

By Senator Sullivan

22-1406-02

1 A bill to be entitled
2 An act relating to public school student
3 progression; amending s. 232.245, F.S.;
4 revising guidelines for allocation of school
5 district remedial and supplemental instruction
6 resources; prescribing content of academic
7 improvement plans; requiring parental
8 notification of reading deficiency; prohibiting
9 social promotion and providing standards for
10 exemptions from mandatory-retention
11 requirements; requiring reports by district
12 school boards; providing powers and duties of
13 the State Board of Education with respect to
14 enforcement of mandatory retention; providing
15 an effective date.

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

19 Section 1. Section 232.245, Florida Statutes, is
20 amended to read:

21 232.245 Public school student ~~Pupil~~ progression;
22 remedial instruction; reporting requirements.--

23 (1) INTENT.--It is the intent of the Legislature that
24 each student's progression from one grade to another be
25 determined, in part, upon proficiency in reading, writing,
26 science, and mathematics; that school district policies
27 facilitate such proficiency; and that each student and his or
28 her parent ~~or legal guardian~~ be informed of that student's
29 academic progress.

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

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

8 (b) Specific levels of performance in reading,
9 writing, science, and mathematics for each grade level,
10 including the levels of performance on statewide assessments
11 as defined by the Commissioner of Education, below which a
12 student must receive remediation, or be retained within an
13 intensive program that is different from the previous year's
14 program and that takes into account the student's learning
15 style; ~~and.~~

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

18 (3) ALLOCATION OF RESOURCES.--~~District. No student may~~
19 ~~be assigned to a grade level based solely on age or other~~
20 ~~factors that constitute social promotion.~~ school boards shall
21 allocate remedial and supplemental instruction resources to
22 the following priorities:

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

25 (b) ~~first to~~ Students who fail to meet ~~achievement~~
26 performance levels required for promotion consistent with the
27 district school board's plan for student progression required
28 in paragraph (2)(b). ~~The state board shall adopt rules to~~
29 ~~prescribe limited circumstances in which a student may be~~
30 ~~promoted without meeting the specific assessment performance~~
31 ~~levels prescribed by the district's pupil progression plan.~~

1 ~~Such rules shall specifically address the promotion of~~
2 ~~students with limited English proficiency and students with~~
3 ~~disabilities. A school district must consider an appropriate~~
4 ~~alternative placement for a student who has been retained 2 or~~
5 ~~more years.~~

6 (4)(3) ASSESSMENT AND REMEDIATION.--

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

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

1 teachers in implementing research-based reading activities
2 that have been shown to be successful in teaching reading to
3 low-performing students.~~Each plan must include the provision~~
4 ~~of intensive remedial instruction in the areas of weakness.~~
5 Remedial instruction provided during high school may not be in
6 lieu of English and mathematics credits required for
7 graduation.

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

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

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

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

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

10 1. Notice that his or her child has been identified as
11 having a substantial deficiency in reading;

12 2. A description of the current services that are
13 provided to the child;

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

18 4. Notice that, if the child's reading deficiency is
19 not remediated by the end of grade 3, the child must be
20 retained unless the student is exempt for good cause from
21 mandatory retention.

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

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

8 (6) ELIMINATION OF SOCIAL PROMOTIONS.--

9 (a) No student shall be assigned to a grade level
10 based solely on age or other factors that constitute social
11 promotion.

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

16 1. Students having limited English proficiency who
17 have had less than 2 years of instruction in a program of
18 English for speakers of other languages.

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

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

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

30 5. Students with disabilities who participate in the
31 FCAT, with an individual education plan or a Section 504 plan

1 that reflects that the student has received the intensive
2 remediation in reading as required by paragraph (4)(b) for
3 more than 2 years but still demonstrates a deficiency in
4 reading and who were previously retained in kindergarten,
5 grade 1, or grade 2.

6 (c) Requests for good-cause exemptions from the
7 mandatory retention requirement, as described in
8 sub-subparagraphs (b)3. and 4., shall be made consistent with
9 the following:

10 1. The student's teacher must submit documentation to
11 the school principal which indicates that the promotion of the
12 student is appropriate and is based upon the student's
13 academic record.

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

22 (7)(5) ANNUAL REPORT.--

23 (a) In addition to the requirements in paragraph
24 (5)(b), each district school board must annually report to the
25 parent ~~or legal guardian~~ of each student the progress of the
26 student towards achieving state and district expectations for
27 proficiency in reading, writing, science, and mathematics. The
28 district school board must report to the parent ~~or legal~~
29 guardian the student's results on each statewide assessment
30 test. The evaluation of each student's progress must be based
31 upon the student's classroom work, observations, tests,

1 district and state assessments, and other relevant
2 information. Progress reporting must be provided to the parent
3 ~~or legal guardian~~ in writing in a format adopted by the
4 district school board.

5 (b) Beginning with the 2001-2002 school year, each
6 district school board must annually publish, in the local
7 newspaper, and submit in a report to the State Board of
8 Education, by September 1, the following information on the
9 prior school year:

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

13 2. By grade, the number and percent of all students in
14 grades 3 through 10 performing at levels 1 and 2 on the
15 reading portion of the FCAT.

16 3. By grade, the number and percent of all students
17 retained in grades 3 through 10.

18 4. Information on the total number of students that
19 were promoted for good-cause, by each category of good cause
20 in paragraph (6)(b).

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

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

24 (a) The State Board of Education shall have the
25 authority to implement any of the following provisions
26 necessary to enforce this section:

27 1. Require the chair of the district school board or
28 the district school superintendent to testify before the State
29 Board of Education regarding implementation of the provisions
30 of this section.

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1 2. Request and receive information, data, and reports
2 from school districts relating to student performance, student
3 retention, and good cause exemptions.

4 3. Report to the Legislature that the school district
5 has not complied with law or State Board of Education rule and
6 recommend action to be taken by the Legislature.

7 4. Withhold the district school superintendent's
8 salary until the state board has determined the district's
9 compliance with the intent and provisions of this section of
10 law.

11 **(b)(6)** ~~The State Board Commissioner~~ of Education shall
12 adopt rules pursuant to ss. 120.536(1) and 120.54 for the
13 administration of this section.

14 **(9)(7)** TECHNICAL ASSISTANCE.--The Department of
15 Education shall provide technical assistance as needed to aid
16 school districts in administering this section.

17 Section 2. This act shall take effect July 1, 2002.

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20 SENATE SUMMARY

21 Revises guidelines for district school boards in
22 allocating remedial and supplemental instruction
23 resources. Establishes more detailed guidelines for
24 exemption of students from mandatory-retention
25 requirements and provides powers of the State Board of
26 Education with respect to enforcing mandatory-retention
27 requirements.
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