

By the Committees on Appropriations; Education; and Senators  
Constantine and Cowin

309-2549-04

1                                   A bill to be entitled  
2           An act relating to public school educational  
3           instruction; creating s. 1003.415, F.S.;  
4           providing the popular name the "Middle Grades  
5           Reform Act"; providing purpose and intent;  
6           defining the term "middle grades"; requiring a  
7           review and recommendations relating to  
8           curricula and courses; requiring implementation  
9           of new or revised reading and language arts  
10          courses; providing for implementation of a  
11          rigorous reading requirement in certain  
12          schools; requiring the Department of Education  
13          to provide technical assistance; requiring a  
14          study of the academic performance of middle  
15          grade students and schools with recommendations  
16          for an increase in performance; requiring a  
17          personalized middle school success plan for  
18          certain students; providing authority for State  
19          Board of Education rulemaking and enforcement;  
20          amending s. 1001.42, F.S.; requiring a school  
21          improvement plan to include the rigorous  
22          reading requirement if applicable; amending s.  
23          1008.25, F.S.; requiring a personalized middle  
24          school success plan to be incorporated in a  
25          student's academic improvement plan if  
26          applicable; amending s. 1012.34, F.S.; revising  
27          assessment criteria for instructional  
28          personnel; providing an effective date.  
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30   Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Section 1003.415, Florida Statutes, is  
2 created to read:

3           1003.415 The Middle Grades Reform Act.--

4           (1) POPULAR NAME.--This section shall be known by the  
5 popular name the "Middle Grades Reform Act."

6           (2) PURPOSE AND INTENT.--The purpose of this section  
7 is to provide added focus and rigor to academics in the middle  
8 grades. Using reading as the foundation, all middle grade  
9 students should receive rigorous academic instruction through  
10 challenging curricula delivered by highly qualified teachers  
11 in schools with outstanding leadership, which schools are  
12 supported by engaged and informed parents. It is the intent of  
13 the Legislature that students promoted from the eighth grade  
14 will be ready for success in high school.

15           (3) DEFINITION.--As used in this section, the term  
16 "middle grades" means grades 6, 7, and 8.

17           (4) CURRICULA AND COURSES.--The Department of  
18 Education shall review course offerings, teacher  
19 qualifications, instructional materials, and teaching  
20 practices used in reading and language arts programs in the  
21 middle grades. The department must consult with the Florida  
22 Center for Reading Research at Florida State University, the  
23 Just Read, Florida! Office, reading researchers, reading  
24 specialists, and district supervisors of curriculum in the  
25 development of findings and recommendations. The Commissioner  
26 of Education shall make recommendations to the State Board of  
27 Education regarding changes to reading and language arts  
28 curricula in the middle grades based on research-based proven  
29 effective programs. The State Board of Education shall adopt  
30 rules based upon the commissioner's recommendations no later  
31 than March 1, 2005. Implementation of new or revised reading

1 and language arts courses in all middle grades shall be phased  
2 in beginning no later than the 2005-2006 school year with  
3 completion no later than the 2008-2009 school year.

4 (5) RIGOROUS READING REQUIREMENT.--

5 (a) Beginning with the 2004-2005 school year, each  
6 public school serving middle grade students, including charter  
7 schools, with fewer than 75 percent of its students reading at  
8 or above grade level in grade 6, grade 7, or grade 8 as  
9 measured by a student scoring at Level 3 or above on the FCAT  
10 during the prior school year, must incorporate by October 1 a  
11 rigorous reading requirement for reading and language arts  
12 programs as the primary component of its school improvement  
13 plan. The department shall annually provide to each district  
14 school board by June 30 a list of its schools that are  
15 required to incorporate a rigorous reading requirement as the  
16 primary component of the school's improvement plan. The  
17 department shall provide technical assistance to school  
18 districts and school administrators required to implement the  
19 rigorous reading requirement.

20 (b) The purpose of the rigorous reading requirement is  
21 to assist each student who is not reading at or above grade  
22 level to do so before entering high school. The rigorous  
23 reading requirement must include for a middle school's  
24 low-performing student population specific areas that address  
25 phonemic awareness, phonics, fluency, comprehension, and  
26 vocabulary; the desired levels of performance in those areas;  
27 and the instructional and support services to be provided to  
28 meet the desired levels of performance. The school shall use  
29 research-based reading activities that have been shown to be  
30 successful in teaching reading to low-performing students.

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1        (c) Schools required to implement the rigorous reading  
2 requirement must provide quarterly reports to the district  
3 school superintendent on the progress of students toward  
4 increased reading achievement.

5        (d) The results of implementation of a school's  
6 rigorous reading requirement shall be used as part of the  
7 annual evaluation of the school's instructional personnel and  
8 school administrators as required in s. 1012.34.

9        (6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC  
10 PERFORMANCE OF STUDENTS AND SCHOOLS.--

11        (a) The department shall conduct a study on how the  
12 overall academic performance of middle grade students and  
13 schools can be improved. The department must consult with the  
14 Florida Center for Reading Research at Florida State  
15 University, the Just Read, Florida! Office, and key education  
16 stakeholders, including district school board members,  
17 district school superintendents, principals, parents,  
18 teachers, district supervisors of curriculum, and students  
19 across the state, in the development of its findings and  
20 recommendations. The department shall review, at a minimum,  
21 each of the following elements:

22            1. Academic expectations, which include, but are not  
23 limited to:

24            a. Alignment of middle school expectations with  
25 elementary and high school graduation requirements.

26            b. Best practices to improve reading and language arts  
27 courses based on research-based programs for middle school  
28 students in alignment with the Sunshine State Standards.

29            c. Strategies that focus on improving academic success  
30 for low-performing students.

31            d. Rigor of curricula and courses.

- 1           e. Instructional materials.  
2           f. Course enrollment by middle school students.  
3           g. Student support services.  
4           h. Measurement and reporting of student achievement.  
5           2. Attendance policies and student mobility issues.  
6           3. Teacher quality, which includes, but is not limited  
7 to:  
8           a. Preparedness of teachers to teach rigorous courses  
9 to middle school students.  
10           b. Teacher evaluations.  
11           c. Substitute teachers.  
12           d. Certification and recertification requirements.  
13           e. Staff development requirements.  
14           f. Availability of effective staff development  
15 training.  
16           g. Teacher recruitment and vacancy issues.  
17           h. Federal requirements for highly qualified teachers  
18 pursuant to the No Child Left Behind Act of 2001.  
19           4. Identification and availability of diagnostic  
20 testing.  
21           5. Availability of personnel and scheduling issues.  
22           6. Middle school leadership and performance.  
23           7. Parental and community involvement.  
24           (b) By December 1, 2004, the Commissioner of Education  
25 shall submit to the President of the Senate, the Speaker of  
26 the House of Representatives, the chairs of the education  
27 committees in the Senate and the House of Representatives, and  
28 the State Board of Education recommendations to increase the  
29 academic performance of middle grade students and schools.  
30           (7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--  
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1           (a) Beginning with the 2004-2005 school year, each  
2 principal of a school with a middle grade shall designate  
3 certified staff members at the school to develop and  
4 administer a personalized middle school success plan for each  
5 entering sixth grade student who scored below Level 3 in  
6 reading on the most recently administered FCAT. The purpose of  
7 the success plan is to assist the student in meeting state and  
8 school district expectations in academic proficiency and to  
9 prepare the student for a rigorous high school curriculum. The  
10 success plan shall be developed in collaboration with the  
11 student and his or her parent and must be implemented until  
12 the student completes the eighth grade or achieves a score at  
13 Level 3 or above in reading on the FCAT, whichever occurs  
14 first. The success plan must minimize paperwork and may be  
15 incorporated into a parent/teacher conference, included as  
16 part of a progress report or report card, included as part of  
17 a general orientation at the beginning of the school year, or  
18 provided by electronic mail or other written correspondence.

19           (b) The personalized middle school success plan must:  
20           1. Identify educational goals and intermediate  
21 benchmarks for the student in the core curriculum areas which  
22 will prepare the student for high school.  
23           2. Be based upon academic performance data and an  
24 identification of the student's strengths and weaknesses.  
25           3. Include academic intervention strategies with  
26 frequent progress monitoring.  
27           4. Provide innovative methods to promote the student's  
28 advancement which may include, but not be limited to, flexible  
29 scheduling, tutoring, focus on core curricula, online  
30 instruction, an alternative learning environment, or other  
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1 interventions that have been shown to accelerate the learning  
2 process.

3 (c) The personalized middle school success plan must  
4 be incorporated into any individual student plan required by  
5 federal or state law, including the academic improvement plan  
6 required in s. 1008.25, an individual education plan (IEP) for  
7 a student with disabilities, a federal 504 plan, or an ESOL  
8 plan.

9 (d) The Department of Education shall provide  
10 technical assistance for districts, school administrators, and  
11 instructional personnel regarding the development of  
12 personalized middle school success plans. The assistance shall  
13 include strategies and techniques designed to maximize  
14 interaction between students, parents, teachers, and other  
15 instructional and administrative staff while minimizing  
16 paperwork.

17 (8) STATE BOARD OF EDUCATION AUTHORITY.--

18 (a) The State Board of Education shall have authority  
19 to adopt rules pursuant to ss. 120.536(1) and 120.54 to  
20 implement the provisions of this section.

21 (b) The State Board of Education shall have authority  
22 pursuant to s. 1008.32 to enforce the provisions of this  
23 section.

24 Section 2. Paragraph (a) of subsection (16) of section  
25 1001.42, Florida Statutes, is amended to read:

26 1001.42 Powers and duties of district school  
27 board.--The district school board, acting as a board, shall  
28 exercise all powers and perform all duties listed below:

29 (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
30 ACCOUNTABILITY.--Maintain a system of school improvement and  
31 education accountability as provided by statute and State

1 Board of Education rule. This system of school improvement and  
2 education accountability shall be consistent with, and  
3 implemented through, the district's continuing system of  
4 planning and budgeting required by this section and ss.  
5 1008.385, 1010.01, and 1011.01. This system of school  
6 improvement and education accountability shall include, but is  
7 not limited to, the following:

8 (a) School improvement plans.--Annually approve and  
9 require implementation of a new, amended, or continuation  
10 school improvement plan for each school in the district,  
11 except that a district school board may establish a district  
12 school improvement plan that includes all schools in the  
13 district operating for the purpose of providing educational  
14 services to youth in Department of Juvenile Justice programs.  
15 Such plan shall be designed to achieve the state education  
16 priorities pursuant to s. 1000.03(5) and student performance  
17 standards. In addition, any school required to implement a  
18 rigorous reading requirement pursuant to s. 1003.415 must  
19 include such component in its school improvement plan. Each  
20 plan shall also address issues relative to budget, training,  
21 instructional materials, technology, staffing, student support  
22 services, specific school safety and discipline strategies,  
23 and other matters of resource allocation, as determined by  
24 district school board policy, and shall be based on an  
25 analysis of student achievement and other school performance  
26 data.

27 Section 3. Paragraph (b) of subsection (4) of section  
28 1008.25, Florida Statutes, is amended to read:

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

31 (4) ASSESSMENT AND REMEDIATION.--



1           (b) The school in which the student is enrolled must  
2 develop, in consultation with the student's parent, and must  
3 implement an academic improvement plan designed to assist the  
4 student in meeting state and district expectations for  
5 proficiency. For a student for whom a personalized middle  
6 school success plan is required pursuant to s. 1003.415, the  
7 middle school success plan must be incorporated in the  
8 student's academic improvement plan. Beginning with the  
9 2002-2003 school year, if the student has been identified as  
10 having a deficiency in reading, the academic improvement plan  
11 shall identify the student's specific areas of deficiency in  
12 phonemic awareness, phonics, fluency, comprehension, and  
13 vocabulary; the desired levels of performance in these areas;  
14 and the instructional and support services to be provided to  
15 meet the desired levels of performance. Schools shall also  
16 provide for the frequent monitoring of the student's progress  
17 in meeting the desired levels of performance. District school  
18 boards shall assist schools and teachers to implement  
19 research-based reading activities that have been shown to be  
20 successful in teaching reading to low-performing students.  
21 Remedial instruction provided during high school may not be in  
22 lieu of English and mathematics credits required for  
23 graduation.

24           Section 4. Paragraph (a) of subsection (3) of section  
25 1012.34, Florida Statutes, is amended to read:

26           1012.34 Assessment procedures and criteria.--

27           (3) The assessment procedure for instructional  
28 personnel and school administrators must be primarily based on  
29 the performance of students assigned to their classrooms or  
30 schools, as appropriate. The procedures must comply with, but  
31 are not limited to, the following requirements:

1 (a) An assessment must be conducted for each employee  
2 at least once a year. The assessment must be based upon sound  
3 educational principles and contemporary research in effective  
4 educational practices. The assessment must primarily use data  
5 and indicators of improvement in student performance assessed  
6 annually as specified in s. 1008.22 and may consider results  
7 of peer reviews in evaluating the employee's performance.  
8 Student performance must be measured by state assessments  
9 required under s. 1008.22 and by local assessments for  
10 subjects and grade levels not measured by the state assessment  
11 program. The assessment criteria must include, but are not  
12 limited to, indicators that relate to the following:  
13 1. Performance of students.  
14 2. Ability to maintain appropriate discipline.  
15 3. Knowledge of subject matter. The district school  
16 board shall make special provisions for evaluating teachers  
17 who are assigned to teach out-of-field.  
18 4. Ability to plan and deliver instruction, including  
19 implementation of the rigorous reading requirement pursuant to  
20 s. 1003.415, when applicable, and the use of technology in the  
21 classroom.  
22 5. Ability to evaluate instructional needs.  
23 6. Ability to establish and maintain a positive  
24 collaborative relationship with students' families to increase  
25 student achievement.  
26 7. Other professional competencies, responsibilities,  
27 and requirements as established by rules of the State Board of  
28 Education and policies of the district school board.  
29 Section 5. This act shall take effect upon becoming a  
30 law.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill CS for SB 0354

The Committee Substitute requires the Department of Education to provide technical assistance for implementation; allows additional school staff to administer the personalized success plans; promotes minimum paperwork; requires personalized success plans to be in place only until a student completes eighth grade or earns a score of 3 or better on the reading FCAT, whichever comes first; changes the study report due date to December 1, 2004; and requires students' personalized success plans to be included in all individual student plans required by law.