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CHAMBER ACTION

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i	<u>Senate</u> <u>House</u>
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11	Senators Wilson and Bullard moved the following amendment:
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13	Senate Amendment (with title amendment)
14	Lines 2653-2711, delete those lines
15	
16	and insert:
17	Section 32. Section 1008.25, Florida Statutes, is
18	amended to read:
19	1008.25 Public school student progression; remedial
20	instruction; reporting requirements
21	(1) INTENTIt is the intent of the Legislature that
22	each student's progression from one grade to another be
23	determined, in part, upon proficiency in reading, writing,
24	science, and mathematics; that district school board policies
25	facilitate such proficiency; and that each student and his or
26	her parent be informed of that student's academic progress.
27	(2) COMPREHENSIVE PROGRAM Each district school board
28	shall establish a comprehensive program for student
29	progression which must include:
30	(a) Standards for evaluating each student's
31	performance, including how well he or she masters the
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performance standards approved by the State Board of Education.

- (b) Specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments as defined by the commissioner, below which a student must receive remediation, or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style.
- (c) Appropriate alternative placement for a student who has been retained 2 or more years.
- (3) ALLOCATION OF RESOURCES.--District school boards shall allocate remedial and supplemental instruction resources to students in the following priority:
- (a) Students who are deficient in reading by the end of grade 3.
- (b) Students who fail to meet performance levels
 required for promotion consistent with the district school
 board's plan for student progression required in paragraph
 (2)(b).

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

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

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

(c) Upon subsequent evaluation, if the documented deficiency has not been remediated in accordance with the academic improvement plan, the student may be retained <u>as provided in subsection (5)</u>. Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, science, and mathematics must continue to be provided with remedial or supplemental instruction until the

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expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

- (4)(5) READING DEFICIENCY AND PARENTAL NOTIFICATION. --
- (a) It is the ultimate goal of the Legislature that every student read at or above grade level. Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction. The student must continue 14 15 to be provided with intensive reading instruction until the reading deficiency is remedied.
 - (b) Beginning with the 2005-2006 2002-2003 school year, if the student's reading deficiency, as identified in paragraph (a), is not remedied by the end of grade 3, as demonstrated by scoring at Level 2 or higher on the statewide assessment test in reading for grade 3, the student may must be retained as provided in subsection (5).
 - (c) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:
 - 1. That his or her child has been identified as having a substantial deficiency in reading.
- 2. A description of the current services that are 29 provided to the child.
- 3. A description of the proposed supplemental 30 instructional services and supports that will be provided to

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the child that are designed to remediate the identified area of reading deficiency.

- 4. That if the child's reading deficiency is not remediated by the end of the child's grade level grade 3, the child may must be retained as provided in subsection (5) unless he or she is exempt from mandatory retention for good cause.
- 5. Strategies for parents to use in helping their child succeed in reading proficiency.
- 6. That the Florida Comprehensive Assessment Test
 (FCAT) is not the sole determiner of promotion and that
 additional evaluations, portfolio reviews, and assessments are
 available to the child to assist parents and the school
 district in knowing when a child is reading at or above grade
 level and ready for grade promotion.
- 7. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.
- (5)(6) ELIMINATION OF SOCIAL PROMOTION; RETENTION; APPEALS.--
- (a) \underline{A} No student may \underline{not} be assigned to a grade level based solely on age or other factors that constitute social promotion.
- (b) The district school board may <u>retain</u> only exempt students <u>only</u> from mandatory retention, as provided in <u>this</u> <u>subsection</u> paragraph (5)(b), for good cause. Good cause exemptions shall be limited to the following:
- 1. Limited English proficient students who have had

 less than 2 years of instruction in an English for Speakers of

 Other Languages program.

1	2. Students with disabilities whose individual
2	education plan indicates that participation in the statewide
3	assessment program is not appropriate, consistent with the
4	requirements of State Board of Education rule.
5	3. Students who demonstrate an acceptable level of
6	performance on an alternative standardized reading assessment
7	approved by the State Board of Education.
8	4. Students who demonstrate, through a student
9	portfolio, that the student is reading on grade level as
10	evidenced by demonstration of mastery of the Sunshine State
11	Standards in reading equal to at least a Level 2 performance
12	on the FCAT.
13	5. Students with disabilities who participate in the
14	FCAT and who have an individual education plan or a Section
15	504 plan that reflects that the student has received the
16	intensive remediation in reading, as required by paragraph
17	(4)(b), for more than 2 years but still demonstrates a
18	deficiency in reading and was previously retained in
19	kindergarten, grade 1, grade 2, or grade 3.
20	6. Students who have received the intensive
21	remediation in reading as required by paragraph (4)(b) for 2
22	or more years but still demonstrate a deficiency in reading
23	and who were previously retained in kindergarten, grade 1,
24	grade 2, or grade 3 for a total of 2 years. Intensive reading
25	instruction for students so promoted must include an altered
26	instructional day based upon an academic improvement plan that
27	includes specialized diagnostic information and specific
28	reading strategies for each student. The district school board
29	shall assist schools and teachers to implement reading
30	strategies that research has shown to be successful in
31	improving reading among low-performing readers. 6
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1	(c) <u>Written</u> requests for <u>the retention of a student</u>
2	<u>must</u> good cause exemptions for students from the mandatory
3	retention requirement as described in subparagraphs (b)3. and
4	4. shall be made consistent with the following:
5	1. Documentation $\underline{\text{must}}$ $\underline{\text{shall}}$ be submitted from the
6	student's teacher to the school principal which that indicates
7	that the <u>retention</u> promotion of the student is appropriate and
8	is based upon the student's academic record. In order to
9	minimize paperwork requirements, such documentation $\underline{ ext{must}}$ $\underline{ ext{shall}}$
10	consist only of the existing academic improvement plan,
11	individual educational plan, if applicable, report card, or
12	student portfolio.
13	2. The school principal shall review the parent's
14	request and the teacher's recommendation and discuss the such
15	recommendation with:
16	<u>a.</u> The teacher <u>;</u>
17	b. The parent;
18	c. A representative of the school district who is
19	qualified to provide or supervise the provision of specially
20	designed instruction to meet the unique needs of the student,
21	is knowledgeable about the general curriculum, and is
22	knowledgeable about the availability of resources of the
23	school district; and
24	d. Other individuals, at the discretion of the parent
25	or the school district, who have knowledge or special
26	expertise regarding the student. The determination of the
27	knowledge or special expertise of any such individual shall be

 $\begin{array}{c} \underline{\text{The school principal shall}} \ \ \underline{\text{and}} \ \ \\ 7 \end{array} \text{make the determination as to}$

made by the party who invited the individual to be a part of

the discussion.

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whether the student should be promoted or retained. If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

- 3. The parent may appeal the decision of the district school superintendent to the district school board.
 - (6)(7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--
- as determined under paragraph (4)(a) retained under the provisions of paragraph (5)(b) must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district's summer reading camp, and appropriate teaching methodologies necessary to assist those students in becoming successful readers who are; able to read at or above grade level, and ready for promotion to the next grade.
- (b) Beginning with the 2004-2005 school year, each school district shall:
- 1. Conduct a review of student academic improvement plans for all students who did not score above Level 1 on the reading portion of the FCAT and did not meet the criteria for one of the good cause exemptions in paragraph (6)(b). The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each such student.

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

 a. Small group instruction.

 b. Reduced teacher-student ratios.
 - c. More frequent progress monitoring.
 - d. Tutoring or mentoring.
- e. Transition classes containing 3rd and 4th grade students.
 - f. Extended school day, week, or year.
 - g. Summer reading camps.
- 3. Provide written notification to the parent of any student who is identified as having a substantial reading deficiency under paragraph (4)(a) retained under the provisions of paragraph (5)(b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(14) and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.
- 4. Implement a policy for the midyear promotion of any student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader, reading at or above grade level, and ready to be promoted to grade 4. Tools that school districts may use in

1	reevaluating any student retained may include subsequent
2	assessments, alternative assessments, and portfolio reviews,
3	in accordance with rules of the State Board of Education.
4	Students promoted during the school year after November 1 must
5	demonstrate proficiency above that required to score at Level
6	2 on the grade 3 FCAT, as determined by the State Board of
7	Education. The State Board of Education shall adopt standards
8	that provide a reasonable expectation that the student's
9	progress is sufficient to master appropriate 4th grade level
10	reading skills.
11	4.5. Provide students who are identified as having a
12	substantial reading deficiency under paragraph (4)(a) retained
13	under the provisions of paragraph (5)(b) with a
14	high-performing teacher as determined by student performance
15	data and above-satisfactory performance appraisals.
16	5.6. In addition to required reading enhancement and
17	acceleration strategies, provide parents of students
18	identified as having a substantial reading deficiency to be
19	retained with at least one of the following instructional
20	options:
21	a. Supplemental tutoring in scientifically
22	research-based reading services in addition to the regular
23	reading block, including tutoring before and/or after school.
24	b. A "Read at Home" plan outlined in a parental
25	contract, including participation in "Families Building Better
26	Readers Workshops" and regular parent-guided home reading.
27	c. A mentor or tutor with specialized reading
28	training.
29	6.7. Establish a Reading Enhancement and Acceleration
30	Development (READ) Initiative. The focus of the READ

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1	students and to offer intensive accelerated reading
2	instruction to grade 3 students who failed to meet standards
3	for promotion to grade 4 and to each K-3 student who is
4	assessed as exhibiting a reading deficiency. The READ
5	Initiative shall:
6	a. Be provided to all K-3 students at risk of <u>not</u>
7	meeting grade level expectations retention as identified by
8	the statewide assessment system used in Reading First schools.
9	The assessment must measure phonemic awareness, phonics,
10	fluency, vocabulary, and comprehension.
11	b. Be provided during regular school hours in addition
12	to the regular reading instruction.
13	c. Provide a state-identified reading curriculum that
14	has been reviewed by the Florida Center for Reading Research
15	at Florida State University and meets, at a minimum, the
16	following specifications:
17	(I) Assists students assessed as exhibiting a reading
18	deficiency in developing the ability to read at grade level.
19	(II) Provides skill development in phonemic awareness
20	phonics, fluency, vocabulary, and comprehension.
21	(III) Provides scientifically based and reliable

- 22 assessment.
 - (IV) Provides initial and ongoing analysis of each student's reading progress.
 - (V) Is implemented during regular school hours.
 - (VI) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.
 - 7.8. Establish at each school, where applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score at Level 1 on the reading portion of the

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FCAT. The focus of the Intensive Acceleration Class shall be to increase a child's reading level at least two grade levels in 1 school year. The Intensive Acceleration Class shall:

- a. Be provided to any student in grade 3 who scores at Level 1 on the reading portion of the FCAT and who was retained in grade 3 the prior year because of scoring at Level 1 on the reading portion of the FCAT.
 - b. Have a reduced teacher-student ratio.
- c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Sunshine State Standards in other core subject areas.
- d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.
- e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.
- f. Include weekly progress monitoring measures to ensure progress is being made.
- g. Report to the Department of Education, in the manner described by the department, the progress of students in the class at the end of the first semester.
- 8.9. Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school district level. The Commissioner of Education shall annually prescribe the required components of requested reports.
- 10. Provide a student who has been retained in grade 3 and has received intensive instructional services but is still not ready for grade promotion, as determined by the school

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district, the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency.

(7)(8) ANNUAL REPORT. --

- (a) In addition to the requirements in paragraph (5)(b), Each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The district school board must report to the parent the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.
- (b) Beginning with the 2001-2002 school year, each district school board must annually publish in the local newspaper, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year:
- 1. The provisions of this section relating to public school student progression and the district school board's policies and procedures on student retention and promotion.
- 2. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.
- 3. By grade, the number and percentage of all students retained <u>as provided in subsection (5)</u> in grades 3 through 10.

1	4. Information on the total number of students who
2	were promoted for good cause, by each category of good cause
3	as specified in paragraph (6)(b).
4	5. Any revisions to the district school board's policy
5	on student retention and promotion from the prior year.
6	(c) The Department of Education shall establish a
7	uniform format in which school districts must report such
8	information. The department shall annually compile the
9	information required under subparagraphs (b)2., 3., and 4.,
10	along with state-level summary information, and shall report
11	the information to the Governor, the President of the Senate,
12	and the Speaker of the House of Representatives.
13	$\frac{(8)}{(9)}$ STATE BOARD AUTHORITY AND RESPONSIBILITIES
14	(a) The State Board of Education shall have authority
15	as provided in s. 1008.32 to enforce this section.
16	(b) The State Board of Education shall adopt rules
17	pursuant to ss. 120.536(1) and 120.54 for the administration
18	of this section, including, but not limited to, rules
19	establishing procedures by which parents may appeal a decision
20	by the district school superintendent as provided in
21	subsection (5).
22	(9)(10) TECHNICAL ASSISTANCEThe department shall
23	provide technical assistance as needed to aid district school
24	boards in administering this section.
25	(10) REPORTSThe Department of Education shall
26	annually provide to the Governor, the President of the Senate,
27	and the Speaker of the House of Representatives a report on:
28	(a) The longitudinal performance of students in math
29	and reading.
30	(b) The longitudinal performance of students by grade
31	level in math and reading.
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1	(c) The longitudinal performance regarding efforts to
2	close the achievement gap.
3	(d) The longitudinal performance of students on the
4	norm-referenced component of the FCAT.
5	(e) Other student performance data based on national
6	norm-referenced and criterion-referenced tests, when
7	available.
8	Section 33. Subsection (11) of section 1002.20,
9	Florida Statutes, is amended to read:
10	1002.20 K-12 student and parent rightsParents of
11	public school students must receive accurate and timely
12	information regarding their child's academic progress and must
13	be informed of ways they can help their child to succeed in
14	school. K-12 students and their parents are afforded numerous
15	statutory rights including, but not limited to, the following:
16	(11) STUDENTS WITH READING DEFICIENCIESEach
17	elementary school shall regularly assess the reading ability
18	of each K-3 student. The parent of any K-3 student who
19	exhibits a reading deficiency shall be immediately notified of
20	the student's deficiency with a description and explanation,
21	in terms understandable to the parent, of the exact nature of
22	the student's difficulty in learning and lack of achievement
23	in reading; shall be consulted in the development of a
24	detailed academic improvement plan, as described in <u>s.</u>
25	$\frac{1008.25(3)(b)}{5.1008.25(4)(b)}$; and shall be informed that the
26	student will be given intensive reading instruction until the
27	deficiency is corrected. This subsection operates in addition
28	to the remediation and notification provisions contained in s.
29	1008.25 and in no way reduces the rights of a parent or the
30	responsibilities of a school district under that section.
31	Section 34. Subsection (2) of section 1002.23, Florida
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Statutes, is amended to read:

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

- (2) To facilitate meaningful parent and family involvement, the Department of Education shall develop guidelines for a parent guide to successful student achievement which describes what parents need to know about their child's educational progress and how they can help their child to succeed in school. The guidelines shall include, but need not be limited to:
 - (a) Parental information regarding:
- 1. Options Requirements for their child to be retained promoted to the next grade, as provided for in s. 1008.25;
- 2. Progress of their child toward achieving state and district expectations for academic proficiency;
- 3. Assessment results, including report cards and progress reports; and
 - 4. Qualifications of their child's teachers;
- (b) Services available for parents and their children, such as family literacy services; mentoring, tutorial, and other academic reinforcement programs; college planning, academic advisement, and student counseling services; and after-school programs;
- (c) Opportunities for parental participation, such as parenting classes, adult education, school advisory councils, and school volunteer programs;
- (d) Opportunities for parents to learn about rigorous academic programs that may be available for their child, such as honors programs, dual enrollment, advanced placement, International Baccalaureate, Florida Virtual High School courses, and accelerated access to postsecondary education;

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 35. The State Board of Education shall
11	initiate the adoption of rules required under sections 32-34
12	of this act 10 days after the effective date of this act.
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14	(Redesignate subsequent sections.)
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17	======== T I T L E A M E N D M E N T =========
18	And the title is amended as follows:
19	Lines 156-160, delete those lines
	Hines 130 100, defect those fines
20	Hines 130 100, defect those Times
20 21	and insert:
21	and insert:
21 22	and insert: amending s. 1008.25, F.S.; revising the
21 22 23	and insert: amending s. 1008.25, F.S.; revising the components of school district student
21 22 23 24	and insert: amending s. 1008.25, F.S.; revising the components of school district student progression programs; eliminating guidelines
2122232425	and insert: amending s. 1008.25, F.S.; revising the components of school district student progression programs; eliminating guidelines for allocating school district remedial and
212223242526	and insert: amending s. 1008.25, F.S.; revising the components of school district student progression programs; eliminating guidelines for allocating school district remedial and supplemental instruction resources; providing
21222324252627	and insert: amending s. 1008.25, F.S.; revising the components of school district student progression programs; eliminating guidelines for allocating school district remedial and supplemental instruction resources; providing for the retention of students under specified
2122232425262728	and insert: amending s. 1008.25, F.S.; revising the components of school district student progression programs; eliminating guidelines for allocating school district remedial and supplemental instruction resources; providing for the retention of students under specified circumstances; eliminating mandatory retention
 21 22 23 24 25 26 27 28 29 	and insert: amending s. 1008.25, F.S.; revising the components of school district student progression programs; eliminating guidelines for allocating school district remedial and supplemental instruction resources; providing for the retention of students under specified circumstances; eliminating mandatory retention requirements for certain students in grade 3;

1	providing for appeals; eliminating standards
2	for exemption from mandatory retention, to
3	conform; revising the parental notification
4	requirements; revising guidelines for remedial
5	reading instruction and intervention
6	strategies; revising the purpose of the Reading
7	Enhancement and Acceleration Development
8	Initiative; revising the eligibility criteria
9	for the Intensive Acceleration Class; revising
10	the requirements for reports by district school
11	boards specifying required rules; amending s.
12	1002.20, F.S.; conforming a cross-reference;
13	amending s. 1002.23, F.S., to conform;
14	requiring the State Board of Education to
15	initiate the adoption of rules by a time
16	certain;
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