

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 799

Public School Student Progression

SPONSOR(S): Taylor

TIED BILLS:

IDEN./SIM. BILLS: SB 1214

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee		Howlette	Mizereck
2) Education Appropriations Committee			
3) Education Council			
4)			
5)			

SUMMARY ANALYSIS

House bill 799 reverses the policy of mandatory retention at the third grade. Retention could only occur upon parental request accompanied by teacher recommendation. Principals are authorized to make a decision on the parents request for retention. If the principal decides the student should be promoted, the principal shall make the recommendation in writing to the superintendent who shall accept or reject the principal's decision. Parents may appeal the decision of the superintendent to the district school board.

The bill revises components of school district student progression programs; eliminates guidelines for allocating school district remedial and supplemental instruction resources; eliminates mandatory retention requirements for certain third grade students; eliminates midyear promotion for certain third grade students; provides procedures for parental requests for retention; provides a process for parents to appeal a student's recommended promotion; provides conforming language related to parental notification, purpose of the Reading Enhancement and Acceleration Development Initiative, and eligibility criteria for the Intensive Acceleration Class; revises requirements for reports by district school boards related to promotion and retention; requires the State Board of Education to initiate the adoption of rules related to this act within ten days of becoming law.

The bill takes effect upon becoming law.

Substantive Impact

House Bill 799 would dismantle the current mandatory retention policy, including the requirement that any retained third grader must be given an intensive program different than the previous year's instruction. The bill also eliminates the prioritization of resources, specifically Supplemental Academic Instruction funds, for students who are deficient in reading.

Fiscal Impact

See Fiscal Comments.

Comments:

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill requires the State Board of education to adopt rules and to initiate the rule adoption process within ten days after the bill becomes law.

Safeguard individual liberty – The bill could allow students who are not proficient readers to be promoted.

Promote personal responsibility – Personal responsibility is not promoted when accountability structures are diminished.

Empower families – The bill allows families to request that their student be retained.

B. EFFECT OF PROPOSED CHANGES:

CURRENT SITUATION:

Florida has seen initial success in the implementation of the current policies on student progression, particularly regarding the third grade retention and promotion policy. During a recent workshop by the PreK-12 Committee, Dr. Jay Greene of the Manhattan Institute reported that low-performing students subject to the retention policy made greater gains in reading and math than students not subject to the policy. Low-performing students who were actually retained made greater gains in reading and math than those of similar students who were promoted.

According to the Department of Education, struggling third graders are at risk of not completing high school. Based on longitudinal research studies by Roland Good, a student's success in reading in high school can be predicted with 96% accuracy based on student performance at the end of third grade. Good's research, along with many other studies, demonstrates with high accurate correlation that students struggling to read in third grade will continue to be struggling readers throughout their educational careers.

A struggling reader needs more time to acquire the skills necessary to become an independent reader; data on the first cohort of students affected by the current policy shows that 60% of students who were retained in third grade and given, as required by law, a different course of instruction were able to score level 2 or higher on the third grade reading FCAT. Data also shows the students promoted through performance-based good cause exemptions (alternative assessment, portfolio) perform better on the fourth grade reading FCAT than students promoted through status good cause exemptions (students with disabilities who have already been retained previously, limited English proficient students who have been served less than two years, and students who have been retained twice previously in grades k-3).

EFFECTS:

House Bill 799 reverses the policy decision of the 2003 Legislature to end social promotion in third grade. Specifically the bill:

- deletes the requirement that district school boards' student progression plans must require a student to be retained within an intensive program different from the previous year's program that takes into account the student's learning style, if the student scores below 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.

- deletes the requirement that district school boards' student progression plans must provide an appropriate alternative placement for a student who has been retained two or more years.
- eliminates the requirement that district school boards prioritize remedial and supplemental instruction resources to students who are deficient in reading or who fail to meet performance levels required for promotion.
- requires that beginning with the 2005-2006 school year, if a student's reading deficiency is not remedied by the end of grade three, as demonstrated by scoring at Level 2 or higher on the statewide assessment test in reading for grade three, the student may be retained as provided in subsection (5). This language deletes the mandatory retention of students who do not score level 2 or higher on the statewide assessment test in reading for grade three.
- requires that the parent of any student who exhibits a substantial deficiency in reading must be notified in writing that if the child's reading deficiency is not remediated by the end of the child's grade level, the child may be retained as provided in subsection (5)
- eliminates reporting requirements to parents and good cause exemptions to conform to the elimination of mandatory retention.
- allows for retention upon written request (appears to be by the parent) for the retention of a student; the request must be accompanied by documentation from the student's teacher to the school principal which indicates that the retention of the student is appropriate and is based upon the student's academic record. The principal shall review the parent's request and the teacher's recommendation and discuss the recommendation with the teacher, the parent, a representative of the school district, and other individuals, at the discretion of the parent or the school district, who have knowledge or special expertise regarding the student. The principal shall decide if the student is to be retained or promoted. If the principal decides the student should be promoted, the principal shall make the recommendation in writing to the superintendent who shall accept or reject the principal's decision. Parents may appeal the decision of the superintendent to the district school board.
- conforms intensive intervention strategies, review of student academic improvement plans, parent notification, midyear promotion, instructional strategies, Reading Enhancement and Acceleration Development (READ) Initiatives, assignment of high-performing teachers, intensive acceleration classes, transitional instructional settings, and annual reports to the elimination of mandatory retention.
- expands current language granting authority to the State Board of Education to enforce this section and to adopt rules to include rules establishing procedures by which parents may appeal a retention decision by the district school superintendent.
- conforms required guidelines for a parent guide to include options for children to be retained under the revised provisions of the bill.
- requires that the State Board of Education initiate the adoption of rules within ten days after the effective date of this action.

C. SECTION DIRECTORY:

Section 1: Amends s. 1008.25, F. S., relating to public school progression; remedial instruction; reporting requirement.

Section 2: Amends s. 1002.20, F.S., relating to K-12 student and parent rights.

Section 3: Amends section 1002.23, F.S. relating to the Family and School Partnership for Student Achievement Act.

Section 4: Requires the State Board of Education to make rules.

Section 5: Sets 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 government revenues.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

See Fiscal Comments.

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 average expenditure per FTE in the 2004-2005 fiscal year was \$5757. The bill would have a short term positive fiscal impact by eliminating the cost of mandatory retention. The long term fiscal impact, however, would be significant because students would likely be retained at higher grades; would be at greater risk for dropping out of school; and would have diminished opportunities to gain high skill/high wage employment and thus become economically self-sufficient. Should the numbers of poorly prepared students begin to increase, reversing the trend of improved student achievement, the economic impact on the state as a whole would be negative.

The bill eliminates the requirement that district school boards prioritize remedial and supplemental instruction resources to students who are deficient in reading or who fail to meet performance levels required for promotion.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to initiate rule-making within 10 days after the bill becomes law.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES