

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) [Bendross-Mindingall](#) offered the following:

2  
3 **Amendment (with title amendment)**

4 On page 3, between lines 5 and 6,  
5 insert:

6 Section 2. Subsections (5), (6), and (7) of section  
7 1008.25, Florida Statutes, are amended to read:

8 1008.25 Public school student progression; remedial  
9 instruction; reporting requirements.--

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

11 (a) It is the ultimate goal of the Legislature that every  
12 student read at or above grade level. Any student who exhibits a  
13 substantial deficiency in reading, based upon locally determined  
14 or statewide assessments conducted in kindergarten or grade 1,  
15 grade 2, ~~or~~ grade 3, or grade 4, or through teacher

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16 observations, must be given intensive reading instruction  
17 immediately following the identification of the reading  
18 deficiency. The student's reading proficiency must be reassessed  
19 by locally determined assessments or through teacher  
20 observations at the beginning of the grade following the  
21 intensive reading instruction. The student must continue to be  
22 provided with intensive reading instruction until the reading  
23 deficiency is remedied.

24 (b) Beginning with the 2005-2006 ~~2002-2003~~ school year, if  
25 the student's reading deficiency, as identified in paragraph  
26 (a), is not remedied by the end of grade 4 ~~3~~, as demonstrated by  
27 statewide assessment testing in reading and by teacher  
28 observation of a deficiency in reading scoring at Level 2 or  
29 ~~higher on the statewide assessment test in reading for grade 3~~,  
30 the student must be retained.

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

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

36 2. A description of the current services that are provided  
37 to the child.

38 3. A description of the proposed supplemental  
39 instructional services and supports that will be provided to the  
40 child that are designed to remediate the identified area of  
41 reading deficiency.

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

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

48 6. That the Florida Comprehensive Assessment Test (FCAT)  
49 is not the sole determiner of promotion and that additional  
50 evaluations, portfolio reviews, and assessments are available to  
51 the child to assist parents and the school district in knowing  
52 when a child is reading at or above grade level and ready for  
53 grade promotion.

54 7. The district's specific criteria and policies for  
55 midyear promotion. Midyear promotion means promotion of a  
56 retained student at any time during the year of retention once  
57 the student has demonstrated ability to read at grade level.

58 (6) ELIMINATION OF SOCIAL PROMOTION.--

59 (a) No student may be assigned to a grade level based  
60 solely on age or other factors that constitute social promotion.

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

65 1. Limited English proficient students who have had less  
66 than 2 years of instruction in an English for Speakers of Other  
67 Languages program.

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68           2. Students with disabilities whose individual education  
69 plan indicates that participation in the statewide assessment  
70 program is not appropriate, consistent with the requirements of  
71 State Board of Education rule.

72           3. Students who demonstrate an acceptable level of  
73 performance on an alternative standardized reading assessment  
74 approved by the State Board of Education.

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

79           5. Students with disabilities who participate in the FCAT  
80 and who have an individual education plan or a Section 504 plan  
81 that reflects that the student has received the intensive  
82 remediation in reading, as required by paragraph (4)(b), for  
83 more than 2 years but still demonstrates a deficiency in reading  
84 and was previously retained in kindergarten, grade 1, grade 2,  
85 ~~or~~ grade 3, or grade 4.

86           6. Students who have received the intensive remediation in  
87 reading as required by paragraph (4)(b) for 2 or more years but  
88 still demonstrate a deficiency in reading and who were  
89 previously retained in kindergarten, grade 1, grade 2, ~~or~~ grade  
90 3, or grade 4 for a total of 2 years. Intensive reading  
91 instruction for students so promoted must include an altered  
92 instructional day based upon an academic improvement plan that  
93 includes specialized diagnostic information and specific reading  
94 strategies for each student. The district school board shall

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95 assist schools and teachers to implement reading strategies that  
96 research has shown to be successful in improving reading among  
97 low-performing readers.

98 (c) Requests for good cause exemptions for students from  
99 the mandatory retention requirement as described in  
100 subparagraphs (b)3. and 4. shall be made consistent with the  
101 following:

102 1. Documentation shall be submitted from the student's  
103 teacher to the school principal that indicates that the  
104 promotion of the student is appropriate and is based upon the  
105 student's academic record. In order to minimize paperwork  
106 requirements, such documentation shall consist only of the  
107 existing academic improvement plan, individual educational plan,  
108 if applicable, report card, or student portfolio.

109 2. The school principal shall review and discuss such  
110 recommendation with the teacher and make the determination as to  
111 whether the student should be promoted or retained. If the  
112 school principal determines that the student should be promoted,  
113 the school principal shall make such recommendation in writing  
114 to the district school superintendent. The district school  
115 superintendent shall accept or reject the school principal's  
116 recommendation in writing.

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

118 (a) Students retained under the provisions of paragraph  
119 (5)(b) must be provided intensive interventions in reading to  
120 ameliorate the student's specific reading deficiency, as  
121 identified by a valid and reliable diagnostic assessment. This

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122 intensive intervention must include effective instructional  
123 strategies, participation in the school district's summer  
124 reading camp, and appropriate teaching methodologies necessary  
125 to assist those students in becoming successful readers, able to  
126 read at or above grade level, and ready for promotion to the  
127 next grade.

128 (b) Beginning with the 2005-2006 ~~2004-2005~~ school year,  
129 each school district shall:

130 1. Conduct a review of student academic improvement plans  
131 for all students who did not score above Level 1 on the reading  
132 portion of the FCAT and did not meet the criteria for one of the  
133 good cause exemptions in paragraph (6)(b). The review shall  
134 address additional supports and services, as described in this  
135 subsection, needed to remediate the identified areas of reading  
136 deficiency. The school district shall require a student  
137 portfolio to be completed for each such student.

138 2. Provide students who are retained under the provisions  
139 of paragraph (5)(b) with intensive instructional services and  
140 supports to remediate the identified areas of reading  
141 deficiency, including a minimum of 90 minutes of daily,  
142 uninterrupted, scientifically research-based reading instruction  
143 and other strategies prescribed by the school district, which  
144 may include, but are not limited to:

- 145 a. Small group instruction.
- 146 b. Reduced teacher-student ratios.
- 147 c. More frequent progress monitoring.
- 148 d. Tutoring or mentoring.

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149 e. Transition classes containing 4th and 5th ~~3rd and 4th~~  
150 grade students.

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

152 g. Summer reading camps.

153 3. Provide written notification to the parent of any  
154 student who is retained under the provisions of paragraph (5)(b)  
155 that his or her child has not met the proficiency level required  
156 for promotion and the reasons the child is not eligible for a  
157 good cause exemption as provided in paragraph (6)(b). The  
158 notification must comply with the provisions of s. 1002.20(14)  
159 and must include a description of proposed interventions and  
160 supports that will be provided to the child to remediate the  
161 identified areas of reading deficiency.

162 4. Implement a policy for the midyear promotion of any  
163 student retained under the provisions of paragraph (5)(b) who  
164 can demonstrate that he or she is a successful and independent  
165 reader, reading at or above grade level, and ready to be  
166 promoted to grade 5 4. Tools that school districts may use in  
167 reevaluating any student retained may include subsequent  
168 assessments, alternative assessments, and portfolio reviews, in  
169 accordance with rules of the State Board of Education. Students  
170 promoted during the school year after November 1 must  
171 demonstrate proficiency above that required to score at Level 2  
172 on the grade 3 FCAT, as determined by the State Board of  
173 Education. The State Board of Education shall adopt standards  
174 that provide a reasonable expectation that the student's

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175 progress is sufficient to master appropriate 5th ~~4th~~ grade level  
176 reading skills.

177 5. Provide students who are retained under the provisions  
178 of paragraph (5)(b) with a high-performing teacher as determined  
179 by student performance data and above-satisfactory performance  
180 appraisals.

181 6. In addition to required reading enhancement and  
182 acceleration strategies, provide parents of students to be  
183 retained with at least one of the following instructional  
184 options:

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

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

191 c. A mentor or tutor with specialized reading training.

192 7. Establish a Reading Enhancement and Acceleration  
193 Development (READ) Initiative. The focus of the READ Initiative  
194 shall be to prevent the retention of grade 4 ~~3~~ students and to  
195 offer intensive accelerated reading instruction to grade 4 ~~3~~  
196 students who failed to meet standards for promotion to grade 5 ~~4~~  
197 and to each K-4 ~~K-3~~ student who is assessed as exhibiting a  
198 reading deficiency. The READ Initiative shall:

199 a. Be provided to all K-4 ~~K-3~~ students at risk of  
200 retention as identified by the statewide assessment system used

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201 in Reading First schools. The assessment must measure phonemic  
202 awareness, phonics, fluency, vocabulary, and comprehension.

203 b. Be provided during regular school hours in addition to  
204 the regular reading instruction.

205 c. Provide a state-identified reading curriculum that has  
206 been reviewed by the Florida Center for Reading Research at  
207 Florida State University and meets, at a minimum, the following  
208 specifications:

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

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

213 (III) Provides scientifically based and reliable  
214 assessment.

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

217 (V) Is implemented during regular school hours.

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

221 8. Establish at each school, where applicable, an  
222 Intensive Acceleration Class for retained grade 4 ~~3~~ students who  
223 subsequently score at Level 1 on the reading portion of the  
224 FCAT. The focus of the Intensive Acceleration Class shall be to  
225 increase a child's reading level at least two grade levels in 1  
226 school year. The Intensive Acceleration Class shall:

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227 a. Be provided to any student in grade 4 ~~3~~ who scores at  
228 Level 1 on the reading portion of the FCAT and who was retained  
229 in grade 4 ~~3~~ the prior year because of scoring at Level 1 on the  
230 reading portion of the FCAT.

231 b. Have a reduced teacher-student ratio.

232 c. Provide uninterrupted reading instruction for the  
233 majority of student contact time each day and incorporate  
234 opportunities to master the grade 5 ~~4~~ Sunshine State Standards  
235 in other core subject areas.

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

239 e. Provide intensive language and vocabulary instruction  
240 using a scientifically research-based program, including use of  
241 a speech-language therapist.

242 f. Include weekly progress monitoring measures to ensure  
243 progress is being made.

244 g. Report to the Department of Education, in the manner  
245 described by the department, the progress of students in the  
246 class at the end of the first semester.

247 9. Report to the State Board of Education, as requested,  
248 on the specific intensive reading interventions and supports  
249 implemented at the school district level. The Commissioner of  
250 Education shall annually prescribe the required components of  
251 requested reports.

252 10. Provide a student who has been retained in grade 4 ~~3~~  
253 and has received intensive instructional services but is still

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254 not ready for grade promotion, as determined by the school  
 255 district, the option of being placed in a transitional  
 256 instructional setting. Such setting shall specifically be  
 257 designed to produce learning gains sufficient to meet grade 5 4  
 258 performance standards while continuing to remediate the areas of  
 259 reading deficiency.

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262 ===== T I T L E A M E N D M E N T =====

263       On page 1, line(s) 2-8,  
 264 Remove all of said lines and insert:  
 265 An act relating to public schools; amending s. 1003.03, F.S.;  
 266 revising provisions relating to determination of class size  
 267 averages for purpose of compliance with class size maximums;  
 268 providing for reversal of class size reduction operating  
 269 categorical transfers under certain circumstances; amending s.  
 270 1008.25, F.S.; revising provisions relating to mandatory  
 271 retention in the public schools; providing for mandatory  
 272 retention at the end of grade 4 based on reading deficiency  
 273 demonstrated by statewide assessment testing and teacher  
 274 observation; conforming provisions relating to intensive  
 275 interventions in reading for retained students; providing an

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