

By Senator Wilson

33-543-05

1 A bill to be entitled
2 An act relating to public school student
3 progression; amending s. 1008.25, F.S.;
4 revising the components of school district
5 student progression programs; eliminating
6 guidelines for allocating school district
7 remedial and supplemental instruction
8 resources; providing for the retention of
9 students under specified circumstances;
10 eliminating mandatory retention requirements
11 for certain students in grade 3; eliminating
12 midyear promotion; providing procedures for
13 parental requests for retention; providing for
14 appeals; eliminating standards for exemption
15 from mandatory retention, to conform; revising
16 the parental notification requirements;
17 revising guidelines for remedial reading
18 instruction and intervention strategies;
19 revising the purpose of the Reading Enhancement
20 and Acceleration Development Initiative;
21 revising the eligibility criteria for the
22 Intensive Acceleration Class; revising the
23 requirements for reports by district school
24 boards specifying required rules; amending s.
25 1002.20, F.S.; conforming a cross-reference;
26 amending s. 1002.23, F.S., to conform;
27 requiring the State Board of Education to
28 initiate the adoption of rules by a time
29 certain; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Section 1008.25, Florida Statutes, is
2 amended to read:

3 1008.25 Public school student progression; remedial
4 instruction; reporting requirements.--

5 (1) INTENT.--It is the intent of the Legislature that
6 each student's progression from one grade to another be
7 determined, in part, upon proficiency in reading, writing,
8 science, and mathematics; that district school board policies
9 facilitate such proficiency; and that each student and his or
10 her parent be informed of that student's academic progress.

11 (2) COMPREHENSIVE PROGRAM.--Each district school board
12 shall establish a comprehensive program for student
13 progression which must include:

14 (a) Standards for evaluating each student's
15 performance, including how well he or she masters the
16 performance standards approved by the State Board of
17 Education.

18 (b) Specific levels of performance in reading,
19 writing, science, and mathematics for each grade level,
20 including the levels of performance on statewide assessments
21 as defined by the commissioner, below which a student must
22 receive remediation, ~~or be retained within an intensive~~
23 ~~program that is different from the previous year's program and~~
24 ~~that takes into account the student's learning style.~~

25 ~~(c) Appropriate alternative placement for a student~~
26 ~~who has been retained 2 or more years.~~

27 ~~(3) ALLOCATION OF RESOURCES. District school boards~~
28 ~~shall allocate remedial and supplemental instruction resources~~
29 ~~to students in the following priority:~~

30 ~~(a) Students who are deficient in reading by the end~~
31 ~~of grade 3.~~

1 ~~(b) Students who fail to meet performance levels~~
2 ~~required for promotion consistent with the district school~~
3 ~~board's plan for student progression required in paragraph~~
4 ~~(2)(b).~~

5 (3)(4) ASSESSMENT AND REMEDIATION.--

6 (a) Each student must participate in the statewide
7 assessment tests required by s. 1008.22. Each student who does
8 not meet specific levels of performance as determined by the
9 district school board in reading, writing, science, and
10 mathematics for each grade level, or who does not meet
11 specific levels of performance as determined by the
12 commissioner on statewide assessments at selected grade
13 levels, must be provided with additional diagnostic
14 assessments to determine the nature of the student's
15 difficulty and areas of academic need.

16 (b) The school in which the student is enrolled must
17 develop, in consultation with the student's parent, and must
18 implement an academic improvement plan designed to assist the
19 student in meeting state and district expectations for
20 proficiency. For a student for whom a personalized middle
21 school success plan is required pursuant to s. 1003.415, the
22 middle school success plan must be incorporated in the
23 student's academic improvement plan. Beginning with the
24 2002-2003 school year, if the student has been identified as
25 having a deficiency in reading, the academic improvement plan
26 shall identify the student's specific areas of deficiency in
27 phonemic awareness, phonics, fluency, comprehension, and
28 vocabulary; the desired levels of performance in these areas;
29 and the instructional and support services to be provided to
30 meet the desired levels of performance. Schools shall also
31 provide for the frequent monitoring of the student's progress

1 | in meeting the desired levels of performance. District school
2 | boards shall assist schools and teachers to implement
3 | research-based reading activities that have been shown to be
4 | successful in teaching reading to low-performing students.
5 | Remedial instruction provided during high school may not be in
6 | lieu of English and mathematics credits required for
7 | graduation.

8 | (c) Upon subsequent evaluation, if the documented
9 | deficiency has not been remediated in accordance with the
10 | academic improvement plan, the student may be retained as
11 | provided in subsection (5). Each student who does not meet the
12 | minimum performance expectations defined by the Commissioner
13 | of Education for the statewide assessment tests in reading,
14 | writing, science, and mathematics must continue to be provided
15 | with remedial or supplemental instruction until the
16 | expectations are met or the student graduates from high school
17 | or is not subject to compulsory school attendance.

18 | ~~(4)(5)~~ READING DEFICIENCY AND PARENTAL NOTIFICATION.--

19 | (a) It is the ultimate goal of the Legislature that
20 | every student read at or above grade level. Any student who
21 | exhibits a substantial deficiency in reading, based upon
22 | locally determined or statewide assessments conducted in
23 | kindergarten or grade 1, grade 2, or grade 3, or through
24 | teacher observations, must be given intensive reading
25 | instruction immediately following the identification of the
26 | reading deficiency. The student's reading proficiency must be
27 | reassessed by locally determined assessments or through
28 | teacher observations at the beginning of the grade following
29 | the intensive reading instruction. The student must continue
30 | to be provided with intensive reading instruction until the
31 | reading deficiency is remedied.

1 (b) Beginning with the 2005-2006 ~~2002-2003~~ school
2 year, if the student's reading deficiency, as identified in
3 paragraph (a), is not remedied by the end of grade 3, as
4 demonstrated by scoring at Level 2 or higher on the statewide
5 assessment test in reading for grade 3, the student may ~~must~~
6 be retained as provided in subsection (5).

7 (c) The parent of any student who exhibits a
8 substantial deficiency in reading, as described in paragraph
9 (a), must be notified in writing of the following:

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

12 2. A description of the current services that are
13 provided to the child.

14 3. A description of the proposed supplemental
15 instructional services and supports that will be provided to
16 the child that are designed to remediate the identified area
17 of reading deficiency.

18 4. That if the child's reading deficiency is not
19 remediated by the end of the child's grade level ~~grade 3~~, the
20 child may ~~must~~ be retained as provided in subsection (5)
21 ~~unless he or she is exempt from mandatory retention for good~~
22 ~~cause.~~

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

25 ~~6. That the Florida Comprehensive Assessment Test~~
26 ~~(FCAT) is not the sole determiner of promotion and that~~
27 ~~additional evaluations, portfolio reviews, and assessments are~~
28 ~~available to the child to assist parents and the school~~
29 ~~district in knowing when a child is reading at or above grade~~
30 ~~level and ready for grade promotion.~~

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1 ~~7. The district's specific criteria and policies for~~
2 ~~midyear promotion. Midyear promotion means promotion of a~~
3 ~~retained student at any time during the year of retention once~~
4 ~~the student has demonstrated ability to read at grade level.~~

5 ~~(5)(6)~~ ELIMINATION OF SOCIAL PROMOTION; RETENTION;
6 APPEALS.--

7 (a) ~~A~~ No student may not be assigned to a grade level
8 based solely on age or other factors that constitute social
9 promotion.

10 (b) The district school board may retain ~~only exempt~~
11 ~~students~~ only from mandatory retention, as provided in this
12 subsection ~~paragraph (5)(b)~~, for good cause. ~~Good cause~~
13 ~~exemptions shall be limited to the following:~~

14 1. ~~Limited English proficient students who have had~~
15 ~~less than 2 years of instruction in an English for Speakers of~~
16 ~~Other Languages program.~~

17 2. ~~Students with disabilities whose individual~~
18 ~~education plan indicates that participation in the statewide~~
19 ~~assessment program is not appropriate, consistent with the~~
20 ~~requirements of State Board of Education rule.~~

21 3. ~~Students who demonstrate an acceptable level of~~
22 ~~performance on an alternative standardized reading assessment~~
23 ~~approved by the State Board of Education.~~

24 4. ~~Students who demonstrate, through a student~~
25 ~~portfolio, that the student is reading on grade level as~~
26 ~~evidenced by demonstration of mastery of the Sunshine State~~
27 ~~Standards in reading equal to at least a Level 2 performance~~
28 ~~on the FCAT.~~

29 5. ~~Students with disabilities who participate in the~~
30 ~~FCAT and who have an individual education plan or a Section~~
31 ~~504 plan that reflects that the student has received the~~

1 ~~intensive remediation in reading, as required by paragraph~~
2 ~~(4)(b), for more than 2 years but still demonstrates a~~
3 ~~deficiency in reading and was previously retained in~~
4 ~~kindergarten, grade 1, grade 2, or grade 3.~~

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

17 (c) Written requests for the retention of a student
18 must ~~good cause exemptions for students from the mandatory~~
19 ~~retention requirement as described in subparagraphs (b)3. and~~
20 ~~4. shall~~ be made consistent with the following:

21 1. Documentation must ~~shall~~ be submitted from the
22 student's teacher to the school principal which ~~that~~ indicates
23 that the retention ~~promotion~~ of the student is appropriate and
24 is based upon the student's academic record. In order to
25 minimize paperwork requirements, such documentation must ~~shall~~
26 consist only of the existing academic improvement plan,
27 individual educational plan, if applicable, report card, or
28 student portfolio.

29 2. The school principal shall review the parent's
30 request and the teacher's recommendation and discuss the such
31 recommendation with:

1 a. The teacher;

2 b. The parent;

3 c. A representative of the school district who is
4 qualified to provide or supervise the provision of specially
5 designed instruction to meet the unique needs of the student,
6 is knowledgeable about the general curriculum, and is
7 knowledgeable about the availability of resources of the
8 school district; and

9 d. Other individuals, at the discretion of the parent
10 or the school district, who have knowledge or special
11 expertise regarding the student. The determination of the
12 knowledge or special expertise of any such individual shall be
13 made by the party who invited the individual to be a part of
14 the discussion.

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16 The school principal shall ~~and~~ make the determination as to
17 whether the student should be promoted or retained. If the
18 school principal determines that the student should be
19 promoted, the school principal shall make such recommendation
20 in writing to the district school superintendent. The
21 district school superintendent shall accept or reject the
22 school principal's recommendation in writing.

23 3. The parent may appeal the decision of the district
24 school superintendent to the district school board.

25 ~~(6)(7)~~ SUCCESSFUL PROGRESSION FOR ~~RETAINED~~ READERS.--

26 (a) Students who have a substantial reading deficiency
27 as determined under paragraph (4)(a) ~~retained under the~~
28 ~~provisions of paragraph (5)(b)~~ must be provided intensive
29 interventions in reading to ameliorate the student's specific
30 reading deficiency, as identified by a valid and reliable
31 diagnostic assessment. This intensive intervention must

1 include effective instructional strategies, participation in
2 the school district's summer reading camp, and appropriate
3 teaching methodologies necessary to assist those students in
4 becoming successful readers who are, able to read at or above
5 grade level, ~~and ready for promotion to the next grade.~~

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

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

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

- 24 a. Small group instruction.
25 b. Reduced teacher-student ratios.
26 c. More frequent progress monitoring.
27 d. Tutoring or mentoring.
28 e. Transition classes containing 3rd and 4th grade
29 students.
30 f. Extended school day, week, or year.
31 g. Summer reading camps.

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

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

27 ~~4.5.~~ Provide students who are identified as having a
28 substantial reading deficiency under paragraph (4)(a) ~~retained~~
29 ~~under the provisions of paragraph (5)(b)~~ with a
30 high-performing teacher as determined by student performance
31 data and above-satisfactory performance appraisals.

1 ~~5.6.~~ In addition to required reading enhancement and
2 acceleration strategies, provide parents of students
3 identified as having a substantial reading deficiency ~~to be~~
4 ~~retained~~ with at least one of the following instructional
5 options:

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

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

12 c. A mentor or tutor with specialized reading
13 training.

14 ~~6.7.~~ Establish a Reading Enhancement and Acceleration
15 Development (READ) Initiative. The focus of the READ
16 Initiative shall be ~~to prevent the retention of grade 3~~
17 ~~students and~~ to offer intensive accelerated reading
18 instruction ~~to grade 3 students who failed to meet standards~~
19 ~~for promotion to grade 4 and~~ to each K-3 student who is
20 assessed as exhibiting a reading deficiency. The READ
21 Initiative shall:

22 a. Be provided to all K-3 students at risk of not
23 meeting grade level expectations ~~retention~~ as identified by
24 the statewide assessment system used in Reading First schools.
25 The assessment must measure phonemic awareness, phonics,
26 fluency, vocabulary, and comprehension.

27 b. Be provided during regular school hours in addition
28 to the regular reading instruction.

29 c. Provide a state-identified reading curriculum that
30 has been reviewed by the Florida Center for Reading Research
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1 at Florida State University and meets, at a minimum, the
2 following specifications:

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

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

7 (III) Provides scientifically based and reliable
8 assessment.

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

11 (V) Is implemented during regular school hours.

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

15 7.8- Establish at each school, where applicable, an
16 Intensive Acceleration Class for ~~retained~~ grade 3 students who
17 subsequently score at Level 1 on the reading portion of the
18 FCAT. The focus of the Intensive Acceleration Class shall be
19 to increase a child's reading level at least two grade levels
20 in 1 school year. The Intensive Acceleration Class shall:

21 a. Be provided to any student in grade 3 who scores at
22 Level 1 on the reading portion of the FCAT ~~and who was~~
23 ~~retained in grade 3 the prior year because of scoring at Level~~
24 ~~1 on the reading portion of the FCAT.~~

25 b. Have a reduced teacher-student ratio.

26 c. Provide uninterrupted reading instruction for the
27 majority of student contact time each day and incorporate
28 opportunities to master the grade 4 Sunshine State Standards
29 in other core subject areas.

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

4 e. Provide intensive language and vocabulary
5 instruction using a scientifically research-based program,
6 including use of a speech-language therapist.

7 f. Include weekly progress monitoring measures to
8 ensure progress is being made.

9 g. Report to the Department of Education, in the
10 manner described by the department, the progress of students
11 in the class at the end of the first semester.

12 8.9. Report to the State Board of Education, as
13 requested, on the specific intensive reading interventions and
14 supports implemented at the school district level. The
15 Commissioner of Education shall annually prescribe the
16 required components of requested reports.

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

25 ~~(7)(8)~~ ANNUAL REPORT.--

26 (a) ~~In addition to the requirements in paragraph~~
27 ~~(5)(b)~~, Each district school board must annually report to the
28 parent of each student the progress of the student toward
29 achieving state and district expectations for proficiency in
30 reading, writing, science, and mathematics. The district
31 school board must report to the parent the student's results

1 on each statewide assessment test. The evaluation of each
2 student's progress must be based upon the student's classroom
3 work, observations, tests, district and state assessments, and
4 other relevant information. Progress reporting must be
5 provided to the parent in writing in a format adopted by the
6 district school board.

7 (b) Beginning with the 2001-2002 school year, each
8 district school board must annually publish in the local
9 newspaper, and report in writing to the State Board of
10 Education by September 1 of each year, the following
11 information on the prior school year:

12 1. The provisions of this section relating to public
13 school student progression and the district school board's
14 policies and procedures on student ~~retention and~~ promotion.

15 2. By grade, the number and percentage of all students
16 in grades 3 through 10 performing at Levels 1 and 2 on the
17 reading portion of the FCAT.

18 3. By grade, the number and percentage of all students
19 retained as provided in subsection (5) in grades 3 through 10.

20 4. Information on the total number of students who
21 were promoted ~~for good cause, by each category of good cause~~
22 ~~as specified in paragraph (6)(b)~~.

23 5. Any revisions to the district school board's policy
24 on student ~~retention and~~ promotion from the prior year.

25 ~~(8)(9)~~ STATE BOARD AUTHORITY AND RESPONSIBILITIES.--

26 (a) The State Board of Education shall have authority
27 as provided in s. 1008.32 to enforce this section.

28 (b) The State Board of Education shall adopt rules
29 pursuant to ss. 120.536(1) and 120.54 for the administration
30 of this section, including, but not limited to, rules
31 establishing procedures by which parents may appeal a decision

1 by the district school superintendent as provided in
2 subsection (5).

3 ~~(9)(10)~~ TECHNICAL ASSISTANCE.--The department shall
4 provide technical assistance as needed to aid district school
5 boards in administering this section.

6 Section 2. Subsection (11) of section 1002.20, Florida
7 Statutes, is amended to read:

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

14 (11) STUDENTS WITH READING DEFICIENCIES.--Each
15 elementary school shall regularly assess the reading ability
16 of each K-3 student. The parent of any K-3 student who
17 exhibits a reading deficiency shall be immediately notified of
18 the student's deficiency with a description and explanation,
19 in terms understandable to the parent, of the exact nature of
20 the student's difficulty in learning and lack of achievement
21 in reading; shall be consulted in the development of a
22 detailed academic improvement plan, as described in s.
23 1008.25(3)(b) ~~s. 1008.25(4)(b)~~; and shall be informed that the
24 student will be given intensive reading instruction until the
25 deficiency is corrected. This subsection operates in addition
26 to the remediation and notification provisions contained in s.
27 1008.25 and in no way reduces the rights of a parent or the
28 responsibilities of a school district under that section.

29 Section 3. Subsection (2) of section 1002.23, Florida
30 Statutes, is amended to read:

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1 1002.23 Family and School Partnership for Student
2 Achievement Act.--

3 (2) To facilitate meaningful parent and family
4 involvement, the Department of Education shall develop
5 guidelines for a parent guide to successful student
6 achievement which describes what parents need to know about
7 their child's educational progress and how they can help their
8 child to succeed in school. The guidelines shall include, but
9 need not be limited to:

10 (a) Parental information regarding:

11 1. Options ~~Requirements~~ for their child to be retained
12 ~~promoted to the next grade~~, as provided ~~for~~ in s. 1008.25;

13 2. Progress of their child toward achieving state and
14 district expectations for academic proficiency;

15 3. Assessment results, including report cards and
16 progress reports; and

17 4. Qualifications of their child's teachers;

18 (b) Services available for parents and their children,
19 such as family literacy services; mentoring, tutorial, and
20 other academic reinforcement programs; college planning,
21 academic advisement, and student counseling services; and
22 after-school programs;

23 (c) Opportunities for parental participation, such as
24 parenting classes, adult education, school advisory councils,
25 and school volunteer programs;

26 (d) Opportunities for parents to learn about rigorous
27 academic programs that may be available for their child, such
28 as honors programs, dual enrollment, advanced placement,
29 International Baccalaureate, Florida Virtual High School
30 courses, and accelerated access to postsecondary education;

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1 (e) Educational choices, as provided for in s.
2 1002.20(6), and corporate income tax credit scholarships, as
3 provided for in s. 220.187;

4 (f) Classroom and test accommodations available for
5 students with disabilities; and

6 (g) School board rules, policies, and procedures for
7 ~~student promotion and retention~~, academic standards, student
8 assessment, courses of study, instructional materials, and
9 contact information for school and district offices.

10 Section 4. The State Board of Education shall initiate
11 the adoption of rules required by this act 10 days after the
12 effective date of this act.

13 Section 5. This act shall take effect upon becoming a
14 law.

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17 SENATE SUMMARY

18 Amends provisions relating to public school student
19 progression, remedial instruction, and reporting
20 requirements. Eliminates certain mandatory retention
21 requirements. Eliminates midyear promotion. Provides for
22 rulemaking by the State Board of Education and requires
23 the rulemaking process to be initiated by 10 days after
24 the effective date of the act. (See bill for details.)
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