

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-5.030 Instructional Personnel Assessment Systems

PURPOSE AND EFFECT: The purpose and effect of this rule development is to provide implementing procedures and criteria for the submission, review and approval by the Department of Education of school district systems for personnel evaluation under Section 1012.34, Florida Statutes. This rule also addresses procedures and requirements for monitoring and reporting system status and impact on student learning growth, instructional practice and school leadership practice. Rule revisions will implement changes to Section 1012.34, Florida Statutes, as prescribed in the Student Success Act (SB 736) of 2011. Changes will include a title change, the inclusion of school administrator evaluation systems, and technical updates to the existing rule to reflect current citations and other conforming language.

SUBJECT AREA TO BE ADDRESSED: District instructional personnel and school administrator evaluation systems.

RULEMAKING AUTHORITY: 1001.02, 1012.34 FS.

LAW IMPLEMENTED: 1001.42(18), 1006.281, 1012.22(1)(c), 1012.34, 1012.98 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATES AND TIMES: February 14, 2013, 9:00 a.m., EST; February 14, 2013, 4:00 p.m., EST; February 25, 2013, 4:00 p.m.; EST; February 25, 2013, 4:00 p.m., CST (local time)/(5:00 p.m., EST); February 26, 2013, 4:00 p.m., EST; February 26, 2013, 4:00 p.m., EST; and February 28, 2013, 4:00 p.m., EST.

PLACE: February 14th, 9:00 a.m. – Via webinar and conference call: To join the webinar go to: <https://suncom.webex.com/suncom/j.php?ED=168775342&UID=1312048082&RT=MIMxMQ%3D%3D>, to join the conference call only: 1(866)510-0708, Passcode 606 078 54, anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 1721, Tallahassee, FL, 32399-0400; February 14th, 4:00 p.m. – Via webinar and conference call: To join the conference webinar go to: <https://suncom.webex.com/suncom/j.php?ED=168775512&UID=1312049842&RT=MIMxMQ%3D%3D>, to join the conference call only: 1(866)804-6924, Passcode 662 157 58, anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 1721, Tallahassee, FL, 32399-0400; February 25th, 4:00 p.m. – Broward College-Central Campus, Bldg 22, Room 136, 3501 S.W.

Davie Road, Davie, FL 33314; February 25th, 4:00 p.m., CST (local time)/(5:00 p.m. EST), Gulf Coast State College, Gibson Lecture Hall, 5230 West U.S. Highway 98, Panama City, FL 32401; February 26th, 4:00 p.m., Florida Gulf Coast University, Sugden Resort & Hospitality Management Bldg, Room #110, 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565; February 26th, 4:00 p.m., Florida State College at Jacksonville, Advanced Technology Center, Room T-140, 401 W. State Street, Jacksonville, FL 32202; and February 28th, 4:00 p.m., Valencia College, 8600 Valencia College Lane, Criminal Justice Institute Bldg, Room 152, Orlando, FL 32825. Workshops for this rule are being held in conjunction with workshops for Rule 6A-5.0411, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kathryn Hebda, Deputy Chancellor for Educator Quality, Florida Department of Education, Florida Department of Education, 325 West Gaines Street, Suite 1502, Tallahassee, Florida, 32399-0400, (850)245-0509. Public comments concerning this rule development can be made at DistrictEvalSystRule@fldoe.org or <https://app1.fldoe.org/rules/default.aspx> or by contacting: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 6A-5.030 follows. See Florida Administrative Code for present text.)

6A-5.030 District Instructional Personnel and School Administrator Evaluation ~~Assessment~~ Systems. Pursuant to Section 1012.34, Florida Statutes, this rule provides implementing procedures and criteria for the submission, review and approval of district instructional personnel and school administrator evaluation systems. This rule also addresses procedures and requirements for monitoring and reporting system status and impact on student learning growth, instructional practice and school leadership practice.

(1) Definitions.

(a) “Contemporary research” means professional research studies and meta-analyses that provide reliable evidence of the impact of instructional and leadership practices on student learning growth and on effective instructional and leadership practices. Research findings are considered “contemporary” when conducted within the last ten years or where the continued validity of less recent findings is supported by research conducted within the last ten years.

(b) “Deliberate practice” means the research-based method for personnel to increase instructional or leadership expertise through a series of planned activities, reflection, and collaboration. In the evaluation system, deliberate practice is

the selection of a limited number of indicators or practices, improvement on which is measured during an evaluation period.

(c) "Domains" are the broad distinguishable areas of professional knowledge and practice that are priorities for a performance evaluation.

(d) "Evaluation" means an assessment of an individual's performance over a period of time based on evidence from multiple sources that reflects the performance level of the individual's work. Pursuant to Section 1012.34, Florida Statutes, an evaluation is based on three "criteria," which are

1. Performance of Students,

2. Instructional Practice for instructional personnel or Leadership Practice for school administrators, and

3. Professional and Job Responsibilities.

(e) "Evidence" means the employee's observed practices, behaviors, artifacts, and resulting student or other outcome data that represent an individual's performance on the indicators, domains and criteria in the evaluation system.

(f) An "indicator" is a description of a specific behavior or strategy. Groups of indicators in an evaluation system are used to define specific performance expectations for a domain or an Accomplished Practice.

(g) "Learning targets" are student outcome goals established for a classroom teacher of a course not associated with a statewide assessment and for which the district has not selected an assessment under Section 1008.22(8), Florida Statutes. Learning targets are based upon the goals of the school improvement plan and are approved by the school principal. Learning targets established for evaluation purposes may be the same as those established in the teacher's individual professional development plan under Section 1012.98, Florida Statutes.

(h) "Newly hired by the district" means the first year in which instructional personnel are employed by the district in a full-time instructional position. Such personnel are "newly hired" for their first year of employment in a district regardless of their prior work experience elsewhere.

(i) "Observation" means the monitoring actions in evaluation systems that contribute observed evidence of performance or the impact of performance on others. Evidence collected through observation is used for formative feedback and contributes to the summative evaluation rating. Observations may be formal or informal, and announced or unannounced. Observations may be contributed by supervisors, mentors, or peers who are trained in the evaluation system. The length of time of an observation event and the type of school activity observed may vary and is determined by the evidence of practice that is sought.

(j) "Performance level" means the summative rating of performance for an evaluation. There are four performance levels: highly effective; effective; needs improvement, or, for teachers in the first three years of employment, developing; and unsatisfactory.

(k) "Performance standards" are the cut points used to classify performance on a domain, a criterion area listed in paragraph (1)(d), or a performance level listed in paragraph (1)(i).

(l) "Proficiency levels" are the formative determinations of how well an employee performs on an individual indicator in the instructional or leadership practice criterion of an evaluation system.

(m) "Research-based framework" means an approach used in an evaluation system to assess and provide feedback on either instructional practice or leadership practice. A research-based framework is based on contemporary research as defined in this rule and includes implementation procedures designed to support the successful use of the framework for evaluation and continuous improvement.

(n) "Rubric" means a set of criteria or descriptions of practice used to distinguish among proficiency levels or classify performance.

(2) Submission Process.

(a) Documentation of a district's evaluation system shall be submitted electronically to the Department's Division of Educator Quality for review and approval to the address EdQualityEvalSystems@fldoe.org. Documentation includes handbooks, manuals, forms, and such district policies and regulations that the district uses to inform employees and evaluators of the procedures and content of the district's evaluation system. With the evaluation system the district must submit a cover letter that provides the page number(s) where each element listed in subsection (3) of this rule is addressed in the evaluation system documentation. If more than one document is included in the submission, the district should note the title of the document, as well as the page number. The district should not submit documents that do not address content in subsection (3).

(b) The time period for submission shall be posted on the website www.fldoe.org/profdev/pa.asp and shall allow a district a minimum of sixty (60) days notice to submit the evaluation system.

(c) Districts shall submit an evaluation system for review and approval when an existing evaluation system is amended to address changes in statute or rule or when a previously approved system is substantially modified as defined in subsection (6) of this rule.

(d) When a district modifies its evaluation system less than substantially, the district shall inform the Division of Educator Quality within thirty (30) calendar days. The district will submit such modifications to EdQualityEvalSystems@fldoe.org.

(3) Content of Approved Evaluation Systems. To receive approval of its evaluation system, the school district must submit evidence of the following requirements:

(a) Performance of Students.

1. For all personnel: The percentage of the evaluation system that is based on the Performance of Students criterion. The district must indicate whether and, if so, under what circumstances, the district is exercising the option to reduce the percentage of the evaluation based on performance of students as allowed in specific circumstances in Section 1012.34, Florida Statutes.

2. For classroom teachers of courses associated with state assessments under Section 1008.22, Florida Statutes: Verification that state assessment data and the associated learning growth formula approved pursuant to Section 1012.34(7), Florida Statutes, are used in the evaluation of teachers assigned to teach the courses associated with a state assessment. After a learning growth formula is approved by the Commissioner of Education under Section 1012.34, Florida Statutes, for use in evaluation systems, it is adopted as a rule of the State Board of Education. Rule 6A-5.0411, F.A.C., is hereby incorporated by reference herein.

3. For classroom teachers of courses not associated with state assessments:

a. The district-determined student assessment for each course that is used for personnel evaluations from those implemented by the district under Section 1008.22(8), Florida Statutes.

b. The method of calculating student learning growth or performance for each assessment in sub-subparagraph (3)(a)3.a.

c. Whether state assessment data for the assigned students are also included in the personnel evaluation and the percentage relationship of state assessment results and local assessment results.

d. How student performance results are calculated for classroom teachers whose course load is a combination of courses associated with state assessments and those that are not.

e. The scoring system and cut points that will apply to student performance results.

4. For instructional personnel who are not classroom teachers: the percentage of the evaluation that is based upon state assessment results of the students assigned to the individual. If the percentage is less than 50, the district must document the percentage between 30 and 50 that is used and describe the additional student outcome measures that are

included in addition to the state assessment results. The description must include the scoring system and performance standards associated with these measures.

5. For school administrators: student learning growth based on statewide assessment results as calculated by the learning growth formula pursuant to Section 1012.34, Florida Statutes. A district may also include measures of student proficiency using statewide assessment data and may use results from local assessments or student outcomes based on factors from the school grading system appropriate for the school. If additional student performance data are included, the district must explain how the additional measures comprise the Performance of Students criterion of the individual's evaluation and provide the scoring system and performance standards associated with these measures.

6. For classroom teachers newly hired by the district, the student performance assessment data, calculation methods, and performance standards that will be applied in the first evaluation.

7. Confirmation of including current year student performance data in each individual's summative rating for that school year. For evaluation systems implemented in the 2011-12 or 2012-13 school years, the years of student growth data that will be included in the evaluation must be specified in addition to the current year data. Beginning in the 2013-14 school year, for all personnel, at least three years of student performance data must be used in the evaluation when available. If less than three years of data are available, all available years of data must be used.

8. For classroom teachers of courses not associated with state assessments and for which no district assessment has been selected, a description of the learning targets that are employed for evaluation of student learning growth for each type of teacher and the procedures for implementing learning targets at the school level.

9. For instructional personnel whose Performance of Students criterion is not otherwise described in the evaluation system, an indication of whether the superintendent will assign student growth results from state assessments of an instructional team to the individual's evaluation. If instructional team data are assigned, the district should describe the instructional positions whose evaluations will include the instructional team's data and the positions included in the instructional team.

(b) Instructional Practice. The items in paragraph (3)(b) must only be submitted for approval of a district's instructional personnel evaluation system. A completed instructional practice criterion will include the following:

1. A crosswalk from the district's selected contemporary research or research-based framework to the Florida Educator Accomplished Practices demonstrating that the district's evaluation system contains indicators based upon each of the Florida Educator Accomplished Practices.

2. For classroom teachers, observation instrument(s) that include indicators, organized by domains, based on each of the Florida Educator Accomplished Practices in Rule 6A-5.065, F.A.C. The district must provide documentation of how indicators and/or domains are prioritized to present evidence that the evaluation system is designed to support effective instruction and student learning growth.

3. For non-classroom instructional personnel, observation instrument(s) that include indicators, organized by domains, based on each of the Florida Educator Accomplished Practices in Rule 6A-5.065, F.A.C.; the national standards, if any exist, for that category of personnel; and the job duties related to student support for the position. The district must provide documentation of how indicators and/or domains are prioritized to present evidence that the evaluation system is designed to support effective instruction and student learning growth.

4. Procedures for conducting observations and collecting data and other evidence of instructional practice, including any special procedures for classroom teachers who are newly hired by the district.

5. Processes for providing feedback to the individual being evaluated, including a description of how the feedback will be timely and will promote the continuous quality improvement of professional skills, and how results from the evaluation system will be used for individual professional development.

6. A rubric(s) for distinguishing among proficiency levels in the instructional practice indicators.

7. The scoring and weighting system that will apply to instructional practice indicators and domains, the percentage of the final evaluation that is based upon the Instructional Practice criterion, and the performance standards associated with this criterion.

(c) Leadership Practice. The items in paragraph (3)(c) must only be submitted for approval of a district's school administrator evaluation system. A completed leadership practice criterion will include the following:

1. A crosswalk from the district's selected contemporary leadership practice research base or research-based framework to the Florida Principal Leadership Standards.

2. Observation or other data collection instrument(s) that include indicators, organized by domains, based on each of the Florida Principal Leadership Standards in Rule 6A-5.080, F.A.C., and additional elements provided in Section 1012.34, Florida Statutes: the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, and improvement in the percentage of instructional personnel evaluated at the highly effective or effective level. The district must provide documentation of how indicators and/or domains are

prioritized to present evidence that the evaluation system is designed to support effective instruction and student learning growth.

3. Procedures for observing and collecting data and other evidence of leadership practice.

4. Processes for providing feedback to the individual being evaluated, including a description of how the feedback will be timely and will promote the continuous quality improvement of professional skills, and how results from the evaluation system will be used for individual professional development.

5. Rubrics for distinguishing among proficiency levels in the leadership practice indicators.

6. The scoring and weighting system that will apply to leadership practice indicators and domains, and the percentage of the final evaluation that is based upon the Leadership Practice criterion.

(e) Multiple Data Sources. The district must document that multiple data sources or measures are employed that inform evaluation decisions, meaning the result is based on more than two sources of data. Data sources include, but are not limited to, evidence of student learning growth on more than one assessment as allowable under paragraph (3)(a), instructional practice documented by more than one observer, deliberate practice, parental input, peer input and student input. For each additional data source used, the district must provide the method of determining proficiency, the scoring process, the percentage of the criterion or final evaluation that is based upon the data, and any performance standards associated with the data.

(d) Professional and Job Responsibilities. Professional and job responsibilities required by the State Board are contained within the Florida Educator Accomplished Practices in Rule 6A-5.065, F.A.C., the Code of Ethics in Rule 6B-1.001, F.A.C., and the Principles of Professional Conduct in Rule 6B-1.006, F.A.C. If the district chooses to include additional professional and job responsibilities, indicators of performance must be provided, along with the method of determining proficiency for each indicator, the scoring process, the percentage of the final evaluation that is based upon the Professional and Job Responsibilities criterion, and the performance standards associated with this criterion. A district may include its indicators for Professional and Job Responsibilities within its Instructional Practice criterion.

(f) Summative Evaluation. The documentation shall include the summative evaluation form(s) and scoring and weighting systems that define how each of the criteria are calculated, classified and combined, and the performance standards used to determine the summative performance level rating. The district must include in its calculations any performance standards established by the state as applicable to specified personnel in Rule 6A-5.0411, F.A.C. Districts must use for summative ratings the four performance levels provided in Section 1012.34, Florida Statutes and in Paragraph (1)(j) of this rule.

(g) Statement of purpose. A statement of purpose should be provided consistent with the purpose for evaluation systems as expressed in Section 1012.34(1), Florida Statutes.

(h) Input Mechanisms.

1. Documentation must verify that the evaluator is someone with a supervisory relationship to the employee and identify positions who qualify to be evaluators for instructional personnel and for school administrators.

2. For instructional personnel and school administrators, a mechanism for parents to provide input into employee evaluations where appropriate, and a description of the district's criteria for use of such parental input.

3. If included by a district, a description of the opportunity for instructional personnel to provide input into a school administrator's performance evaluation.

4. Identification of any additional positions or persons, if any, who will provide input to an individual's evaluation (for example, assistant principals, peers, district staff, department heads, grade level chairpersons, or team leaders).

(i) Training. The district must provide for training programs that are based upon, but are not limited to, guidelines provided by the Department in subsection (9) of this rule to ensure that all employees subject to an evaluation system are informed on evaluation criteria and processes before the evaluation takes place, and that all individuals with evaluation responsibilities and those who provide input toward evaluation understand the proper use of the evaluation criteria and procedures.

(j) Additional optional district procedures. In addition to the optional procedures defined throughout subsection (3), the following procedures may be employed by districts in the evaluation system:

1. Identification of teaching fields, if any, for which special evaluation procedures and criteria are necessary. Documentation shall list the positions identified, the process used to identify them, and the special procedures to be employed.

2. Use of a peer assistance process. Peer assistance may include, but is not limited to, mentoring, collegial teams, and support programs for educators at all levels of performance. If employed by the district, documentation shall include the peer assistance process and qualifications for persons providing peer assistance.

3. A process for amending evaluations, if data from the current school year are received within 90 days after the close of the school year. A district is not required to finalize an evaluation by the close of the school year.

4. For districts utilizing Performance of Students procedures for classroom teachers of courses not associated with state assessments and for which no district assessment has been implemented, a description of the actions and timelines

the district will complete to ensure these procedures are no longer needed by the deadline provided in Section 1012.34(7)(e), Florida Statutes.

(4) Initial review process.

(a) The Department shall review the documentation submitted by the district pursuant to paragraph (2)(a) of this rule to determine whether the district has submitted a complete evaluation system that can be considered for approval.

(b) The Department shall provide each school district a written notice within thirty (30) days of receipt of the evaluation system that identifies omitted elements that must be submitted before review of the complete evaluation system can begin.

(5) Approval process. The Department shall provide written notification of the approval status to the school district superintendent within ninety (90) days of the date the written notice in paragraph (3)(b) of this rule is provided to the district. The approval status designations and the effect of these designations are as follows:

(a) Approved. An approved system meets all criteria found in subsection (3) of this rule. A district may implement the evaluation system(s) after receiving notification of Department approval.

(b) Conditionally Approved. Evaluation systems shall be designated conditionally approved if the school district's evaluation system meets the requirements listed in paragraphs (3)(a), (b), (c), and (f), but fails to satisfy one or more of the other requirements listed in subsection (3). The school district's system designated as conditionally approved shall be revised so that it is in full compliance with all requirements for evaluation systems, and resubmitted to the Department for review and approval. Notice of conditional approval shall contain the time period when the revised evaluation system shall be submitted and shall allow a district a minimum of fourteen (14) calendar days to resubmit. Upon receiving notice of conditional approval, the district may implement all approved portions of the evaluation system.

(c) Denied. A school district evaluation system shall be denied if the school district's evaluation system does not meet the requirements of paragraphs (3)(a), (b), (c), and (f) of this rule. A school district's system that is designated as conditionally approved shall be denied, if the requirements for an approved designation are not met within sixty (60) days of the Department's written notice granting the conditionally approved status. A district may seek an extension of time if the district demonstrates that extenuating circumstances caused a delay. The Commissioner may grant an extension of thirty (30) days. A district may not implement a denied evaluation system until the system is approved or conditionally approved.

(d) Approval rescinded. A district's evaluation system will maintain its approved status, until evidence is found, either through monitoring conducted under subsection (7) or a modified system submitted by the district under subsection (6).

that the system is no longer compliant with this rule. If, based on monitoring conducted under subsection (7) of this rule, a district is found to be implementing elements listed in paragraphs (3)(a), (b), (c), or (f), in a manner not compliant with its approved system and this rule, the system shall be designated as denied. A system found to be noncompliant with other elements listed in subsection (3) shall result in an approval status of conditionally approved.

(6) District modifications to an Approved Evaluation System. Modifications to an approved evaluation system may be made by the district at any time.

(a) A substantially modified evaluation system shall be submitted to the Department for approval using the procedures in subsection (2) of this rule and shall not be implemented prior to Department approval and approval by the district school board. An evaluation system is "substantially modified" when:

1. A different research framework is adopted as the basis for the system;
2. Scoring and weighting methods are changed;
3. Rubrics defining performance levels or proficiency levels are changed;
4. Evaluation measures or metrics are added or deleted from the system;
5. Student assessments or cut points for the assessments are changed;
6. Processes for observation or feedback are changed; or
7. There are changes in the personnel who may contribute evidence to be used in evaluations.

(b) An evaluation system that has been modified less than substantially shall be submitted to the Department for review using the procedures in subsection (2) of this rule. These modifications shall not be implemented prior to receipt of written notice from the Department confirming that the evaluation system has not been substantially modified. The Department shall provide the district written notice within twenty-one (21) days of the Department's receipt of the modified system.

(7) Implementation Monitoring. Districts and the Department shall implement quality control monitoring that identifies the impact of evaluation systems on student learning growth and quality improvements in instructional and administrative services.

(a) The district's monitoring system shall use data from its evaluation system and other sources as necessary to determine, at a minimum, the following:

1. The effectiveness of the evaluation system(s), including instruments, feedback, student data and performance standards, on improvement of student learning growth, instructional practice and school leadership;
2. Evaluator accuracy and inter-rater reliability;
3. Accuracy and consistency of feedback;

4. Consistency and fidelity of implementation of evaluation system(s) at school and district levels;

5. Consistency and fidelity of implementation of assessments that are used to measure student growth and performance for evaluation purposes;

6. Alignment of evaluation indicators with contemporary research-based practices associated with improving student learning growth and the quality of instructional, administrative, and supervisory services;

7. Use of evaluation data to identify individual professional development and district professional development priorities consistent with the requirements of Section 1012.98, Florida Statutes, and Rule 6A-5.071, F.A.C.;

8. Use of evaluation data to inform school and district improvement plans.

(b) The Department shall monitor each district's implementation of the evaluation systems based on the following elements and procedures.

1. The Department will review each district's evaluation system implementation based on the following:

a. The elements listed in the district's monitoring process in paragraph (7)(a);

b. District use of monitoring data to improve instructional and administrative evaluation systems.

2. Five-year continuous improvement monitoring cycle.

a. The Department shall monitor each school district for compliance with Section 1012.34, Florida Statutes, and this rule at least once every five years. The Department shall notify each district at least sixty (60) days prior to a monitoring visit that the visit will occur. The cycle of review shall commence in the 2014-15 school year.

b. Thirty (30) days prior to the district's scheduled monitoring visit, the district shall submit a report of the results its annual monitoring of its evaluation systems pursuant to paragraph (7)(a) during the preceding five years.

c. The monitoring visit shall include the Department's review of the results of the district's annual monitoring and the district's implementation of the requirements for evaluation systems specified in subsection (3) of this rule. The Department shall provide the district with a report of the results of the monitoring, which includes the continued approval designation for the evaluation systems and any strengths and areas of noncompliance identified. Upon receipt of the report from the Department, the district will conduct itself in accordance with the requirements and timelines based on the approval designation as provided in subsection (5) of this rule.

(8) Reporting.

(a) All evaluation systems approved pursuant to this rule shall be posted on the district's website within thirty (30) days of approval of the evaluation system. The current URL of the district's posted documentation shall be provided to the Department by submitting the URL to EdQualityEvalSystems@fldoe.org, and the Department will

post the URL on its website, www.fldoe.org/profdev/pa.asp. The district website posting shall provide access to the content of the system included in subsection (3) of this rule.

(b) The District's annual report on the status of evaluation system implementation required by Section 1012.34(1)(a), Florida Statutes, shall address the monitoring results listed in subsection (6) of this rule.

(9) Guidelines for training of evaluators. Evaluators provide recurring feedback to guide growth in proficiency using the district's evaluation system and also provide summative performance ratings. Districts should consider the following elements in designing training for those who function as evaluators in any of the district's instructional or administrator evaluation systems:

(a) The instructional research and framework on which the evaluation system is based. Each research-based framework is associated with particular approaches to instruction or leadership. The research aligned with the district framework is a useful source of deeper understanding of how to implement strategies correctly and in appropriate circumstances. Evaluators can provide better feedback to sub-ordinates when they understand the research framework.

(b) Processes to improve rate accuracy and inter-rater reliability. Evaluators in the district should be able to provide subordinates similar feedback and ratings so that there is consistent use of the evaluation system across the district. This is promoted by training on the following:

1. The indicators in the evaluation system used to identify the knowledge, skills, and expected outcomes that are identified as district evaluation system priorities.

2. The rubrics or descriptions used to distinguish proficiency levels and appropriate sources and types of evidence associated with levels of proficiency.

3. Rater reliability processes for verifying that evaluators and other raters meet district expectations in observing evidence for indicators and using the rubrics to classify proficiency levels.

(c) Specific, actionable, and timely feedback processes. Evaluator observations promote improvement when results are conveyed to employees in a specific, actionable, and timely manner. Training on how to do so in a clear and productive manner is essential.

(d) Conference protocols and forms, including requirements for meetings and maintenance of records.

(e) Processes and procedures for implementing the evaluation system:

1. Acceptable sources of evidence and how it may be collected, submitted and retained;

2. Timeframes for procedures and record keeping;

3. Scoring rules and calculations;

4. Use of forms and instruments.

(f) Student growth measures: The district's requirements regarding use of student assessment data and an explanation of the methods used to calculate growth or achievement in the district's evaluation system.

(g) Sources of information about the evaluation system: How evaluators and employees can access manuals, forms, and other documents regarding the evaluation process.

(h) Procedures for training employees on the evaluation process.

(i) Additional metrics: Training on the use, evidence collection and evaluation of additional metrics used to supplement the instructional or leadership practice portion of the evaluation.

(j) Resources and procedures for employees to access assistance.

Rulemaking Authority 1001.02, 1012.34, ~~229.053, 231.29~~ FS. Law Implemented 1001.42(18), 1006.281, 1012.12(1)(c), 1012.34, 1012.98, ~~230.23(5)(e), 231.29~~ FS. History--New 6-19-0, Formerly 6B-4.010, Amended _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:RULE TITLE:

6A-5.0411Calculations of Student Learning Growth Using Statewide Assessment Data for Use in School Personnel Evaluations

PURPOSE AND EFFECT: The purpose and effect of this rule development is to fulfill requirements under Section 1012.34, Florida Statutes, to adopt the student growth formula(s) for use with statewide assessment data and to set standards for student growth performance that must be met for personnel to earn specified performance ratings on annual evaluations, as well as the process for teacher to verify class rosters. It is anticipated that this rule will be revised annually as new formulas and performance standards are adopted for statewide assessments, including but not limited to, the Florida Comprehensive Achievement Test (FCAT), End-of-Course Examinations, and the Florida Alternate Assessment.

SUBJECT AREA TO BE ADDRESSED: Calculations of student learning growth for use in school personnel evaluations.

RULEMAKING AUTHORITY: 1012.34 FS.

LAW IMPLEMENTED: 1012.34 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATES AND TIMES: February 14, 2013, 9:00 a.m., EST; February 14, 2013, 4:00 p.m., EST; February 25, 2013, 4:00 p.m.; EST; February 25, 2013, 4:00 p.m., CST (local time)/(5:00 p.m., EST); February 26, 2013, 4:00 p.m., EST; February 26, 2013, 4:00 p.m., EST; and February 28, 2013, 4:00 p.m., EST.

PLACE: February 14th, 9:00 a.m. - Via webinar and conference call: To join the webinar go to: <https://suncom.webex.com/suncom/j.php?ED=168775342&UID=1312048082&RT=MIMxMQ%3D%3D>, to join the conference call only: 1(866)510-0708, Passcode 606 078 54, anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 1721, Tallahassee, FL, 32399-0400; February 14th, 4:00 p.m.-Via webinar and conference call: To join the conference webinar go to: <https://suncom.webex.com/suncom/j.php?ED=168775512&UID=1312049842&RT=MIMxMQ%3D%3D>, to join the conference call only: 1(866)804-6924, Passcode 662 157 58, anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 1721, Tallahassee, FL, 32399-0400; February 25th, 4:00 p.m. - Broward College-Central Campus, Bldg 22, Room 136, 3501 S.W. Davie Road, Davie, FL 33314; February 25th, 4:00 p.m., CST (local time)/(5:00 p.m. EST), Gulf Coast State College, Gibson Lecture Hall, 5230 West U.S. Highway 98, Panama City, FL 32401; February 26th, 4:00 p.m., Florida Gulf Coast University, Sugden Resort & Hospitality Management Bldg, Room #110, 10501 FGCU Blvd. South, Fort Myers, FL 33965-6565; February 26th, 4:00 p.m., Florida State College at Jacksonville, Advanced Technology Center, Room T-140, 401 W. State Street, Jacksonville, FL 32202; and February 28th, 4:00 p.m., Valencia College, 8600 Valencia College Lane, Criminal Justice Institute Bldg, Room 152, Orlando, FL 32825. Workshops for this rule are being held in conjunction with workshops for Rule 6A-5.030, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kathryn Hebda, Deputy Chancellor for Educator Quality, Florida Department of Education, Florida Department of Education, 325 West Gaines Street, Suite 1502, Tallahassee, Florida, 32399-0400, (850)245-0509. Public comments concerning this rule development can be made at DistrictEvalSystRule@fldoe.org or <https://app1.fldoe.org/rules/default.aspx> or by contacting: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-5.0411 Calculations of Student Learning Growth for Use in School Personnel Evaluations.

(1) Purpose. The purpose of this rule is to provide the formulas for measuring student learning growth, the statewide standards for each performance level for use in each school district instructional personnel and school administrator evaluation systems developed under Section 1012.34, Florida Statutes, and procedures associated with implementing the formulas and standards.

(2) Formulas for measuring student learning growth.

(a) Student learning growth formula for use with Florida Comprehensive Assessment Test ("FCAT") in Reading and Mathematics. The formula for measuring student learning growth using student FCAT Reading and FCAT Mathematics results shall be a value-added model from the class of covariate adjustment models. A value-added model is a statistical calculation employed for the purpose of determining an individual teacher's or principal's contribution to student learning. The value-added model begins by establishing the expected learning growth for each student, called a predicated score. As a covariate adjustment model, the predicted score is based on the typical learning growth seen among students who share characteristics enumerated in subparagraph (2)(a)2. of this rule. The predicted score is based on the FCAT developmental scale and is estimated from historical data each year. Differences, or residuals, between each student's predicted score and his or her actual performance on the FCAT are combined for students assigned to a teacher to calculate each teacher's value-added score.

(b) The FCAT Reading and FCAT Mathematics value-added model shall estimate a student's performance based on specific characteristics, called variables. The variables to be included in the value-added model are:

1. The number of subject-relevant courses in which a student is enrolled. This variable counts, for each student, the number of courses in which he or she is enrolled that are associated with FCAT Reading and FCAT Mathematics. The courses associated with FCAT Reading and FCAT Mathematics for the purposes of this rule are listed in subsection (5) of this rule.

2. Up to two prior years of achievement scores for each student. This variable captures each student's most immediate prior developmental scale score on FCAT Reading and FCAT Mathematics, as well as the student's developmental scale score from two (2) years prior, if available.

3. A student's disability. This is a series of variables, each representing a student's disability as defined in Section 1003.01(3)(a), Florida Statutes, determined in accordance with State Board of Education Rules 6A-6.03011, 6A-6.03013, 6A-6.03014, 6A-6.03016, 6A-6.03018, and 6A-6.03023, F.A.C., and reported by school districts in the state student database. The model does not include variables for an orthopedic impairment, a speech impairment, or hospital/homebound. Additionally, the model does not include variables for children with developmental delays ages birth through 5 years, or children, ages birth through 2 years, with established conditions since those categories reflect student populations ineligible for FCAT due to age. The model includes variables for the student's primary exceptionality and other exceptionalities, if multiple exceptionalities have been identified for a student.

4. A student's English Language Learner (ELL) status. This variable indicates if a student has been identified as an ELL and is enrolled in a program or receiving services that are specifically designed to meet the instructional needs of ELL students. In addition to the identification of the student's ELL status, variables are also included for the amount of time the student has been receiving ELL services.

5. Gifted status. This variable indicates whether a student has been identified as Gifted, as determined in accordance with State Board of Education Rule 6A-6.03019, F.A.C., and reported by school districts in the state student database.

6. Student attendance. This variable indicates the percentage of days a student was in attendance during the school year.

7. Student mobility. This variable indicates the number of transitions a student experienced across schools within a school year.

8. Difference from modal age in grade. This variable indicates the difference in a student's age from the common age for students enrolled in the same grade across the state and is included as an indicator of retention or acceleration.

9. Class size. This variable is a count of the number of students assigned to the teacher.

10. Homogeneity of students' entering test scores in the class. This variable indicates the variation within a classroom in terms of students' performance on the prior year's FCAT.

(c) The formula produces a value-added score for a teacher. A teacher's value-added score reflects, on average, the amount of learning growth of the teacher's students above or below the expected learning growth of similar students in the state, using the variables accounted for in the model and listed in paragraph (2)(b) of this rule. A portion of the teacher's value-added score reflects the common school component of student growth. The common school component describes the amount of learning growth by grade and subject that is typical for students in each school that differs from the statewide expectation established by the variables listed in paragraph (2)(b) of this rule. Schools exhibit differential amounts of student learning growth that may be attributable to independent factors at the school outside of the teacher's control as well as a reflection of the teaching across the school. Fifty (50) percent of the common school component shall be attributed back to teachers and included in a teacher's value-added score. By attributing only a portion of the common school component to a teacher's value-added score, the formula recognizes that some of the common school component is a result of a teacher's actions within his or her school and that some is attributable to other factors.

(d) The common school component described in paragraph (2)(c) of this rule reflects the principal's value-added score.

(e) Mathematically, the formula for this model is $Y_i = \mu + \Sigma = 1\delta_g x_g + \Sigma = 1\beta_j x_j + \theta_{(k)} + \omega_{(mk)} + \epsilon_i$, where Y_i denotes the test score for student i , δ_g is the coefficient associated with g^{th} prior test score, β_j is the coefficient associated with variable j , θ is the common school component of school k assumed $\theta \sim N(0, \sigma^2)$, ω is the effect of teacher m in school k assumed $\omega \sim N(0, \sigma^2)$ and ϵ is the random error term assumed $\epsilon \sim N(0, \sigma^2)$. A full technical description of how this formula estimates the score for an educator is provided in the "Methods" section of the Florida Comprehensive Assessment Test (FCAT) Value-Added Model Technical Report 2011-12 December 2012, pages 6 through 13, which is hereby incorporated by reference herein, available at <http://www.fldoe.org/profdev/studentgrowth.asp>.

(3) Data Calculated through the Student Learning Growth Formulas.

(a) Class Roster Verification Process. The Department will provide an online roster verification application to allow district personnel, school level personnel, and instructional personnel the ability to view class rosters for accuracy and correct mistakes relating to the assignment of students to teachers. The application shall be open, at a minimum, two times during the school year: a fall review cycle, using data collected during the fall FTE count (Survey 2), and a spring review cycle, using data collected during the spring FTE count (Survey 3). The application shall be available to district personnel, school personnel, and teachers through secure log-in credentials. The Department shall communicate directly to district accountability directors and information system directors the application's website address and the application's opening and closing dates during each review cycle. Each district must determine procedures for instructional personnel and school administrator verification of class rosters and notification to its employees of the opportunities to participate. Districts shall provide all instructional personnel a minimum of two weeks to review the accuracy of class rosters and correct mistakes relating to the assignment of students to teachers. The Department shall make the application available for a minimum of four weeks per review cycle.

(b) When student performance data are received from each statewide assessment for which a formula has been adopted and the deadline for the roster verification process has expired, the Department will calculate the results of each student learning growth formula and provide the results to each district for the district's instructional and school administrator personnel. Each district will use the results provided in that school year's personnel evaluations in accordance with Section 1012.34, Florida Statutes, and the district's evaluation plan approved under Rule 6A-5.030, F.A.C. Results provided to districts will include, at a minimum, the following information for each state assessment for which a formula has been adopted:

1. A value-added score for each instructional personnel employee for the current school year for each statewide assessment based on the course(s) that the employee taught which are associated with that statewide assessment, as described in subsection (5) of this rule. Based on the nature of the statewide assessment, this score may be reported for each grade level and subject area covered by the statewide assessment.

2. An aggregate value-added score for each instructional personnel employee and school administrator in the district, which combines all value added results for a particular statewide assessment from all courses and assigned students. An employee's aggregated value-added score will include data for that employee from the current school year and each of the two prior years for which data are available, for a total of three years of data for each instructional employee and school administrator. Though the aggregate value-added score provided by the Department each year is limited to the three most recent years of data, districts may include additional years of student learning growth data from statewide assessments within their local educator evaluation systems.

3. The standard error for each value-added score.

(c) For each employee, the number and percentage of students assigned to the employee who met or exceeded their expected growth as calculated by the value-added model.

(d) After the initial release of value-added scores to school districts, the school district shall have at least thirty (30) days to review the data on which the value-added scores were based. If the school district determines that students were inaccurately attributed to a teacher and included in a teacher's value-added score calculation, the district may provide that information to the Department in order for the Department to recalculate the score.

(e) The Department shall review annually the results of each student growth formula as calculated for purposes of teacher and principal evaluations. The Department shall provide statewide aggregate results and accompanying analyses to school districts for review and feedback. The Department shall consider results and the school district feedback when recommending improvements in the model and when implementing processes, as needed.

(4) Performance Level Standards. In accordance with Section 1012.34, Florida Statutes, standards must be set for the Performance of Students criterion for use in instructional and school administrator personnel evaluations. Specifically, for each of the performance levels of highly effective and effective, a student learning growth standard must be set for each statewide assessment that an individual who is being evaluated must at least achieve to be considered by the district as earning that performance level as a summative evaluation rating. In addition, a student learning growth standard must be

set for each statewide assessment that, if not exceeded, will cause an individual who is being evaluated to earn from the district a summative rating of unsatisfactory.

(a) Data elements used to set performance level standards for statewide assessments. Performance level standards for statewide assessments are set using four data elements which are produced during the value-added calculations.

1. The statewide average year's growth for students in each grade and subject. For each student learning growth formula an average year's growth for students across the state on the statewide assessment is calculated. The average year's growth for 2011-2012 shall be used as a benchmark to set the performance standards as shown below. The average year's growth during the 2011-2012 school year shall become the criterion upon which annual performance is evaluated for each educator.

2. The educator's value added score. As described in paragraph (2)(b) of this rule, a value added score reflects the average amount of learning growth of the teacher's students above or below the expected learning growth of similar students in the state, using the variables accounted for in the model. The value added score is converted to a proportion of a year's average growth. This conversion provides a common metric across grade levels and subjects covered by statewide assessments, and along with anchoring it to the benchmark of the 2011-12 school year as described in subparagraph (4)(a)1. of this rule, and provides the score a context to describe the magnitude of the gain or decrease in learning. To convert the scores, the value added scores calculated through the student learning growth formula are divided by the average year's growth for 2011-12 in that particular grade level and/or subject covered by the statewide assessment. That calculation produces a score expressed as a proportion that represent the degree to which students outperformed or underperformed the criterion of growth observed in 2011-12.

3. The confidence interval. A confidence interval is derived from using the standard error associated with the educator's value-added score. The standard error is a statistical representation of the variance in the score that could occur if the same teacher had been assigned to a different group of similar students. The standard error applied above and below the value-added score forms a confidence interval around the score. Because the confidence interval provides the numerical range within which the teacher's score could lie if assigned a different group of similar students, it provides a level of statistical confidence in using the educator's value-added score to evaluate his or her performance to an established performance level standard.

4. The percentage of students assigned to the teacher who met or exceeded their predicted score. The value-added calculation is built upon taking the difference between a student's actual score on a test and his or her predicted score on

the test, which prediction is based upon the elements in the model as described in paragraph (2)(b). Therefore, for each educator, the model results provide the number and percentage of each educator's assigned students who met or exceeded their predicted test score. For teachers whose value-added score includes a larger degree of variance as determined by the confidence interval, the use of this data element can provide additional evidence of the teacher's performance during the time observed to assist in classification of the educator's performance.

(b) Performance level standards for Florida's FCAT value-added model. The performance level standards for the FCAT Reading and FCAT Mathematics value-added model are as follows:

1. Highly Effective. A value added score of greater than 0 with a confidence interval of two times the standard error, which is a 95 percent confidence interval. This represents that with 95 percent statistical certainty, an educator's value added score, including the range expressed by the confidence interval exceeded the standard of performance benchmark as described in subparagraph (4)(a)1. of this rule.

2. Effective.

b. A value added score of less than 0, where a portion of the range of scores associated with a confidence interval of one standard error, which is a 68 percent confidence interval, lies above 0. This represents that though an educator's value-added score fails to meet the standard of performance as described in subparagraph (4)(a)1. of this rule, one cannot conclude with a degree of statistical certainty that the range expressed by the confidence interval of one standard error falls below the standard.a. A value added score of greater than or equal to 0, where the entire range of scores associated with a 95 percent confidence interval does not fall at or above 0. This represents that an educator's value-added score meets or exceeds the standard of performance for an average year's growth as described in subparagraph (4)(a)1. of this rule, though one cannot conclude with statistical certainty that the range of scores expressed by the confidence interval of two times the standard error lie at or above the standard; or

3. Unsatisfactory. A value added score of less than 0 with a confidence interval of two times the standard error, which is a 95 percent confidence interval. This represents that with 95 percent statistical certainty, an educator's value added score, including the range expressed by the confidence interval, failed to meet the standard of performance as described in subparagraph (4)(a)1. of this rule.

(c) District-established performance level standards for local assessments. Each district must establish and implement performance level standards that are comparable to the state level performance standards for each assessment adopted under Section 1008.22(8), Florida Statutes, that is used for purposes of personnel evaluation. Such standards must be submitted with the district's evaluation system for approval in

accordance with Rule 6A-5.030, F.A.C. Comparable performance level standards must meet one of the following criteria:

1. The standard must reflect to an equal amount of student learning growth for a similar grade level and subject as established by the state; or

2. The standard must result in a comparable number or percent of students who meet or exceed their expected score for a similar grade level and subject as established by the state.

A district that submits a standard for a course that is not comparable as defined above, must present with its evaluation system documentation an instructional rationale for the alternate standards for the Department's consideration in the approval process.

(d) Applying the performance level standards in the evaluation system. The three criteria for performance evaluations, Performance of Students, Instructional Practice and Professional and Job responsibilities are combined to produce each individual's summative evaluation rating based on the requirements of Section 1012.34(3) and (7), Florida Statutes, and methodologies described in each district's evaluation system procedures as approved under Rule 6A-5.030, F.A.C., and adopted by the district school board. In addition, Section 1012.34(8), Florida Statutes, requires that the State Board of Education establish a student learning growth standard that if not met will result in the employee receiving an unsatisfactory performance evaluation rating. In like manner, the State Board of Education shall establish a student learning growth standard that if not met will result in the employee receiving an unsatisfactory performance evaluation rating. The following provides the conditions under which the state level performance standards are applied in personnel evaluations.

1. For all instructional personnel who teach courses associated with state assessments and for school administrators, the performance standards adopted under this rule for the FCAT value-added model will apply to determining educator performance in those courses for the Performance of Students criterion of the evaluation.

2. For all instructional personnel and school administrators whose Performance of Students criterion is based upon both state and local assessment results, the district's evaluation system must reflect the method by which the results and performance standards described in this rule for multiple assessments will be appropriately apportioned and combined to determine educator performance for the Performance of Students criterion.

3. For all instructional personnel and school administrators, the performance level standards must be applied to result in annual performance evaluation ratings of Highly Effective, Effective, and Unsatisfactory in accordance with Section 1012.34(8), Florida Statutes under the following circumstances:

a. For classroom teachers whose Performance of Students criterion is based on state assessments, local assessments selected under Section 1008.22(8), Florida Statutes, or a combination of the two, the performance level standards apply for the purpose of this paragraph only when the evaluation is based on at least three years of data.

b. For classroom teachers whose evaluation includes a majority of Performance of Students measures implemented under Section 1012.34(7)(e), Florida Statutes, the state performance level standards do not apply for the purposes of this subparagraph.

c. For school administrators, the performance level standards apply for the purpose of this subparagraph when the Performance of Students criterion is based on at least three years of data.

d. For non-classroom instructional personnel, the performance level standards apply only when calculating the Performance of Students criterion, and do not determine the educator’s final evaluation result evaluation for the purpose of this subparagraph.

(e) Implementing the performance level standards.

1. Beginning in the 2013-14 school year, each district school board will implement the performance level standards for Florida’s FCAT Reading and FCAT Mathematics value-added model as described in paragraph (5)(b) of this rule.

2. In school years during which a state assessment is administered and a calculation for measuring student learning growth has been approved by the Commissioner of Education, but statewide performance levels standards have not been adopted into this rule, each district shall use the results of the student growth calculation as required in Section 1012.34(7), F.S., and shall select performance level standards for use in the district’s personnel evaluation systems.

(f) Review and revision of performance level standards. For each set of performance level standards adopted for statewide assessments, the Department shall conduct an annual review of the results from implementing those standards in evaluation systems, and shall provide the results of the review to school districts and the State Board of Education.

(5) Courses associated with FCAT Reading and FCAT Mathematics for the purposes of this rule.

(a) The courses associated with FCAT Reading for the purposes of this rule that are incorporated in the calculation beginning with the 2011-2012 school year are as follows:

Course Number	Course Name
500960	Reading and Writing Across the Curriculum
1000000	M/J Intensive Language Arts (MC)
1000010	M/J Intensive Reading (MC)
1000020	M/J Intensive Reading and Career Planning

1000400	Intensive Language Arts
1000410	Intensive Reading
1001010	M/J Language Arts 1
1001020	M/J Language Arts, 1 Adv.
1001030	M/J Language Arts 1, International Baccalaureate
1001040	M/J Language Arts 2
1001050	M/J Language Arts 2, Adv
1001060	M/J Language Arts 2, International Baccalaureate
1001070	M/J Language Arts 3
1001080	M/J Language Arts 3, Adv
1001090	M/J Language Arts 3, International Baccalaureate
1001300	English Skills I
1001310	English I
1001320	English Honors I
1001330	English Skills II
1001340	English II
1001350	English Honors II
1001360	English Skills III
1001370	English III
1001380	English Honors III
1001390	English Skills IV
1001400	English IV
1001410	English Honors IV
1001440	Business English I
1001450	Business English II
1001560	Pre-AICE English Language
1001800	English I Pre-International Baccalaureate
1001810	English II Pre-International Baccalaureate
1001840	IB Middle Years Program English I
1001845	IB Middle Years Program English II
1002000	M/J Language Arts 1 through ESOL
1002010	M/J Language Arts 2 through ESOL
1002020	M/J Language Arts 3 through ESOL
1002180	M/J Developmental Language Arts Through ESOL (MC)
1002300	English I through ESOL
1002310	English II through ESOL
1002320	English III through ESOL
1002380	Developmental Language Arts Through ESOL
1002520	English IV through ESOL
1005375	AICE English Literature II
1008010	M/J Reading I
1008020	M/J Reading I, Advanced

<u>1008040</u>	<u>M/J Reading 2</u>
<u>1008050</u>	<u>M/J Reading 2, Advanced</u>
<u>1008070</u>	<u>M/J Reading 3</u>
<u>1008080</u>	<u>M/J Reading, Advanced</u>
<u>1008300</u>	<u>Reading I</u>
<u>1008310</u>	<u>Reading II</u>
<u>1008320</u>	<u>Advanced Reading</u>
<u>1008330</u>	<u>Reading III</u>
<u>1008350</u>	<u>Reading for College Success</u>
<u>2400000</u>	<u>Sixth Grade</u>
<u>5010010</u>	<u>ESOL English for Speakers of Other Language-Elementary</u>
<u>5010020</u>	<u>Functional Basic Skills in Reading-Elementary</u>
<u>5010040</u>	<u>Language Arts-Elementary</u>
<u>5010050</u>	<u>Reading-Elementary</u>
<u>5010060</u>	<u>Integrated Language Arts-Elementary</u>
<u>7710010</u>	<u>Language Arts K-5</u>
<u>7755010</u>	<u>Academics K-5</u>
<u>7755030</u>	<u>Academic Skills K-5</u>
<u>7755040</u>	<u>Advanced Academic Skills K-5</u>
<u>7755050</u>	<u>Developmental Skills K-5</u>
<u>7810010</u>	<u>Language Arts 6-8</u>
<u>7810020</u>	<u>Reading: 6-8</u>
<u>7910100</u>	<u>Reading 9-12</u>
<u>7910110</u>	<u>English 9-12</u>
<u>7910400</u>	<u>Life Skills Reading: 9-12</u>
<u>1001405</u>	<u>English 4: Florida College Prep</u>
<u>1001420</u>	<u>Advanced Placement English Language and Composition</u>
<u>1001430</u>	<u>Advanced Placement English Literature and Composition</u>
<u>1001550</u>	<u>AICE English Language</u>
<u>1001820</u>	<u>English 3: International Baccalaureate</u>
<u>1001830</u>	<u>English 4: International Baccalaureate</u>
<u>1002181</u>	<u>M/J Developmental Language Arts Through ESOL (Reading)</u>
<u>1002381</u>	<u>Developmental Language Arts ESOL (Reading)</u>
<u>1005370</u>	<u>AICE English Literature I</u>
<u>1005380</u>	<u>Pre-AICE English Literature</u>
<u>5010045</u>	<u>Language Arts-Grade Four</u>
<u>5010046</u>	<u>Language Arts-Grade Five</u>
<u>7710015</u>	<u>Access Language Arts - Grade 4</u>
<u>7710016</u>	<u>Access Language Arts - Grade 5</u>
<u>7710020</u>	<u>Reading: K-5</u>

<u>7810011</u>	<u>Access M/J Language Arts 1</u>
<u>7810012</u>	<u>Access M/J Language Arts 2</u>
<u>7810013</u>	<u>Access M/J Language Arts 3</u>
<u>7855010</u>	<u>Academics: 6-8</u>
<u>7855030</u>	<u>Academic Skills: 6-8</u>
<u>7855040</u>	<u>Advanced Academics: 6-8 for Gifted Students</u>
<u>7855050</u>	<u>Developmental Skills: 6-8</u>
<u>7910111</u>	<u>Access English 1/2</u>
<u>7910112</u>	<u>Access English 3/4</u>

(b) The courses associated with FCAT Mathematics for the purposes of this rule that are incorporated in the calculation beginning with the 2011-2012 school year are as follows:

<u>Course Number</u>	<u>Course Name</u>
<u>1200300</u>	<u>Pre-Algebra</u>
<u>1200310</u>	<u>Algebra I</u>
<u>1200320</u>	<u>Algebra I Honors</u>
<u>1200330</u>	<u>Algebra II</u>
<u>1200340</u>	<u>Algebra II Honors</u>
<u>1200370</u>	<u>Algebra Ia</u>
<u>1200380</u>	<u>Algebra Ib</u>
<u>1200400</u>	<u>Intensive Mathematics</u>
<u>1200410</u>	<u>Math for College Success</u>
<u>1200500</u>	<u>Advanced Algebra with Financial Applications</u>
<u>1200700</u>	<u>Math College Readiness</u>
<u>1201300</u>	<u>Math Analysis</u>
<u>1201310</u>	<u>Analysis of Functions</u>
<u>1202300</u>	<u>Calculus</u>
<u>1202340</u>	<u>Pre-Calculus</u>
<u>1202371</u>	<u>Pre-AICE Additional Math III</u>
<u>1204000</u>	<u>M/J Intensive Mathematics (MC)</u>
<u>1205010</u>	<u>M/J Mathematics 1</u>
<u>1205020</u>	<u>M/J Mathematics 1, Advanced</u>
<u>1205040</u>	<u>M/J Mathematics 2</u>
<u>1205050</u>	<u>M/J Mathematics 2, Advanced</u>
<u>1205070</u>	<u>M/J Mathematics 3</u>
<u>1205080</u>	<u>M/J Mathematics 3, Advanced</u>
<u>1205090</u>	<u>M/J Mathematics IB</u>
<u>1205100</u>	<u>M/J Pre-algebra IB</u>
<u>1205370</u>	<u>Consumer Mathematics</u>
<u>1205400</u>	<u>Applied Mathematics I</u>
<u>1205410</u>	<u>Applied Mathematics II</u>

<u>1205420</u>	<u>Applied Mathematics III</u>
<u>1205500</u>	<u>Explorations in Mathematics I</u>
<u>1205510</u>	<u>Explorations in Mathematics II</u>
<u>1205540</u>	<u>Business Mathematics</u>
<u>1206300</u>	<u>Informal Geometry</u>
<u>1206310</u>	<u>Geometry</u>
<u>1206320</u>	<u>Geometry Honors</u>
<u>1206330</u>	<u>Analytic Geometry</u>
<u>1207310</u>	<u>Integrated Mathematics I</u>
<u>1207320</u>	<u>Integrated Mathematics II</u>
<u>1207330</u>	<u>Integrated Mathematics III</u>
<u>1208300</u>	<u>Liberal Arts Mathematics</u>
<u>1209810</u>	<u>Pre-AICE Mathematics I</u>
<u>1209820</u>	<u>Pre-AICE Mathematics II</u>
<u>1210300</u>	<u>Probability & Statistics with</u>
<u>1211300</u>	<u>Trigonometry</u>
<u>1220610</u>	<u>Linear Algebra</u>
<u>1220612</u>	<u>Abstract Algebra</u>
<u>1220910</u>	<u>Discrete Mathematics</u>
<u>1298310</u>	<u>Advanced Topics in Mathematics</u>
<u>5012020</u>	<u>Math Grade K</u>
<u>5012030</u>	<u>Math Grade 1</u>
<u>5012040</u>	<u>Math Grade 2</u>
<u>5012050</u>	<u>Math Grade 3</u>
<u>5012060</u>	<u>Math Grade 4</u>
<u>5012070</u>	<u>Math Grade 5</u>
<u>7712010</u>	<u>Mathematics K-5</u>
<u>7755010</u>	<u>Academics K-5</u>
<u>7755030</u>	<u>Academic Skills K-5</u>
<u>7755040</u>	<u>Advanced Academic Skills K-5</u>
<u>7755050</u>	<u>Developmental Skills K-5</u>
<u>7812010</u>	<u>Mathematics: 6-8</u>
<u>7855010</u>	<u>Academics 6-8</u>
<u>7855030</u>	<u>Academic Skills 6-8</u>
<u>7855040</u>	<u>Advanced Academics 6-8</u>
<u>7855050</u>	<u>Developmental Skills 6-8</u>
<u>7912050</u>	<u>Mathematics 9-12</u>
<u>7912340</u>	<u>Life Skills Math: 9-12</u>
<u>1200390</u>	<u>International Baccalaureate Mid Yrs Program</u> <u>Algebra 1 Honors</u>
<u>1200395</u>	<u>International Baccalaureate Mid Yrs Program</u> <u>Algebra 2 Honors</u>

<u>1201320</u>	<u>International Baccalaureate Math Analysis</u>
<u>1202310</u>	<u>Advanced Placement Calculus AB</u>
<u>1202320</u>	<u>Advanced Placement Calculus BC</u>
<u>1202352</u>	<u>AICE Mathematics I</u>
<u>1202354</u>	<u>AICE Mathematics & Mechanics 1</u>
<u>1202356</u>	<u>AICE Mathematics & Mechanics 2</u>
<u>1202362</u>	<u>AICE Mathematics & Probability & Statistics 1</u>
<u>1202364</u>	<u>AICE Mathematics & Probability & Statistics 2</u>
<u>1202366</u>	<u>AICE Mathematics & Mechanics & Probability & Statistics 2</u>
<u>1202370</u>	<u>AICE Further Math</u>
<u>1202375</u>	<u>International Baccalaureate Pre-Calculus</u>
<u>1202800</u>	<u>Calculus - International Baccalaureate</u>
<u>1202810</u>	<u>International Baccalaureate Calculus and</u> <u>Descriptive Statistics</u>
<u>1202820</u>	<u>International Baccalaureate Further Mathematics</u>
<u>1202830</u>	<u>International Baccalaureate Advanced Calculus</u>
<u>1206800</u>	<u>Analytic Geometry - International Baccalaureate</u>
<u>1206810</u>	<u>International Baccalaureate Mid Yrs Program</u> <u>Geometry Honors</u>
<u>1209800</u>	<u>Mathematics Studies - International Baccalaureate</u>
<u>1209830</u>	<u>International Baccalaureate Mathematics Higher</u> <u>Level</u>
<u>1210310</u>	<u>IB Statistics and Introductory Differential Calculus</u>
<u>1210320</u>	<u>Advanced Placement Statistics</u>
<u>1210330</u>	<u>AICE Mathematics Statistics</u>
<u>1211800</u>	<u>Trigonometry International Baccalaureate</u>
<u>2400000</u>	<u>Sixth Grade</u>
<u>7712050</u>	<u>Access Mathematics Grade 4</u>
<u>7712060</u>	<u>Access Mathematics Grade 5</u>
<u>7812015</u>	<u>Access M/J Mathematics 1</u>
<u>7812020</u>	<u>Access M/J Mathematics 2</u>
<u>7812030</u>	<u>Access M/J Mathematics 3</u>
<u>7912060</u>	<u>Access Informal Geometry</u>
<u>7912070</u>	<u>Access Liberal Arts Mathematics</u>
<u>7912080</u>	<u>Access Algebra IA</u>
<u>7912090</u>	<u>Access Algebra IB</u>

Rulemaking Authority 1012.34 FS. Law Implemented 1012.34 FS. History—New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-7.0710 RULE TITLE: Instructional Materials Policies and Procedures

PURPOSE AND EFFECT: The purpose and effect of this rule development is to prescribe the procedures governing the adoption of instructional materials for use by Florida school districts for the 2012-2013 adoption.

SUBJECT AREA TO BE ADDRESSED: Instructional Materials Policies and Procedures.

RULEMAKING AUTHORITY: 1001.02(1), 1006.34(1) FS.

LAW IMPLEMENTED: 1006.29, 1006.30, 1006.31, 1006.32, 1006.33, 1006.34, 1006.36, 1006.38 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David Sikes, Director of Instructional Materials, Department of Education, 325 West Gaines Street, Suite 432, Tallahassee, Florida 32399-0400; (850)245-0808; David.Sikes@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>.

DEPARTMENT OF JUVENILE JUSTICE

Transition

RULE NOS.:	RULE TITLES:
63T-1.001	Purpose and Scope
63T-1.002	Definitions
63T-1.003	Community Supervision
63T-1.004	Residential Commitment Program
63T-1.005	Community Re-Entry Team

PURPOSE AND EFFECT: The rule chapter establishes requirements for the provision of transition services for youth who have been residentially committed to the Department.

SUBJECT AREA TO BE ADDRESSED: The rule chapter provides common definitions, and details the responsibilities of Juvenile Probation Officers, the residential commitment program, and the community re-entry team in providing for the youth's transition from residential commitment to supervision in the community.

RULEMAKING AUTHORITY: 985.64 FS.

LAW IMPLEMENTED: 985.46, .433(7)(c), .435, .601(3)(a) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, February 15, 2013, 1:00 p.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact: John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.110 **RULE TITLE:** Hearing Services

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 59G-4.110, F.A.C., is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, October 2012. With this amendment, the submission of prior authorization requests for the repair and maintenance of the external components of cochlear and BAHA implant will be reassigned to the manufacturer/provider and no longer required of the clinicians. This will eliminate the need for clinicians to purchase the repairs and components from the enrolled manufacturer and then obtain reimbursement from Medicaid. It will also result in policy clarifications for providers and will direct them to other information resources on the Medicaid Web site.

SUMMARY: The revisions to the coverage and limitations handbook include clarification of general policy, place of service clarification, additional definitions, a new cochlear and BAHA implant policy, and updated fiscal agent information.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine

the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 21, 2013, 11:00 a.m. – 12:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Shameria Young at the Bureau of Medicaid Services, (850)412-4235. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shameria Young, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4235, e-mail: shameria.young@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.110 Hearing Services.

(1) This rule applies to all physicians, audiologists, and hearing aid specialists who provide hearing services to Medicaid recipients.

(2) All physicians, audiologists, and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, October 2012 ~~July 2006~~, which is incorporated by reference, and the ~~Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated by reference in Rule 59G 4.001, F.A.C. Both handbooks are~~ The handbook is available from the Medicaid fiscal agent's Web site website at www.mymedicaid-florida.com ~~http://floridamedicaid.aes-inc.com~~. Select Click on Public Information for Providers, then Provider Support, and then Provider on Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Services Contact Center Inquiry at 1(800)289-7799 and selecting Option 7 (800)377-8216.

~~Rulemaking Specific~~ Authority 409.919 FS. Law Implemented ~~409.902, 409.906, 409.907, 409.908, 409.012, 409.913~~ FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, 7-27-04, 7-26-05, 8-18-05, 11-29-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary McCullough

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 23, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.205 RULE TITLE: Practitioner Services

PURPOSE AND EFFECT: The purpose of new Rule 59G-4.205, F.A.C., is to incorporate by reference the new Florida Medicaid Practitioner Services Coverage and Limitations Handbook, December 2012.

SUMMARY: The new handbook applies to all Medicaid enrolled physicians, advanced registered nurse practitioners, physician assistants, anesthesiologist assistants, and registered nurse first assistants. Enrolled practitioners listed above must be in compliance with all provisions and requirements of the handbook. This includes policy clarification and updated information regarding billing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907,
 409.908, 409.9081, 409.912, 409.913 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 7, 2013, 3:30 p.m. – 4:30 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Eleanor Cofer at the Bureau of Medicaid Services, (850)412-4271. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eleanor Cofer, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4271, e-mail: eleanor.cofer@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.205 Practitioner Services.

(1) This rule applies to all physicians, advanced registered nurse practitioners, physician assistants, anesthesiologist assistants, and registered nurse first assistants enrolled in the Medicaid program.

(2) All practitioner providers listed above and enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Practitioner Services Coverage and Limitations Handbook, December 2012, incorporated by reference. The handbook is available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. A paper copy of the handbook may be obtained by calling the Provider Services Contact Center at 1(800)289-7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.9081, 409.912, 409.913 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Eleanor Cofer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 27, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09942	State Uniform Transfer of Students in the Middle Grades

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 36, September 7, 2012 Florida Administrative Register has been continued from February 18, 2013 to March 19, 2013.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-2.0020	Charter School Capital Outlay.

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 16, January 24, 2013 issue of the Florida Administrative Register. The rule development listed an incorrect passcode for the conference call. The correct participant code is 9945174164.

DEPARTMENT OF EDUCATION

Florida's Office of Early Learning

RULE NOS.:	RULE TITLES:
6M-8.700	Low-Performing Provider; Voluntary Prekindergarten Education Program Improvement Plan and Implementation; First Year Probation
6M-8.701	Low-Performing Provider; Voluntary Prekindergarten Education Program Second Year Probation
6M-8.702	Low-Performing Provider; Removal From Voluntary Prekindergarten Education Program Eligibility

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38/64, November 2, 2012 issue of the Florida Administrative Register.

Following paragraphs have been revised as indicated:

Rule 6M-8.700(1)(a):

(a) Use of Approved Curriculum or Staff Development Plan. A VPK provider on probation must select either an approved curriculum from the list of approved curricula for providers on probation on the Department of Education's website per Rule 6A-1.099825, F.A.C., or a staff development plan available from the Department of Education per Rule 6A-1.099826, F.A.C., as a targeted area in its improvement plan. An early learning coalition or school district, as applicable, shall require a VPK provider on probation to use an approved curriculum or staff development plan in accordance with Section 1002.67(4)(c)2.-3., F.S.

Rule 6M-8.700(1)(b)6.:

6. Percentage of students attending seventy (70) percent or more of the instructional hours offered by the VPK provider; or ~~and~~

Rule 6M-8.700(1)(c)2.:

2. A list of specific actions already taken, and ~~or~~ proposed to be taken, by the VPK provider for improvement of targeted areas; and

Rule 6M-8.700(2)(c):

(c) If the improvement plan does not address the criteria established in paragraphs (1)(a)-(c), the early learning coalition or school district, as applicable, shall disapprove the improvement plan and shall return it to the VPK provider with suggestions for revision. The VPK provider on probation shall submit an amended improvement plan within 14 days following the receipt of notification of disapproval of its improvement plan and suggestions for revision. The early learning coalition or school district, as applicable, shall offer to work with the VPK provider on probation to revise a disapproved improvement plan to address the criteria in paragraphs (1)(a)-(c). For each initial disapproved improvement plan that a VPK provider submits, the provider may submit an amended improvement plan no more than two additional times until such time as the State Board of Education adopts the minimum kindergarten readiness rate for the subsequent program year under Rule 6A-1.099821, F.A.C.

Rule 6M-8.700(3):

(3) Technical Assistance. An early learning coalition or school district, as applicable, shall offer to identify technical assistance opportunities for each providers on probation. Such technical assistance shall be offered in a manner and schedule prescribed by the coalition or school district, ~~in developing and implementing an~~ and shall be designed to facilitate the development and implementation of improvement plans ~~to each provider which fails to meet the minimum kindergarten readiness rate~~. A provider on probation may elect to receive

assistance by contacting the coalition or school district, as applicable, in writing. Whether or not a provider elects to receive resources, referrals or technical assistance, improvement of the provider's kindergarten readiness rate is the sole responsibility of the provider. Compliance with technical assistance does not guarantee that the provider will improve its kindergarten readiness rate.

Rule 6M-8.700(4):

(4) Prior to registering to offer the VPK program, a provider on probation must demonstrate that it is implementing its improvement plan. The VPK provider must demonstrate its implementation of its improvement plan by using an approved curriculum or a staff development plan in accordance with Section 1002.67(4)(c)2.-3., F.S., including all program materials and professional development elements associated with the approved curriculum or staff development plan, and by submitting the following to the early learning coalition or school district, as applicable:

Rule 6M-8.701(1):

(1) Probation. An early learning coalition or school district, as applicable, shall place on second or subsequent year probation any Voluntary Prekindergarten Education (VPK) provider which receives kindergarten readiness rates for the same program type (school year or summer) which fail to meet the minimum rates adopted by the State Board of Education as satisfactory under Section 1002.69(6), F.S., for two or more consecutive years. For the purpose of this rule, consecutive years means years in which a VPK provider receives kindergarten readiness rates for the same program type (school year or summer). ~~For example, a provider fails to meet the minimum rate for consecutive years if the provider fails to meet the minimum rate in 2012 for the school year program type, does not offer the school year program type in 2013 or does not receive a rate for the school year program type in 2013, and fails to meet the minimum rate in 2014 for the school year program type.~~

Rule 6M-8.701(2)(a):

(a) A list of target areas for the VPK provider's improvement per Rule 6M-8.700, F.A.C., and any additional areas a provider deems important to its improvement, including specifically;

1. Identification and description of the provider's use of an approved curriculum or a staff development plan in accordance with Section 1002.67(4)(c)2.-3., F.S., including all associated program materials and professional development elements associated with the approved curriculum or staff development plan as described in paragraph 6M-8.700(1)(a) and subsection (4); and

2. Identification and description of the provider’s action steps in the additional targeted area(s) as described in paragraph 6M-8.700(1)(b), F.A.C.

Rule 6M-8.702(1)

(1) Removal from Future Eligibility. Except when a provider receives a good cause exemption under Section 1002.69(7), F.S., an early learning coalition or school district, as applicable, shall remove a Voluntary Prekindergarten Education (VPK) Program provider from future eligibility to offer new VPK classes of the program type (school year or summer) for which the provider receives kindergarten readiness rates for the same program type (school year or summer) which fail to meet the minimum kindergarten readiness rates adopted by the State Board of Education as satisfactory under Section 1002.69(6), F.S., for three consecutive years. For the purpose of this rule, consecutive years has the same meaning as defined in subsection 6M-8.701(1).

Rule 6M-8.702(2)

(2) Letter of Removal to Private VPK Providers. Florida’s Office of Early Learning shall notify the early learning coalition, in writing, to remove a private VPK provider from future eligibility to offer new VPK classes of the program type. The coalition shall then issue a written Letter of Removal to the provider, which shall be delivered to the provider via postal service, electronic mail (email), facsimile, or courier service. The Letter of Removal shall be provided ~~in writing, which may include electronic mail,~~ within 30 days after the decision on an application for good cause exemption by the State Board of Education, or, if no application was filed by the provider, within 30 days after the deadline to file a good cause exemption application has expired, with a copy to Florida’s Office of Early Learning, at the following address: 250 Marriott Drive, Tallahassee, Florida 32399. A Letter of Removal shall contain the following provisions:

- (a) Notice of the program type (school year or summer) for which the provider is ineligible;
- (b) The date upon which the provider was deemed ineligible to offer the program type in the future; and
- (c) Notice of termination of any provider agreements, if applicable, under which the provider would have begun a new VPK class for the VPK program type for which the provider has been deemed ineligible;

Rule 6M-8.702 History Notes:

Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.67(4)(c)1. and 4., 1002.75(3)(c) FS. History–New_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-40.110
 RULE TITLE: Declaration and Intent

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 99, December 28, 2012 issue of the Florida Administrative Register has been withdrawn.

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201: Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on January 18, 2013, the Southwest Florida Water Management District received a petition for a variance or waiver.

Petitioner’s Name: Lennar Homes, LLC.

Rule No.: 40D-22.201: Year Round Water Conservation Measures.

Nature of the rule for which variance or waiver is sought: 40D-22.201(4) lawn and landscape irrigation.

Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, x. 2298, water.variances@watermatters.org.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201: Year-Round Water Conservation Measures

The Southwest Florida Water Management District hereby gives notice that on January 29, 2013, it has issued an order.

Petitioner’s Name: Hampton Hills, LLC

Date Petition Filed: November 16, 2012

Rule No.: 40D-22.201, F.A.C.

Nature of the rule for which variance or waiver is sought: lawn and landscape irrigation

Date Petition Published in the Florida Administrative Register: November 21, 2012

General Basis for Agency Decision: Petitioner demonstrated substantial hardship and Petitioner proposed an alternative means of achieving the purpose of the statute implemented by the rule.

A copy of the Order or additional information may be obtained by contacting Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, x. 2298, water.variances@watermatters.org.

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District
RULE NO.: RULE TITLE:

40D-22.201: Year-Round Water Conservation Measures
The Southwest Florida Water Management District hereby gives notice that on January 29, 2013, it has issued an order.
Petitioner’s Name: Brentwood Farms, LLC
Date Petition Filed: November 16, 2012
Rule No.: 40D-22.201, F.A.C.
Nature of the rule for which variance or waiver is sought: lawn and landscape irrigation.
Date Petition Published in the Florida Administrative Register: November 21, 2012.

General Basis for Agency Decision: Petitioner demonstrated substantial hardship and Petitioner proposed an alternative means of achieving the purpose of the statute implemented by the rule.

A copy of the Order or additional information may be obtained by contacting Lois Sorensen, 7601 US Highway 301, Tampa, Florida, 33637, (813)985-7481, x. 2298, water.variances@watermatters.org.

WATER MANAGEMENT DISTRICTS
South Florida Water Management District
RULE NO.: RULE TITLE:

40E-6.221: Conditions for Issuance of Standard Permits
NOTICE IS HEREBY GIVEN that on January 17, 2013, the South Florida Water Management District (District), received a petition for waiver from the Florida Department of Transportation, Application No. 13-0117-1, Permit (MOD) Number 4264 for utilization of Works or Lands of the District known as the C-4 Canal requesting authorization to allow for the replacement of the SW 107th Avenue Bridge crossing C-4 Canal. Miami-Dade County, Section 5 and 6, Township 54 South, Range 40 East. The petition seeks relief from Rule 40E-6.221(2)(j) Fla. Admin. Code, which governs the minimum low member elevation of pile-supported and free-span facilities located within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail at jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by

the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1414, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

Section VI
Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE
Division of Cultural Affairs
The Division of Cultural Affairs and the Florida Council on Arts and Culture announces a public meeting to which all persons are invited.

DATE AND TIME: March 21, 2014, 9:00 a.m.
PLACE: 22nd Floor Gallery at the Capitol, 400 South Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council. Note: if a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. Council members must be physically present in order to participate.

A copy of the agenda may be obtained by contacting: Rachelle Ashmore at (850)245-6490, by email at Rachelle.Ashmore@DOS.MyFlorida.com, or via the Division’s website: www.florida-arts.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Maureen McKloski at (850)245-6475 or by email, Maureen.McKloski@DOS.MyFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Rachelle Ashmore at (850)245-6490 or by email at Rachelle.Ashmore@DOS.MyFlorida.com.

DEPARTMENT OF LEGAL AFFAIRS
Division of Victim Services and Criminal Justice Programs
The Department of Legal Affairs, Council on the Social Status of Black Men and Boys announces telephone conference calls to which all persons are invited.

DATE AND TIME: February 19, 2013, 2:00 p.m. – 4:00 p.m.
Toll free dial in number: (888)670-3525; Conference Code: 7071360675

DATE AND TIME: April 9, 2013, 2:00 p.m. – 4:00 p.m.

Toll free dial in number: (888)670-3525; Conference code: 7071360675

DATE AND TIME: May 7, 2013, 2:00 p.m. - 4:00 p.m.

Toll free dial in number: (888)670-3525; Conference code: 7071360675

DATE AND TIME: June 25, 2013, 2:00 p.m. - 4:00 p.m.

Toll free dial in number: (888)670-3525; Conference code: 7071360675

DATE AND TIME: August 6, 2013, 2:00 p.m. - 4:00 p.m.

Toll free dial in number: (888)670-3525; Conference code: 7071360675

DATE AND TIME: October 1, 2013, 2:00 p.m. - 4:00 p.m.

Toll free dial in number: (888)670-3525; Conference code: 7071360675

DATE AND TIME: November 5, 2013, 2:00 p.m. - 4:00 p.m.

Toll free dial in number: (888)670-3525; Conference code: 7071360675

DATE AND TIME: December 10, 2013, 2:00 p.m. - 4:00 p.m.

Toll free dial in number: (888)670-3525; Conference code: 7071360675

PLACE: TELECONFERENCE. Please be advised that meetings & meeting rooms maybe subject to change. For updates please visit <http://www.cssbmb.com>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the agenda may be obtained by visiting <http://www.cssbmb.com>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may visit <http://www.cssbmb.com>.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

The Department of Legal Affairs, Council on the Social Status of Black Men and Boys announces telephone conference calls to which all persons are invited.

DATE AND TIME: March 7, 2013, 10:00 a.m. - 11:30 a.m.

Toll free dial in number: (888)670-3525; Conference code: 7071360675

DATE AND TIME: May 16, 2013, 10:00 a.m. – 11:30 a.m.

Toll free dial in number: (888)670-3525; Conference code: 7071360675

DATE AND TIME: August 22, 2013, 10:00 a.m. – 11:30 a.m.

Toll free dial in number: (888)670-3525; Conference Code: 7071360675

DATE AND TIME: November 14, 2013, 10:00 a.m. – 11:30 a.m.

Toll free dial in number: (888)670-3525; Conference code: 7071360675

DATE AND TIME: December 19, 2013, 10:00 a.m. – 11:30 a.m.

Toll free dial in number: (888)670-3525; Conference code: 7071360675

PLACE: EXECUTIVE COMMITTEE TELECONFERENCES. Please be advised that meetings & meeting rooms may be subject to change. For updates please visit <http://www.cssbmb.com>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the agenda may be obtained by visiting <http://www.cssbmb.com>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800) 955-8770 (voice).

For more information, you may contact: the Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Gulf Coast State College District Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: February 14, 2013, 10:00 a.m.

PLACE: William C. Cramer Jr. Seminar Room (Room 306), SUW, Gulf Coast State College

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

A copy of the agenda may be obtained by contacting: Dr. Jim Kerley, President, Gulf Coast State College.

REGIONAL PLANNING COUNCILS

Apalachee Regional Planning Council

The District II Local Emergency Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 13, 2013, 10:00 a.m. ET

PLACE: Tallahassee Fire Department, Training Facility Classroom, 2964 Municipal Way, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular quarterly meeting of the District II Local Emergency Planning Committee (LEPC).

A copy of the agenda may be obtained by contacting: Chris Rietow, ARPC, 20776 Central Avenue, E., Suite 1, Blountstown, FL 32424, Chris.Rietow@thearpc.com or (850)488-6211, ext. 102.

METROPOLITAN PLANNING ORGANIZATIONS

Lee County Metropolitan Planning Organization

The Lee County MPO's Local Coordinating Board for the Transportation Disadvantaged announces a public meeting to which all persons are invited.

DATE AND TIME: March 1, 2013, 1:30 p.m.

PLACE: Cape Coral-Lee County Public Library Meeting Room, 921 SW 39th Terrace, Cape Coral, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Call to Order and Pledge of Allegiance.

Introductions

Approval of Minutes

1. *Minutes from the December 14, 2012 LCB Meeting

2. Public Comments on Items on the Agenda

New Business

3. CTD Executive Director Presentation (Steve Holmes)

4. *LCB Endorsement of Grant Applications (Brian Raimondo)

5. Review of Bylaws (Brian Raimondo)

6. Coordinated Transportation Program Updates & Distributions Items (Brian Raimondo)

7. Community Transportation Coordinator (CTC) News and Reports (Good Wheels)

Other Business

8. Public Comments on Items not on the Agenda

9. Member Announcements

Adjournment

A copy of the agenda may be obtained by contacting: Mr. Brian Raimondo, (239)244-2220. All meetings of the Lee County Metropolitan Planning Organization (MPO) are open to the public. In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should contact Mr. Brian Raimondo at the Lee MPO 48 hours prior to the meeting by

calling (239)244-2220; if you are hearing or speech impaired call (800)955-8770 (voice) or (800)955-8771 (TDD). Or, e-mail braimondo@leempo.com.

The MPO's planning process is conducted in accordance with Title VI of the Civil Rights Act of 1964 and related statutes. Any person or beneficiary who believes he has been discriminated against because of race, color, religion, sex, age, national origin, disability, or familial status may file a complaint with the Florida Department of Transportation District One Title VI Coordinator Robin Parrish at (863)519-2675 or by writing her at P.O. Box 1249, Bartow, Florida 33831.

METROPOLITAN PLANNING ORGANIZATIONS

Lee County Metropolitan Planning Organization

The Lee County MPO's Local Coordinating Board for the Transportation Disadvantaged announces a hearing to which all persons are invited.

DATE AND TIME: March 1, 2013, 1:30 p.m.

PLACE: Cape Coral-Lee County Public Library Meeting Room, 921 SW 39th Terrace, Cape Coral, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Call to Order and Pledge of Allegiance.

Introductions

Public Hearing

1. Public Comments on Items on the Agenda

2. *Annual Evaluation of Community Transportation Coordinator (Brian Raimondo)

3. *Minor Update of the Transportation Disadvantaged Service Plan (TDSP) (Brian Raimondo)

Other Business

4. Public Comments on Items not on the Agenda

Adjournment

A copy of the agenda may be obtained by contacting Mr. Brian Raimondo, (239)244-2220. All meetings of the Lee County Metropolitan Planning Organization (MPO) are open to the public. In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should contact Mr. Brian Raimondo at the Lee MPO 48 hours prior to the meeting by calling (239) 244-2220; if you are hearing or speech impaired call (800) 955-8770 (voice) or (800)955-8771 (TDD). Or, e-mail braimondo@leempo.com.

The MPO's planning process is conducted in accordance with Title VI of the Civil Rights Act of 1964 and related statutes. Any person or beneficiary who believes he has been discriminated against because of race, color, religion, sex, age, national origin, disability, or familial status may file a complaint with the Florida Department of Transportation

District One Title VI Coordinator Robin Parrish at (863)519-2675 or by writing her at P.O. Box 1249, Bartow, Florida 33831.

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

The Northwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: February 14, 2013, 1:00 p.m. (EST)

PLACE: District Headquarters

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business. Amendments to the Fiscal Year 2012-2013 Adopted Budget will be considered. Amendment #2 proposes an increase of \$766,787 to provide additional operating budget needs for resource management and mitigation activities. Amendment #3 proposes an increase of \$481,500 to support local government watershed restoration and stormwater enhancement projects.

Other Meetings to be held on Thursday, February 14, 2013:

11:00Regulations Committee

12:00District Lands Committee

1:05Public Hearing on Consideration of Regulatory Matters

1:10Public Hearing on Consideration of Land Acquisition Matters

A copy of the agenda may be obtained by contacting: Savannah White, NFWFMD, 81 Water Management Drive, Havana, FL 32333, (850) 539-5999 (also available through the Internet: www.nwfwmd.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Ms. Jean Whitten. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

The Electrical Contractors' Licensing Board announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, March 13, 2013, 4:00 p.m.; Thursday, March 14, 2013, 8:30 a.m., and Friday, March 15, 2013, 8:30 a.m.

PLACE: Hilton Cocoa Beach Oceanfront, 1550 North Atlantic Ave., Cocoa Beach, FL 32931-3268; (321)799-0003

GENERAL SUBJECT MATTER TO BE CONSIDERED: Wednesday, March 13, 2013, 4:00 p.m. - Probable Cause Panel (portions may be closed to the public), Thursday, March 14, 2013, 8:30 a.m. – Discipline & General Business and Friday, March 15, 2013, 8:30 a.m. – General Business.

A copy of the agenda may be obtained by contacting: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

The Florida Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 12, 2013, 2:00 p.m. – 4:00 p.m.

PLACE: Conference call number (888)670-3525, participant passcode: 5488072525 then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Physician Workforce Advisory Meeting – GME Workgroup.

A copy of the agenda may be obtained by contacting: Debbie_Reich@doh.state.fl.us. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Reich at (850)245-4444, ext. 2702, Debbie_Reich@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Reich at (850)245-4444, ext. 2702, Debbie_Reich@doh.state.fl.us.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Substance Abuse Program**

The Substance Abuse Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: February 28, 2013, 10:00 a.m. – 4:00 p.m.

PLACE: DCF Regional Office, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Meeting of the Department of Children and Families (Substance Abuse, Mental Health, and Child Welfare), Managing Entity Organizations, Community Based Care Organizations will be held February at the DCF Regional office in Orlando. These meetings are held to better coordinate Substance Abuse, Mental Health and Child Welfare Integration statewide.

A copy of the agenda may be obtained by contacting: Hayden Mathieson, hayden_mathieson@dcf.state.fl.us, (850)717-4140.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Hayden Mathieson, hayden_mathieson@dcf.state.fl.us, (850)717-4140. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

**FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY
COMPENSATION ASSOCIATION**

The Florida Birth-Related Neurological Injury Compensation Association announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 15, 2013; 12:00 noon

PLACE: Hyatt Regency Orlando International Airport, 9300 Jeff Fuqua Blvd., Orlando, FL 32827, (407)825-1374

GENERAL SUBJECT MATTER TO BE CONSIDERED: General.

A copy of the agenda may be obtained by contacting: Minnie Patrick at mpatrick@nica.com.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

NONE

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF VETERANS' AFFAIRS
FDVA Health Information Technology System

**NOTICE OF INVITATION TO NEGOTIATE (ITN)
STATE OF FLORIDA**

**FLORIDA DEPARTMENT OF VETERANS' AFFAIRS
SOLICITATION NO.: FDVA-ITN-13-004N**

The Florida Department of Veterans' Affairs (FDVA) is soliciting responses from qualified and responsible contractors for the project listed below.

Project Name: FDVA Health Information Technology System.
Statement of Work: Successful contractor shall provide the necessary labor, materials, equipment, and supervision to provide an established, "hosted solution" (software as a service) health information technology system, conversion of current system data to new system, and subsequent monthly support services.

Background: FDVA is actively seeking business office software that can ensure electronic billing practices while maintaining the highest level of data integrity. The software must be designed to handle the functional, clinical and billing needs of skilled nursing care and related ancillary services. FDVA is currently comprised of six 120-bed skilled nursing facilities, a 149-bed domiciliary, a centralized executive headquarters, and a legislative executive branch located in the state capital. The system functionality will be sophisticated enough to allow for single facility database and shared multi-functional master capabilities to integrate tables across the entire FDVA organization. The system shall have the capabilities to expand for future requirements including additional FDVA facilities and personnel, as well as, additional government requirements.

Instructions: This solicitation, including the timeline of events, is available for viewing and printing only through the State of Florida Vendor Bid System via www.myflorida.com. Interested parties in need of assistance with accessing the State of Florida Vendor Bid System shall directly contact the State Vendor Help Desk at phone number (866)352-3776 or email address VendorHelp@MyFloridaMarketPlace.com.

Contact: Respondent questions regarding this solicitation must be submitted in writing to Tim Shaw, FDVA Contracting Administrator, via email address shawt@fdva.state.fl.us.

Florida Department of Veterans' Affairs
Mary Grizzle State Office Building
1351 Ulmerton Road, Suite 311-K
Largo, FL 33778

EARLY LEARNING COALITION OF BROWARD COUNTY, INC.

ELC of Broward County, Inc. Announces the Release of an Invitation to Negotiate (“ITN”)

ELC of Broward County is seeking Competitive Sealed Replies to an ITN for delivery of Early Care and Education Services. Services to procure include coordinated system of Early Care and Education services and supports for children and may include services for Child Screening System Coordination; Child Outcome Development; and Scholarship Administration. Expected release: January 28, 2013 at 2:00 p.m. EST at www.elcbroward.org. All requirements for response will be posted on the website.

Section XII
Miscellaneous

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On January 29, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Farrah A. Legrand, C.N.A., License # CNA 62034. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011).

The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

Emergency Action

On January 29, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Scott David Yagger, D.O. License # OS 6133. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
