

1 A bill to be entitled

2 An act relating to reading deficiencies; amending s.
3 1002.20, F.S.; providing certain rights to parents of
4 students with reading deficiencies; requiring that parents
5 receive understandable information and are consulted
6 regarding a child's academic progress; amending s.
7 1008.25, F.S.; removing an obsolete date; providing
8 notification of additional information to parents of
9 students who exhibit a substantial reading deficiency;
10 revising certain good cause exemptions from mandatory
11 retention; requiring school districts to provide certain
12 reading interventions to students who have been retained;
13 providing school district requirements relating to
14 remediation of student reading deficiencies, parental
15 notification, implementation of a mid-year promotion
16 policy, provision of instructional options for students,
17 establishment of a Reading Enhancement and Acceleration
18 Development (READ) Initiative and an Intensive
19 Acceleration Class, and reporting; providing an effective
20 date.

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

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24 Section 1. Subsections (11) through (22) of section
25 1002.20, Florida Statutes, are renumbered as subsections (12)
26 through (23), respectively, and a new subsection (11) is added
27 to said section to read:

28 | 1002.20 K-12 student and parent rights.--Parents of public
29 | school students must receive accurate and timely information
30 | regarding their child's academic progress and must be informed
31 | of ways they can help their child to succeed in school. K-12
32 | students and their parents are afforded numerous statutory
33 | rights including, but not limited to, the following:

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

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

54 | 1008.25 Public school student progression; remedial
55 | instruction; reporting requirements.--

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

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

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

74 (c) ~~Beginning with the 2002-2003 school year,~~ The parent
75 of any student who exhibits a substantial deficiency in reading,
76 as described in paragraph (a), must be notified in writing of
77 the following:

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

80 2. A description of the current services that are provided
81 to the child.

82 3. A description of the proposed supplemental
83 instructional services and supports that will be provided to the

84 | child that are designed to remediate the identified area of
 85 | reading deficiency.

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

90 | 5. Strategies for parents to use in helping their child
 91 | succeed in reading proficiency.

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

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

102 | (6) ELIMINATION OF SOCIAL PROMOTION.--

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

107 | 1. Limited English proficient students who have had less
 108 | than 2 years of instruction in an English for Speakers of Other
 109 | Languages program.

110 | 2. Students with disabilities whose individual education
 111 | plan indicates that participation in the statewide assessment

112 program is not appropriate, consistent with the requirements of
113 State Board of Education rule.

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

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

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

128 6. Students who have received the intensive remediation in
129 reading as required by paragraph (4)(b) for 2 or more years but
130 still demonstrate a deficiency in reading and who were
131 previously retained in kindergarten, grade 1, ~~or~~ grade 2, or
132 grade 3 for a total of 2 years. Intensive reading instruction
133 for students so promoted must include an altered instructional
134 day based upon an academic improvement plan that includes
135 specialized diagnostic information and specific reading
136 strategies for each student. The district school board shall
137 assist schools and teachers to implement reading strategies that
138 research has shown to be successful in improving reading among
139 low performing readers.

140 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

141 (a) Students retained under the provisions of paragraph
142 (5)(b) must be provided intensive interventions in reading to
143 ameliorate the student's specific reading deficiency, as
144 identified by a valid and reliable diagnostic assessment. This
145 intensive intervention must include effective instructional
146 strategies, participation in the school district's summer
147 reading camp, and appropriate teaching methodologies necessary
148 to assist those students in becoming successful readers, able to
149 read at or above grade level, and ready for promotion to the
150 next grade.

151 (b) Beginning with the 2004-2005 school year, each school
152 district shall:

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

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

- 168 | a. Small group instruction.
- 169 | b. Reduced teacher-student ratios.
- 170 | c. More frequent progress monitoring.
- 171 | d. Tutoring or mentoring.
- 172 | e. Transition classes containing 3rd and 4th grade
- 173 | students.
- 174 | f. Extended school day, week, or year.
- 175 | g. Summer reading camps.
- 176 | 3. Provide written notification to the parent of any
- 177 | student who is retained under the provisions of paragraph (5)(b)
- 178 | that his or her child has not met the proficiency level required
- 179 | for promotion and the reasons the child is not eligible for a
- 180 | good cause exemption as provided in paragraph (6)(b). The
- 181 | notification must comply with the provisions of s. 1002.20(14)
- 182 | and must include a description of proposed interventions and
- 183 | supports that will be provided to the child to remediate the
- 184 | identified areas of reading deficiency.
- 185 | 4. Implement a policy for the mid-year promotion of any
- 186 | student retained under the provisions of paragraph (5)(b) who
- 187 | can demonstrate that he or she is a successful and independent
- 188 | reader, reading at or above grade level, and ready to be
- 189 | promoted to grade 4. Tools that school districts may use in
- 190 | reevaluating any student retained may include subsequent
- 191 | assessments, alternative assessments, and portfolio reviews, in
- 192 | accordance with rules of the State Board of Education. Students
- 193 | promoted during the school year after November 1 must
- 194 | demonstrate proficiency above that required to score at Level 2
- 195 | on the grade 3 FCAT, as determined by the State Board of

196 Education. The State Board of Education shall adopt standards
 197 that provide a reasonable expectation that the student's
 198 progress is sufficient to master appropriate 4th grade level
 199 reading skills.

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

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

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

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

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

215 7. Establish a Reading Enhancement and Acceleration
 216 Development (READ) Initiative. The focus of the READ Initiative
 217 shall be to prevent the retention of grade 3 students and to
 218 offer intensive accelerated reading instruction to grade 3
 219 students who failed to meet standards for promotion to grade 4
 220 and to each K-3 student who is assessed as exhibiting a reading
 221 deficiency. The READ Initiative shall:

222 a. Be provided to all K-3 students at risk of retention as
 223 identified by the statewide assessment system used in Reading

224 First schools. The assessment must measure phonemic awareness,
225 phonics, fluency, vocabulary, and comprehension.

226 b. Be provided during regular school hours in addition to
227 the regular reading instruction.

228 c. Provide a state-identified reading curriculum that has
229 been reviewed by the Florida Center for Reading Research at
230 Florida State University and meets, at a minimum, the following
231 specifications:

232 (I) Assists students assessed as exhibiting a reading
233 deficiency in developing the ability to read at grade level.

234 (II) Provides skill development in phonemic awareness,
235 phonics, fluency, vocabulary, and comprehension.

236 (III) Provides scientifically based and reliable
237 assessment.

238 (IV) Provides initial and ongoing analysis of each
239 student's reading progress.

240 (V) Is implemented during regular school hours.

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

244 8. Establish at each school, where applicable, an
245 Intensive Acceleration Class for retained grade 3 students who
246 subsequently score at Level 1 on the reading portion of the
247 FCAT. The focus of the Intensive Acceleration Class shall be to
248 increase a child's reading level at least two grade levels in
249 one school year. The Intensive Acceleration Class shall:

250 a. Be provided to any student in grade 3 who scores at
251 Level 1 on the reading portion of the FCAT and who was retained

252 in grade 3 the prior year because of scoring at Level 1 on the
253 reading portion of the FCAT.

254 b. Have a reduced teacher-student ratio.

255 c. Provide uninterrupted reading instruction for the
256 majority of student contact time each day and incorporate
257 opportunities to master the grade 4 Sunshine State Standards in
258 other core subject areas.

259 d. Use a reading program that is scientifically research-
260 based and has proven results in accelerating student reading
261 achievement within the same school year.

262 e. Provide intensive language and vocabulary instruction
263 using a scientifically research-based program, including use of
264 a speech language therapist.

265 f. Include weekly progress monitoring measures to ensure
266 progress is being made.

267 g. Report to the Department of Education, in the manner
268 described by the department, the progress of students in the
269 class at the end of the first semester.

270 9. Report to the State Board of Education, as requested,
271 on the specific intensive reading interventions and supports
272 implemented at the school district level. The Commissioner of
273 Education shall annually prescribe the required components of
274 requested reports.

275 10. Provide a student who has been retained in grade 3 and
276 has received intensive instructional services but is still not
277 ready for grade promotion, as determined by the school district,
278 the option of being placed in a transitional instructional
279 setting. Such setting shall specifically be designed to produce

280 | learning gains sufficient to meet grade 4 performance standards
281 | while continuing to remediate the areas of reading deficiency.

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