

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 186

SPONSOR: Education Committee

SUBJECT: Pupil Progression

DATE: January 4, 1999 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|------------------|-----------|------------------|
| 1. | <u>Harkey</u> | <u>O'Farrell</u> | <u>ED</u> | <u>Favorable</u> |
| 2. | _____ | _____ | <u>FP</u> | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

This bill amends s. 232.245, F.S., to require retention of fourth grade students whose reading deficiency has not been remedied. The requirement for retention at grades two and three and the authorization for retention at grade five are deleted. The list of required activities for remedial instruction is deleted, thus leaving the choice of activities to the school district. The requirement that retention be based on the statewide writing assessment is deleted, thus making reading proficiency the criterion for state-mandated retention.

This bill substantially amends s. 232.245, Florida Statutes.

II. Present Situation:

The 1997 Legislature passed Senate Bill 1956 (chapter 97-309, L.O.F.) which amended s. 232.245, F.S., to require that student progress be based on proficiency in reading, writing, and mathematics. The law requires intensive instruction for students whose performance is below district and state standards for those three subjects. The school must prepare an academic improvement plan (AIP) for each student whose performance is below the standards.

The law pertains to all grade levels, but elementary grades receive particular focus. Under the statute, a student must be retained if his or her reading deficiency is not remedied by the end of grades 2 or 3, or if he or she scores below the acceptable performance level in reading and writing on the statewide assessment tests given at grade 4. Retention is also authorized at grade five. The statute is somewhat confusing because it combines the provisions of SB 1956 and another bill passed by the 1997 Legislature, SB 458 (chapter 97-2, Laws of Florida), which increased high school standards and also authorized retention at grade five for students whose reading deficiency had not been remedied. The passage of two laws amending the same statute created a mixed message about whether retention is required or suggested and created a discrepancy about the grade level at which retention should take place.

The chart below shows that subsection (4) of s. 232.245, F.S., is in conflict with subsection (5) regarding the policies for locally determined assessments and retention. The chart also shows that subsection (5) unnecessarily repeats the policies for intensive reading instruction and reassessment that are established in subsection (4).

| POLICIES IN SECTION 232.245, F.S. | | |
|--|---|--|
| Requirement | Subsection 4 | Subsection 5 |
| Locally determined assessments | Before the end of grade 1, grade 2, and grade 3. | At the beginning of grade 2, grade 3, and grade 4. |
| Intensive reading instruction | Immediately following identification of the reading deficiency based on performance on locally determined assessments or teacher recommendation. | Immediately following identification of the reading deficiency based on performance on locally determined assessments or teacher recommendation. |
| Reassessment | By locally determined assessment or based on teacher recommendation at the beginning of the grade following the intensive reading instruction. | By locally determined assessment or based on teacher recommendation at the beginning of the grade following the intensive reading. |
| Retention | Mandatory at the end of grade 2 or grade 3, if the reading deficiency is not remedied, or if the student scores below the district's level of performance on statewide assessments in reading and writing (i.e., grade 4). The school board can exempt a student from retention for good cause. | Permitted at the end of grade 5 if the student's reading deficiency has not been remedied. |

In 1998, the Senate conducted an interim project on the implementation of SB 1956 in elementary schools to determine the best way to amend the statute to clarify the policy. A survey was sent to each school district superintendent asking how the district implemented the requirements of SB 1956. The survey asked if the district experienced problems implementing the law and if the district would suggest changes to the statute. Fifty-three of the 67 school districts responded to the survey.

All of the school districts that responded to the survey are implementing the law. Some districts began implementation in 1997-98, as the statute requires. Other districts planned in 1997-98 and began implementation in 1998-99. A DOE technical assistance paper told districts that “implementation should be in place by the end of the 1997-98 school year with the first identification of students needing help occurring then.” Rather than identifying students at the end of an academic year, some districts waited until the beginning of the 1998-99 school year to identify students who needed help.

School districts reported that the list of strategies the law requires for intensive remedial instruction is too limited. The list includes summer school coursework, extended day, parent tutorial programs, contracted academic services, exceptional education services, and suspension

of curriculum. Districts said there are successful strategies other than those listed, and they need more flexibility to address student remediation in elementary, middle, and high school.

The statute requires the Commissioner of Education to set proficiency levels on statewide assessments at selected grade levels. The commissioner did not set proficiency levels for reading and mathematics until November 25, 1998, when the State Board of Education adopted a rule that established five levels of proficiency on the Florida Comprehensive Assessment Test (FCAT). The commissioner has not tied the proficiency levels adopted by the state board to pupil progression. Thus, districts have implemented the law based on district criteria.

The Senate staff made the following recommendations to enable Florida elementary schools to fully implement the intent of SB 1956:

1. Revise s. 232.245, F.S., to provide a clear, consistent policy for elementary student progress.
2. Clarify the policy for retention and the grades at which it is suggested or required.
3. Clarify the emphasis on reading writing, and mathematics in elementary school to establish reading as the first priority and to make reading, writing and mathematics the primary focus of the first three years of school.
4. Create a Reading Center to convey the latest scientific information to teachers and to students who are preparing to be teachers.
5. Assure resources and incentives to school districts to achieve the goals of SB 1956.
6. Implement reading readiness activities in all preschool programs.

There is considerable funding to implement the provisions of s. 232.245, F.S., in elementary school. The Legislature provided \$2.7 billion in base funding for students in grades K-5 in 1998-99. The main activity supported by these funds should be instruction in the basic subjects of reading, writing and mathematics. In addition to the basic funding, specific programs such as exceptional student education or English to speakers of other languages support elementary education.

The 1997-98 General Appropriations Act designated four sources of funds for implementation of SB 1956. In Specific Appropriation # 107 school districts were given the authority to spend funds appropriated for K-8 summer school, class size reduction, full service schools, and public school technology to achieve the performance levels required by SB 1956. These funding sources combined contained \$273 million.

The 1998-99 General Appropriations Act, in specific Appropriation # 118, gave districts flexibility over three sources of funds to meet students' needs. The fund sources were: grades K-8 summer school, class-size reduction, and public school technology. These funding sources combined contain \$263,100,000.

Specific Appropriation Number 125A of the 1998-99 General Appropriations Act provided \$10,000,000 for designated reading programs. The Governor vetoed a \$250,000 appropriation for NCS software, leaving the amount of \$9,750,000 for reading programs.

III. Effect of Proposed Changes:

This bill amends s. 232.245, F.S., to require retention of fourth grade students whose reading deficiency has not been remedied. If the student's performance on local assessments indicate a reading deficiency, and if the student scores below the specific level of performance set by the local school board, on the statewide assessment test in reading (FCAT) in fourth grade, the student must be retained. The school board may exempt a student from mandatory retention for good cause.

The list of required activities for remedial instruction is deleted, thus leaving the choice of activities to the school district. The requirement for retention at grades two and three and the authorization for retention at grade five are deleted. The requirement that retention be based on the statewide writing assessment is deleted, thus making reading proficiency the criterion for state-mandated retention.

This bill has the effect of making reading the first priority of elementary school and making reading, writing, and mathematics the primary focus of grades 1, 2, and 3. Each student who exhibits substantial deficiencies in reading skills based on locally determined assessments conducted before the end of grades 1, 2, and 3, or based on the recommendation of a teacher, must be given intensive reading instruction. The student must continue to receive intensive instruction until the deficiency is remedied. Each 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, determined by the commissioner, on the FCAT, must receive additional diagnostic assessment to determine the nature of the student's difficulty and must be given an academic improvement plan.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Requiring retention of students with reading deficiencies in grade 4, rather than in grades 2 or 3, will give the districts longer to improve reading deficiencies. This may result in fewer students being retained, perhaps resulting in a cost avoidance for the district. Also, removing the requirement that students with deficiencies in writing be retained will likely result in a cost avoidance.

The school districts received \$9.75 million in 1998-99 for designated reading programs. In addition, the DOE provided \$2 million for competitive grants for reading readiness activities for 3- and 4-year old children. The Commissioner of Education has requested \$25 million for 1999-2000 to support improved reading achievement for all students, with a specific emphasis on school reading readiness and reading proficiency by the end of third grade.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.