

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 901 w/CS Public School Educational Instruction

SPONSOR(S): Baxley

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 354

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) General Education (Sub)	7 Y, 0 N	Aldis	Bohannon
2) Education K-20	23 Y, 1 N w/CS	Aldis	Bohannon
3) Education Appropriations (Sub)	17 Y, 0 N	Hammock	Mizereck
4) Appropriations			
5)			

SUMMARY ANALYSIS

The bill creates the Middle Grades Reform Act. The purpose of the Act is to add focus and rigor to middle school courses so students promoted from grade 8 will be ready to succeed in high school. The Act:

- Requires the Department of Education to review reading and language arts programs in the middle grades and assist the Commissioner to make recommendations for curricula changes
- Institutes a rigorous reading requirement in schools where less than 75 percent of grade 6, 7, or 8 students are reading on grade level
- Calls for the Department of Education to conduct a study on improving the overall academic performance of middle school students
- Establishes a personalized middle school success plan for all students entering grade 6 who scored below Level 3 in reading on the most recently taken FCAT

This bill does not appear to have a direct fiscal impact; however, there are some aspects of the bill discussed in the FISCAL COMMENTS section which may result in state expenditures.

The act shall take effect upon becoming a law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0901c.ap.doc

DATE: April 5, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

For any principle that received a “no” above, please explain:

Because it adds duties to the State Board of Education, Department of Education, and school districts, the bill cannot be said to reduce government. However, by improving student performance, the bill may increase student educational opportunities.

B. EFFECT OF PROPOSED CHANGES:

Middle Grades—Current Situation

Middle school in Florida consists of grades 6, 7, and 8. There are 477 middle/junior high schools with a total student population of approximately 613,000 students.¹

Academic assessment results have been increasing since 2001 for Florida students in grades 3 through 8. The chart below illustrates the percent of students scoring at level 3² or higher on the FCAT.³

	MATH			READING		
	2001	2003	Improvement	2001	2003	Improvement
Grade 3	52	63	+11	57	63	+6
Grade 4	45	54	+9	53	60	+7
Grade 5	48	52	+4	52	58	+6
Grade 6	40	47	+7	52	53	+1
Grade 7	45	47	+2	47	52	+5
Grade 8	55	56	+1	43	49	+6

While all grades have been improving, the improvements in elementary school have been more pronounced. In addition, a higher percent of elementary school students were already achieving at level 3. In 2003, the percent of students attaining an achievement level of 3 in reading and math (except for grade 8 math) decreased or remained the same each year from grade 3 to grade 8.

Middle Grades Reform Act

The bill creates the Middle Grades Reform Act. The stated purpose of the Act is to add focus and rigor to middle school courses using reading as the foundation. The intent of the Act is that students promoted from grade 8 will be ready to succeed in high school. The Act is organized into four primary parts as follows:

¹ Florida Department of Education.

² Level 3 or higher indicates performing at grade level.

³ Department of Education website, available at <http://fcats.fldoe/pdf/fcrp03str.pdf> and <http://fcats.fldoe/pdf/fcrp03stm.pdf>

- Curricula and Course Review
- Rigorous Reading Requirement
- Comprehensive Reform Study
- Personalized Middle School Success Plan

Finally, the State Board of Education (SBE) is given authority to adopt rules to implement the Act.

Curricula and Course Review

The Act requires the Department of Education (DOE) to review reading and language arts programs in the middle grades. The review will examine course offerings, teacher qualifications, instructional materials, and teaching practices. The DOE must consult with the Florida Center for Reading Research at Florida State University, the Just Read, Florida! Office, reading researchers, reading specialists, and district supervisors of curriculum to develop findings and recommendations. By requiring DOE to examine specific aspects of reading and language arts programs and consult with experts in the reading field, it appears the Act is attempting to ensure the existing reading and language arts programs are critically examined in the context of the latest available research.

The Commissioner of Education shall make recommendations to the SBE concerning changes to the reading and language arts curricula used in the middle grades. The SBE shall adopt rules based upon the commissioner's recommendations no later than March 1, 2005. New or revised reading and language arts programs will begin being implemented no later than the 2005-2006 school year and shall be completely implemented no later than the 2008-2009 school year.

Rigorous Reading Requirement

The Act requires the establishment of a rigorous reading requirement in all public schools serving middle grade students, including charter schools, where fewer than 75 percent of the school's grade 6, 7, or 8 students are reading at or above grade level.⁴ Rigorous reading requirements are described as having:

- A goal of each student reading at or above grade level before entering high school;
- Specific reading-related areas that address phonemic awareness, phonics, fluency, comprehension, and vocabulary for a middle school's low performing students;
- Desired levels of performance in reading-related areas; and
- Instructional and support services necessary to meet the desired levels of performance.

The DOE shall annually give by June 30 each district school board a list of its schools required to implement a rigorous reading requirement. With almost half of middle grade students failing to achieve a Level 3, it would appear relatively few schools will have 75 percent of its students scoring at Level 3 or above.⁵ Schools not meeting the 75 percent level and identified by the DOE shall:

- Incorporate by October 1 a rigorous reading requirement for reading and language arts programs as a primary component of the school improvement plan;
- Provide quarterly reports to the district school superintendent on students' reading progress; and
- Use the implementation results of the rigorous reading requirement as part of the evaluation of the school's instructional personnel and school administrators.

The Act's incorporation of rigorous reading requirements into the school improvement plan, use of quarterly reports to the superintendent, and requirement that personnel and administrator evaluations

⁴ Level 3 or above on the FCAT taken during the prior school year.

⁵ DOE has estimated that between 400 and 450 will need to implement a rigorous reading requirement.

consider rigorous reading requirement implementation makes it more likely that the Act will be implemented.

Comprehensive Reform Study

The Act provides that the DOE shall conduct a study on how the overall academic performance of middle school students can be improved. During the study the DOE shall consult with the Florida Center for Reading Research at Florida State University, the Just Read, Florida! Office, and key education stakeholders. The review shall consist of, at a minimum, the following elements:

- Academic expectations⁶;
- Attendance policies and student mobility issues;
- Teacher quality⁷;
- Identification and availability of diagnostic testing;
- Availability of personnel and scheduling issues;
- Middle school leadership; and
- Parental and community involvement.

By December 1, 2004, the Commissioner of Education shall submit recommendations to the Legislature and the SBE to increase the academic performance of middle grade students and schools.

Personalized Middle School Success Plan

Beginning with 2004-2005 school year, the Act requires principals of a school with a middle grade to designate a certified staff member to develop and administer a personalized middle school success plan for each entering grade 6 student who scored below Level 3 in reading on the most recently administered FCAT. Personalized middle school success plans must:

- Be developed in collaboration with the student and his or her parent;
- Be implemented until the student completes eighth grade;
- Minimize paperwork;
- Identify educational goals and benchmarks to prepare student for high school;
- Be based upon academic performance data and identification of a student's strengths and weaknesses;
- Include academic intervention strategies with frequent progress monitoring;
- Provide innovative methods to promote student advancement; and
- Be incorporated into any individual student plan including an academic improvement plan, an individual education plan, a federal 504 plan, or an ESOL plan.

By identifying a student in grade 6 that has difficulty reading, developing a middle school success plan for the student, and following the student through grade 8, the Act uses innovative methods and staff mentoring to attempt to achieve and sustain reading improvements.

With 192,881 grade 5 students taking the Reading FCAT last year and about 58 percent of students receiving a Level 3 or higher, this could result in over 81,000 students needing a personalized middle

⁶ Some of the academic expectations may include alignment of middle school expectations with elementary and high school requirements, best practices to improve reading and language arts courses, focus on improving academic success for low-performing students, rigor of curricula, instructional materials, course enrollment, student support services, and measurement and reporting of student achievement.

⁷ Some of the teacher quality issues may include preparedness of teachers to teach rigorous courses, teacher evaluations, substitute teachers, certification and recertification requirements, staff development requirements, availability of effective staff development training, options to remove ineffective teachers, teacher recruitment and vacancy issues, and federal requirements for highly qualified teachers pursuant to the No Child Left Behind Act of 2001.

school success plan.⁸ If passage rates and enrollment figures remained approximately equal, there would be 162,000 students in year 2 and 243,000 students in year 3 because students are followed from grade 6 through grade 8. It is unclear if existing certified personnel would be sufficient to handle this requirement or if additional staff would be needed. See discussion under FISCAL COMMENTS section.

C. SECTION DIRECTORY:

Section 1: Creates s. 1003.415, F.S.; defines middle grades as grades 6, 7, and 8; requires DOE to review reading and language arts programs in the middle grades resulting in recommended changes, adoption of rules, and a timeline for implementation of changes to programs; requires each public school serving students in grades 6, 7, or 8 in which fewer than 75 percent of students are reading at or above grade level to institute a rigorous reading requirement; instructs the DOE to conduct a study on improving the overall academic performance of middle grades students; requires the development of a personalized middle school success plan for each entering grade 6 student who scored below 3 in reading on the most recently administered FCAT; allows the State Board of Education to adopt rules to implement this section.

Section 2: Amends s. 1001.42, F.S.; provides that schools required to implement a rigorous reading requirement must include it as a component in the school improvement plan.

Section 3: Amends s. 1008.25, F.S.; requires a personalized middle school success plan to be incorporated into a student's academic improvement plan.

Section 4: Amends s. 1012.34, F.S.; includes ability to implement the rigorous reading requirement to the assessment criteria used for instructional personnel and school administrators.

Section 5: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a direct fiscal impact on state expenditures; however, there are some requirements in the bill that are discussed in the FISCAL COMMENTS section which may result in state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

⁸Data from the Florida Department of Education.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

The DOE determined in its analysis that the bill was cost neutral. The department reasoned that the funding necessary for implementation will come from re-prioritization of existing state and district resources; however, there is no indication what educational resources will be re-prioritized at the department or district level.

When the DOE examined implementation of the personalized middle school success plan it concluded that it could be burdensome in a school with a large number of grade 6 students scoring below 3 on the FCAT. The DOE plans to provide technical assistance to school districts regarding how the goals of the bill can be achieved without incurring additional expenses. Without more definitive information concerning re-prioritization of resources or the planned technical assistance, it is not possible to predict with any degree of certainty whether any additional expenditures will be required by the state or local school district.

The DOE has estimated the cost of reading coaches to work with teachers of struggling middle school students to be approximately \$13 million. The Governor's Budget recommended \$46.4 million for Reading Programs. HB 1835, Specific Appropriation 9, appropriates \$36,265,000 for Reading Programs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds.

2. Other:

This bill does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

The bill provides rulemaking authority to the State Board of Education under s. 1003.415, F.S., relating to the Middle Grades Reform Act.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 10, 2004, the Subcommittee on General Education favorably recommended HB 901 and two amendments proposed by Rep. Baxley. The first amendment changed the requirement to incorporate a rigorous reading requirement from schools with fewer than 75 percent of students reading at grade level in

grades 6, 7, and 8 to schools with fewer than 75 percent of students reading at grade level in grades 6, 7, or 8. The second amendment was a technical amendment to correct an incorrect paragraph designation.

The Committee on Education K-20 adopted two amendments to the bill on March 15, 2004.

The first amendment changed the schools that must incorporate a rigorous reading requirement from schools with less than 75 percent of students scoring at or above level 3 on the FCAT reading section in grades 6, 7, **and** 8 to schools failing to meet those requirements in grades 6, 7, **or** 8.

The second amendment corrected a drafting issue in section 1 of the bill where subsection (6) had a paragraph (a) but not a paragraph (b).

On April 2, 2004, the Subcommittee on Education Appropriations favorably recommended HB901 with four amendments:

1. Amendment one requires the Department of Education to provide technical assistance to school districts and school administrators required to implement the rigorous reading requirement.
2. Amendment two modifies areas to be reviewed in the Department of Education's study of middle school performance.
3. Amendment three requires the Department of Education to provide technical assistance to school districts, administrators and instructional personnel regarding the development of personalized middle school success plans.
4. Amendment four limits the required personalized middle school success plan to apply only until a student scores Level 3 or above on FCAT reading.