

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 Between line(s) 68 and 69 insert:

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

7 1008.25 Public school student progression; remedial
8 instruction; reporting requirements.--

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

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

890769

5/3/2005 11:35:39 AM

Amendment No. (for drafter's use only)

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

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

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

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

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

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

41 4. That if the child's reading deficiency is not
42 remediated by the end of grade 4 ~~3~~, the child must be retained

890769

5/3/2005 11:35:39 AM

Amendment No. (for drafter's use only)

43 unless he or she is exempt from mandatory retention for good
44 cause.

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

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

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

57 (6) ELIMINATION OF SOCIAL PROMOTION.--

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

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

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

67 2. Students with disabilities whose individual education
68 plan indicates that participation in the statewide assessment

890769

5/3/2005 11:35:39 AM

Amendment No. (for drafter's use only)

69 program is not appropriate, consistent with the requirements of
70 State Board of Education rule.

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

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

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

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

890769

5/3/2005 11:35:39 AM

Amendment No. (for drafter's use only)

95 research has shown to be successful in improving reading among
96 low-performing readers.

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

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

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

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

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

890769

5/3/2005 11:35:39 AM

Amendment No. (for drafter's use only)

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

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

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

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

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

890769

5/3/2005 11:35:39 AM

Amendment No. (for drafter's use only)

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

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

151 g. Summer reading camps.

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

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

890769

5/3/2005 11:35:39 AM

Amendment No. (for drafter's use only)

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

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

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

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

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

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

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

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

890769

5/3/2005 11:35:39 AM

Amendment No. (for drafter's use only)

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

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

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

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

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

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

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

216 (V) Is implemented during regular school hours.

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

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

890769

5/3/2005 11:35:39 AM

Amendment No. (for drafter's use only)

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

230 b. Have a reduced teacher-student ratio.

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

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

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

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

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

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

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

890769

5/3/2005 11:35:39 AM

Amendment No. (for drafter's use only)

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

259 |
260 | ===== T I T L E A M E N D M E N T =====

261 | Remove line(s) 6-11 and insert:
262 | An act relating to public schools; amending s. 1003.03, F.S.;
263 | revising provisions relating to determination of class size
264 | averages for purpose of compliance with class size maximums;
265 | providing for reversal of class size reduction operating
266 | categorical transfers under certain circumstances; amending s.
267 | 1008.25, F.S.; revising provisions relating to mandatory
268 | retention in the public schools; providing for mandatory
269 | retention at the end of grade 4 based on reading deficiency
270 | demonstrated by statewide assessment testing and teacher
271 | observation; conforming provisions relating to intensive
272 | interventions in reading for retained students; providing an