

1 A bill to be entitled
 2 An act relating to public school student progression;
 3 amending s. 1008.25, F.S.; revising provisions relating to
 4 mandatory retention; providing for mandatory retention at
 5 the end of grade 4 based on reading deficiency
 6 demonstrated by statewide assessment testing and teacher
 7 observation; conforming provisions relating to intensive
 8 interventions in reading for retained students; providing
 9 an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsections (5), (6), and (7) of section
 14 1008.25, Florida Statutes, are amended to read:

15 1008.25 Public school student progression; remedial
 16 instruction; reporting requirements.--

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

18 (a) It is the ultimate goal of the Legislature that every
 19 student read at or above grade level. Any student who exhibits a
 20 substantial deficiency in reading, based upon locally determined
 21 or statewide assessments conducted in kindergarten or grade 1,
 22 grade 2, ~~or~~ grade 3, or grade 4, or through teacher
 23 observations, must be given intensive reading instruction
 24 immediately following the identification of the reading
 25 deficiency. The student's reading proficiency must be reassessed
 26 by locally determined assessments or through teacher
 27 observations at the beginning of the grade following the
 28 intensive reading instruction. The student must continue to be

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29 provided with intensive reading instruction until the reading
30 deficiency is remedied.

31 (b) Beginning with the 2005-2006 ~~2002-2003~~ school year, if
32 the student's reading deficiency, as identified in paragraph
33 (a), is not remedied by the end of grade 4 ~~3~~, as demonstrated by
34 statewide assessment testing in reading and by teacher
35 observation of a deficiency in reading scoring at Level 2 or
36 ~~higher on the statewide assessment test in reading for grade 3~~,
37 the student must be retained.

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

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

43 2. A description of the current services that are provided
44 to the child.

45 3. A description of the proposed supplemental
46 instructional services and supports that will be provided to the
47 child that are designed to remediate the identified area of
48 reading deficiency.

49 4. That if the child's reading deficiency is not
50 remediated by the end of grade 4 ~~3~~, the child must be retained
51 unless he or she is exempt from mandatory retention for good
52 cause.

53 5. Strategies for parents to use in helping their child
54 succeed in reading proficiency.

55 6. That the Florida Comprehensive Assessment Test (FCAT)
56 is not the sole determiner of promotion and that additional

57 | evaluations, portfolio reviews, and assessments are available to
58 | the child to assist parents and the school district in knowing
59 | when a child is reading at or above grade level and ready for
60 | grade promotion.

61 | 7. The district's specific criteria and policies for
62 | midyear promotion. Midyear promotion means promotion of a
63 | retained student at any time during the year of retention once
64 | the student has demonstrated ability to read at grade level.

65 | (6) ELIMINATION OF SOCIAL PROMOTION.--

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

68 | (b) The district school board may only exempt students
69 | from mandatory retention, as provided in paragraph (5)(b), for
70 | good cause. Good cause exemptions shall be limited to the
71 | following:

72 | 1. Limited English proficient students who have had less
73 | than 2 years of instruction in an English for Speakers of Other
74 | Languages program.

75 | 2. Students with disabilities whose individual education
76 | plan indicates that participation in the statewide assessment
77 | program is not appropriate, consistent with the requirements of
78 | State Board of Education rule.

79 | 3. Students who demonstrate an acceptable level of
80 | performance on an alternative standardized reading assessment
81 | approved by the State Board of Education.

82 | 4. Students who demonstrate, through a student portfolio,
83 | that the student is reading on grade level as evidenced by

84 demonstration of mastery of the Sunshine State Standards in
 85 reading equal to at least a Level 2 performance on the FCAT.

86 5. Students with disabilities who participate in the FCAT
 87 and who have an individual education plan or a Section 504 plan
 88 that reflects that the student has received the intensive
 89 remediation in reading, as required by paragraph (4)(b), for
 90 more than 2 years but still demonstrates a deficiency in reading
 91 and was previously retained in kindergarten, grade 1, grade 2,
 92 ~~or~~ grade 3, or grade 4.

93 6. Students who have received the intensive remediation in
 94 reading as required by paragraph (4)(b) for 2 or more years but
 95 still demonstrate a deficiency in reading and who were
 96 previously retained in kindergarten, grade 1, grade 2, ~~or~~ grade
 97 3, or grade 4 for a total of 2 years. Intensive reading
 98 instruction for students so promoted must include an altered
 99 instructional day based upon an academic improvement plan that
 100 includes specialized diagnostic information and specific reading
 101 strategies for each student. The district school board shall
 102 assist schools and teachers to implement reading strategies that
 103 research has shown to be successful in improving reading among
 104 low-performing readers.

105 (c) Requests for good cause exemptions for students from
 106 the mandatory retention requirement as described in
 107 subparagraphs (b)3. and 4. shall be made consistent with the
 108 following:

109 1. Documentation shall be submitted from the student's
 110 teacher to the school principal that indicates that the
 111 promotion of the student is appropriate and is based upon the

112 student's academic record. In order to minimize paperwork
113 requirements, such documentation shall consist only of the
114 existing academic improvement plan, individual educational plan,
115 if applicable, report card, or student portfolio.

116 2. The school principal shall review and discuss such
117 recommendation with the teacher and make the determination as to
118 whether the student should be promoted or retained. If the
119 school principal determines that the student should be promoted,
120 the school principal shall make such recommendation in writing
121 to the district school superintendent. The district school
122 superintendent shall accept or reject the school principal's
123 recommendation in writing.

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

125 (a) Students retained under the provisions of paragraph
126 (5)(b) must be provided intensive interventions in reading to
127 ameliorate the student's specific reading deficiency, as
128 identified by a valid and reliable diagnostic assessment. This
129 intensive intervention must include effective instructional
130 strategies, participation in the school district's summer
131 reading camp, and appropriate teaching methodologies necessary
132 to assist those students in becoming successful readers, able to
133 read at or above grade level, and ready for promotion to the
134 next grade.

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

137 1. Conduct a review of student academic improvement plans
138 for all students who did not score above Level 1 on the reading
139 portion of the FCAT and did not meet the criteria for one of the

140 good cause exemptions in paragraph (6)(b). The review shall
 141 address additional supports and services, as described in this
 142 subsection, needed to remediate the identified areas of reading
 143 deficiency. The school district shall require a student
 144 portfolio to be completed for each such student.

145 2. Provide students who are retained under the provisions
 146 of paragraph (5)(b) with intensive instructional services and
 147 supports to remediate the identified areas of reading
 148 deficiency, including a minimum of 90 minutes of daily,
 149 uninterrupted, scientifically research-based reading instruction
 150 and other strategies prescribed by the school district, which
 151 may include, but are not limited to:

- 152 a. Small group instruction.
- 153 b. Reduced teacher-student ratios.
- 154 c. More frequent progress monitoring.
- 155 d. Tutoring or mentoring.
- 156 e. Transition classes containing 4th and 5th ~~3rd and 4th~~
 157 grade students.
- 158 f. Extended school day, week, or year.
- 159 g. Summer reading camps.

160 3. Provide written notification to the parent of any
 161 student who is retained under the provisions of paragraph (5)(b)
 162 that his or her child has not met the proficiency level required
 163 for promotion and the reasons the child is not eligible for a
 164 good cause exemption as provided in paragraph (6)(b). The
 165 notification must comply with the provisions of s. 1002.20(14)
 166 and must include a description of proposed interventions and

167 supports that will be provided to the child to remediate the
168 identified areas of reading deficiency.

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

184 5. Provide students who are retained under the provisions
185 of paragraph (5)(b) with a high-performing teacher as determined
186 by student performance data and above-satisfactory performance
187 appraisals.

188 6. In addition to required reading enhancement and
189 acceleration strategies, provide parents of students to be
190 retained with at least one of the following instructional
191 options:

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

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

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

199 7. Establish a Reading Enhancement and Acceleration
 200 Development (READ) Initiative. The focus of the READ Initiative
 201 shall be to prevent the retention of grade 4 ~~3~~ students and to
 202 offer intensive accelerated reading instruction to grade 4 ~~3~~
 203 students who failed to meet standards for promotion to grade 5 ~~4~~
 204 and to each K-4 ~~K-3~~ student who is assessed as exhibiting a
 205 reading deficiency. The READ Initiative shall:

206 a. Be provided to all K-4 ~~K-3~~ students at risk of
 207 retention as identified by the statewide assessment system used
 208 in Reading First schools. The assessment must measure phonemic
 209 awareness, phonics, fluency, vocabulary, and comprehension.

210 b. Be provided during regular school hours in addition to
 211 the regular reading instruction.

212 c. Provide a state-identified reading curriculum that has
 213 been reviewed by the Florida Center for Reading Research at
 214 Florida State University and meets, at a minimum, the following
 215 specifications:

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

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

220 (III) Provides scientifically based and reliable
 221 assessment.

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

224 (V) Is implemented during regular school hours.

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

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

234 a. Be provided to any student in grade 4 ~~3~~ who scores at
235 Level 1 on the reading portion of the FCAT and who was retained
236 in grade 4 ~~3~~ the prior year because of scoring at Level 1 on the
237 reading portion of the FCAT.

238 b. Have a reduced teacher-student ratio.

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

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

246 e. Provide intensive language and vocabulary instruction
247 using a scientifically research-based program, including use of
248 a speech-language therapist.

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249 f. Include weekly progress monitoring measures to ensure
250 progress is being made.

251 g. Report to the Department of Education, in the manner
252 described by the department, the progress of students in the
253 class at the end of the first semester.

254 9. Report to the State Board of Education, as requested,
255 on the specific intensive reading interventions and supports
256 implemented at the school district level. The Commissioner of
257 Education shall annually prescribe the required components of
258 requested reports.

259 10. Provide a student who has been retained in grade 4 ~~3~~
260 and has received intensive instructional services but is still
261 not ready for grade promotion, as determined by the school
262 district, the option of being placed in a transitional
263 instructional setting. Such setting shall specifically be
264 designed to produce learning gains sufficient to meet grade 5 ~~4~~
265 performance standards while continuing to remediate the areas of
266 reading deficiency.

267 Section 2. This act shall take effect July 1, 2005.