

By the Committee on Education Innovation and Representative Arza

1                                   A bill to be entitled  
 2           An act relating to public school student  
 3           progression; amending s. 232.245, F.S.;  
 4           prioritizing remedial and supplemental  
 5           instruction provided to students; revising  
 6           criteria included in an academic improvement  
 7           plan; revising provisions relating to reading  
 8           deficiencies; revising criteria for student  
 9           retention based on reading deficiency;  
 10          requiring a parent of a student with a reading  
 11          deficiency to be provided with a notice that  
 12          includes certain information; defining good  
 13          cause exemptions from mandatory retention;  
 14          requiring district school boards to publish  
 15          certain information in a local newspaper and  
 16          report such information in writing to the State  
 17          Board of Education; defining State Board of  
 18          Education authority; providing an effective  
 19          date.

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 21 Be It Enacted by the Legislature of the State of Florida:

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 23           Section 1. Section 232.245, Florida Statutes, is  
 24 amended to read:

25           232.245 Public school student ~~Pupil~~ progression;  
 26 remedial instruction; reporting requirements.--

27           (1) INTENT.--It is the intent of the Legislature that  
 28 each student's progression from one grade to another be  
 29 determined, in part, upon proficiency in reading, writing,  
 30 science, and mathematics; that school district policies  
 31 facilitate such proficiency; and that each student and his or

1 her parent ~~or legal guardian~~ be informed of that student's  
2 academic progress.

3 (2) COMPREHENSIVE PROGRAM.--Each district school board  
4 shall establish a comprehensive program for student ~~pupil~~  
5 progression which must include:

6 (a) Standards for evaluating each student's ~~pupil's~~  
7 performance, including how well he or she masters the  
8 performance standards approved by the State Board of Education  
9 according to s. 229.565; and

10 (b) Specific levels of performance in reading,  
11 writing, science, and mathematics for each grade level,  
12 including the levels of performance on statewide assessments  
13 as defined by the Commissioner of Education, below which a  
14 student must receive remediation, or be retained within an  
15 intensive program that is different from the previous year's  
16 program and that takes into account the student's learning  
17 style. ~~No student may be assigned to a grade level based~~  
18 ~~solely on age or other factors that constitute social~~  
19 ~~promotion.~~

20 (c) Appropriate alternative placement for a student  
21 who has been retained 2 or more years.

22 (3) ALLOCATION OF RESOURCES.--District school boards  
23 shall allocate remedial and supplemental instruction resources  
24 to students in the following priorities:

25 (a) Students who are deficient in reading by the end  
26 of grade 3.

27 (b) ~~first to~~ Students who fail to meet achievement  
28 performance levels required for promotion consistent with the  
29 district school board's plan for student progression required  
30 in paragraph (2)(b). ~~The state board shall adopt rules to~~  
31 ~~prescribe limited circumstances in which a student may be~~

1 ~~promoted without meeting the specific assessment performance~~  
2 ~~levels prescribed by the district's pupil progression plan.~~  
3 ~~Such rules shall specifically address the promotion of~~  
4 ~~students with limited English proficiency and students with~~  
5 ~~disabilities. A school district must consider an appropriate~~  
6 ~~alternative placement for a student who has been retained 2 or~~  
7 ~~more years.~~

8 (4) ASSESSMENT AND REMEDIATION.--

9 (a)~~(3)~~ Each student must participate in the statewide  
10 assessment tests required by s. 229.57. Each student who does  
11 not meet specific levels of performance as determined by the  
12 district school board in reading, writing, science, and  
13 mathematics for each grade level, or who does not meet  
14 specific levels of performance, determined by the Commissioner  
15 of Education, on statewide assessments at selected grade  
16 levels, must be provided with additional diagnostic  
17 assessments to determine the nature of the student's  
18 difficulty and areas of academic need.

19 (b) The school in which the student is enrolled must  
20 develop, in consultation with the student's parent ~~or legal~~  
21 ~~guardian~~, and must implement an academic improvement plan  
22 designed to assist the student in meeting state and district  
23 expectations for proficiency. Beginning with the 2002-2003  
24 school year, if the student has been identified as having a  
25 deficiency in reading, the academic improvement plan shall  
26 describe the student's specific areas of deficiency in  
27 phonemic awareness, phonics, fluency, comprehension, and  
28 vocabulary; the desired levels of performance in these areas;  
29 and the instructional and support services to be provided to  
30 meet the desired levels of performance. Schools shall also  
31 provide for the frequent monitoring of the student's progress

1 in meeting the desired levels of performance. District school  
2 boards shall assist schools and teachers to implement  
3 research-based reading activities that have been shown to be  
4 successful in teaching reading to low-performing students.

5 ~~Each plan must include the provision of intensive remedial~~  
6 ~~instruction in the areas of weakness.~~ Remedial instruction  
7 provided during high school may not be in lieu of English and  
8 mathematics credits required for graduation.

9 (c) Upon subsequent evaluation, if the documented  
10 deficiency has not been remediated ~~corrected~~ in accordance  
11 with the academic improvement plan, the student may be  
12 retained. Each student who does not meet the minimum  
13 performance expectations defined by the Commissioner of  
14 Education for the statewide assessment tests in reading,  
15 writing, science, and mathematics must continue to be provided  
16 with remedial or supplemental instruction until the  
17 expectations are met or the student graduates from high school  
18 or is not subject to compulsory school attendance.

19 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

20 (a) It is the ultimate goal of the Legislature that  
21 every student read at or above grade level. Any student who  
22 exhibits a substantial deficiency in reading, based upon  
23 locally determined or statewide assessments conducted in  
24 kindergarten or grade 1, grade 2, or grade 3, or through  
25 teacher observations, must be given intensive reading  
26 instruction immediately following the identification of the  
27 reading deficiency. The student's reading proficiency must be  
28 reassessed by locally determined assessments or through  
29 teacher observations at the beginning of the grade following  
30 the intensive reading instruction. The student must continue  
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1 to be provided with intensive reading instruction until the  
2 reading deficiency is remedied.

3 (b) Beginning with the 2002-2003 school year, if the  
4 student's reading deficiency, as identified in paragraph (a),  
5 is not remedied by the end of grade 3, as demonstrated by  
6 scoring at Level 2 or higher on the statewide assessment test  
7 in reading for grade 3, the student must be retained.

8 (c) Beginning with the 2002-2003 school year, the  
9 parent of any student who exhibits a substantial deficiency in  
10 reading, as described in paragraph (a), must be notified in  
11 writing of the following:

12 1. That his or her child has been identified as having  
13 a substantial deficiency in reading.

14 2. A description of the current services that are  
15 provided to the child.

16 3. A description of the proposed supplemental  
17 instructional services and supports that will be provided to  
18 the child that are designed to remediate the identified area  
19 of reading deficiency.

20 4. That if the child's reading deficiency is not  
21 remediated by the end of grade 3, the child must be retained  
22 unless he or she is exempt from mandatory retention for good  
23 cause.

24 ~~(4) Any student who exhibits substantial deficiency in~~  
25 ~~reading skills, based on locally determined assessments~~  
26 ~~conducted before the end of grade 1 or 2, or based on teacher~~  
27 ~~recommendation, must be given intensive reading instruction~~  
28 ~~immediately following the identification of the reading~~  
29 ~~deficiency. The student's reading proficiency must be~~  
30 ~~reassessed by locally determined assessment or based on~~  
31 ~~teacher recommendation at the beginning of the grade following~~

1 ~~the intensive reading instruction, and the student must~~  
2 ~~continue to be given intensive reading instruction until the~~  
3 ~~reading deficiency is remedied. If the student's reading~~  
4 ~~deficiency, as determined by the locally determined assessment~~  
5 ~~at grades 1 and 2, or by the statewide assessment at grade 3,~~  
6 ~~is not remedied by the end of grade 4, and if the student~~  
7 ~~scores below the specific level of performance on the~~  
8 ~~statewide assessment test in reading, the student must be~~  
9 ~~retained.~~

10 (6) ELIMINATION OF SOCIAL PROMOTION.--

11 (a) No student may be assigned to a grade level based  
12 solely on age or other factors that constitute social  
13 promotion.

14 (b) The ~~district local~~ school board may only exempt  
15 students ~~a student~~ from mandatory retention, as provided in  
16 paragraph (5)(b), for good cause. Good cause exemptions shall  
17 be limited to the following:

18 1. Limited English proficient students who have had  
19 less than 2 years of instruction in an English for Speakers of  
20 Other Languages program.

21 2. Students with disabilities whose individual  
22 education plan indicates that participation in the statewide  
23 assessment program is not appropriate, consistent with the  
24 requirements of State Board of Education rule.

25 3. Students who demonstrate an acceptable level of  
26 performance on an alternative standardized reading assessment  
27 approved by the State Board of Education.

28 4. Students who demonstrate, through a student  
29 portfolio, that the student is reading on grade level as  
30 evidenced by demonstration of mastery of the Sunshine State  
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1 Standards in reading equal to at least a Level 2 performance  
2 on the FCAT.

3 5. Students with disabilities who participate in the  
4 FCAT and who have an individual education plan or a Section  
5 504 plan that reflects that the student has received the  
6 intensive remediation in reading, as required by paragraph  
7 (4)(b), for more than 2 years but still demonstrates a  
8 deficiency in reading and was previously retained in  
9 kindergarten, grade 1, or grade 2.

10 (c) Requests for good cause exemptions for students  
11 from the mandatory retention requirement as described in  
12 subparagraphs (b)3. and 4. shall be made consistent with the  
13 following:

14 1. Documentation shall be submitted from the student's  
15 teacher to the school principal that indicates that the  
16 promotion of the student is appropriate and is based upon the  
17 student's academic record.

18 2. The school principal shall review and discuss such  
19 recommendation with the teacher and make the determination as  
20 to whether the student should be promoted or retained. If the  
21 school principal determines that the student should be  
22 promoted, the school principal shall make such recommendation  
23 in writing to the district school superintendent. The  
24 district school superintendent shall accept or reject the  
25 school principal's recommendation in writing.

26 (7) ANNUAL REPORT.--

27 (a)(5) In addition to the requirements in paragraph  
28 (5)(b), each district school board must annually report to the  
29 parent or legal guardian of each student the progress of the  
30 student towards achieving state and district expectations for  
31 proficiency in reading, writing, science, and mathematics. The

1 district school board must report to the parent ~~or legal~~  
2 ~~guardian~~ the student's results on each statewide assessment  
3 test. The evaluation of each student's progress must be based  
4 upon the student's classroom work, observations, tests,  
5 district and state assessments, and other relevant  
6 information. Progress reporting must be provided to the parent  
7 ~~or legal guardian~~ in writing in a format adopted by the  
8 district school board.

9 (b) Beginning with the 2001-2002 school year, each  
10 district school board must annually publish in the local  
11 newspaper, and report in writing to the State Board of  
12 Education by September 1 of each year, the following  
13 information on the prior school year:

14 1. The provisions of this section relating to public  
15 school student progression and the district school board's  
16 policies and procedures on student retention and promotion.

17 2. By grade, the number and percentage of all students  
18 in grades 3 through 10 performing at Levels 1 and 2 on the  
19 reading portion of the FCAT.

20 3. By grade, the number and percentage of all students  
21 retained in grades 3 through 10.

22 4. Information on the total number of students who  
23 were promoted for good cause, by each category of good cause  
24 in paragraph (6)(b).

25 5. Any revisions to the district school board's policy  
26 on student retention and promotion from the prior year.

27 (8) STATE BOARD AUTHORITY AND RESPONSIBILITIES.--

28 (a) The State Board of Education shall have the  
29 authority to implement any of the following provisions  
30 necessary to enforce this section:

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- 1           1. Require the chair of a district school board or a  
2 district school superintendent to testify before the State  
3 Board of Education regarding implementation of the provisions  
4 of this section.
- 5           2. Request and receive information, data, and reports  
6 from school districts relating to student performance, student  
7 retention, and good cause exemptions.
- 8           3. Report to the Governor, the President of the  
9 Senate, and the Speaker of the House of Representatives that a  
10 school district has not complied with law or State Board of  
11 Education rule and recommend action to be taken by the  
12 Legislature.
- 13           4. Withhold a portion of a district school  
14 superintendent's salary until the State Board of Education has  
15 determined the school district's compliance with the intent  
16 and provisions of this section.
- 17           ~~(b)(6)~~ The State Board ~~Commissioner~~ of Education shall  
18 adopt rules pursuant to ss. 120.536(1) and 120.54 for the  
19 administration of this section.
- 20           ~~(9)(7)~~ TECHNICAL ASSISTANCE.--The Department of  
21 Education shall provide technical assistance as needed to aid  
22 school districts in administering this section.
- 23           Section 2. This act shall take effect upon becoming a  
24 law.
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