

**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: SB 7038

INTRODUCER: Appropriations Committee; Education Pre-K -12 Committee; and Senator Yarborough

SUBJECT: Education

DATE: February 2, 2024

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Heather Gray</u>	<u>Bouck</u> <u>Sadberry</u>	<u>AP</u>	<b>ED Submitted as Committee Bill</b> <b>Fav/CS</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 7038 bill enhances the New World Reading Initiative (NWRI) by:

- Designating the University of Florida Lastinger Center for Learning as the administrator of the program.
- Codifying the Lastinger Center for Learning at the University of Florida in law and establishes duties for the center.
- Establishing the New Worlds Tutoring Program to support school districts and schools in improving student achievement in reading and mathematics.
- Expanding the eligibility for the New Worlds Scholarship Accounts to include Voluntary Prekindergarten (VPK) students.
- Clarifying student eligibility for supports under the NWRI as identified in student progress monitoring.
- Providing a mechanism for parents to use the New Worlds Scholarship Account to make direct purchases of qualifying expenditures.
- Establishes a grant program to extend the use of artificial intelligence in order to improve outcomes and reduce teacher workload.

The bill is subject to legislative appropriation, so does not have a direct fiscal impact. See Section V, fiscal impact statement.

The bill takes effect July 1, 2024.

## II. Present Situation:

### New Worlds Reading Initiative

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 English Language Arts (ELA) assessment.<sup>1</sup> To improve the literacy skills of students in prekindergarten through grade 12, the NWRI consists of:

- The program to provide high-quality, free books to students in prekindergarten through grade 5 who:
  - Are not yet reading on grade level;
  - Have a substantial reading deficiency in reading or the characteristics of dyslexia based upon screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations;<sup>2</sup>
  - Have a substantial deficiency in early literacy skills based upon the results of the coordinated screening and process monitoring (CSPM); or
  - Scored below a Level 3 on the preceding year's statewide, standardized English Language Arts assessment.
- The New Worlds Scholarship Program.
- The New Worlds Scholar Program, which rewards high school students who instill a love of reading and improve the literacy skills of students in kindergarten through grade 3.
- The micro-credential program, which emphasizes strong core instruction and a tiered model of reading interventions for struggling readers.<sup>3</sup>

### *Department of Education Responsibilities*

To facilitate the NWRI, the Department of Education (DOE) is required to designate an administrator to implement the initiative and to receive funding. The administrator is required to be a state university registered with the DOE as an eligible nonprofit scholarship-funding organization.<sup>4</sup> In addition, the administrator must have an academic innovation institution with extensive experience in:

- Conducting academic research in early literacy instruction.
- Implementing online delivery of early learning and literacy training for educators nationally.
- Developing online support materials that assist parents and caregivers in developing early literacy skills.
- Conducting fundraising and public awareness campaigns to support the development and growth of evidence-based educational initiatives that support learning at home and in schools.<sup>5</sup>

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<sup>1</sup> Section 1003.485(2), F.S.

<sup>2</sup> Section 1008.25(5), F.S.

<sup>3</sup> Section 1003.485(2), F.S.

<sup>4</sup> Section 1003.485(1), F.S. Section 1002.395(15), F.S., establishes eligibility for a university to serve as a scholarship funding organization.

<sup>5</sup> Section 1003.485(3)(a), F.S.

### ***The Lastinger Center for Learning***

The Lastinger Center for Learning at the University of Florida is the designated administrator of the NWRI.<sup>6</sup> As the administrator, the Lastinger Center for Learning is required to administer the early literacy micro-credential program. The micro-credential curriculum is required to be designed specifically for instructional personnel in prekindergarten through grade 3 based upon the strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonological and phonemic awareness, vocabulary and comprehension development, and foundational background knowledge designed to correlate with the content that students will encounter in grades K-12, consistent with the evidence-based content and strategies grounded in the science of reading.<sup>7</sup>

The Lastinger Center for Learning has developed three micro-credentials, known as the Flamingo Literacy Micro-Credentials, which are a hybrid model of online modules, instructor-supported online courses, and job-embedded practicum. All three credentials are designed so they can be completed in four months.<sup>8</sup>

The application for the micro-credential became available in January 2023 and as of December 31, 2023, 2,838 individuals have completed the emergent micro-credential, 934 completed the elementary micro-credential, and 185 completed the secondary micro-credential. Also, 791 Voluntary Prekindergarten Program (VPK) personnel completed either the emergent or elementary literacy micro-credential.<sup>9</sup>

The administrator is required to annually submit to the DOE an annual financial report that includes, at a minimum, the amount of eligible contributions received by the administrator; the amount spent by the administrator on all of the activities required by the NWRI, including administrative expenses; and the number of students and households served under the NWRI.<sup>10</sup>

In 2022 the New Worlds Reading Initiative served all 67 Florida counties, 2,387 schools, and 165,672 students with over two million books shipped. Over \$7.6 million was raised in tax credit donations.<sup>11</sup> Beginning with the 2023-2024 school year, VPK students were included in the program, and over 3,500 have already been approved to receive books.<sup>12</sup>

### ***Professional Development***

Traditional professional development is differentiated from professional learning, which is intended to result in system-wide changes in student outcomes. Professional development is usually associated with one-time workshops, seminars, or lectures that are one-size-fits-all.

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<sup>6</sup> UF Lastinger Center for Learning, *About: History*, <https://lastinger.center.ufl.edu/about/> (last visited Jan. 26, 2024).

<sup>7</sup> Sections 1003.485(4) and 1002.59(1), F.S.

<sup>8</sup> UF, Lastinger Center for Learning, *Flamingo Literacy Micro-Credentials*, <https://lastinger.center.ufl.edu/work/literacy/flamingo-literacy/literacy-microcredentials/> (last visited Jan. 26, 2024).

<sup>9</sup> Email, Florida Department of Education (Jan. 8, 2024) (on file with Senate Committee on Education Pre-K-12).

<sup>10</sup> Section 1003.485(4), F.S.

<sup>11</sup> University of Florida, Lastinger Center for Learning, 2022 Annual Report (2022), *available at* [https://lastinger.center.ufl.edu/wp-content/uploads/2023/03/LC-Annual-Report-2022\\_web-2.pdf](https://lastinger.center.ufl.edu/wp-content/uploads/2023/03/LC-Annual-Report-2022_web-2.pdf).

<sup>12</sup> Email, Lastinger Center for Learning, External Affairs and Communication (Jan. 8, 2024) (on file with Senate Committee on Education Pre-K-12).

Professional learning is typically interactive, ongoing, and tailored to the needs of educators. This approach encourages educators to take ownership of learning and apply what they've learned in different contexts.<sup>13</sup>

### **Coordinated Screening and Progress Monitoring**

To facilitate timely interventions and supports for students in prekindergarten through grade 10, VPK providers and public schools in Florida are required to participate in a coordinated screening and progress monitoring system (CSPM) for students in VPK through grade 8 for mathematics and VPK through grade 10 in ELA. The CSPM tool is administered three times each school year and is required to:

- Measure student progress in meeting the appropriate expectations in early literacy and mathematic skills and in English Language Arts and mathematic standards.
- For students in VPK to grade 3 measure student performance in oral language development, phonological and phonemic awareness, knowledge of print and letters, decoding, fluency, vocabulary, and comprehension, as applicable by grade level.
- Be valid, reliable, and developmentally appropriate computer-adaptive that identifies students who have a substantial deficiency in reading, including identifying students with characteristics of dyslexia.
- Provide data that can be used for VPK Program accountability requirements.
- Provide VPK program providers, school districts, schools and teachers with data and resources that enhance differentiated instruction and parental communication.
- Provide baseline data to the DOE of each student's readiness for kindergarten.
- Assess how well educational goals and curricular standards are met at the provider, school, district, and state levels and provide information to the DOE to aid in the development of educational programs, policies, and supports for providers, districts, and schools.
- Provide results from the first two administrations of the CSPM to a student's teacher within one week and to the student's parent within two weeks of the administration of the CSPM.<sup>14</sup>

Additional academic supports are required for students in kindergarten through grade 3 who exhibit a substantial deficiency<sup>15</sup> in reading or characteristics of dyslexia and students in kindergarten through grade 4 who exhibit a substantial deficiency in math or the characteristics of dyscalculia.

### **New Worlds Scholarship Accounts**

The New Worlds Scholarship Accounts provide educational options for students enrolled in kindergarten through grade 5 on a first-come, first-served basis, who have a substantial

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<sup>13</sup> IES REL Regional Educational Laboratory Program, *Distinguishing Professional Learning from Professional Development*, [https://ies.ed.gov/ncee/edlabs/regions/pacific/blogs/blog2\\_DistinguishingProfLearning.asp#:~:text=Professional%20development%2C%20which%20%E2%80%9Chappens%20to%E2%80%9D%20teachers%2C%20is%20often,typically%20interacti ve%2C%20sustained%2C%20and%20customized%20to%20teachers%27%20needs.](https://ies.ed.gov/ncee/edlabs/regions/pacific/blogs/blog2_DistinguishingProfLearning.asp#:~:text=Professional%20development%2C%20which%20%E2%80%9Chappens%20to%E2%80%9D%20teachers%2C%20is%20often,typically%20interacti ve%2C%20sustained%2C%20and%20customized%20to%20teachers%27%20needs.) (last visited Jan. 26, 2024).

<sup>14</sup> Section 1008.25(9), F.S.

<sup>15</sup> State Board of Education rule 6A-6.0533, F.A.C., provides the framework for determining whether a student has a substantial deficiency in math, and rule 6A-6.053, F.A.C., provides for the identification of students with a substantial reading deficiency.

deficiency in reading or math or exhibits characteristics of dyslexia or dyscalculia, as assessed by the CSPM, or who scored below a Level 3 on the statewide, standardized ELA or Mathematics assessment in the prior school year. An eligible student who is classified as an English Language Learner and is enrolled in a program or receives services that are specifically designed to meet the instructional needs of such students is given priority for the scholarship.<sup>16</sup> For the 2023-2024 school year, the amount of the scholarship is \$500 per eligible student.<sup>17</sup>

An eligible nonprofit scholarship-funding organization participating in the Florida Tax Credit Scholarship Program<sup>18</sup> may establish scholarship accounts for eligible students.<sup>19</sup> For an eligible student to receive a scholarship account, the student's parent must:

- Submit an application to an eligible nonprofit scholarship-funding organization by the deadline established by such organization; and
- Submit eligible expenses to the eligible nonprofit scholarship-funding organization for reimbursement of qualifying expenditures.<sup>20</sup>

Qualifying expenditures include:

- Instructional materials.
- Curriculum.
- Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate, a person who holds a baccalaureate or graduate degree in the subject area, a person who holds an adjunct teaching certificate, or a person who has demonstrated a mastery of subject area knowledge.
- Fees for summer education programs designed to improve reading, literacy, or mathematics skills.
- Fees for after-school education programs designed to improve reading, literacy, or mathematics skills.<sup>21</sup>

By September 30 of each year, the school district is required to notify the parent of each eligible student of the process to request and receive a scholarship.<sup>22</sup> The eligible nonprofit scholarship-funding organization may develop a system for payment of scholarship funds by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the DOE deems to be commercially viable or cost-effective.<sup>23</sup>

A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system must be procured by competitive solicitation unless they are purchased from a state term contract. Payment of the

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<sup>16</sup> Section 1002.411(2), F.S.

<sup>17</sup> Florida Department of Education, *New Worlds Reading Scholarship Accounts*, <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/reading/> (last visited Jan. 26, 2024).

<sup>18</sup> Section 1002.395, F.S.

<sup>19</sup> Section 1002.411(4), F.S.

<sup>20</sup> Section 1002.411(3), F.S.

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

<sup>22</sup> Section 1002.411(6), F.S.

<sup>23</sup> Section 1002.411(7), F.S.

scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.<sup>24</sup>

### **The Use of Artificial Intelligence in Education**

Artificial intelligence (AI) has the potential to improve K-12 education in the United States. For students, AI can provide them a personalized learning experience tailored to their individual preferences and needs, immediate feedback on their work and answers to their questions, and increased access to tutoring and other educational materials. For teachers, it can help automate some of their workload, design better interventions, and reduce burnout. And for administrators, AI can monitor student progress and provide preemptive interventions with the help of predictive analytics.<sup>25</sup>

### **III. Effect of Proposed Changes:**

The bill enhances the New World Reading Initiative (NWRI) by:

- Establishing the New Worlds Tutoring Program to support school districts and schools in improving student achievement in reading and mathematics.
- Expanding the eligibility for the New Worlds Scholarship Accounts to include Voluntary Prekindergarten (VPK) students.
- Clarifying student eligibility for supports under the NWRI as identified in student progress monitoring.
- Providing a mechanism for parents to use the New Worlds Scholarship Account to make direct purchases of qualifying expenditures.

### **Digital Learning**

The bill modifies s. 1002.321, F.S., to authorize a school district to receive grant funds for subscription fees and professional learning to support and accelerate learning for students in grades 6 through 12 during the school day. The bill requires grant recipients to select an artificial intelligence platform that:

- Uses large language models based on GPT-4, its equivalent, or a successor, and is on a closed system.
- Provides professional learning to teachers.
- Provides one-on-one tutoring aligned to the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards for reading and mathematics.
- Provides standards-aligned lesson plans and provides insights on student progress.
- Provides district and school-level reporting and parental access to artificial intelligence interactions.

The bill states that artificial intelligence provides opportunities to customize and accelerate learning for students and reduce teacher workload.

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<sup>24</sup> *Id.* State term contracts must meet the requirements in s. 287.056, F.S.

<sup>25</sup> Gillian Diebol and Chelsea Han, *How AI Can Improve K-12 Education in the United States* (April 2020), available at <https://www2.datainnovation.org/2022-ai-education.pdf> (Last visited Jan. 30, 2024).

### **New Worlds Reading Initiative**

The bill amends s. 1003.485, F.S., to modify requirements of the New Worlds Reading Initiative.

#### ***Department of Education Responsibilities***

The bill modifies the responsibilities of the Department of Education (DOE) to:

- Remove the requirement that DOE designate an administrator to implement the New Worlds Reading Initiative to receive funding.
- Require the DOE to provide the administrator with progress-monitoring data for all eligible students in prekindergarten through grade 12 within 30 days after the close of each progress-monitoring period.

#### ***Lastinger Center for Learning***

The bill specifies that the University of Florida Lastinger Center for Learning (Lastinger Center) is the administrator of the New Worlds Reading Initiative. The bill adds to the required annual financial report from the administrator the number of micro-credentials and reading endorsements earned, a breakdown of students households served under each component of the New Worlds Reading Initiative, and the means by which additional literacy support was provided to students.

The bill renames the early literacy micro-credential as the New Worlds micro-credential program.

The bill creates s. 1004.561, F.S., to identify the responsibilities of the Lastinger Center. The bill requires the Lastinger Center to:

- Develop and administer programs to improve student achievement outcomes in early learning, literacy, and mathematics.
- Provide professional learning for educators to improve the quality of instruction in early learning, literacy, and mathematics. The bill provides that professional learning includes the development of the New Worlds micro-credentials and may include the development of other micro-credentials that require educators to demonstrate competency. The bill specifies that micro-credentials must be provided at low or no cost and be personalized, and may be provided online or in person.
- Provide technical assistance and support to school districts and schools and early learning coalitions in improving student achievement.
- Conduct and publish research on teaching and learning in early learning, literacy, and mathematics, as well as professional learning for educators.
- Administer the New Worlds Tutoring Program that supports school districts and schools in improving student achievement in reading and mathematics.

The bill creates s. 1008.366, F.S., to establish the New Worlds Tutoring Program to support school districts and schools in improving student achievement in reading and mathematics by:

- Providing best practice science of reading guidelines for districts in consultation with the Just Read, Florida! Office.

- Providing best practice guidelines for mathematics tutoring in alignment with Florida’s Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards for mathematics.
- Establishing minimum standards that each school district must meet to participate in the program.
- Providing access during the school day to additional literacy or mathematics support through evidence-based<sup>26</sup> automated literacy tutoring software that provides each student with real-time interventions that are based in science of reading principles or mathematics instructional best practices and individually tailored to the needs and ability of each student. The bill requires access to be provided to students enrolled in a public school in grades kindergarten through grade 5 who have a substantial deficiency in reading or mathematics in accordance with s. 1008.25, F.S.

The bill requires the minimum standards of the tutoring program to address all of the following:

- Appropriate group sizes for tutoring sessions.
- The frequency and duration of tutoring sessions.
- Minimum staffing qualifications for tutors.
- The use of ongoing, informal and formal assessments to target instructional interventions.
- Prioritization strategies for tutoring students.

The bill authorizes district school boards to use program funds for:

- Stipends for in-person tutoring during the school day, before and after school, or during a summer program. The bill specifies that in-person tutoring may be provided to, at a minimum, kindergarten through grade 5 students enrolled in a public school who have a substantial deficiency in reading or mathematics. To identify eligible students, the bill requires the DOE to provide the Lastinger Center with mathematics and reading progress monitoring data for eligible kindergarten through grade 12 students within 30 days after the close of each progress monitoring period.
- Providing technical assistance and professional learning to school districts, including:
  - Advising district staff on tutoring program design and intervention selection upon request.
  - Assisting districts in reviewing tutoring programs, professional learning programs, curriculum, and resources to ensure that they adhere to the science of reading or best practices in mathematics.
  - Providing professional learning to district staff to build their knowledge and skills around the science of reading or best practices in mathematics.

The bill requires the Lastinger Center to annually, by July 1, provide to the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education a report summarizing school district use of program funds and student academic outcomes as a result of the additional literacy or mathematics support provided under the New Worlds Tutoring Program.

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<sup>26</sup> The term “evidence-based” is defined as “demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes as provided in 20 U.S.C. s. 8101(21)(A)(i),” which is the definition provided in s. 1003.4201, F.S.



### ***New Worlds Book Distribution***

The bill specifies that identification of an eligible prekindergarten through grade 5 student is based on the most recent, rather than preceding year's, performance on the statewide, standardized English Language Arts (ELA) assessment.

### ***Professional Learning***

The bill also changes references to "professional development" to "professional learning" as it relates to the New Worlds Reading Initiative.

### ***New Worlds Scholarship Accounts***

The bill amends s. 1002.411, F.S., to modify eligibility for the New Worlds Scholarship Accounts, the responsibilities of parents and students, district school board, and VPK providers, and account funding and payments.

The bill expands the program to include students who are enrolled in the Voluntary Prekindergarten (VPK) program and modifies the eligibility requirements related to reading and math deficiencies to add students who exhibit a substantial deficiency in early literacy or early math skills based on the most recent administration of the Coordinated Screening and Progress Monitoring (CSPM) tool.

The bill also modifies eligibility for students who are eligible as a result of scoring below a Level 3 on the statewide, standardized ELA or Mathematics assessment in the prior school year to provide that a student is eligible if the student scored below a Level 3 on the most recent statewide ELA or Mathematics assessment. Subject to available funding, this may allow a student to begin receiving the benefits of a New Worlds Scholarship Account in the same school year in which the student scores below a Level 3, instead of waiting until the next school year.

The bill authorizes the administrator, which must be an eligible scholarship funding organization, to develop a system that permits eligible students to use program funds to make direct purchases of qualifying expenditures. The bill also authorizes parents to use the administrator's system to make direct purchases of materials or services. The bill requires the DOE to release a student's scholarship funds to the administering Scholarship Funding Organization (SFO) to be deposited into a student's account within 45 days of the student qualifying. These modifications may streamline a parent's ability to utilize the New Worlds Scholarship Account.

The bill expands the part-time tutoring services that qualify as eligible expenditures under New Worlds Scholarship Accounts. The bill provides that part-time tutoring services are qualifying expenditures if the services are provided by a person who has earned an early literacy or mathematics micro-credential, or, for a prekindergarten student, a person who has earned:

- A child development associate credential issued by the National Credentialing Program of the Council for Professional Recognition or a credential approved by the Department of Children and Families as being equivalent to or greater than the child development associate credential;
- A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science; or

- A bachelor's or higher degree in elementary education, if the prekindergarten instructor has been certified to teach children any age from birth through 6th grade, regardless of whether the instructor's educator certificate is current, and if the instructor is not ineligible to teach in a public school because his or her educator certificate is suspended or revoked.

The bill specifies that the requirement for a school district to notify the parent of each eligible student of the process to request and receive a scholarship applies when providing the results of the CSPM. The bill requires private VPK providers to also provide the notification to parents.

The bill also modifies s. 1008.25, F.S., to extend to VPK instructors the benefit of the requirement to receive notice from the CSPM system of the results from the first two administrations of the progress monitoring within 1 week and to the student's parent within two weeks after the administration of the CSPM.

The bill takes effect July 1, 2024.

#### **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:**

The provisions of the bill implementing provisions of the New Worlds Reading Initiative are subject to legislative appropriation.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.321, 1002.411, 1003.01, 1003.485, 1003.499, and 1008.25.

The bill creates the following sections of the Florida Statutes: 1004.561 and 1008.366.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**

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

**CS by Appropriations on January 31, 2024:**

The committee substitute:

- Authorizing schools to use grant funds for tutoring platforms that leverage artificial intelligence.
- Creating a new section of law that designates the responsibilities of the Lastinger Center and includes the requirement for the Lastinger Center to administer the New World's Tutoring Program.
- Removing the provisions of the bill that rebranded the New World's Reading Initiative, but maintains provisions to enhance support for instruction in both reading and math through the existing New Worlds Scholarship Account and the program created the New World's Tutoring Program.
- Transferring the New Worlds Tutoring Program to a new section of law.
- Requiring the DOE to release a student's scholarship funds to the administering Scholarship Funding Organization to be deposited into a student's account within 45 days of the student qualifying.

B. **Amendments:**

None.