

**STORAGE NAME:** h1557.edk

**DATE:** March 29, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
EDUCATION K-12  
ANALYSIS**

**BILL #:** HB 1557

**RELATING TO:** Remedial Instruction

**SPONSOR(S):** Representative Ryan

**COMPANION BILL(S):** SB 1524

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) EDUCATION K-12
  - (2) EDUCATION APPROPRIATIONS
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

This bill revises requirements regarding remedial instruction for elementary school students. It emphasizes early intervention through identification and remediation for students who are deficient in reading, writing, and mathematics. It revises a requirement for intensive reading instruction to include children who demonstrate substantial deficiency before the end of *kindergarten*. If a student's deficiency is not remedied by the end of *grade 1, 2, or 3*, the student must be retained. Remedial instruction *must* be provided outside the regular classroom, or with the aid of a remedial instructor if provided within the regular classroom.

The bill deletes a conflicting provision that requires intensive reading remediation for students exhibiting deficiencies at the beginning of grades 2, 3, and 4, and that provides for retention at the end of grade 5 if the deficiency is not remedied.

Beginning with the 2000-2001 school year, any student in grades K-3 identified by his or her teacher as exhibiting substantial deficiency in *writing or mathematics* must receive intensive remedial instruction in the area of deficiency.

The bill revises student enrichment, remedial, and dropout prevention funding provisions to specify that such activities provided for students in kindergarten through grade 3 be conducted *during* the period of time during which the subject matter is normally taught. Current statutes specify that enrichment, remedial, and dropout prevention activities, when offered, be provided during periods that are supplemental to, or beyond, the required 180 days of instruction. The bill specifies that each school district must provide an amount from current operating funds for providing personnel dedicated specifically to remedial instruction for children in grades K-3. It does not prohibit districts from allocating resources and personnel so that a teacher is responsible for providing remedial instruction at more than one school.

The fiscal impact of this bill is indeterminate. A more significant impact can be expected if the remedial instructor must be a certified teacher. The impact will also depend on how many children are identified as needing remedial instruction in kindergarten. There is currently no data available in this regard. The bill requires that current operating funds be used to fund the program. This provision could result in fewer funds being available for other activities conducted in support of supplementary enrichment and dropout prevention programs.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 232.245, F.S., prescribes pupil progression and remediation requirements. Each student's progression from one grade to another must be determined, in part, upon proficiency in reading, writing, and mathematics. District school boards must establish a comprehensive program for pupil progression which must include:

- (a) Standards for evaluating each pupil's performance, including how well he or she masters the performance standards approved by the state board according to s. 229.565, F.S.
- (b) Specific levels of performance in reading, writing, and mathematics for each grade level, including the levels of performance on statewide assessments at selected grade levels in elementary school, middle school, and high school as defined by the Commissioner of Education, below which a student must receive remediation and may be retained.

Each student must participate in the statewide assessment tests required by s. 229.57, F.S. A student who does not meet specific levels of performance as determined by the district school board in reading, writing, and mathematics for each grade level, or who does not meet specific levels of performance on statewide assessments at selected grade levels, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need. The school in which the student is enrolled must develop, in consultation with the student's parent or legal guardian, and implement an academic improvement plan designed to assist the student in meeting state and district expectations for proficiency. Each plan must include the provision of intensive remedial instruction in the areas of weakness through one or more of the following activities, as considered appropriate by the school administration:

- (a) Summer school course work;
- (b) Extended-day services;
- (c) Parent tutorial programs;
- (d) Contracted academic services;
- (e) Exceptional education services; or
- (f) Suspension of curriculum other than reading, writing, and mathematics. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.

Upon subsequent evaluation, if the documented deficiency has not been corrected in accordance with the academic improvement plan, the student may be retained. Each student who does not meet the minimum performance expectations defined by the commissioner for the statewide assessment tests in reading, writing, and mathematics must retake the state assessment test in the subject area of deficiency and must continue remedial instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

Any student who exhibits substantial deficiency in reading skills, based on locally determined assessments conducted before the end of grade 1, grade 2, and grade 3, or based on teacher recommendation, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessment or based on teacher recommendation at the beginning of the grade following the intensive reading instruction, and the student must continue to be given intensive reading instruction until the reading deficiency is remedied. If the student's reading deficiency, as determined by the locally determined assessment, is not remedied by the end of grade 2 or grade 3, or if the student scores below the specific level of performance, determined by the local school board, on the statewide assessment test in reading and writing given in elementary school, the student *must* be retained. The local school board may exempt a student from mandatory retention for good cause. Any student who exhibits substantial deficiency in reading skills, based on locally determined assessments conducted at the beginning of grade 2, grade 3, and grade 4, or based on teacher recommendation, must also be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed, and he or she must continue to be given intensive reading instruction until the reading deficiency is remedied. If the student's reading deficiency is not remedied by the end of grade 5, the student *may* be retained.

Section 236.0841, F.S., prescribes funding requirements relating to student enrichment, remedial, and dropout prevention programs. Each school district may provide any amount from current operation funds of the Florida Education Finance Program (FEFP) for salaries of personnel who are employed, pursuant to regulations of the commissioner, to provide supplementary enrichment, remedial, and dropout prevention activities pursuant to s. 230.2316, F.S. The enrichment, remedial, and dropout prevention activities, when offered, must be provided to students *during periods of time supplemental to or beyond the required 180 days of instruction*.

**B. EFFECT OF PROPOSED CHANGES:**

This bill revises requirements regarding remedial instruction for elementary school students. It emphasizes early intervention through identification and remediation for students who are deficient in reading, writing, and mathematics. It revises a requirement for intensive reading instruction to include children who demonstrate substantial deficiency before the end of *kindergarten*. If a student's deficiency is not remedied by the end of *grade 1, 2, or 3*, the student must be retained. Remedial instruction *must* be provided outside the regular classroom, or with the aid of a remedial instructor if provided within the regular classroom.

The bill deletes a conflicting provision that requires intensive reading remediation for students exhibiting deficiencies at the beginning of grades 2, 3, and 4, and that provides for retention at the end of grade 5 if the deficiency is not remedied.

Beginning with the 2000-2001 school year, any student in grades K-3 identified by his or her teacher as exhibiting substantial deficiency in writing or mathematics must receive intensive remedial instruction in the area of deficiency.

The bill revises student enrichment, remedial, and dropout prevention funding provisions to specify that such activities provided for students in kindergarten through grade 3 be conducted *during the period of time during which the subject matter is normally taught*. Current statutes specify that enrichment, remedial, and dropout prevention activities, when offered, be provided during periods that are supplemental to, or beyond, the required 180 days of instruction. The bill specifies that each school district must provide an amount from current operating funds for providing personnel dedicated specifically to remedial instruction for children in grades K-3. It does not prohibit districts from allocating resources and personnel so that a teacher is responsible for providing remedial instruction at more than one school.

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. School districts must identify and remediate deficiencies earlier -- in kindergarten. Intensive remedial instruction will have to be provided in mathematics and writing, in addition to reading.

(3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

The bill does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

The bill does not create or change a program providing services to families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 232.245 and 236.0841, F.S. are amended.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 amends s. 232.425, F.S., relating to pupil progression and remedial instruction. It emphasizes early intervention through identification and remediation for students who are deficient in reading, writing, and mathematics. It revises a requirement for intensive reading instruction to include children who demonstrate substantial deficiency before the end of *kindergarten*. If a student's deficiency is not remediated by the end of *grade 1, 2, or 3*, the student must be retained. It deletes a provision that requires intensive reading remediation for students exhibiting deficiencies at the beginning of grades 2, 3, and 4, and that provides for retention at the end of grade 5 if the deficiency is not remedied.

Beginning with the 2000-2001 school year, any student in grades K-3 identified by his or her teacher as exhibiting substantial deficiency in writing or mathematics must receive intensive remedial instruction in the area of deficiency. Remedial instruction must be provided outside the regular classroom, or with the aid of a remedial instructor if provided within the regular classroom.

Section 2 amends s. 236.0841, F.S., relating to funding for student enrichment, remedial, and dropout prevention programs. It revises funding provisions to specify that remedial activities provided for students in kindergarten through grade 3 be conducted during the period of time during which the subject matter is normally taught. It specifies that each school district must provide an amount from current operating funds for providing personnel dedicated specifically to remedial instruction for children in grades K-3. It does not prohibit districts from allocating resources and personnel so that a teacher is responsible for providing remedial instruction at more than one school.

Section 3 provides an effective date of July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

The fiscal impact of this bill is indeterminate. A more significant impact can be expected if the remedial instructor must be a certified teacher. The impact will also depend on how many children are identified as needing remedial instruction in kindergarten. There is currently no data available in this regard. The bill requires that current operating funds be used to fund the program. This provision could result in fewer funds being available for other activities conducted in support of supplementary enrichment and dropout prevention programs.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

See above.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage or a state tax shared with counties or municipalities.

V. COMMENTS:

This bill amends requirements affecting dropout prevention programs. An amendment to s. 230.2316, F.S., is recommended to revise eligibility requirements to encompass grades K-3. The current statute limits dropout prevention program eligibility to students in grades 4-12.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Staff Director:

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Terri J. Chasteen

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Patricia W. Levesque