

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Appropriations:

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BILL: SPB 2524

INTRODUCER: For Consideration by the Appropriations Committee

SUBJECT: Education

DATE: February 4, 2022

REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Grace	Sadberry		<b>Pre-meeting</b>

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**I. Summary:**

SPB 2524 conforms statutes to the funding decisions related to Education in the Senate-proposed General Appropriations Act for Fiscal Year 2022-2023. The bill:

- Provides additional supports to assist struggling readers by:
  - Establishing an early learning micro-credential to increase the number of instructional personnel qualified to provide reading instruction.
  - Providing financial incentives for early learning personnel with a reading certificate or endorsement, or an early literacy micro-credential.
  - Establishing the Seal of Excellence in Advancing Literacy to provide financial awards to school districts that demonstrate growth in early literacy.
  - Modifying the evidence-based reading instruction allocation to provide flexibility in the use of funds, authorize personnel with an early-literacy micro-credential to provide specified intensive reading instruction, and authorize a school governing board to approve its comprehensive reading plan.
- Increases from 20,000 to 26,500 the total number of students with unique abilities that may be determined eligible for a Family Empowerment Scholarship in the 2022-2023 school year.
- Modifies payment provisions in the dual enrollment program by:
  - Specifying that instructional materials are free-of-charge to all participating students.
  - Requiring the postsecondary institution and private school articulation agreement include a provision regarding payments by the private school for dual enrollment courses.
  - Specifying eligible reimbursements and reporting and reimbursement deadlines under the Dual Enrollment Scholarship Program.
- Establishes the Inclusive Transition and Employment Management (ITEM) Program to provide young adults with disabilities financial support for postsecondary education and transition to the workforce.
- Raises the upper limit of full-time equivalent membership for a school district to be eligible for the sparsity supplement.
- Specifies that the fees for a university educational research center for child development are determined by the university board of trustees.

The bill has an indeterminate fiscal impact. *See* Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2022.

## II. Present Situation:

### Reading Instruction

Early literacy has proven to have a significant relationship with graduation rates across a variety of contributing factors. According to research, third graders who are not reading at grade level are among the most vulnerable to drop out of school later.<sup>1</sup> Research<sup>2</sup> has shown that students who were not proficient in reading by the end of third grade were four times more likely to drop out of high school than proficient readers. Third grade has been identified as important to reading literacy because it is the final year children are learning to read, after which students are “reading to learn.”<sup>3</sup>

Student performance on the grade 3 Florida Standards Assessment in English Language Arts shows that, statewide, 54 percent of grade 3 students scored a level 3 or above, indicating satisfactory performance on the assessment.<sup>4</sup> Nationally, on the National Assessment of Educational Progress (NAEP) reading assessment, average scores in reading for Florida students in grade 4 show a significant increase from 1992 to 2019. However, scores peaked in 2013 and have since decreased.<sup>5</sup>

### Reading Certification and Endorsement

Teachers are able to earn a subject area certification or endorsement in reading. A teacher must be certified or endorsed in reading to:

- Provide instruction to a third grade student retained for failing the English Language Arts (ELA) assessment.<sup>6</sup>
- Beginning with the 2022-2023 school year, supervise teacher preparation students during internships in kindergarten through grade 3 or during enrollment in a reading certificate program.<sup>7</sup>

In addition, when using funds from the evidence-based reading instruction allocation, a teacher is required to be certified or endorsed in reading to:

- Teach summer reading camps.
- Provide reading interventions to students with a substantial deficiency in reading.

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<sup>1</sup> National Council of State Legislators, *Pre-Kindergarten-Third Grade Literacy* (Dec. 2017), available at <https://www.ncsl.org/research/education/pre-kindergarten-third-grade-literacy.aspx>.

<sup>2</sup> Annie E. Casey Foundation, *Early Warning! Why Reading by the End of Third Grade Matters* (2010), [https://assets.aecf.org/m/resourcedoc/AECF-Early\\_Warning\\_Full\\_Report-2010.pdf](https://assets.aecf.org/m/resourcedoc/AECF-Early_Warning_Full_Report-2010.pdf).

<sup>3</sup> National Council of State Legislators, *Pre-Kindergarten-Third Grade Literacy* (Dec. 2017), available at <https://www.ncsl.org/research/education/pre-kindergarten-third-grade-literacy.aspx>

<sup>4</sup> Florida Department of Education, *2021 Florida Standards Assessments, English Language Arts*, available at <https://www.fldoe.org/accountability/assessments/k-12-student-assessment/results/2021.stml>.

<sup>5</sup> National Assessment of Educational Progress, *NAEP Data Explorer*, <https://www.nationsreportcard.gov/ndecore/xplore/NDE> (Reading, Grade 4, Florida composite scores).

<sup>6</sup> Section 1008.25(7)(b)3., F.S.

<sup>7</sup> Section 1004.04(5)(b)1.e., F.S.

- Qualify as a literacy coach.<sup>8</sup>

A teacher may earn a certification in reading by completing:

- A master's or higher degree with a graduate major in reading.
- A bachelor's or higher degree with thirty semester hours in reading.<sup>9</sup>

A certified teacher may earn an endorsement to a valid Florida certificate by completing the appropriate subject area testing requirements, the requirements of an approved school district program, or the inservice components for an endorsement.<sup>10</sup> Reading certificate and endorsement programs must align with the 2011 Reading Endorsement Competencies adopted by the State Board of Education (SBE).<sup>11</sup> There are four pathways to earn a reading endorsement:

- Completing 15 semester hours in college-level reading coursework rooted in scientifically based reading research with a focus on both preventions and remediation of reading difficulties.
- Completing the required competencies through a school district's approved reading endorsement add-on program.
- Passing the K-12 Reading Certification Subject Area Exam administered by the Department of Education (DOE). This pathway expires on June 30, 2024.<sup>12</sup>
- Obtaining a certificate from an approved internationally known organization with a reputation for setting reading standards.<sup>13</sup>

The DOE is required to adopt, by the beginning of the 2022-2023 school year, at least one statewide, competency-based pathway, by which instructional personnel may earn a reading endorsement. The pathway must be available for a participant to complete in person or remotely.<sup>14</sup>

### ***Evidence-based Reading Instruction Allocation***

The state allocates funding to school districts for evidence-based reading instruction to students in kindergarten through grade 12. Funds must be used to provide a system of comprehensive reading instruction to students enrolled in kindergarten through grade 12, including:

- Supports to assist students identified with a substantial deficiency in early literacy transition from the Voluntary Prekindergarten Education Program (VPK program) to kindergarten.
- An additional hour of intensive reading instruction beyond the normal school day for students in the 300 lowest-performing elementary schools.
- Reading intervention teachers and reading coaches.

<sup>8</sup> Rule 6A-6.053, F.A.C.

<sup>9</sup> Rule 6A-4.0291, F.A.C.

<sup>10</sup> Section 1012.586(1), F.S.

<sup>11</sup> 2011 Reading Endorsement Competencies, *Incorporated by reference* in rule 6A-4.0163, F.A.C., including 300 hours of education and experience in foundations of reading instruction, application of instructional practices, foundations of assessment, foundations and applications of differentiated instruction, and demonstration of accomplishment, *available at* <https://www.flrules.org/Gateway/reference.asp?No=Ref-00556> (download pdf file).

<sup>12</sup> Rule 6A-4.0292, F.A.C.

<sup>13</sup> Section 1012.586(1)(b), F.S. Reading Recovery Teacher of the National Louis University Reading Recovery Center is the only approved program. DOE, *Florida Internationally Recognized Organizations*, *available at* <http://www.fldoe.org/core/fileparse.php/7539/urlt/FAIRO.pdf> (last visited Feb. 1, 2022).

<sup>14</sup> Section 1012.586(2)(a), F.S.

- Professional development for teachers to earn a certification or an endorsement in reading.
- Summer reading camps for students in kindergarten through grade 5 who exhibit certain reading deficiencies, depending on grade level.
- Supplemental instructional materials that are grounded in scientifically based reading research as identified by the Just Read, Florida! Office (JRFO).
- Intensive interventions for students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the statewide, standardized ELA assessment.

District school boards must develop reading plans that detail the specific uses of the evidence-based reading instruction allocation. The plans must be annually submitted to the DOE before May 1 in the format prescribed by the DOE for approval by the JRFO. The plan must provide for intensive reading interventions that incorporate evidence-based strategies identified by the JRFO and are delivered by a teacher who is certified or endorsed in reading.

If a school district and the JRFO cannot reach agreement on the contents of the plan, the school district may appeal to the SBE for resolution. School districts are allowed reasonable flexibility in designing their plans and are encouraged to offer reading intervention through innovative methods, including career academies. The DOE only releases funds to school districts with an approved plan, and is required to withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan.<sup>15</sup>

### ***Early Learning Professional Development Standards and Career Pathways***

The DOE sets minimum standards for emergent literacy training courses for VPK program instructors.<sup>16</sup> The DOE is also required to:

- Develop early learning professional development training and course standards to be utilized for school readiness program providers.
- Identify both formal and informal early learning career pathways with stackable credentials and certifications that allow early childhood teachers to access specialized professional development.<sup>17</sup>

Professional development and teacher resources are available online, including courses developed by the DOE in collaboration with the Lastinger Center, to provide opportunities to earn educator credentials.<sup>18</sup>

The Child Care and Development Block Grant is a federal grant program intended, in part, to improve the overall quality of child care services and programs by improving health, safety, licensing, training, and oversight standards.<sup>19</sup>

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<sup>15</sup> Section 1011.62(8), F.S.

<sup>16</sup> Section 1002.59(1), F.S.

<sup>17</sup> Section 1002.995, F.S., and Rule 6A-4.735, F.A.C.

<sup>18</sup> See Florida Office of Early Learning, *Professional Development*, <http://www.floridaearlylearning.com/providers/professional-development/professional-development-training-resources> (last visited Feb. 1, 2022). See also Early Learning Florida, *Courses*, <https://www.earlylearningflorida.com/catalog> (last visited Feb. 1, 2022).

<sup>19</sup> 42 U.S.C. s. 9857(b).

### ***Reading Scholarship Accounts***

The Reading Scholarship Accounts program was established in July 2018 and offers educational options for students on a first-come, first-serve basis for students in grades 3 through 5 who are enrolled in a Florida public school and who scored below a Level 3 on the grade 3 or grade 4 statewide standardized English Language Arts assessment in the prior school year. An eligible student who is classified as an English Language Learner and is enrolled in a program or receiving services that are specifically designed to meet the instructional needs of English Language Learner students receive priority.<sup>20</sup>

The Legislature appropriated \$7.6 million for reading scholarship accounts in the amount of \$500 per student for the 2021 fiscal year.<sup>21</sup> To date, approximately 3.4 percent has been disbursed.<sup>22</sup>

### **Family Empowerment Scholarship**

The FES program was established in 2019<sup>23</sup> to provide educational options to eligible children of Florida families with limited financial resources through a state funded school voucher scholarship. In 2021, the FES was expanded to provide education options to eligible children of Florida families in the military as well as disabled students.<sup>24</sup> Funding for the FES program is based on the Florida Education Finance Program (FEFP) allocation formula.<sup>25</sup>

### ***Student Eligibility***

To be eligible for an award under the FES program unique ability option for disabled students (UA option), a student must:

- Be three or four years of age on or before September 1 of the year in which the student applies for the program or is eligible to enroll in kindergarten through grade 12 in a Florida public school;
- Have a defined disability; and
- Be the subject of an IEP written in accordance with the State Board of Education or has received a diagnosis of a disability from a physician or psychologist.

An approved student who does not receive a scholarship must be placed on the wait list in the order in which the student is approved.<sup>26</sup>

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<sup>20</sup> Section 1002.411(2), F.S.

<sup>21</sup> Specific Appropriation 108, s. 2, ch. 2021-36, L.O.F.

<sup>22</sup> Transparency Florida, *2021-2022 Allotment Balances Detail: Florida Department of Education, Line Item 108*, <http://www.transparencyflorida.gov/AllotmentBalance/AllotmentBalancesDetail.aspx?FY=22&BE=48250400&AC=104029&Fund=1000&LI=%20108&OLO=480000&OLS=48019019000&SC=F&OB=Y> (last visited Jan. 31, 2022).

<sup>23</sup> Section 6, ch. 2019-23, L.O.F.

<sup>24</sup> Section 4, ch. 2021-27, L.O.F.

<sup>25</sup> See Section 1002.394(12), F.S.

<sup>26</sup> Section 1002.394, F.S.

### ***Scholarship Funding and Payment***

The scholarship funding amount is based on the student's grade level and school district in which the student was assigned plus a share of most categorical programs.<sup>27</sup> The amount of the scholarship award is equal to 100 percent of the calculated amount. The amount of the award is deposited quarterly in the student's account once the scholarship has been verified and approved.<sup>28</sup>

Beginning in the 2021-2022 school year, up to 20,000 scholarships are established for students determined eligible under the UA option. Beginning in the 2022-2023 school year, the maximum number of students participating under this option annually increases by 1.0 percent of the state's total exceptional student education enrollment, not including gifted students, approximately 4,500 students per year.<sup>29</sup> An eligible student who meets specified requirements is excluded from the maximum number of students.<sup>30</sup>

FES program scholarships awarded through December 2021 for the 2021-2022 school year were 24,694 UA option scholarship recipients.<sup>31</sup> However, as of January 2022, more than 6,400 students eligible for a UA scholarship were placed on a wait-list.<sup>32</sup>

### **Dual Enrollment**

Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward both a high school diploma and a career certificate or an associate or baccalaureate degree.<sup>33</sup> To be eligible for dual enrollment a student must be enrolled in grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with the requirements specified in law<sup>34</sup> and provides a secondary curriculum pursuant to law. Students who meet the eligibility requirements and who participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.<sup>35</sup>

### ***Dual Enrollment Articulation Agreements***

A dual enrollment articulation agreement establishes the guidelines for implementing the program for eligible students.<sup>36</sup> Specifically, Florida law requires:

- Each district school superintendent and each public postsecondary institution president to develop a comprehensive dual enrollment articulation agreement for the respective school district and postsecondary institution.

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<sup>27</sup> Section 1011.62(6), F.S.

<sup>28</sup> Section 1002.394(11), F.S.

<sup>29</sup> Email, Step Up For Students, Amy Graham (Jan. 19, 2022) (on file with the Senate Committee on Appropriations).

<sup>30</sup> Section 1002.394(12)(b), F.S.

<sup>31</sup> Email, Florida Department of Education, Jessica Fowler (Jan. 24, 2022) (on file with the Senate Committee on Appropriations).

<sup>32</sup> Email, Step Up For Students, Amy Graham (Jan. 19, 2022) (on file with the Senate Committee on Appropriations).

<sup>33</sup> Section 1007.271(1), F.S.

<sup>34</sup> Section 1002.42, F.S.

<sup>35</sup> Section 1007.271, F.S. However, s. 1011.62(1)(i), F.S., specifies that the exemption from tuition and fees does not apply to dual enrollment at an eligible private postsecondary institution.

<sup>36</sup> DOE, *Dual Enrollment Frequently Asked Questions*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 13.

- Each public postsecondary institution to enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and such student's parent.
- Each public postsecondary institution to enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students. The private school articulation agreement must include, at a minimum:
  - Eligibility for the program and the courses and programs available.
  - The student's responsibilities for providing his or her own instructional materials and transportation.
  - A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student.

### ***Instructional Materials***

Instructional materials assigned for use within dual enrollment courses must be made available free of charge to dual enrollment students from Florida public high schools. Florida law neither prohibits nor requires an FCS institution to provide free instructional materials to a home education student or a student from a private school. Instructional materials purchased by a district school board or FCS institution board of trustees on behalf of dual enrollment students remain the property of the board against which the purchase is charged.<sup>37</sup>

### ***Funding for Dual Enrollment***

The dual enrollment articulation agreement between a district school superintendent and a public postsecondary institution president must include a funding provision that requires payment<sup>38</sup> by the public school district to the public postsecondary institution for dual enrollment instruction on the postsecondary institution's campus and the course is taken during the fall or spring term. The public school district must reimburse the costs associated with the postsecondary institution's proportion of salary and benefits to provide the instruction for courses taken on the high school site by a postsecondary instructor. No payment is necessary for dual enrollment courses provided on the high school site by school district instructional personnel.

Florida law does not specify a similar funding provision for private schools to pay public postsecondary education institutions for the dual enrollment instruction that such institutions provide to the private school dual enrollment students. However, postsecondary institutions are not prohibited from charging a fee to private schools for the dual enrollment of its students.<sup>39</sup>

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<sup>37</sup> Section 1007.271, F.S.

<sup>38</sup> Payment is the standard tuition rate for the postsecondary institution. The standard in-state tuition rate is set by law at \$2.33 per contract hour for programs leading to a career certificate or an applied technology diploma. Section 1009.22(3)(c), F.S. The standard tuition for lower-division courses at a FCS institution is \$71.98 per credit hour. Section 1009.23(3)(a), F.S. The standard undergraduate tuition rate at a state university is \$105.07 per credit hour. Section 1009.24(4)(a), F.S.

<sup>39</sup> Section 1007.271, F.S.

### ***Dual Enrollment Scholarship Program***

The Dual Enrollment Scholarship Program (Program) was created in 2021<sup>40</sup> to provide reimbursements to postsecondary institutions for students participating in dual enrollment, as follows:

- Beginning in the 2021 fall term, the Program reimburses eligible postsecondary institutions for tuition and related instructional materials costs for dual enrollment courses taken by private school or home education program secondary students during the fall or spring terms.
- Beginning in the 2022 summer term, the Program reimburses institutions for tuition and related instructional materials costs for dual enrollment courses taken by public school, private school, or home education program secondary students during the summer term.

In order to receive a reimbursement, a participating postsecondary institution must comply with the following reporting deadlines:

- Annually by March 15, each participating institution must report to the DOE any eligible secondary students from private schools or home education programs enrolled during the previous fall or spring terms.
- Annually by July 15, each participating institution must report to the DOE any eligible public school, private school, or home education program students enrolled during the summer term.

If the statewide reimbursement amount is greater than the appropriation, the institutional reimbursement amounts must be prorated among the institutions that have reported eligible students to the DOE by the deadlines specified. The bill specifies that dual enrollment courses taken during the following terms are reimbursed according to the following deadlines:

- For courses taken during the fall and spring terms, by April 15 of the same year.
- For courses taken during the summer term, by August 15 of the same year, before the beginning of the next academic year.<sup>41</sup>

### **Inclusive Transition and Employment Management Program**

Despite the strength of the U.S. labor market, persons with disabilities are strikingly underemployed. As of July 2018, only 29 percent of Americans of working age (between ages 16 and 64) with disabilities participated in the workforce, compared with 75 percent of Americans without a disability. In 2017, the unemployment rate for persons with disabilities was more than twice that for those without a disability—9.2 percent versus 4.2 percent.<sup>42</sup>

The Marino Campus is funded by the Dan Marino Foundation, to prepare young adults with autism and other developmental disabilities for gainful employment, social competence, and independent living by building the necessary skills through a unique postsecondary opportunity. In addition to foundational coursework in the areas of independent living and life skills, the Marino Campus features three areas of program concentration: Hospitality, Computer

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<sup>40</sup> Section 4, ch. 2021-160, L.O.F. The 2021 General Appropriations Act allocated \$15,550,000 to the Dual Enrollment Scholarship Program for tuition and related instructional materials costs. Specific Appropriation 73A, ch. 2021-36, L.O.F.

<sup>41</sup> Section 1009.30, F.S.

<sup>42</sup> Accenture, *Getting to Equal: The Disability Inclusion Advantage* (2018), available at <https://www.accenture.com/acnmedia/pdf-89/accenture-disability-inclusion-research-report.pdf>, at 4.



Technology, and Business Office Support. The 760-hour certificate programs provide students 300 clock hours in industry certification courses, 310 clock hours of internships, and 150 hours of core/elective courses. The employment rate of graduates is 72 percent.<sup>43</sup>

### **Sparsity Supplement**

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 FTE of the district by the number of permanent senior high school centers.<sup>44</sup>

School district with FTE lower than 24,000 may be eligible for the sparsity supplement. The Legislature may not set the upper FTE limit for eligibility for the supplement higher than 24,000 or lower than 17,000.<sup>45</sup>

For districts with FTE student memberships between 20,000 and 24,000, the number of high school centers is reduced to four.<sup>46</sup> The number of high school centers is reduced to three for districts with fewer than 20,000 FTE students. The Legislature provided \$55,500,000 for the Sparsity Supplement for school districts of 24,000 and fewer FTE in the 2021-2022 fiscal year.<sup>47</sup> There are currently 37 school districts and 4 developmental research (laboratory) schools eligible for the sparsity supplement.<sup>48</sup>

### **Educational Research Centers for Child Development**

Upon approval of the university president, the student government association of any state university may establish an educational research center for child development (center). Each center is a child day care center established to provide care for the children of students, both graduate and undergraduate, faculty, and other staff and employees of the university.<sup>49</sup> Each center must give highest priority to serving the children of students, followed by the children of staff and faculty.<sup>50</sup> Each center must also provide an opportunity for interested schools or departments of the university to conduct educational research programs and establish internship programs within such centers.<sup>51</sup>

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<sup>43</sup> Marino Campus, <https://www.marinocampus.org/> (last visited Feb. 2, 2022). The Marino Campus is accredited by the Middle States Association of Colleges and Schools. Dan Marino Foundation, *2021 Annual Report* (June 30, 2021), available at <https://danmarinofoundation.org/wp-content/uploads/2022/01/Annual-Report-20213.pdf>, at 4.

<sup>44</sup> Florida Department of Education, *2021-2022 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 22. See also s. 1011.62(7), F.S.

<sup>45</sup> Section 1011.62(7)(a), F.S.

<sup>46</sup> There are no school districts that currently have an FTE membership between 20,000 and 24,000. Florida Department of Education, *Florida Education Finance Program, 2021-2022 FEFP Third Calculation* (Jan. 25, 2022), at 29.

<sup>47</sup> Specific Appropriation 90, s. 2, ch. 2021-36, L.O.F.

<sup>48</sup> Florida Department of Education, *Florida Education Finance Program, 2021-2022 FEFP Third Calculation* (Jan. 25, 2022), at 29.

<sup>49</sup> Section 1011.48(1), F.S.

<sup>50</sup> Board of Governors Regulation 10.004(3). It is recognized that intent of this program is to provide research and training activities which are representative of a comprehensive scope of child development needs throughout the community. To this end, university regulations shall include an admission process that is inclusive race, ethnicity, socioeconomic status, gender, as well as mental and physical ability. Board of Governors Regulation 10.004(7).

<sup>51</sup> Section 1011.48(1), F.S.

Operations may be financed either through the capital improvement trust fund fee, activity and service fee allocations, user charges, grants and donations, or any combination of these sources.<sup>52</sup> Section 1011.48(3), F.S., specifies that each center is authorized to charge fees for the care and services it provides. Such fees must be approved by the Board of Governors and may be imposed on a sliding scale based on ability to pay or any other factors deemed relevant by the board.<sup>53</sup> However, section 1009.24(14)(s), F.S., specifies that each university board of trustees is authorized to establish a fee for an educational research center for child development for child care and services offered by the center.

### III. Effect of Proposed Changes:

**Section 1** amends s. 1002.394, F.S., which modifies provisions related to funding in the Family Empowerment Scholarship and increases the base eligibility from 20,000 to 26,500 beginning in the 2022-2023 school year for the unique ability scholarship option. The bill maintains the current annual growth rate, however the growth rate goes into effect in the 2023-2024 school year rather than the 2022-2023 school year.

**Section 2** repeals s. 1002.411, F.S., related to reading scholarship accounts.

**Section 3** amends s. 1002.995, F.S., to require, subject to an appropriation, the Department of Education (DOE) to provide incentives to school readiness personnel and Voluntary Prekindergarten Education Program (VPK program) instructors who possess a reading certification or endorsement or an early literacy micro-credential and teach students in the school readiness program or the VPK education program.

**Section 4** amends s. 1007.271, F.S., to specify that instructional materials for use in dual enrollment courses must be made available to all participating students free of charge, rather than only to public school students. This is consistent with the provisions in s. 1009.30, F.S., relating to reimbursements for instructional materials under the Dual Enrollment Scholarship Program. The bill also requires the articulation agreement between a public postsecondary institution and a private school to specify the conditions for private school payments for dual enrollment courses. The agreement must specify payment for dual enrollment courses taken during scheduled school hours. The agreement must also specify that a private school is not required to pay the costs associated with dual enrollment courses taken outside of the scheduled school day, or during the summer term.

**Section 5** creates s. 1007.36, F.S., to establish the Inclusive Transition and Employment Management (ITEM) Program and authorize financial support for the program that provides services to young adults with disabilities with transitional skills, education, and on-the-job experience to allow them to gain and retain employment.

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<sup>52</sup> Board of Governors Regulation 10.004(5).

<sup>53</sup> Fees should be set at the level required to support the cost of providing the service. Exceptions should be made for the children of students and may be made for low-income faculty and staff. Board of Governors Regulation 10.004(9).

**Section 6** creates s. 1008.3651, F.S., the Seal of Excellence in Advancing Literacy (SEAL), to provide financial awards to public schools, including charter schools that demonstrate growth in early literacy.

The bill requires the State Board of Education (SBE) to adopt rules establishing the criteria for earning the SEAL by October 1, 2022. The criteria must include metrics for schools to earn the seal by demonstrating exemplary performance with respect to reading instruction for students enrolled in kindergarten through grade 2. The criteria must:

- Prioritize advancing the abilities of the lowest performing students at least one grade level in each grade.
- Allow schools to earn the SEAL by advancing the abilities of students at least one grade level in each grade.

The bill provides that all schools that meet the criteria will receive financial awards depending on the availability of funds as appropriated in the General Appropriations Act. Use of award funds must be determined jointly by the school's staff and school advisory council, and must be used for the following:

- Nonrecurring financial incentives to the instructional personnel and staff;
- Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or
- Other personnel for the school to assist in maintaining and improving student performance.

The bill provides that if school staff and the school advisory council cannot reach agreement by February 1, the awards must be equally distributed to all instructional personnel currently teaching in the school. If a school that earned a SEAL is no longer in existence at the time the award is paid, the bill requires the district school superintendent to distribute the funds to instructional personnel who taught at the school in the previous year in the form of a bonus.

The bill provides that, notwithstanding statutory provisions to the contrary, incentive awards are not subject to collective bargaining.

**Section 7** amends s. 1009.30, F.S., to modify reimbursements under the Dual Enrollment Scholarship Program. The bill maintains reimbursements for home education students participating in dual enrollment, but modifies reimbursements to postsecondary institutions for private school students to specify that only those dual enrollment courses taken by such students outside of school hours or during the summer are eligible for reimbursement. The bill also modifies the timeline for reporting dual enrollment students and for reimbursements to specify that a postsecondary institution must report students within 30 days after the end of regular registration, and reimbursements must be distributed no later than 30 days after the end of the term.

**Section 8** amends s. 1011.48, F.S., to specify that the fees for a university educational research center for child development are determined by the university board of trustees, and are not required to be approved by the Board of Governors.

**Section 9** amends s. 1011.62(7), F.S., to increase from 24,000 to 30,000 the upper limit of school district full-time equivalent membership for that district to be eligible for the sparsity supplement.

This section also modifies s. 1011.62(8), F.S., to provide schools flexibility in using funds from the evidence-based reading instruction allocation. The bill:

- Removes the specific requirement for the 300 lowest performing schools to use the allocation to provide an additional hour of intensive reading instruction. The bill provides flexibility for all schools to provide additional time per day in intensive reading instruction.
- Clarifies that reading coaches must be certified or endorsed in reading.
- Provides flexibility for professional development options by authorizing school boards to use funds from the allocation to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program (FEFP) earn a certification, a credential, an endorsement, or advanced degree in scientifically researched and evidence-based reading instruction.
- Authorizes teachers or other district personnel who possess an early literacy micro-credential to teach summer camps for students in kindergarten through grade 5. The bill does not modify the requirement that a retained grade 3 student in a summer reading camp be provided instruction by a teacher who is certified or endorsed in reading.
- Removes the requirement that scientifically researched and evidence-based supplemental instructional materials purchased with allocation funds must be identified by the Just Read, Florida! Office.
- Authorizes allocation funds to be used for incentives for instructional personnel and certified prekindergarten teachers funded in the FEFP who possess a reading certification or endorsement or an early literacy micro-credential and provide educational support to improve student literacy.
- Authorizes allocation funds to be used to provide tutoring in reading.
- Authorizes intensive reading interventions to be provided by instructional personnel who possess an early literacy micro-credential.

The bill removes the requirement for the DOE to prescribe the format for and approve district comprehensive reading plans. The bill requires school districts to submit a comprehensive reading plan, approved by the applicable district school board, charter school governing board, or lab school board of trustees, for the specific use of the evidence-based reading instruction allocation.

The bill provides that instructional personnel who possess an early literacy micro-credential and are delivering intensive reading interventions must be supervised by an individual who is certified or endorsed in reading. The bill specifies that “supervision” means the ability to communicate by way of telecommunication with or physical presence of the certified or endorsed personnel for consultation and direction of the actions of the personnel with the micro-credential.

**Section 10** creates s. 1012.5861, F.S., related to an early literacy micro-credential to provide additional options to provide reading interventions for struggling prekindergarten through grade 3 readers.

The bill requires the DOE to create a statewide early literacy micro-credential focused on prekindergarten through grade 3 readers. The bill authorizes district school boards and lab school boards of trustees to use their own program, or the program created by another district school board, lab school board of trustees, or the DOE. The bill requires reciprocity for micro-credentials created by district school boards, lab school boards, and the DOE across all 67 districts and specifies that charter schools must be provided access to all approved micro-credentials. The bill requires the DOE, by December 31, 2022, to make the micro-credential program available, at no cost, to instructional personnel, VPK program instructors, and child care personnel providing school readiness services.

The bill requires the micro-credential to be designed for eligible instructional personnel to complete the credentialing process through a maximum of 40 hours in an online format. The bill also authorizes the DOE to provide for the micro-credential to be delivered in an in-person format.

The bill requires the DOE to collaborate with, at a minimum, school district reading experts and the early learning coalitions on the development of the micro-credential. The Lastinger Center and the Florida Center for Reading Research must provide technical assistance to the department and district school boards in developing micro-credentials.

The bill requires the micro-credential to include components on content, student learning, pedagogy, and professional development and must build on a strong foundation of scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies, as identified by the Just Read, Florida! Office.

The bill requires the micro-credential curriculum to be designed specifically for instructional personnel in prekindergarten through grade 3 and transferable through all grades from prekindergarten through grade 3. The bill provides that the micro-credential must require teachers to demonstrate competency to:

- Diagnose reading difficulties and determine the appropriate range of reading interventions;
- Utilize evidence-based instructional and intervention practices, including strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(8), F.S.; and
- Effectively utilize progress monitoring and intervention materials.

The bill requires the credentialing process to employ a professional development model that requires participants to engage in a job-embedded credentialing process, which must include:

- A combination of virtual and face-to-face sessions focused on building content knowledge, instructional pedagogy, data analysis and reflective practice.
- Professional learning modules implemented over multiple cycles, during which participants will engage in planning and implementing instruction based on course content, followed by a period of data collection, data analysis, and reflection.

The bill requires each district school board, lab school board of trustees, charter school, school readiness provider, and VPK program provider to annually complete and submit to the

department a notarized compliance statement certifying that the micro-credential in use in the district or lab school meets the specified requirements of this section and specifying the agency that developed and approved the micro-credential.

The bill requires the SBE to adopt rules establishing the model micro-credential created by the DOE.

**Section 11** amends s. 1003.621, F.S., to provide a conforming cross reference relating to school district responsibilities to submit a comprehensive reading plan.

**Section 12** provides an effective date of July 1, 2022.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There will be a cost to private schools to pay the amount specified by the postsecondary institution for dual enrollment courses taken during the scheduled school hours of the private school. The amount charged per credit hour may not exceed the postsecondary institution standard tuition rate per credit hour.

**C. Government Sector Impact:**

The bill allows for an increase of 2,000 full time equivalent (FTE) students in the Florida Empowerment Scholarship (FES) for students with Unique Abilities (UA) funded out of the Florida Education Finance Program (FEFP) to reduce the number of eligible students on the waitlist. An investment of an estimated \$16 million dollars is needed to fund the additional FTE.

The changes in the bill related to the Sparsity Supplement does not require the appropriation of additional state funds. However, any additional funds calculated for Sparsity may reduce the amount of flexible funds that is appropriated to districts through the Base FEFP.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.394, 1002.995, 1003.621, 1007.271, 1009.30, 1011.48, and 1011.62.

This bill creates the following sections of the Florida Statutes: 1007.36, 1008.3651, and 1012.5861.

This bill repeals section 1002.411 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.