

Bill No. CS for SB 2296

Amendment No. \_\_\_\_ Barcode 252004

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following **amendment to amendment**  
(121788):

**Senate Amendment (with title amendment)**

On page 1, line 18 through page 2, line 24, delete  
those lines

and insert:

Section 3. Paragraph (b) of subsection (3), paragraph  
(c) of subsection (4), and paragraph (a) of subsection (6) are  
amended and new paragraphs (e) and (f) of subsection (5) and  
subsections (8) through (14) of section 220.187, Florida  
Statutes, are added to read:

220.187 Credits for contributions to nonprofit  
scholarship-funding organizations.--

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX  
CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

(b) The total amount of tax credit which may be  
granted each state fiscal year under this section is ~~\$70~~<sup>\$50</sup>  
million.

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT

Bill No. CS for SB 2296

Amendment No. \_\_\_\_ Barcode 252004

1 SCHOLARSHIP-FUNDING ORGANIZATIONS.--

2 (c) The amount of a scholarship provided to any child  
3 for any single school year by all eligible nonprofit  
4 scholarship-funding organizations from eligible contributions  
5 shall not exceed the following annual limits:

6 1. Beginning in the 2003-2004 school year, \$3,500  
7 ~~Three thousand five hundred dollars~~ for a scholarship awarded  
8 to a student enrolled in an eligible nonpublic school. The  
9 amount of the scholarship shall be adjusted annually based on  
10 the percentage change in the Consumer Price Index for the  
11 prior year.

12 2. Beginning in the 2003-2004 school year, \$500 ~~Five~~  
13 ~~hundred dollars~~ for a scholarship awarded to a student  
14 enrolled in a Florida public school that is located outside  
15 the district in which the student resides. The amount of the  
16 scholarship shall be adjusted annually based on the percentage  
17 change in the Consumer Price Index for the prior year.

18 (5) ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.--An  
19 eligible nonpublic school must:

20 (e) Ensure that each student in grade 3 and grade 10  
21 who receives a scholarship under this section takes the  
22 statewide assessment under s. 1008.22. The school district in  
23 which the eligible nonpublic school is located shall provide  
24 locations and times to take all statewide assessments required  
25 pursuant to s. 1008.22.

26 (f) Meet the requirements in subsections (9) through  
27 (14).

28 (6) ADMINISTRATION; RULES.--

29 (a) If the credit granted pursuant to this section is  
30 not fully used in any one year because of insufficient tax  
31 liability on the part of the corporation, the unused amount

Bill No. CS for SB 2296

Amendment No. \_\_\_\_ Barcode 252004

1 may ~~not~~ be carried forward for a period not to exceed 3 years.  
2 A taxpayer may not convey, assign, or transfer the credit  
3 authorized by this section to another entity unless all of the  
4 assets of the taxpayer are conveyed, assigned, or transferred  
5 in the same transaction. This carryforward applies to all  
6 approved contributions made after January 1, 2002.

7 (8) STUDENT OBLIGATIONS.--

8 (a) Any student receiving a scholarship under this  
9 section must earn a passing score on the grade 10 Florida  
10 Comprehensive Assessment Test in reading, writing, and  
11 mathematics, according to the passing score established by  
12 State Board of Education rules for each part of the test, to  
13 qualify for a regular high school diploma.

14 (b) The parents of a student receiving a scholarship  
15 under this section shall ensure the student takes all  
16 statewide assessments required pursuant to s. 1008.22.

17 (c) A student who fails to comply with this subsection  
18 shall forfeit the scholarship.

19 (9) Each private school shall establish a  
20 comprehensive program for student progression which must  
21 include:

22 (a) Standards for evaluating each student's  
23 performance, including how well he or she masters the  
24 performance standards approved by the State Board of  
25 Education.

26 (b) Specific levels of performance in reading,  
27 writing, science, and mathematics for each grade level,  
28 including the levels of performance on statewide assessments  
29 as defined by the Commissioner of Education, below which a  
30 student must receive remediation, or be retained within an  
31 intensive program that is different from the previous year's

Bill No. CS for SB 2296

Amendment No. \_\_\_\_ Barcode 252004

1 program and that takes into account the student's learning  
2 style.

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

5 (10) Each private school shall allocate remedial and  
6 supplemental instruction resources to students in the  
7 following priority:

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

10 (b) Students who fail to meet performance levels  
11 required for promotion consistent with the private school's  
12 plan for student progression required in paragraph (9)(b).

13 (11)(a) Each student who receives a scholarship under  
14 this section must participate in the statewide assessment  
15 tests required by s. 1008.22. Each student who does not meet  
16 specific levels of performance as determined by the  
17 Commissioner of Education on statewide assessments at selected  
18 grade levels, must be provided with additional diagnostic  
19 assessments to determine the nature of the student's  
20 difficulty and areas of academic need.

21 (b) The private school in which the student is  
22 enrolled must develop, in consultation with the student's  
23 parent, and must implement an academic improvement plan  
24 designed to assist the student in meeting state and school  
25 expectations for proficiency. Beginning with the 2003-2004  
26 school year, if the student has been identified as having a  
27 deficiency in reading, the academic improvement plan shall  
28 identify the student's specific areas of deficiency in  
29 phonemic awareness, phonics, fluency, comprehension, and  
30 vocabulary; the desired levels of performance in these areas;  
31 and the instructional and support services to be provided to

Bill No. CS for SB 2296

Amendment No. \_\_\_\_ Barcode 252004

1 meet the desired levels of performance. The private school  
2 shall also provide for the frequent monitoring of the  
3 student's progress in meeting the desired levels of  
4 performance. The private school shall assist teachers to  
5 implement research-based reading activities that have been  
6 shown to be successful in teaching reading to low-performing  
7 students. Remedial instruction provided during high school  
8 may not be in lieu of English and mathematics credits required  
9 for graduation.

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

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

31 (b) Beginning with the 2003-2004 school year, if the

Bill No. CS for SB 2296

Amendment No. \_\_\_\_ Barcode 252004

1 student's reading deficiency, as identified in paragraph (a),  
2 is not remedied by the end of grade 3, as demonstrated by  
3 scoring at Level 2 or higher on the statewide assessment test  
4 in reading for grade 3, the student must be retained.

5 (c) Beginning with the 2003-2004 school year, the  
6 parent of any student who exhibits a substantial deficiency in  
7 reading, as described in paragraph (a), must be notified in  
8 writing of the following:

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

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

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

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

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

24 (b) The school may only exempt students from mandatory  
25 retention, as provided in paragraph (12)(b), for good cause.

26 Good cause exemptions shall be limited to the following:

27 1. Limited English proficient students who have had  
28 less than 2 years of instruction in an English for Speakers of  
29 Other Languages program.

30 2. Students with disabilities for whom participation  
31 in the statewide assessment program is not appropriate,

Bill No. CS for SB 2296

Amendment No. \_\_\_\_ Barcode 252004

1 consistent with the requirements of State Board of Education  
2 rule.

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

6 4. Students who demonstrate, through a student  
7 portfolio, that the student is reading on grade level as  
8 evidenced by demonstration of mastery of the Sunshine State  
9 Standards in reading equal to at least a Level 2 performance  
10 on the FCAT.

11 5. Students with disabilities who participate in the  
12 FCAT and who have received the intensive remediation in  
13 reading, as required by paragraph (11)(b), for more than 2  
14 years but still demonstrates a deficiency in reading and was  
15 previously retained in kindergarten, grade 1, or grade 2.

16 6. Students who have received the intensive  
17 remediation in reading as required by paragraph (11)(b) for 2  
18 or more years but still demonstrate a deficiency in reading  
19 and who were previously retained in kindergarten, grade 1, or  
20 grade 2 for a total of 2 years. Intensive reading instruction  
21 for students so promoted must include an altered instructional  
22 day based upon an academic improvement plan that includes  
23 specialized diagnostic information and specific reading  
24 strategies for each student. The school shall assist teachers  
25 to implement reading strategies that research has shown to be  
26 successful in improving reading among low performing readers.

27 (c) Requests for good cause exemptions for students  
28 from the mandatory retention requirement as described in  
29 subparagraphs (b)3. and 4. shall be made consistent with the  
30 following:

31 1. Documentation shall be submitted from the student's

Bill No. CS for SB 2296

Amendment No. \_\_\_\_ Barcode 252004

1 teacher to the school principal that indicates that the  
2 promotion of the student is appropriate and is based upon the  
3 student's academic record. In order to minimize paperwork  
4 requirements, such documentation shall consist only of the  
5 existing academic improvement plan, individual educational  
6 plan, if applicable, report card, or student portfolio.

7       2. The school principal shall review and discuss such  
8 recommendation with the teacher and make the determination as  
9 to whether the student should be promoted or retained.

10       (14)(a) In addition to the requirements in paragraph  
11 (12)(b), each private school must annually report to the  
12 parent of each student the progress of the student toward  
13 achieving state and school expectations for proficiency in  
14 reading, writing, science, and mathematics. The private school  
15 must report to the parent the student's results on each  
16 statewide assessment test. The evaluation of each student's  
17 progress must be based upon the student's classroom work,  
18 observations, tests, state assessments, and other relevant  
19 information. Progress reporting must be provided to the parent  
20 in writing in a format adopted by the school.

21       (b) Beginning with the 2003-2004 school year, each  
22 private school must annually report in writing to the parent  
23 the following information on the prior school year, unless the  
24 data reveals personally identifiable information about another  
25 individual student, pursuant to the requirements of the  
26 federal Family Educational Rights and Privacy Act of 1974, as  
27 amended:

28       1. The provisions of this section relating to school  
29 student progression and the school's policies and procedures  
30 on student retention and promotion.

31       2. By grade, the number and percentage of all students



Bill No. CS for SB 2296

Amendment No. \_\_\_\_ Barcode 252004

1 in grades 3 through 10 performing at Levels 1 and 2 on the  
2 reading portion of the FCAT.

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

5 4. Information on the total number of students who  
6 were promoted for good cause, by each category of good cause  
7 as specified in paragraph (13)(b).

8 5. Any revisions to the school's policy on student  
9 retention and promotion from the prior year.

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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 On page 67, line 10, after the semicolon:

15

16 insert:

17 requiring certain students to take the Florida  
18 Comprehensive Assessment Test; requiring a  
19 passing score to qualify for a regular high  
20 school diploma; requiring certain parental  
21 obligations; providing for forfeiture of  
22 scholarship under certain circumstances;  
23 requiring remediation for certain students;  
24 providing remediation exceptions; requiring  
25 retention for certain students; providing  
26 reporting requirements;

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