may choose from a list of service providers approved by the DOE.¹⁰

The bill requires that supplemental services be offered to parents of students who score Level 1 on FCAT reading who are not in Title I schools. The services will be funded via the supplemental academic instruction allocation categorical, in a per-student amount to be determined in the General Appropriations Act. Parents are given a choice of providers from the DOE-approved list.

Professional Development for School Leaders

A growing body of evidence indicates the impact school leaders have on school improvement and student achievement.¹¹ Florida will soon face a shortage of experienced school leaders. The average age of school administrators in Florida is 55 and the majority of administrators are slated to retire in the next five years, resulting in a need to develop new effective school leaders.¹²

With the repeal of the Management Training Act in 2000, which had included 19 competencies for school principals, the DOE and the SBE began the process of developing and establishing new standards, competencies and policies for school principal selection, training, and certification. The new standards, which will be approved by the SBE in April, focus on instructional leadership, using data for effective decision-making, and key indicators for high performing principals. The standards, once approved, will provide the foundation for principal preparation programs, professional development programs, principal selection programs, and principal certification requirements, including the Florida Educational Leadership Examination.

¹⁰ Florida Department of Education, Fact Sheet: Supplemental Educational Services. Available at <http://www.firn.edu/doe/family/pdf/sesfactsheet.pdf> See <http://www.firn.edu/doe/family/doc/DirectoryContent.doc> for a current list of approved providers.

¹¹ See *District and School Leadership* from Education Commission of the States. <http://www.ecs.org/clearinghouse/58/30/5830.pdf>

¹² Testimony of Chancellor Jim Warford before the PreK-12 Committee, March 8 2005.

As part of the effort to develop and train highly successful principals, the bill establishes the A+ Professional Development Program for School Leaders, a comprehensive, competency-based, statewide professional development program. Administered by the DOE, the program must:

- Be based on the leadership standards of the SBE, the National Staff Development Council, and the federal requirements for professional development;
- Provide a competency-based approach that utilizes pre- and post- diagnostic evaluations to create an individualized professional development plan;
- Incorporate instructional leadership training and effective business practices; and
- Be delivered through multiple delivery systems, including school district programs, interactive technology, and state, regional or local academies.

The program must offer individuals the opportunity to obtain one of three school leadership designations as established by the bill. In order to obtain a designation, a school leader must:

- Meet the SBE leadership standards and designation criteria; and
- Lead a school that has, within a three-year period:
 - Made sustained improvement by at least one letter grade OR has maintained a school grade of “C” or higher, for the A+ Emerging School Leader designation.
 - Made sustained improvement by at least two letter grades OR has maintained a school grade of “B” or higher, for the A+ High Performing School Leader designation.
 - Made sustained improvement by at least three letter grades OR has maintained a school grade of “A” or higher, for the A+ Sterling School Leader designation.
- For the purpose of calculating school grades for these designations only:
 - School grades for middle schools must be calculated to provide double weight to learning gains in reading and in math, and
 - School grades for high schools must be calculated to provide triple weight to learning gains in reading and in math.

C. SECTION DIRECTORY:

Section 1. Amends s. 1001.03, F.S., to require the State Board of Education to periodically review the Sunshine State Standards, to evaluate the extent to which they are taught at each grade level, and to provide a report including a determination of school board provision of a complete education program.

Section 2. Creates s. 1001.215, F.S., relating to the Just Read, Florida! Office, to establish the office in statute and to provide duties.

Section 3. Amends s. 1001.41, F.S., to authorize district school boards to adopt policies to provide each student the opportunity to receive a complete education program.

Section 4. Amends s. 1001.42, F.S., to conform provisions.

Section 5. Amends s. 1003.415, F.S., to add a statement regarding the mission of middle grades, to delete the requirement for a rigorous reading requirement as part of the school improvement plans of certain schools, to change the level of proficiency at which students are required to have an individualized success plan, and to delete obsolete language.

Section 6. Creates s. 1003.4155, F.S., relating to the middle school grading system, to establish a standardized grading system for middle schools.

Section 7. Creates s. 1003.4156, F.S., relating to general requirements for middle school promotion, to establish an academic credit system for middle schools, to define an academic credit, to specify minimum credits required for promotion from middle school, to require certain students to complete intensive reading courses, to authorize district school boards to establish a waiver process and to authorize the State Board of Education to make rules regarding promotion standards for certain students.

Section 8. Creates s. 1004.64, F.S., relating to the Florida Center for Reading Research, to establish the center in statute and to provide duties.

Section 9. Amends s. 1008.25, F.S., to require the Department of Education to establish a uniform format for school districts to report information on student progression and to require the department to compile that information and to submit an annual report.

Section 10. Amends s. 1011.62, F.S., to require the provision of supplemental services to certain students, to establish a research-based reading instruction allocation in the FEFP, to specify how the funds will be allocated, to specify how the funds may be used, to require school districts to annually submit a plan for use of the funds, to authorize an appeal process for plan approval, and to require that teachers receive credit for and verification of training on materials purchased with the funds.

Section 11. Amends s. 1011.71, F.S., to correct a cross reference.

Section 12. Amends s. 1012.34, F.S., to conform provisions.

Section 13. Creates s. 1012.986, F.S., relating to the A+ Professional Development Program for School Leaders, to establish a coordinated statewide professional development program for school leaders, to establish school leadership designations, to provide program requirements, and to authorize the State Board of Education to adopt rules to implement the program.

Section 14. Provides that the act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

See FISCAL COMMENTS section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

Several sections of the bill have a potential fiscal impact.

The fiscal impact of middle school promotion requirements (Section 7) is indeterminate, but may be positive. For those districts that currently retain a student for an entire year if the student fails one

course, the bill would have a positive impact because it establishes a credit system for promotion, encouraging districts to establish course-level credit recovery. This allows students to “catch up” with their class, and not be retained for an entire year and repeat classes they have already passed, resulting in a cost savings. Any increase in students retained under the credit system would likely be offset by the lower costs from the students re-taking only specific courses instead of an entire school year.

The fiscal impact of the research-based reading instruction allocation (Section 10) will be determined in the General Appropriations Act (GAA). (HB 1885 includes within the FEFP \$74 million for the Research-based Reading Instruction Allocation, with each district receiving \$50,000 and the remaining balance allocated on each district’s share of K-12 base funding.) For comparison, in the 2004 GAA, \$25 million was provided for supplemental reading instruction under the FEFP. Those funds were allocated based on FTE enrollment. An additional \$46 million in state funds were provided outside the FEFP for reading programs in Fiscal Year 2004-05.

The fiscal impact of the requirement to provide supplemental educational services to certain students (Section 10) will also be determined in the GAA. The bill requires that such services be provided to students who score Level 1 in FCAT Reading who are in non-Title I schools, with the per-student amount of funding to be determined in the GAA. In 2003-04, there were 289,478 students who would have met these eligibility criteria.¹³

The fiscal impact of the professional development program for school leaders (Section 13) will also be determined in the General Appropriations Act. Two million dollars would provide \$5,000 bonuses to 400 principals for attaining certain school leader designation levels. (HB 1885 includes \$8.5 million for the A+ Plus Initiative.)

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill directs the State Board of Education to adopt rules related to middle school promotion and the statewide comprehensive professional development program for school leaders.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

¹³ Correspondence with Judy Wilson, Governmental Relations, Florida Department of Education, March 16, 2005.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At its March 15, 2005 meeting, the PreK-12 Committee adopted four amendments to the PCB:

- Changing the mission statement for the middle grades from preparing “students for successful completion of rigorous courses in high school” to preparing “students to graduate from high school;”
- Providing for the funding of supplemental educational services for certain students;
- Deleting unnecessary language and providing for an appeals process for school districts with respect to their reading instruction allocation plans; and
- Naming the principal professional development program the A+ Professional Development Program for School Leaders.

The 4 amendments were engrossed and the PCB was reported favorably. The bill analysis reflects the amended version of the PCB.

On April 15, 2005, the Education Appropriations Committee approved one amendment:

- Revising the plan for the research-based reading instruction allocation; and
- Making a technical revision to the codification of the Research-Based Reading Instruction Allocation within the FEFP.

This bill analysis is drawn to the bill as amended.