

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 354

SPONSOR: Education Committee and Senator Constantine

SUBJECT: Middle Grades Reform Act

DATE: January 21, 2004 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dormady</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>AED</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	<u>RC</u>	_____
6.	_____	_____	_____	_____

## I. Summary:

CS/SB 354 contains the “Middle Grades Reform Act,” which would revise the middle school curriculum, implement a “Rigorous Reading Requirement” as the primary component of school improvement plans, require the Florida Department of Education to study ways to improve middle school learning, and institute personalized middle school success plans for struggling students. The bill gives the State Board of Education authority to make rules regarding the Act. CS/SB 354 also amends three sections of current law to require (1) that schools implementing the bill’s Rigorous Reading program include the program in their school improvement plans, (2) that middle school success plans be incorporated into the academic improvement plans of qualified students, and (3) that assessment criteria for instructional personnel include an indicator that relates to the employee’s ability to implement the bill’s Rigorous Reading Requirement, if applicable.

This bill creates a new section of the Florida Statutes and amends sections 1001.42, 1008.25, and 1012.34 of the Florida Statutes.

The bill takes effect upon becoming law.

## II. Present Situation:

Middle school in Florida comprises grades 6, 7 and 8. Currently, Florida has 477 middle schools serving approximately 613,000 students: 205,095 grade 6 students, 206,774 grade 7 students, and 201,160 grade 8 students.<sup>1</sup>

<sup>1</sup> Source: Florida Department of Education.

Skill levels of students in middle school, as measured by performance on the Florida Comprehensive Assessment Test, have increased in recent years but have not matched the gains made in student achievement at Florida's elementary schools, where test scores have increased more dramatically; additionally, achievement levels for middle school students are generally lower than for elementary school students. For example, the number of 3<sup>rd</sup> grade students scoring at level 3 or above on the FCAT reading test increased from 57 percent in 2001 to 63 percent in 2003, while reading test scores for 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grade students increased between 2001 and 2003 from 52 percent to 53 percent, 47 percent to 52 percent, and 43 percent to 49 percent, respectively.<sup>2</sup> Although these figures show that 7<sup>th</sup> and 8<sup>th</sup> grade students enjoyed a 5 percent and 6 percent increase, respectively, in grade-level reading between 2001 and 2003, the numbers of students reading at grade level in middle school overall are still lower than those of elementary school students; meanwhile, the improvement in test scores for 6<sup>th</sup> grade students in those years was only 1 percent.

Similarly, in mathematics, while middle school students enjoyed gains in test scores between 2001 and 2003, 63 percent of 3<sup>rd</sup> grade students scored at level 3 or above on the FCAT in 2003, but only 47 percent of 6<sup>th</sup> and 7<sup>th</sup> grade students, and 56 percent of 8<sup>th</sup> grade students, scored at level 3 or higher.<sup>3</sup>

The Florida Department of Education (DOE) has concluded from this and other related data that middle school student achievement is lagging behind that of elementary school students in Florida. Middle school learning, however, is particularly important because it prepares students for academic success in high school. Data from the National Assessment of Educational Progress (NAEP), also known as "the Nation's Report Card," also suggests that Florida's elementary school students may be achieving at higher levels than middle school students. In 2003, 31 percent of Florida's 4<sup>th</sup> grade students scored at the proficient level or higher in mathematics on the NAEP exam, while only 23 percent of Florida's 8<sup>th</sup> grade students scored at that level of proficiency. In that same year, 32 percent of Florida's 4<sup>th</sup> grade students scored proficient or higher in reading on the NAEP exam while 27 percent of 8<sup>th</sup> grade students scored proficient or higher.<sup>4</sup>

In fourth grade reading in 2003, Florida improved its score on the NAEP by four points (from 214 to 218), while the national score dipped slightly (from 217 to 216). This improvement brought Florida's gain since 1998 to four times the national gain (12 points, compared to 3).<sup>5</sup> The DOE attributes many of the recent gains enjoyed by Florida's elementary school students to the intensive improvement initiatives instituted for students at that level, including the Just Read, Florida! initiative.<sup>6</sup>

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<sup>2</sup> Data source: Department of Education, available at <http://fcats.fldoe.org/pdf/fcrp03str.pdf>.

<sup>3</sup> Data source: Department of Education, available at <http://fcats.fldoe.org/pdf/fcrp03stm.pdf>.

<sup>4</sup> Data available at <http://nces.ed.gov/nationsreportcard/states/profile.asp>.

<sup>5</sup> "Governor Jeb Bush and Education Commissioner Jim Horne Announce Results of 2003 National Assessment of Educational Progress (NAEP)," November 13, 2003, available at [http://www.fldoe.org/news/2003/2003\\_11\\_13-2.asp](http://www.fldoe.org/news/2003/2003_11_13-2.asp).

<sup>6</sup> "Governor Bush Unveils Middle School Reform Proposal ~Increased funding for Just Read, Florida! and new legislation will enhance student achievement in all subject areas~," press release dated January 12, 2004, available at [http://sun6.dms.state.fl.us/eog\\_new/eog/library/releases/2004/January/proposal-1-12-04.html](http://sun6.dms.state.fl.us/eog_new/eog/library/releases/2004/January/proposal-1-12-04.html).

### III. Effect of Proposed Changes:

CS/SB 354 proposes a new section of the Florida Statutes to be called the Middle Grades Reform Act (the Act). The Act is designed to add rigor to middle school academics generally while focusing on reading in particular. "Middle grades" are defined in the Act as grades 6, 7 and 8.

#### Section 1

Revised Curriculum. The Act requires the DOE to review courses, teacher qualifications, instructional materials, and teaching practices in middle school reading and language arts programs. The DOE is required to consult with researchers and reading specialists, and the Commissioner of Education (Commissioner) is then required to make recommendations to the State Board of Education (SBE) regarding changes to middle school reading and language arts curricula, focusing on research-based proven effective programs. The SBE is required to adopt rules based on the Commissioner's recommendations by March 1, 2005 and, by the 2005-2006 school year, to begin to implement new reading and language arts courses in all middle schools. Implementation must be completed by the 2008-2009 school year.

Rigorous Reading Requirement/School Improvement Plans. Beginning in 2004-2005, every public middle school with fewer than 75 percent of 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grade students scoring at level 3 or above on the prior year's FCAT must implement a Rigorous Reading Requirement for reading and language arts programs by October 1 of each year. According to the DOE's calculations, this will currently impact approximately 400-450 schools in Florida that serve 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grade students. This Rigorous Reading Requirement must be the primary component of the school's school improvement plan. The DOE will notify district school boards by June 30 of each year which schools are required to implement this requirement.

The Rigorous Reading Requirement must be modeled after the requirements of academic improvement plans for students under s. 1008.25(4), F.S.<sup>7</sup> The Rigorous Reading Requirement must identify specific areas of deficiency in the school's students' reading skills, the desired levels of student performance, and the services to be provided to students to meet desired levels of performance. School districts' assistance and intervention plans are also required to provide methods for frequent monitoring of the progress of each D or F school in meeting desired levels of performance. Schools participating in the Rigorous Reading Requirement must give quarterly reports to their superintendent on student progress, and the results of the school's Rigorous Reading Requirement will be used as part of the annual evaluation of the school's instructional personnel and school administrators.

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<sup>7</sup> Section 1008.25(4), F.S., provides that each student who does not perform at grade level on the FCAT must be provided with additional diagnostic assessments to determine the nature of the student's academic need. It provides that the student's school must develop, in consultation with the student's parent, an academic improvement plan (AIP) designed to make the student academically proficient. The AIP must identify the student's specific deficiencies in reading skills, the desired levels of performance in those areas, and the services to be provided to the student to achieve the desired levels of performance. Schools are required to frequently monitor the student's progress. School boards are required to help implement research-based reading activities to help students. Remedial instruction provided cannot be in lieu of course credits generally required for graduation. Students may be retained if, upon subsequent evaluation, deficiencies have not been remediated. Schools are required to provide remediation to students until they meet performance objectives, graduate from high school, or are no longer subject to compulsory school attendance.

Reform Study Required – Academic Performance of Middle Schools and Middle School Students. The DOE is required to study how the performance of middle school students and schools can be improved, in consultation with delineated researchers, DOE staff, and other education stakeholders including Florida school board members, superintendents, principals, parents, teachers and students. It is required to develop findings and recommendations and must review each of the following elements:

- Academic expectations, including:
  - Alignment of middle school academic expectations with elementary and high school graduation requirements;
  - Best practices to improve reading and language arts programs;
  - Strategies for improving academic success for low-performing students;
  - Rigor of curricula and courses;
  - Instructional material;
  - Course enrollment;
  - Student support services; and
  - Measurement and reporting of student achievement.
- Attendance policies and student mobility.
- Teacher quality issues, including:
  - Teacher evaluations;
  - Substitute teachers;
  - Certification requirements;
  - Staff development;
  - Staff development training;
  - Removal of ineffective teachers;
  - Teacher recruitment issues; and
  - Federal requirements for highly qualified teachers under the No Child Left Behind Act of 2001.
- School leadership.
- Parental and community involvement.

The Commissioner is required to submit recommendations to increase the academic performance of middle school students to the Legislature and the SBE by October 1, 2004.

Personalized Middle School Success Plan. Beginning in 2004-2005, each principal of a school with a middle grade must designate a certified staff member to develop and administer a personalized middle school success plan for each entering sixth grade student who scored below Level 3 in reading on the most recent FCAT administration. The plan would be developed with the student and the student's parents and would be in place until the student had completed 8<sup>th</sup> grade.

Requirements of each personalized middle school success plan include:

- Identification of goals and intermediate benchmarks for the student in core curriculum areas that will prepare the student for high school;

- Having as a basis academic performance data and an assessment of the student's strengths and weaknesses;
- Academic intervention strategies with frequent monitoring of student progress; and
- Innovative methods to promote student advancement, including flexible scheduling, tutoring, a focus on core curricula, online instruction, alternative learning environments and other demonstrated interventions.

For students who have already been provided – or must be provided – an academic improvement plan (AIP) under existing law, the personalized middle school success plan will be incorporated into the student's AIP. The individual education plan for a student with disabilities may also include the student's personalized middle school success plan.

#### SBE Authority and Responsibility

CS/SB 354 authorizes the SBE to adopt rules necessary for implementation of the section. The bill also references the SBE's existing enforcement authority with respect to bill requirements.

#### **Section 2**

##### Amendment to s. 1001.42, F.S.; District school board requirements.

CS/SB 354 amends s. 1001.42, F.S., a section setting forth the powers and duties of district school boards, to require that any school required to implement a Rigorous Reading program under the new s. 1003.415 must include the program in its school improvement plan.

#### **Section 3**

##### Amendment to s. 1008.25, F.S.; Student progression and remedial instruction.

CS/SB 354 amends s. 1008.25, F.S., a section regarding student progression and remedial instruction, to require that a middle school success plan be incorporated into the academic improvement plan of any student who meets the requirements of the new s. 1003.415, F.S.

#### **Section 4**

##### Amendment to s. 1012.34, F.S.; Assessment procedures for instructional personnel.

CS/SB 354 amends s. 1012.34, F.S., a section concerning assessment procedures, to amend the assessment criteria for instructional personnel. The bill requires that the assessment criteria for instructional personnel must now include an indicator that relates to the employee's ability to plan and deliver instruction including the implementation of the Rigorous Reading Requirement, if applicable.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The requirements of CS/SB 354 are designed to be cost-neutral. According to DOE calculations, funding for the bill's requirements could come from district re-prioritization of existing allocated money. For example, costs of the study required in Section 1 of the bill could be absorbed by the DOE within its existing budget if the study is conducted efficiently using existing resources. Some requirements of the bill may stretch existing resources; for example, development of personalized middle school success plans, which are required to be developed by a certified staff member at the school, could be burdensome in a school with a large number of 6th grade students scoring below level 3 on the FCAT. The DOE plans, however, to provide technical assistance to school districts regarding how the goals of the bill can be achieved without incurring additional expenses.

The use of reading coaches and others to work with and provide remediation to struggling middle school students will incur a cost that is indirectly related to the bill's requirements. It is currently anticipated that the cost of such remediation will represent a portion of the state funds that are allocated for reading remediation for all students, in an amount of approximately \$13 million.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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