

CHAMBER ACTION

1 The Committee on Education K-20 recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to reading deficiencies; amending s.
7 1002.20, F.S.; providing certain rights to parents of
8 students with reading deficiencies; requiring that parents
9 receive understandable information and are consulted
10 regarding a child's academic progress; amending s.
11 1008.25, F.S.; removing an obsolete date; providing
12 notification of additional information to parents of
13 students who exhibit a substantial reading deficiency;
14 revising certain good cause exemptions from mandatory
15 retention; requiring school districts to provide certain
16 reading interventions to students who have been retained;
17 providing school district requirements relating to
18 remediation of student reading deficiencies, parental
19 notification, implementation of a mid-year promotion
20 policy, provision of instructional options for students,
21 establishment of a Reading Enhancement and Acceleration
22 Development (READ) Initiative, and reporting; providing an
23 effective date.

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

Section 1. Subsections (11) through (22) of section 1002.20, Florida Statutes, are renumbered as subsections (12) through (23), respectively, and a new subsection (11) is added to said section to read:

1002.20 K-12 student and parent rights.--Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(11) STUDENTS WITH READING DEFICIENCIES.--Each elementary school shall regularly assess the reading ability of each K-3 student. The parent of any K-3 student who exhibits a reading deficiency shall be immediately notified of the student's deficiency with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading; shall be consulted in the development of a detailed academic improvement plan, as described in s. 1008.25(4)(b); and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected. This subsection operates in addition to the remediation and notification provisions contained in s. 1008.25 and in no way reduces the rights of a parent or the responsibilities of a school district under that section.

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52 Section 2. Subsection (5) and paragraph (b) of subsection
53 (6) of section 1008.25, Florida Statutes, are amended,
54 subsections (7), (8), and (9) are renumbered as subsections (8),
55 (9), and (10), respectively, and a new subsection (7) is added
56 to said section, to read:

57 1008.25 Public school student progression; remedial
58 instruction; reporting requirements.--

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

60 (a) It is the ultimate goal of the Legislature that every
61 student read at or above grade level. Any student who exhibits a
62 substantial deficiency in reading, based upon locally determined
63 or statewide assessments conducted in kindergarten or grade 1,
64 grade 2, or grade 3, or through teacher observations, must be
65 given intensive reading instruction immediately following the
66 identification of the reading deficiency. The student's reading
67 proficiency must be reassessed by locally determined assessments
68 or through teacher observations at the beginning of the grade
69 following the intensive reading instruction. The student must
70 continue to be provided with intensive reading instruction until
71 the reading deficiency is remedied.

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

77 (c) ~~Beginning with the 2002-2003 school year,~~ The parent
78 of any student who exhibits a substantial deficiency in reading,

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79 as described in paragraph (a), must be notified in writing of
80 the following:

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

83 2. A description of the current services that are provided
84 to the child.

85 3. A description of the proposed supplemental
86 instructional services and supports that will be provided to the
87 child that are designed to remediate the identified area of
88 reading deficiency.

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

93 5. Strategies for parents to use in helping their child
94 succeed in reading proficiency.

95 6. That the Florida Comprehensive Assessment Test (FCAT)
96 is not the sole determiner of promotion and that additional
97 evaluations, portfolio reviews, and assessments are available to
98 the child to assist parents and the school district in knowing
99 when a child is reading at or above grade level and ready for
100 grade promotion.

101 7. The district's specific criteria and policies for mid-
102 year promotion. Mid-year promotion means promotion of a retained
103 student at any time during the year of retention once the
104 student has demonstrated ability to read at grade level.

105 (6) ELIMINATION OF SOCIAL PROMOTION.--

106 (b) The district school board may only exempt students
 107 from mandatory retention, as provided in paragraph (5)(b), for
 108 good cause. Good cause exemptions shall be limited to the
 109 following:

110 1. Limited English proficient students who have had less
 111 than 2 years of instruction in an English for Speakers of Other
 112 Languages program.

113 2. Students with disabilities whose individual education
 114 plan indicates that participation in the statewide assessment
 115 program is not appropriate, consistent with the requirements of
 116 State Board of Education rule.

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

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

124 5. Students with disabilities who participate in the FCAT
 125 and who have an individual education plan or a Section 504 plan
 126 that reflects that the student has received the intensive
 127 remediation in reading, as required by paragraph (4)(b), for
 128 more than 2 years but still demonstrates a deficiency in reading
 129 and was previously retained in kindergarten, grade 1, ~~or~~ grade
 130 2, or grade 3.

131 6. Students who have received the intensive remediation in
 132 reading as required by paragraph (4)(b) for 2 or more years but
 133 still demonstrate a deficiency in reading and who were

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134 | previously retained in kindergarten, grade 1, ~~or~~ grade 2, or
135 | grade 3 for a total of 2 years. Intensive reading instruction
136 | for students so promoted must include an altered instructional
137 | day based upon an academic improvement plan that includes
138 | specialized diagnostic information and specific reading
139 | strategies for each student. The district school board shall
140 | assist schools and teachers to implement reading strategies that
141 | research has shown to be successful in improving reading among
142 | low performing readers.

143 | (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

144 | (a) Students retained under the provisions of paragraph
145 | (5)(b) must be provided intensive interventions in reading to
146 | ameliorate the student's specific reading deficiency, as
147 | identified by a valid and reliable diagnostic assessment. This
148 | intensive intervention must include effective instructional
149 | strategies, participation for no less than 6 weeks in the school
150 | district's summer reading camp, and appropriate teaching
151 | methodologies necessary to assist those students in becoming
152 | successful readers, able to read at or above grade level, and
153 | ready for promotion to the next grade.

154 | (b) Beginning with the 2004-2005 school year, each school
155 | district shall:

156 | 1. Conduct a review of student academic improvement plans
157 | for all students who did not score above Level 1 on the reading
158 | portion of the FCAT and did not meet the criteria for one of the
159 | good cause exemptions in paragraph (6)(b). The review shall
160 | address additional supports and services, as described in this
161 | subsection, needed to remediate the identified areas of reading

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162 deficiency. The school district shall require a student
163 portfolio to be completed for each such student.

164 2. Provide students who are retained under the provisions
165 of paragraph (5)(b) with intensive instructional services and
166 supports to remediate the identified areas of reading
167 deficiency, including a minimum of 90 minutes of daily,
168 uninterrupted, scientifically research-based reading instruction
169 and other strategies prescribed by the school district, which
170 may include, but are not limited to:

171 a. Small group instruction.
172 b. Reduced teacher-student ratios.
173 c. More frequent progress monitoring.
174 d. Tutoring or mentoring.
175 e. Transition classes containing 3rd and 4th grade
176 students.

177 f. Extended school day, week, or year.
178 g. Summer reading camps.

179 3. Provide written notification to the parent of any
180 student who is retained under the provisions of paragraph (5)(b)
181 that his or her child has not met the proficiency level required
182 for promotion and the reasons the child is not eligible for a
183 good cause exemption as provided in paragraph (6)(b). The
184 notification must comply with the provisions of s. 1002.20(11)
185 and must include a description of proposed interventions and
186 supports that will be provided to the child to remediate the
187 identified areas of reading deficiency.

188 4. Implement a policy for the mid-year promotion of any
189 student retained under the provisions of paragraph (5)(b) who

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190 can demonstrate that he or she is a successful and independent
191 reader, reading at or above grade level, and ready to be
192 promoted to grade 4. Tools that school districts may use in
193 reevaluating any student retained may include subsequent
194 assessments, alternative assessments, and portfolio reviews, in
195 accordance with rules of the State Board of Education. Students
196 promoted during the school year after November 1 must
197 demonstrate proficiency above that required to score at Level 2
198 on the grade 3 FCAT, as determined by the State Board of
199 Education. The State Board of Education shall adopt standards
200 that provide a reasonable expectation that the student's
201 progress is sufficient to master appropriate 4th grade level
202 reading skills.

203 5. Provide students who are retained under the provisions
204 of paragraph (5)(b) with a high-performing teacher as determined
205 by student performance data and above-satisfactory performance
206 appraisals.

207 6. In addition to required reading enhancement and
208 acceleration strategies, provide parents of students to be
209 retained with at least one of the following instructional
210 options:

211 a. Supplemental tutoring in scientifically research-based
212 reading services in addition to the regular reading block,
213 including tutoring before and/or after school.

214 b. A "Read at Home" plan outlined in a parental contract,
215 including participation in "Families Building Better Readers
216 Workshops" and regular parent-guided home reading.

217 c. A mentor or tutor with specialized reading training.

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- 218 7. Establish a Reading Enhancement and Acceleration
219 Development (READ) Initiative. The focus of the READ Initiative
220 shall be to prevent the retention of grade 3 students and to
221 offer intensive accelerated reading instruction to grade 3
222 students who failed to meet standards for promotion to grade 4
223 and to each K-3 student who is assessed as exhibiting a reading
224 deficiency. The READ Initiative shall:
- 225 a. Be provided to all K-3 students at risk of retention as
226 identified by the statewide assessment system used in Reading
227 First schools. The assessment must measure phonemic awareness,
228 phonics, fluency, vocabulary, and comprehension.
- 229 b. Be provided during regular school hours in addition to
230 the regular reading instruction.
- 231 c. Provide a state-identified reading curriculum that has
232 been reviewed by the Florida Center for Reading Research at
233 Florida State University and meets, at a minimum, the following
234 specifications:
- 235 (I) Assists students assessed as exhibiting a reading
236 deficiency in developing the ability to read at grade level.
- 237 (II) Provides skill development in phonemic awareness,
238 phonics, fluency, vocabulary, and comprehension.
- 239 (III) Provides scientifically based and reliable
240 assessment.
- 241 (IV) Provides initial and ongoing analysis of each
242 student's reading progress.
- 243 (V) Is implemented during regular school hours.

244 (VI) Provides a curriculum in core academic subjects to
 245 assist the student in maintaining or meeting proficiency levels
 246 for the appropriate grade in all academic subjects.

247 8. Report to the State Board of Education, as requested,
 248 on the specific intensive reading interventions and supports
 249 implemented at the school district level. The Commissioner of
 250 Education shall annually prescribe the required components of
 251 requested reports.

252 9. Provide a student who has been retained in grade 3 and
 253 has received intensive instructional services but is still not
 254 ready for grade promotion, as determined by the school district,
 255 the option of being placed in a transitional instructional
 256 setting. Such setting shall specifically be designed to produce
 257 learning gains sufficient to meet grade 4 performance standards
 258 while continuing to remediate the areas of reading deficiency.

259 Section 3. This act shall take effect July 1, 2004.