

**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 Fiscal Policy

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BILL: SB 1424

INTRODUCER: Senator Calatayud

SUBJECT: Student Outcomes

DATE: April 19, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch/Brick</u>	<u>Bouck</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<b>Favorable</b>
3.	<u>Sabitsch/Brick</u>	<u>Yeatman</u>	<u>FP</u>	<b>Pre-meeting</b>

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**I. Summary:**

SB 1424 provides various supports to student outcomes through specifying strategies related to students struggling in literacy and mathematics from prekindergarten through grade 4.

Specifically the bill:

- Directs the Just Read, Florida! Office to develop, along with the New Worlds Reading Initiative administrator, and provide access to an online repository of digital science of reading instructional resources, and to identify instructional and intervention programs grounded in science.
- Requires that the primary instructional strategies for teaching word reading is phonics instruction and prohibits the use of the three-cueing model.
- Modifies the requirements of the charter school application and agreement, VPK instructor training and standards, educator professional development, teacher preparation programs, district certification add-on programs, instructional materials programs, resources provided by the Florida Center for Reading Research, the Reading Achievement Initiative for Scholastic Excellence program, and the Evidence-Based Reading Instruction Allocation to ensure instruction and materials are grounded in the science of reading and prohibits use of the three-cueing model or visual memory for teaching word reading.
- Modifies the requirements of the coordinated screening and progress monitoring system to:
  - Require a progress monitoring plan and interventions for a student struggling in mathematics.
  - Require the Department of Education to provide a list of comprehensive reading and intervention programs for students with dyslexia and for all struggling readers.
- Requires school districts to include substantial mathematics deficiencies in their Early Warning System.
- Adds mathematics interventions to the Supplemental Academic Instruction Allocation.

The bill takes effect on July 1, 2023.

**II. Present Situation:**

**Florida Student Performance**

*Florida Statewide Assessment Performance*

For more than twenty years Florida has, at the statewide level, administered a variety of assessments to gauge student performance. Up until 2022, the state administered the Florida Statewide Assessment (FSA) to students in grades 3 through 10 as well as End of Course (EOC) assessments. At the student level, scaled scores are reported that classify student performance levels, also referred to as achievement levels. Performance levels range from 1 to 5, with Level 1 as the lowest, and Level 5 as the highest. For all assessments, Level 3 indicates satisfactory performance. The passing score for each assessment is the minimum scale score in Performance Level 3. Results from the last five years are shown below for grades 3-8. These results show a decline in the percent of students passing or meeting a “satisfactory” level (performance level 3) <sup>1</sup> of performance in 2021 and 2022 when compared to the results prior to the impact of the COVID-19 Public Health Emergency where no results are shown for 2020.<sup>2</sup>

Results on Florida Standards and End of Course Assessments					
Grade-Subject	Percent at or Above Achievement Level 3				
	2018	2019	2020	2021	2022
Grades 3-5 English Language Arts	56%	57%	Not Reported	53%	55%
Grades 6-8 English Language Arts	53%	54%	Not Reported	51%	50%
Grades 3-8 Mathematics	60%	61%	Not Reported	51%	55%

*The Nation’s Report Card*

The National Assessment of Educational Progress (NAEP) is the largest nationally representative and continuing assessment of student comprehension and skills in various subject areas. Assessments are conducted periodically in mathematics, reading, science, writing, the arts, civics, economics, geography, U.S. history, and technology and engineering literacy. Each subject is assessed at grades 4, 8, and 12, although not all grades are assessed each time. Results for the nation, states, and some urban districts are released as The Nation’s Report Card.<sup>3</sup>

NAEP is a congressionally mandated project administered by the National Center for Education Statistics (NCES) and overseen by the National Assessment Governing Board (NAGB). In the state of Florida, participation in NAEP is mandated by s. 1008.22(2), Florida Statutes.<sup>4</sup>

<sup>1</sup> Florida Department of Education, *Understanding Florida Statewide Assessment Report* (2022), page 2, available at <https://www.fldoe.org/core/fileparse.php/5663/urlt/USFL-SWAssessReports.pdf>.

<sup>2</sup> Florida Department of Education, *Florida Standards Assessments, English Language Arts and Mathematics* (2022), available at <https://www.fldoe.org/core/fileparse.php/5668/urlt/80FSAResults22.pdf>.

<sup>3</sup> Florida Department of Education, *National assessment of Educational Progress (NAEP)*, <https://www.fldoe.org/accountability/assessments/national-international-assessments/naep/> (last visited Mar. 31, 2023).

<sup>4</sup> Florida Department of Education, *National assessment of Educational Progress (NAEP)*, <https://www.fldoe.org/accountability/assessments/national-international-assessments/naep/> (last visited Mar. 31, 2023).

NAEP reports achievement level percentages that show the percentage of students who meet or exceed expectation of what students should know and be able to do.<sup>5</sup> The results of the NAEP assessment are shown below for grades 4 and 8 for the most recent four years.<sup>6</sup> These results show consistent performance in each grade where at grade 4 approximately sixty percent of students are below proficient in both reading and mathematics for 2022 and at grade 8 over seventy percent of students are below proficient in both subjects. Grade 4 performance over time is consistent for reading but the 2022 performance for mathematics is noticeably lower than the two prior years. Grade 8 performance over time shows lower scores in both reading and mathematics for 2022 when compared to the prior two years.

**Florida Results on NAEP**

Grade-Subject	Percent at or Above Proficient			
	2015	2017	2019	2022
Grade 4 Reading	39%	41%	38%	39%
Grade 8 Reading	30%	35%	34%	29%
Grade 4 Mathematics	42%	48%	48%	41%
Grade 8 Mathematics	26%	29%	31%	23%

***International Performance***

The Program for International Student Assessment tests 15-year-old students around the world and is administered by the Organization for Economic Cooperation and Development (OECD). In 2018, when the test was last administered, the U.S. placed 11th out of 79 countries in science and did much worse in math, ranking 30<sup>th</sup>. When analyzing the U.S.'s results over the years, the scores have been stable over time. There has been no detectable change in U.S. students' math scores since 2003 or science scores since 2006.<sup>7</sup>

**Strategies for Reading Instruction**

The science of reading (SOR)<sup>8</sup> is a body of research that incorporates insights and research from disciplines that include developmental psychology, educational psychology, cognitive science, and cognitive neuroscience. The science of reading has been documented around the world, in all languages and cultures. The National Reading Panel (NRP) report in 2000 found that explicit, systematic, cumulative instruction in these five essential elements is key to reading success: phonemic awareness; phonics; vocabulary; fluency; and comprehension.<sup>9</sup> Decoding and encoding are defined as follows:

<sup>5</sup> The Nation’s Report Card, *The NAEP Glossary of Terms*, <https://www.nationsreportcard.gov/glossary.aspx?ispopup=false> (last visited Mar. 31, 2023).

<sup>6</sup> The Nation’s Report Card, How has your state performed?, <https://www.nationsreportcard.gov/> (last visited Mar. 31, 2023).

<sup>7</sup> The balance, U.S. Educational Rankings are Falling Behind the Rest of the World, <https://www.thebalancemoney.com/the-u-s-is-losing-its-competitive-advantage-3306225> (last visited Mar. 31, 2023).

<sup>8</sup> Email, ExcelinEd, Why The Three-Cueing Systems Model Doesn’t Teach Children to Read, (Mar. 16, 2023) (on file with Senate Committee on Education).

<sup>9</sup> Email, ExcelinEd, Why The Three-Cueing Systems Model Doesn’t Teach Children to Read, (Mar. 16, 2023) (on file with Senate Committee on Education).

- **Decoding** is the art of applying knowledge of phonics, the relationship between letters and sounds, to pronounce words correctly. To apply decoding strategies, students employ knowledge of individual phoneme/grapheme relationships, including identifying vowels and consonants. Next, they discover the syllable division pattern(s), which indicates how to cut the word into syllables. Then, students look at each syllable and determine the syllable type, which indicates how to pronounce the vowel sounds.<sup>10</sup>
- **Encoding** is the process of breaking a spoken word into each of its individual sounds, known as phonemes. Phonemes are the smallest units in our spoken language that distinguish one word from another. Knowledge of spelling patterns and rules knit together the layers of the English language as students use phonology (sound patterns that occur within languages), orthography (the way in which the words of a language are spelled), and morphology (how words are formed in language) to identify how to spell words. Ensuring mastery of phonological awareness skills as a foundation upon which students build phonetic knowledge is extremely important. Students will segment to spell the phonemes in monosyllabic and polysyllabic words with increasing automaticity in order to become fluent writer.<sup>11</sup>

The three-cueing method or Meaning, Syntax and Visual cues (MSV) is defined as a methodology that directs teachers to prompt students who are not able to read a word to first think about what would make sense (Meaning). If the student guesses incorrectly, then the student is prompted to think of a word that sounds right (Syntax). If the student guesses incorrectly again, then the student is prompted to look at the first few letters (Visual) and say a word that matches those letters. In each case, the student relies on guessing to think of a word that fits the text.<sup>12</sup>

### Conditions Effecting Performance in Reading and Mathematics

**Dyslexia** is a language-based learning disability that causes difficulties with word recognition, spelling, and reading comprehension. Dyslexia is classified as a neurodevelopmental condition and is closely related to other learning disabilities like dyscalculia, dyspraxia, and dysgraphia. It affects learning ability in people of normal and above-average intelligence.<sup>13</sup>

**Dyscalculia** is a learning disability that affects the ability to learn arithmetic and mathematics in someone of normal intelligence, as compared with those of the same age who receive identical instruction. It may cause difficulty with counting, measuring quantity, working memory for numbers, sequential memory, ability to recognize patterns, time perception, telling time, sense of direction, and mental retrieval of mathematical facts and procedures. Dyscalculia is a lifelong condition that can hinder academic progress and self-esteem; however, it can be managed with treatment, especially that which is initiated in early childhood.<sup>14</sup>

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<sup>10</sup> Institute for Multi-Sensory Education, *What Is Decoding?*, <https://journal.imse.com/what-is-decoding/> (last visited Mar. 31, 2023).

<sup>11</sup> Institute for Multi-Sensory Education, *What Is Encoding?*, <https://journal.imse.com/what-is-encoding/> (last visited Mar. 31, 2023).

<sup>12</sup> Informed Literacy, *5 Problems with Using MSV (aka The Three-Cueing System)*, <https://informedliteracy.com/five-problems-with-using-msv/> (last visited Mar. 31, 2023).

<sup>13</sup> Psychology Today, *Dyslexia*, <https://www.psychologytoday.com/us/conditions/dyslexia> (last visited Mar. 31, 2023).

<sup>14</sup> Psychology Today, *Dyscalculia*, <https://www.psychologytoday.com/us/conditions/dyscalculia> (last visited Mar. 31, 2023).

## Florida Center for Reading Research

The Florida Center for Reading Research (FCRR) is a multidisciplinary research center at the Florida State University established in 2002. Drawing from multiple disciplines, FCRR investigates all aspects of reading and reading-related skills across the lifespan. Through rigorous and robust research, innovation, and engagement, FCRR advances the science of reading to improve learning and achievement from birth through adulthood.

FCRR contributes to the quality, accessibility, use and relevance of reading and reading-related research by leveraging our talent, resources, and partnerships to:

- Conduct basic and applied interdisciplinary research on all aspects of reading and reading-related skills to benefit learners;
- Apply rigorous and innovative approaches that are responsive to the pressing problems of practice, policy, and research;
- Develop innovative multimedia resources to translate and disseminate results of high quality research relevant to a diverse group of stakeholders;
- Create and sustain meaningful, mutually supportive, and lasting cross-sector partnerships with diverse organizations to solve high leverage problems locally, nationally, and internationally;
- Engage in leadership and entrepreneurial activities to empower researchers, practitioners, and other stakeholders to discover solutions, transform practices, and make improvements continuously; and
- Foster a diverse intellectual community of researchers and practitioners to advance the science of reading and develop the next generation of scholars and leaders.<sup>15</sup>

Additional elements of the Present Situation that related to specific portions of the bill will be provided with the related topic in Section III, Effect of the Proposed Changes.

### III. Effect of Proposed Changes:

#### Reading Instructional Resources

##### *Present Situation*

On September 7, 2001, Governor Jeb Bush signed Executive Order 01-260, designating Just Read, Florida! as a comprehensive and coordinated reading initiative, that prioritizes reading in Florida's public schools and among all the community groups and volunteer organizations that support literacy. Just Read, Florida! was launched with the unequivocal goal of every child being able to read at or above grade level. Just Read, Florida! is based on the latest reading research that includes emphasis on oral language development, phonological awareness, phonics, vocabulary, fluency and comprehension. With that goal in mind, Just Read, Florida! focuses on three main components: student success, educator quality, and parent support.<sup>16</sup>

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<sup>15</sup> Florida Center for Reading Research, <https://fcrr.org/about>, (last visited: Mar. 16, 2023).

<sup>16</sup> Florida Department of Education, *Just Read, Florida!*, <https://www.fldoe.org/academics/standards/just-read-fl/> (last visited, Mar. 17, 2023).

The Just Read, Florida! Office was established in the Department of Education (DOE) in 2006<sup>17</sup> to develop training, curriculum, and other resources to help students read at their highest level. Duties include:

- The development of sequenced, content-rich curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students' background knowledge and literacy skills.
- Working with the Florida Center for Reading Research to identify scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies.<sup>18</sup>

### ***Effect of Proposed Changes***

The bill modifies s. 1001.215, F.S., to direct the Just Read, Florida! Office to develop and provide access to an online repository of digital science of reading instructional resources. The resources and instructional programs to be developed in partnership with the Florida Center for Reading Research must:

- Be grounded in the Science of Reading (SOR).
- Utilize phonics instruction for decoding and encoding as the primary instructional strategy for teaching word reading.
- Not utilize the three-cueing system model of reading or visual memory (MSV) as a basis for teaching word reading. However, the bill authorizes use of visual information and strategies to improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but not to be used to teach word reading.

### **Charter Schools**

#### ***Present Situation***

Charter schools are tuition-free public schools created through an agreement or "charter" typically between the school and the local district school board. This agreement gives the charter school a measure of expanded freedom relative to traditional public schools in return for a commitment to higher standards of accountability. Since 1996, Florida charter schools have played a key role in increasing parental options in public education and providing innovative learning opportunities for students.<sup>19</sup>

Charter schools must provide parents with information about whether their child is reading at grade level, and must increase learning opportunities, with emphasis on reading.

The charter school application requirements and the requirements of the charter agreement itself are set in law. The application must describe the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. The application must be denied if the

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<sup>17</sup> Ch. 2006-74, s. 8, Laws of Fla.

<sup>18</sup> Section 1001.215, F.S.

<sup>19</sup> Florida Department of Education, *Florida's Charter Schools*, Sept. 2022, available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2022.pdf>

strategies are not consistent with effective teaching strategies and are grounded in scientifically-based reading research.

The terms and conditions for the operation of a charter school, including a virtual charter school, are set by the sponsor and the applicant in a written contractual agreement, called a charter.<sup>20</sup>

### ***Effect of Proposed Changes***

The bill modifies s. 1002.33, F.S., to require a charter school to include in its application reading instructional strategies for foundational skills that include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not include those that employ the three-cueing system model of reading or visual memory (also known as MSV) as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading. The same limitation must also be included in the charter agreement itself.

### **Voluntary Prekindergarten Program Requirements**

#### ***Present Situation***

The Voluntary Prekindergarten Education Program (VPK) prepares early learners for success in kindergarten and beyond. VPK helps build a strong foundation for school using educational material corresponding to various stages in a child's development. To be eligible, children must live in Florida and be 4 years old on or before September 1 of the current school year.<sup>21</sup> Private child care centers and schools, public schools, and specialized instructional services providers offer VPK. Since the program began in 2005-06, more than 2.6 million children have benefited from VPK. Data collected by the DOE show that children who participate in VPK are more ready for kindergarten than children who do not participate in VPK.<sup>22</sup>

The DOE is responsible for administration of the VPK program. Those responsibilities include adopting minimum standards for courses in emergent literacy that are required of all VPK instructors<sup>23</sup> and the development and adoption of performance standards for the program. All VPK providers are required to utilize a curriculum that is developmentally appropriate and be designed to:

- Prepare a student for early literacy and provide for instruction in early math skills.
- Enhance the age-appropriate progress of students in attaining the performance standards.
- Support student learning gains through differentiated instruction measured by the coordinated screening and progress monitoring program.<sup>24</sup>

However, VPK providers are not required to use a state approved curriculum unless the program is required to as part of an improvement plan.

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<sup>20</sup> Section 1002.33, F.S.

<sup>21</sup> Section 1002.53(2), F.S.

<sup>22</sup> Florida Division of Early Learning, *About Voluntary Prekindergarten*, <https://www.floridaearlylearning.com/vpk/floridas-vpk-program> (last visited Mar. 31, 2023).

<sup>23</sup> Section 1002.59(1), F.S.

<sup>24</sup> Section 1002.67, F.S.



### *Effect of Proposed Changes*

The bill modifies s. 1002.59, F.S., to add that each emergent literacy course developed by the DOE must include foundational background knowledge designed to correlate with the content that students will encounter in grades K-12 and that content and strategies must be grounded in the science of reading.

The bill modifies s. 1002.67, F.S., to add:

- That the performance standards developed and adopted by DOE must address emergent literacy skills that are grounded in the science of reading. The performance standards must also include foundational background knowledge designed to correlate with the content that students will encounter in grades K-12.
- A requirement that a VPK provider's curriculum must develop student background knowledge through a content-rich and sequential knowledge-building early literacy curriculum.

### **New Worlds Reading Initiative**

#### *Present situation*

In 2021, the Florida Legislature created the New Worlds Reading Initiative (NWRI), Florida's first statewide book distribution program, to provide at-home literacy supports for students identified with a substantial reading deficiency or students who scored below a Level 3 on the preceding year's statewide, standardized ELA assessment.<sup>25</sup> To improve the literacy skills of students, the NWRI provides home delivery of high-quality, hardcopy free books on a monthly basis to eligible public and charter school students in kindergarten through grade 5. Students remain in the initiative until they are promoted to 6th grade or their parent opts out. Parents are provided resources to help improve their student's reading skills and instill a love of reading.<sup>26</sup>

The Lastinger Center for Learning at the University of Florida administers the NWRI and is responsible for:

- Developing, in consultation with the Just Read, Florida! Office, a selection of high-quality books encompassing diverse subjects and genres for each grade level.
- Distributing books at no cost to students either directly or through an agreement with a book distribution company.
- Maintaining a clearinghouse for information on national, state, and local nonprofit organizations that support efforts to improve literacy and provide books to children.
- Developing, for parents of students in the initiative, resources and training materials that engage families in reading and support the reading achievement of their students.
- Developing a micro-credential that requires teachers to demonstrate competency to diagnose literacy difficulties and determine the appropriate range of literacy interventions based upon the age and literacy deficiency of the student; use evidence-based instructional and intervention practices; and effectively use progress monitoring and intervention materials.

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<sup>25</sup> Section 1003.485(2), F.S.

<sup>26</sup> Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 7039* (2023).



- Administering the early literacy micro-credential program, designed specifically for instructional personnel in prekindergarten through grade 3, which includes components on content, student learning, pedagogy, and professional development, built 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.

In 2022 the New Worlds Reading Initiative served all 67 Florida Counties, 2,387 schools, 165,672 students with over two million books shipped. Over \$7.6 million was raised in tax credit donations.<sup>27</sup>

The Lastinger Center for Learning has developed three micro-credentials, known as the Flamingo Literacy Micro-Credentials that are a hybrid model of online modules, instructor-supported online course and job-embedded practicum. All three credentials are designed so they can be completed in four months.

The application for the micro-credential became available in January of 2023, and 1,327 individuals have enrolled for the emergent micro-credential, 704 for the elementary micro-credential, and 197 for the secondary micro-credential (as of Mar. 6, 2023)<sup>28</sup>

### ***Effect of Proposed Changes***

The bill modifies s. 1003.485, F.S., to define that the evidence-based professional development activities that are included in the Micro-credential must be grounded in the science of reading. The bill also requires the teachers participating the in micro-credential to demonstrate competency in the use of evidence-based instructional and intervention practices that are grounded in the science of reading.

The bill requires the administrator of the New World Reading Initiative to develop, in consultation with the Just Read, Florida! Office an online repository of digital science of reading materials and science of reading instructional resources that is accessible to public school teachers, school leaders, parents, and educator preparation programs and associated faculty.

### **Teacher Preparation Programs**

#### ***Present Situation***

In Florida, teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve state education goals.<sup>29</sup> State approved teacher preparation program uniform core curricula must include scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness,

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<sup>27</sup> Email, Lastinger Center for Learning, External Affairs and Communication (Mar. 20, 2023) (on file with Senate Committee on Education).

<sup>28</sup> Email, Florida Department of Education, Legislative Affairs, (Mar. 6, 2023) (on file with Senate Committee on Education).

<sup>29</sup> Section 1004.04(1)(b), F.S.

phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.<sup>30</sup> Teacher preparation program completers are eligible for a Florida Professional Educator's Certification upon program completion.<sup>31</sup>

Educator Preparation Institutes (EPIs) are offered by Florida postsecondary institutions or qualified private providers to provide instruction for non-education baccalaureate or higher degree holders,<sup>32</sup> resulting in qualification for an initial Florida Professional Educator's Certificate.

### ***Effect of Proposed Changes***

The bill modifies ss. 1004.04 and 1004.85, F.S., to require that the rules to establish uniform core curricula for each state-approved teacher preparation program and each educator preparation institute must include:

- Scientifically researched and evidence-based reading instructional strategies that are grounded in the science of reading.
- Approaches to teaching that must include phonics instruction for decoding and encoding as the primary instructional strategy for word reading.

Approaches to teaching instructional strategies may not include those that employ the three-cueing system model of reading or visual memory (also known as MSV) as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading.

## **District School Board Educational Materials**

### ***Present Situation***

Each Florida district school board or a consortium of school districts may implement an instructional materials program for the review, recommendation, adoption and purchase of instructional materials. Each year the district school superintendent must certify to the DOE by March 31 of each year that all materials for core courses used the by district are aligned with state standards. The certification must include a list of the core instructional materials that will be used or purchased for use.<sup>33</sup> Instructional materials that have been reviewed by district instructional materials reviewers must meet state academic standards<sup>34</sup> and must meet the requirements of reviewers set in statute.<sup>35</sup>

### ***Effect of Proposed Changes***

The bill modifies ss. 1006.283 and 1006.31, F.S., to require that all instructional materials reviewed and approved through the school district, consortium, or state-level evaluation process

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<sup>30</sup> Section 1004.04(2)(b)3., F.S.

<sup>31</sup> Florida Department of Education (DOE), *Educator Preparation*, <http://www.fldoe.org/teaching/preparation/> (last visited Apr. 03, 2023), and Rule 6A-5.066(1)(k), F.A.C.

<sup>32</sup> Section 1004.85, F.S.

<sup>33</sup> Section 1006.283(1), F.S.

<sup>34</sup> Section 1003.41, F.S.

<sup>35</sup> Section 1006.31, F.S.

for foundational reading skills must be based on the science of reading and include phonics instruction for decoding and encoding as the primary strategies for word reading. Instructional strategies may not include those that employ the three-cueing system model of reading or visual memory (also known as MSV) as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading.

## **Support for Underperforming Students**

### ***Present Situation***

It is the intent of the Legislature that each student's progression from one grade to another be determined, in part, upon satisfactory performance in English Language Arts, social studies, science, and mathematics. District school board policies should facilitate student achievement and each student and his or her parent be informed of that student's academic progress.<sup>36</sup> Students should have access to educational options that provide academically challenging coursework or accelerated instruction.<sup>37</sup>

### **Reading**

State Board of Education (SBE) rule provides criteria for determining whether a student has a substantial deficiency in reading. A student is identified as having a substantial deficiency in reading if:<sup>38</sup>

- For kindergarten and grades 1 and 2, the student scores below the tenth (10th) percentile or is unable to complete the practice items on the coordinated screening and progress monitoring system and the student has demonstrated, through progress monitoring, formative assessments, or teacher observation data, minimum skill levels for reading competency in one or more of the following areas:<sup>39</sup>
  - phonological awareness
  - phonics
  - vocabulary, including oral language skills
  - fluency, or
  - comprehension.<sup>40</sup>
- For grade 3, the student scores a Level 1 on the end of the year statewide, standardized English Language Arts assessment,<sup>41</sup> or below the twentieth (20th) percentile at the beginning or middle of the year on the coordinated screening and progress monitoring system<sup>42</sup> and the student has demonstrated, through progress monitoring, formative assessments, or teacher observation data, minimum skill levels for reading competency in one or more of the following areas;
  - phonological awareness,

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<sup>36</sup> Section 1008.25(1), F.S.

<sup>37</sup> Section 1002.3105, F.S.

<sup>38</sup> Rule 6A-6.053(10), F.A.C.

<sup>39</sup> Rule 6A-6.053(10), F.A.C.

<sup>40</sup> Rule 6A-6.053(10), F.A.C.

<sup>41</sup> Section 1008.22(3), F.S.

<sup>42</sup> Section 1008.25(8), F.S.

- phonics,
- vocabulary, including oral language skills,
- fluency, or
- comprehension.<sup>43</sup>

The parent of any student who exhibits a substantial deficiency in reading must be notified in writing of the deficiency and of all available services and proposed interventions, and be provided with a “read at home plan,” which outlines strategies that parents can use to help their children improve in reading<sup>44</sup>

### Mathematics

Florida law requires all public school students in grades 3 through 8 to participate in the annual statewide, standardized mathematics assessment.<sup>45</sup> The law also provides that students enrolled in Algebra 1 and Geometry courses must take the associated statewide, standardized end-of-course (EOC) assessment.<sup>46</sup> A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score,<sup>47</sup> in order to earn a standard high school diploma.<sup>48</sup> A student who does not achieve a Level 3 or above on the statewide, standardized Mathematics assessment or the Algebra I EOC assessment must be evaluated to determine the nature of the student’s difficulty, the areas of academic need, and strategies for providing academic supports to improve the student’s performance.<sup>49</sup>

A student who is not meeting the school district or state requirements for satisfactory performance in mathematics must be covered by one of the following plans:

- A federally required student plan such as an individual education plan;
- A school-wide system of progress monitoring for all students, except that a student who scores Level 4 or above on the mathematics assessment may be exempted from participation by the principal; or
- An individualized progress monitoring plan.<sup>50</sup>

### ***Effect of the Proposed Changes***

The bill modifies s. 1008.25, F.S., to modify or create a number of requirements for struggling students in reading or mathematics.

### Reading

The bill requires students with a substantial deficiency in reading to be provided with services such as an individual education plan (IEP) or an individualized progress monitoring plan or both. The bill adds requirements to the individualized progress monitoring plan to include the following:

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<sup>43</sup> Rule 6A-6.053(10), F.A.C.

<sup>44</sup> Section 1008.25

<sup>45</sup> Section 1008.22(3)(a), F.S.

<sup>46</sup> Section 1008.22(3)(b), F.S.

<sup>47</sup> See rule 6A-1.09422(8)(b)2., F.A.C.

<sup>48</sup> Section 1003.4282(3), F.S.

<sup>49</sup> Section 1008.25(4)(a), F.S.

<sup>50</sup> Section 1008.25(4)(b), F.S.

- The student's specific, diagnosed reading or mathematics skill deficiencies.
- Goals and benchmarks for student growth in reading or mathematics.
- A description of the specific measures that will be used to evaluate and monitor the student's reading or mathematics progress.
- For a substantial reading deficiency, the specific evidence-based literacy instruction grounded in the science of reading which the student will receive.
- Strategies, resources, and materials that will be provided to the student's parent to support the student to make reading or mathematics progress.
- Any additional services the teacher deems available and appropriate to accelerate the student's reading or mathematics skill development.

The bill requires the following for programs aimed at helping students in kindergarten through grade 3 with a reading deficiency:

- A student who exhibits the characteristics of dyslexia must be provided specified reading interventions, which must be specified in SBE rule.
- The DOE must provide a list of state-vetted and approved reading and intervention programs beyond what is provided for all students.
- Reading intervention programs must:
  - Include explicit, direct instruction that is systematic, sequential, and cumulative in language development, phonological awareness, phonics, fluency, vocabulary, and comprehension.
  - Include daily targeted small group reading interventions based on student need in phonological awareness, phonics including decoding and encoding, sight words, vocabulary, or comprehension.
  - Be implemented during regular school hours.

The bill requires school districts to evaluate students at the end of every grading period to determine if the student exhibits a reading deficiency, and provide supports. The district may not wait to provide supports until the student is identified using screening, diagnostic, progress monitoring or assessment data, statewide assessments, or teacher observations. The coordinated screening and progress monitoring system must identify students who have a substantial deficiency in mathematics and dyscalculia.

The bill modifies requirements for students retained in third grade to clarify that:

- Reading instruction must be grounded in the science of reading.
- Reading instruction may include explicit and systematic instruction with more explanations, guided practice and feedback, and supplemental evidence-based reading interventions grounded in the science of reading that is delivered by a highly-effective teacher certified or endorsed in reading.

The bill requires that the primary instructional strategy for word reading for retained students is phonics instruction for decoding and encoding. Instructional strategies must not include those that employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but should not be used to teach word reading.

### Mathematics

The bill creates an identification, intervention, and parental notification structure in mathematics similar to that of reading for students in kindergarten through grade 4 who exhibit a substantial deficiency in mathematics or the characteristics of dyscalculia. The program must include:

- Providing systematic and explicit mathematics instruction to address deficiencies that include either:
  - Daily targeted small group intervention.
  - Supplemental evidence-based interventions delivered by a highly qualified math teacher or trained tutor.
- Monitoring of student progress.

The bill requires the DOE to adopt rules to provide guidelines for determining whether a student in kindergarten through grade 4 has a substantial deficiency in mathematics.

The bill requires the DOE to provide a list of state vetted and approved mathematics intervention programs, curricula, and high quality supplemental materials which may be used to address a student's mathematics deficiencies. The DOE will work with the Florida Center for Mathematics and Science Education Research<sup>51</sup> to disseminate information to school district and teachers. The resources much include programs that schools can share with parents as part of a home-based plan that is available online and includes:

- Developmentally appropriate, evidence-based strategies including links to video training and the ability for parent to sign up for activities delivered via text or email.
- An overview of the types of assessments used to identify mathematics deficiencies and the types of interventions and supports.
- An overview of the process of initiating and conducting evaluations for exceptional education eligibility.
- Characteristics of conditions associated with learning disorders including dyslexia, dysgraphia, dyscalculia and developmental aphasia.
- Resources for parents to support informed decision making processes which upon request of the parent must be provided in hardcopy.

The bill requires that schools not wait for a student to receive a failing grade at the end of a grading period to identify a student as having a substantial mathematics deficiency and initiating interventions or an evaluation for exceptional student status<sup>52</sup> if the parent submits documentation from a profession licensed under psychological services which demonstrates that the student has been diagnosed with dyscalculia.

The bill requires monitoring of the student's progress until the student demonstrates grade level proficiency as determined by the district.

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<sup>51</sup> Section 1004.86, F.S.

<sup>52</sup> Section 1003.57, F.S.

The bill modifies requirements of the coordinated screening and progress monitoring program used to measure student performance in Voluntary Prekindergarten (VPK) and public schools. Specifically the bill requires:

- The coordinated screening and progress monitoring system to identify students who have a substantial deficiency in mathematics.
- The coordinated screening and progress monitoring system to identify students with the characteristics of dyscalculia.
- Reporting results from the coordinated screening and progress monitoring system must include the number of students who demonstrate characteristics of dyscalculia.

The bill adds requirements for students retained at grade 3. Specifically the bill requires:

- Reading instruction to be “grounded in science.”
- Summer reading camps to place rigor and grade-level learning at the forefront.
- Small group instruction to be targeted.
- Explicit and systematic instruction with more explanations, guided practice and feedback.
- Supplemental evidence-based reading interventions to be delivered by a teacher who is certified or endorsed in reading and is rated highly effective on their performance evaluation.

The bill requires the parents of a student with a substantial deficiency in mathematics to be notified. The notification must be in writing and must include the following:

- An explanation of the exact nature of the student’s difficulty.
- A description of the current services provided to the student.
- A description of the proposed intensive interventions.
- Strategies the parent can use in a home-based plan to help the student succeed including access to resources developed by the DOE specifically for use in a home-based plan.
- Monthly notice of the student’s progress.

## **Early Warning System**

### ***Present Situation***

Each school in Florida that serves students in kindergarten through grade 8 is required to implement an early warning system to identify students in such grades who need additional support to improve academic performance and stay engaged in school. The early warning system must include the following early warning indicators:

- Attendance below 90 percent, regardless of whether absence is excused or a result of out-of-school suspension.
- One or more suspensions, whether in school or out of school.
- Course failure in English Language Arts or mathematics during any grading period.
- A Level 1 score on the statewide, standardized assessments in English Language Arts or mathematics or, for students in kindergarten through grade 3, a substantial reading deficiency as prescribed in law.<sup>53</sup>

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<sup>53</sup> Section 1001.42(18), F.S.



### ***Effect of Proposed Change***

The bill modifies s. 1001.42, F.S., to add to the early warning system an indicator that includes a substantial mathematics deficiency for students in kindergarten through grade 4.

## **Reading Achievement Initiative for Scholastic Excellence**

### ***Present Situation***

In 2021 the Reading Achievement Initiative for Scholastic Excellence (RAISE) Program was established within the DOE to provide instructional supports to school districts and their staff in implementing evidence-based reading instruction and interventions in order to improve student reading achievement. The RAISE program established 20 literacy support regions and regional support teams to assist school districts in improving low reading scores. Directors and teams are required to consist of personnel who have completed the competency-based reading endorsement pathway and meet other specified requirements related to reading instruction and progress monitoring.<sup>54</sup>

The RAISE High School Tutoring Program prepares eligible high school students to tutor students in kindergarten through grade three. School districts that wish to participate in the RAISE High School Tutoring Program must recruit, train and deploy eligible high school students using the materials developed by the Florida DOE.<sup>55</sup>

### ***Effect of the Proposed Changes***

The bill modifies s. 1008.365, F.S., related to the RAISE Act. The bill requires that activities related to the regional literacy support directors, the regional support team, and tutoring program be grounded in the science of reading.

## **Supplemental Academic Instruction**

### ***Present Situation***

The Supplemental Academic Instruction (SAI) component of the Florida Education Finance Program (FEFP) provides additional funding for school districts for supplemental academic instruction. School districts with schools earning a “D” or “F” grade must use those schools’ portion of SAI funds to implement intervention and support strategies for school improvement and for salary incentives. For all other schools, the district may use SAI funds for reading instruction, modified curriculum, after-school instruction, tutoring, mentoring, class size reduction, extended school year instruction, summer instruction, dropout prevention programs, and other methods of improving student achievement or instruction provided during or beyond the 180-day school year. For the 2022-2023 fiscal year SAI funding was \$719,314,907.

The Evidenced-Based Reading Instruction Allocation is provided for a system of comprehensive reading instruction to students enrolled in prekindergarten through grade 12 programs as well as certain students who exhibit a substantial deficiency in early literacy. For the 2022-2023 fiscal

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<sup>54</sup> Section 1008.365, F.S.

<sup>55</sup> Florida Department of Education, *Reading Achievement Initiative for Scholastic Excellence Act (RAISE) High School Tutoring Program*, <https://www.fldoe.org/academics/standards/just-read-fl/tutoring.stml> (last visited Apr. 03, 2023).

year, the evidence-based reading allocation was \$170,000,000. An amount of \$115,000 is allocated to each district, and the remaining balance is allocated based on each district's proportion of the total K-12 base funding.<sup>56</sup>

### ***Effect of the Proposed Changes***

The bill modifies s. 1011.62, F.S., regarding the funds for operation of school and specifically for the supplemental academic instruction (SAI). Specifically the bill:

- Allows schools that are not “D” or “F” graded schools to use funding for evidence based mathematics interventions extending beyond the school day.
- Requires schools that are not “D” or “F” graded schools using funds for intensive skills development in summer school for those programs to place rigor and grade-level learning at the forefront.

The bill modifies the Evidence-based Reading Instruction Allocation to require:

- That supplemental instructional materials identified by the Just Read, Florida! Office be based on the science of reading and include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies must not include those that employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but should not be used to teach word reading.
- Each district in their annual comprehensive reading plan to describe how the district prioritizes the assignment of highly effective teachers and how reading coaches are assigned to individual schools.
- The new required plan provisions to be approved by the Just Read, Florida! Office.

### **Educator Certification**

#### ***Present Situation***

The DOE has developed, and each school district, charter school, and charter management organization may provide, a cohesive competency-based professional development certification and education competency program by which instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in Florida law<sup>57</sup> and rule.<sup>58</sup> Participants must hold a state-issued temporary certificate. The program must include the following:

- A minimum period of initial preparation before assuming duties as the teacher of record.
- An option for collaboration with other supporting agencies or educational entities for implementation.
- A teacher mentorship and induction component.<sup>59</sup>

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<sup>56</sup> Florida Department of Education, *2022-23 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>.

<sup>57</sup> Section 1012.56(6), F.S.

<sup>58</sup> Rule 6A-5.069, F.A.C.

<sup>59</sup> Section 1012.56(8), F.S.

DOE and district school boards are responsible for issuing renewals of professional certificates depending on the employment status of the individual who holds a state issued professional certificate. District school boards are responsible for issuing renewals for those individuals employed the district, and the DOE is responsible for issuing renewals for those individuals who are not employed by a school district.<sup>60</sup> General requirements are established in law<sup>61</sup> and rule.<sup>62</sup>

### ***Effects of the Proposed Changes***

The bill modifies s. 1012.56, F.S., in regard to the professional development and education programs. Specifically the bill requires:

- Professional education preparation content knowledge to include researched and evidence-based instructional strategies grounded in the science of reading.
- That reading instructional strategies for foundational skills include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies must not include those that employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but should not be used to teach word reading.
- That each district must maintain a system or program by which instructional staff may demonstrate mastery of professional and educational competence and the program must include scientifically researched and evidence-based reading instructional strategies grounded in the science of reading which improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, text comprehension, and multisensory intervention strategies.

The bill modifies s. 1012.585, F.S., regarding the requirements for renewal of a professional certificate. Specifically the bill:

- Requires knowledge-based reading literacy training as part of the college credits or in-service points to be grounded in the science of reading.
- Adds to the renewal requirements for a certificate with a validity date of July 1, 2020, or later, in an area identified by the DOE to include reading instruction or intervention for any students in kindergarten through grade 6, that the credits or points in evidence-based instructions and interventions must be grounded in the science of reading.

## **School Community Professional Development Act**

### ***Present Situation***

The School Community Professional Development Act<sup>63</sup> outlines the expectations for a coordinated, statewide system of professional development that increases student achievement; enhances classroom instruction to promote rigor and relevance throughout the curriculum; and prepares students for success in college, career and life. The goals are to:

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<sup>60</sup> Section 1012.585(1), F.S.

<sup>61</sup> Section 1012.585(2), F.S.

<sup>62</sup> Rule 6A-4.0051, F.A.C.

<sup>63</sup> Section 1012.98, F.S.

- Increase student achievement.
- Enhance classroom instruction to promote rigor and relevance throughout the curriculum.
- Prepare students for success in college, career, and life.

Responsibilities of the system are distributed among many collaborative partners including the Florida DOE; public postsecondary institutions, school districts, and schools; and state education foundations, consortia, and professional organizations. These responsibilities, as well as the scope, focus and required elements for Florida's professional learning system are set forth in a series of connected statutes and rules that address the importance of professional growth for educators and the essential need for school districts to maintain professional learning systems.

The state's has a systemic process for enabling professional learning. To support this key component of quality school improvement, Florida has several elements:

- State standards for high-quality professional learning.
- District professional learning systems.
- District professional learning catalogs.
- Professional learning review protocol materials and site visits for evaluation of district professional learning systems.<sup>64</sup>

### ***Effect of the Proposed Changes***

The bill modifies s. 1012.98, F.S., regarding the School Community Professional Development Act, that:

- Requires training for foundational skills to reading coaches, classroom teachers, and school administrators to identify characteristics of dyslexia and other causes diminished phonological process skills be based on the science of reading and include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not include those that employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but should not be used to teach word reading.
- Requires that for contracted training for teaching foundational skills that those contracted trainings be based on the science of reading and include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not include those that employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but should not be used to teach word reading.

The bill takes effect on July 1, 2023.

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<sup>64</sup> Florida Department of Education, *Florida's Coordinated System of Professional Development*, <https://www.fldoe.org/teaching/professional-dev/> (last visited Apr. 03, 2023).

**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:

None.

## C. Government Sector Impact:

This bill could have a significant but indeterminate negative fiscal impact on state revenues or expenditures. For example, the bill:

- Requires the DOE to work with Just Read Florida! to revise the minimum standards for courses in emergent literacy for prekindergarten instructors to include certain reading instructional criteria; and developing an online repository of reading and science of reading resources.
- Requires the administrator of the New Worlds Reading Initiative to develop an online repository of reading materials that is assessable to various users across the education community
- Requires implementation of identification, interventions and notifications regarding students with a substantial deficiency in mathematics.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

It is unclear how the requirement for the Just Read, Florida! Office, in conjunction with the Lastinger Center for Learning at the University of Florida, to develop an online repository will differ from a similar repository hosted by the Florida Center for Reading Research.<sup>65</sup>

The bill is generally replacing the term “Next Generation Sunshine State Standard” with “the state standards.” Sections 3 and 10 still contain a reference to the Sunshine State Standards.

The Office of Early Learning was changed to the Division of Early Learning in the Department of Education in 2021; section 11 still contains a reference to the Office of Early Learning.

**VIII. Statutes Affected:**

The bill substantially amends the following sections of the Florida Statutes: 1001.215, 1001.42, 1002.33, 1002.59, 1002.67, 1003.485, 1004.04, 1004.85, 1006.283, 1006.31, 1008.25, 1008.365, 1011.62, 1012.56, 1012.585, 1012.98, 1002.37, 1002.45, 1002.53, 1002.68, 1008.2125, 1008.22, 1008.34, and 1008.345.

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

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

None.

**B. Amendments:**

None.

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

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<sup>65</sup> Florida Center for Reading Research, *Reading Program Repository*, <https://fcrr.org/repository> (last visited Mar. 23, 2023).