

1 through (23), respectively, and a new subsection (11) is added
2 to that section to read:

3 1002.20 K-12 student and parent rights.--Parents of
4 public school students must receive accurate and timely
5 information regarding their child's academic progress and must
6 be informed of ways they can help their child to succeed in
7 school. K-12 students and their parents are afforded numerous
8 statutory rights including, but not limited to, the following:

9 (11) STUDENTS WITH READING DEFICIENCIES.--Each
10 elementary school shall regularly assess the reading ability
11 of each K-3 student. The parent of any K-3 student who
12 exhibits a reading deficiency shall be immediately notified of
13 the student's deficiency with a description and explanation,
14 in terms understandable to the parent, of the exact nature of
15 the student's difficulty in learning and lack of achievement
16 in reading; shall be consulted in the development of a
17 detailed academic improvement plan, as described in s.
18 1008.25(4)(b); and shall be informed that the student will be
19 given intensive reading instruction until the deficiency is
20 corrected. This subsection operates in addition to the
21 remediation and notification provisions contained in s.
22 1008.25 and in no way reduces the rights of a parent or the
23 responsibilities of a school district under that section.

24 Section 2. Subsection (5) and paragraph (b) of
25 subsection (6) of section 1008.25, Florida Statutes, are
26 amended, subsections (7), (8), and (9) are renumbered as
27 subsections (8), (9), and (10), respectively, and a new
28 subsection (7) is added to that section, to read:

29 1008.25 Public school student progression; remedial
30 instruction; reporting requirements.--

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

1 (a) It is the ultimate goal of the Legislature that
2 every student read at or above grade level. Any student who
3 exhibits a substantial deficiency in reading, based upon
4 locally determined or statewide assessments conducted in
5 kindergarten or grade 1, grade 2, or grade 3, or through
6 teacher observations, must be given intensive reading
7 instruction immediately following the identification of the
8 reading deficiency. The student's reading proficiency must be
9 reassessed by locally determined assessments or through
10 teacher observations at the beginning of the grade following
11 the intensive reading instruction. The student must continue
12 to be provided with intensive reading instruction until the
13 reading deficiency is remedied.

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

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

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

25 2. A description of the current services that are
26 provided to the child.

27 3. A description of the proposed supplemental
28 instructional services and supports that will be provided to
29 the child that are designed to remediate the identified area
30 of reading deficiency.
31

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

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

7 6. That the Florida Comprehensive Assessment Test
8 (FCAT) is not the sole determiner of promotion and that
9 additional evaluations, portfolio reviews, and assessments are
10 available to the child to assist parents and the school
11 district in knowing when a child is reading at or above grade
12 level and ready for grade promotion.

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

17 (6) ELIMINATION OF SOCIAL PROMOTION.--

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

22 1. Limited English proficient students who have had
23 less than 2 years of instruction in an English for Speakers of
24 Other Languages program.

25 2. Students with disabilities whose individual
26 education plan indicates that participation in the statewide
27 assessment program is not appropriate, consistent with the
28 requirements of State Board of Education rule.

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

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

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

13 6. Students who have received the intensive
14 remediation in reading as required by paragraph (4)(b) for 2
15 or more years but still demonstrate a deficiency in reading
16 and who were previously retained in kindergarten, grade 1, ~~or~~
17 grade 2, or grade 3 for a total of 2 years. Intensive reading
18 instruction for students so promoted must include an altered
19 instructional day based upon an academic improvement plan that
20 includes specialized diagnostic information and specific
21 reading strategies for each student. The district school board
22 shall assist schools and teachers to implement reading
23 strategies that research has shown to be successful in
24 improving reading among low performing readers.

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

26 (a) Students retained under the provisions of
27 paragraph (5)(b) must be provided intensive interventions in
28 reading to ameliorate the student's specific reading
29 deficiency, as identified by a valid and reliable diagnostic
30 assessment. This intensive intervention must include effective
31 instructional strategies, participation in the school

1 district's summer reading camp, and appropriate teaching
2 methodologies necessary to assist those students in becoming
3 successful readers, able to read at or above grade level, and
4 ready for promotion to the next grade.

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

7 1. Conduct a review of student academic improvement
8 plans for all students who did not score above Level 1 on the
9 reading portion of the FCAT and did not meet the criteria for
10 one of the good cause exemptions in paragraph (6)(b). The
11 review shall address additional supports and services, as
12 described in this subsection, needed to remediate the
13 identified areas of reading deficiency. The school district
14 shall require a student portfolio to be completed for each
15 such student.

16 2. Provide students who are retained under the
17 provisions of paragraph (5)(b) with intensive instructional
18 services and supports to remediate the identified areas of
19 reading deficiency, including a minimum of 90 minutes of
20 daily, uninterrupted, scientifically research-based reading
21 instruction and other strategies prescribed by the school
22 district, which may include, but are not limited to:

23 a. Small group instruction.

24 b. Reduced teacher-student ratios.

25 c. More frequent progress monitoring.

26 d. Tutoring or mentoring.

27 e. Transition classes containing 3rd and 4th grade
28 students.

29 f. Extended school day, week, or year.

30 g. Summer reading camps.
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1 3. Provide written notification to the parent of any
2 student who is retained under the provisions of paragraph
3 (5)(b) that his or her child has not met the proficiency level
4 required for promotion and the reasons the child is not
5 eligible for a good cause exemption as provided in paragraph
6 (6)(b). The notification must comply with the provisions of s.
7 1002.20(14) and must include a description of proposed
8 interventions and supports that will be provided to the child
9 to remediate the identified areas of reading deficiency.

10 4. Implement a policy for the mid-year promotion of
11 any student retained under the provisions of paragraph (5)(b)
12 who can demonstrate that he or she is a successful and
13 independent reader, reading at or above grade level, and ready
14 to be promoted to grade 4. Tools that school districts may use
15 in reevaluating any student retained may include subsequent
16 assessments, alternative assessments, and portfolio reviews,
17 in accordance with rules of the State Board of Education.
18 Students promoted during the school year after November 1 must
19 demonstrate proficiency above that required to score at Level
20 2 on the grade 3 FCAT, as determined by the State Board of
21 Education. The State Board of Education shall adopt standards
22 that provide a reasonable expectation that the student's
23 progress is sufficient to master appropriate 4th grade level
24 reading skills.

25 5. Provide students who are retained under the
26 provisions of paragraph (5)(b) with a high-performing teacher
27 as determined by student performance data and
28 above-satisfactory performance appraisals.

29 6. In addition to required reading enhancement and
30 acceleration strategies, provide parents of students to be
31

1 retained with at least one of the following instructional
2 options:
3 a. Supplemental tutoring in scientifically
4 research-based reading services in addition to the regular
5 reading block, including tutoring before or after school.
6 b. A "Read at Home" plan outlined in a parental
7 contract, including participation in "Families Building Better
8 Readers Workshops" and regular parent-guided home reading.
9 c. A mentor or tutor with specialized reading
10 training.
11 7. Establish a Reading Enhancement and Acceleration
12 Development (READ) Initiative. The focus of the READ
13 Initiative shall be to prevent the retention of grade 3
14 students and to offer intensive accelerated reading
15 instruction to grade 3 students who failed to meet standards
16 for promotion to grade 4 and to each K-3 student who is
17 assessed as exhibiting a reading deficiency. The READ
18 Initiative shall:
19 a. Be provided to all K-3 students at risk of
20 retention as identified by the statewide assessment system
21 used in Reading First schools. The assessment must measure
22 phonemic awareness, phonics, fluency, vocabulary, and
23 comprehension.
24 b. Be provided during regular school hours in addition
25 to the regular reading instruction.
26 c. Provide a state-identified reading curriculum that
27 has been reviewed by the Florida Center for Reading Research
28 at Florida State University and meets, at a minimum, the
29 following specifications:
30 (I) Assists students assessed as exhibiting a reading
31 deficiency in developing the ability to read at grade level.

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

3 (III) Provides scientifically based and reliable
4 assessment.

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

7 (V) Is implemented during regular school hours.

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

11 8. Establish at each school, where applicable, an
12 intensive acceleration class for retained third graders who
13 subsequently score at Level 1 on the reading portion of the
14 FCAT. The focus of the intensive acceleration class shall be
15 to increase a child's reading level at least two grade levels
16 in 1 school year. The intensive acceleration class shall:

17 a. Be provided to any student in grade 3 scoring at
18 Level 1 on the reading portion of the FCAT and who was
19 retained in grade 3 the prior year because of scoring at Level
20 1 on the reading portion of the FCAT.

21 b. Have reduced teacher-student ratios.

22 c. Provide uninterrupted reading instruction for the
23 majority of student contact time each day and incorporate
24 opportunities to master the grade 4 Sunshine State Standards
25 in other core subject areas.

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

29 e. Provide intensive language and vocabulary
30 instruction using a scientifically research-based program,
31 including use of a speech-language therapist.

1 f. Include weekly progress monitoring measures to
2 ensure that progress is being made.

3 g. Report to the Department of Education, in the
4 manner described by the department, the progress of these
5 students at the end of the first semester.

6 9. Report to the State Board of Education, as
7 requested, on the specific intensive reading interventions and
8 supports implemented at the school district level. The
9 Commissioner of Education shall annually prescribe the
10 required components of requested reports.

11 10. Provide a student who has been retained in grade 3
12 and has received intensive instructional services but is still
13 not ready for grade promotion, as determined by the school
14 district, the option of being placed in a transitional
15 instructional setting. Such setting shall specifically be
16 designed to produce learning gains sufficient to meet grade 4
17 performance standards while continuing to remediate the areas
18 of reading deficiency.

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

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Bill 2310

24 Removes designated time length for summer reading camps.

25 Makes a technical change.

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