CHAMBER ACTION

Senate House

Representative(s) Hays offered the following:

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Amendment (with title amendment)

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Remove everything after the enacting clause and insert: Section 1. Paragraph (a) of subsection (16) of section 1001.42, Florida Statutes, is amended, subsection (22) is renumbered as subsection (23), and a new subsection (22) is added to that section, to read:

Powers and duties of district school board. -- The 1001.42 district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(16)IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY. -- Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of 662687

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- 18 planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school 19 improvement and education accountability shall include, but is 20 21 not limited to, the following:
- School improvement plans. -- Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district that is designated as performance grade category "C" or below or that is required to have a school improvement plan under federal law, except that a district school board may establish a district school improvement plan that includes all schools in the district operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The district school board may require a school that is designated as performance grade category "A" or "B" to complete a school improvement plan. A school improvement Such plan shall be designed to achieve the state education priorities pursuant to s. 1000.03(5) and student performance standards. In addition, any school required to implement a rigorous reading requirement pursuant to s. 1003.415 must include such component in its school improvement plan. Each plan shall address student achievement goals and strategies based on state and school district proficiency standards. The plan may also address issues relative to other academic-related matters budget, training, instructional materials, technology, staffing, student support services, specific school safety and discipline strategies, student health and fitness, including physical fitness, parental information on student health and fitness, and indoor 46 environmental air quality, and other matters of resource 662687

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allocation, as determined by district school board policy, and shall be based on an analysis of student achievement and other school performance data.

- (22) REDUCE PAPERWORK AND DATA COLLECTION AND REPORTING REQUIREMENTS. --
- (a) Paperwork and data collection.--Hold extensive public hearings and provide detailed analysis of burden hours needed to complete paperwork, hard copies, and electronic copies required under a state mandate if the district school board will exceed paperwork and data collection requirements of the state mandate. "Burden hours" are defined as the amount of time required to gather, compile, complete, transmit, and report information.
- Task force.--Establish a task force to reduce the paper and electronic reporting requirements that impact the school district, which may include the duties specified in s. 1008.385(2)(b). A majority of the task force members must be classroom teachers with additional members including, but not limited to, one exceptional student education teacher, school administrators, district-level personnel, and the district school superintendent. The task force must seek to reduce the burden hours required of school district staff by making recommendations to the district school board on ways to reduce, eliminate, revise, or consolidate requirements relating to, but not limited to, student attendance, student behavior, and teacher lesson plans. The task force must annually report its actions and recommendations to the Department of Education. The department shall review the annual reports and progress of each school district task force and, based on such information, provide its recommendations to school districts for reduction, 662687

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elimination, revision, or consolidation of paper and electronic reporting requirements.

Section 2. Subsection (8) of section 1003.415, Florida Statutes, is renumbered as subsection (7) and present subsection (7) of that section is amended to read:

1003.415 The Middle Grades Reform Act.--

- (7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.
- (a) Beginning with the 2004-2005 school year, each principal of a school with a middle grade shall designate certified staff members at the school to develop and administer a personalized middle school success plan for each entering sixth grade student who scored below Level 3 in reading on the most recently administered FCAT. The purpose of the success plan is to assist the student in meeting state and school district expectations in academic proficiency and to prepare the student for a rigorous high school curriculum. The success plan shall be developed in collaboration with the student and his or her parent and must be implemented until the student completes the eighth grade or achieves a score at Level 3 or above in reading on the FCAT, whichever occurs first. The success plan must minimize paperwork and may be incorporated into a parent/teacher conference, included as part of a progress report or report card, included as part of a general orientation at the beginning of the school year, or provided by electronic mail or other written correspondence.
 - (b) The personalized middle school success plan must:
- 1. Identify educational goals and intermediate benchmarks for the student in the core curriculum areas which will prepare the student for high school.

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- 2. Be based upon academic performance data and an identification of the student's strengths and weaknesses.
- 3. Include academic intervention strategies with frequent progress monitoring.
- 4. Provide innovative methods to promote the student's advancement which may include, but not be limited to, flexible scheduling, tutoring, focus on core curricula, online instruction, an alternative learning environment, or other interventions that have been shown to accelerate the learning process.
- (c) The personalized middle school success plan must be incorporated into any individual student plan required by federal or state law, including the academic improvement plan required in s. 1008.25, an individual education plan (IEP) for a student with disabilities, a federal 504 plan, or an ESOL plan.
- (d) The Department of Education shall provide technical assistance for districts, school administrators, and instructional personnel regarding the development of personalized middle school success plans. The assistance shall include strategies and techniques designed to maximize interaction between students, parents, teachers, and other instructional and administrative staff while minimizing paperwork.
- Section 3. Subsection (4), paragraphs (b) and (c) of subsection (6), and paragraph (b) of subsection (7) of section 1008.25, Florida Statutes, are amended to read:
- 1008.25 Public school student progression; remedial instruction; reporting requirements.--
- (4) ASSESSMENT AND REMEDIATION.--4/21/2006 1:23:29 PM

- (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.
- (b) The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement a progress monitoring plan. A progress monitoring plan is intended to provide the school district and the school flexibility in meeting the academic needs of the student and to reduce paperwork. A student who is not meeting the school district or state requirements for proficiency shall be covered by one of the following plans to target instruction and identify ways to improve his or her academic achievement:
- 1. A federally required student plan such as an individual education plan;
- $\underline{\text{2.}}$ A schoolwide system of progress monitoring for all students; or
 - 3. An individualized progress monitoring plan.

The plan chosen must be an academic improvement plan designed to assist the student or the school 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 662687

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 deficiency has not been remediated in accordance with the academic improvement plan, the student may be retained. 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 expectations are met or the student graduates from high school or is not subject to compulsory school attendance.
 - (6) ELIMINATION OF SOCIAL PROMOTION. --
- (b) The district school board may only exempt students from mandatory retention, as provided in 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.
- 2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board of Education rule.
- 3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education.
- 4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the FCAT.
- 5. Students with disabilities who participate in the FCAT and who have an individual education plan or a Section 504 plan that reflects that the student has received the intensive remediation in reading, as required by paragraph (4)(b), for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, grade 2, or grade 3.
- 6. Students who have received the intensive remediation in reading as required by paragraph (4)(b) for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive reading instruction for students so promoted must include an altered instructional day 662687

based upon an academic improvement plan that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

- (c) Requests for good cause exemptions for students from the mandatory retention requirement as described in subparagraphs (b)3. and 4. shall be made consistent with the following:
- 1. Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. In order to minimize paperwork requirements, such documentation shall consist only of the existing academic improvement plan, individual educational plan, if applicable, report card, or student portfolio.
- 2. The school principal shall review and discuss such recommendation with the teacher and make the determination as to 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.
 - (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS. --
- (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.
- 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 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) 662687

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 reevaluating any student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FCAT, as determined by the State Board of Education. The State Board of Education shall adopt standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate 4th grade level reading skills.
- 5. Provide students who are retained under the provisions of paragraph (5)(b) with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals.
- 6. In addition to required reading enhancement and acceleration strategies, provide parents of students to be retained with at least one of the following instructional options:
- a. Supplemental tutoring in scientifically research-based reading services in addition to the regular reading block, including tutoring before and/or after school.

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- b. A "Read at Home" plan outlined in a parental contract, including participation in "Families Building Better Readers Workshops" and regular parent-guided home reading.
 - c. A mentor or tutor with specialized reading training.
- 7. Establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of grade 3 students and to offer intensive accelerated reading instruction to grade 3 students who failed to meet standards for promotion to grade 4 and to each K-3 student who is assessed as exhibiting a reading deficiency. The READ Initiative shall:
- a. Be provided to all K-3 students at risk of retention as identified by the statewide assessment system used in Reading First schools. The assessment must measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.
- b. Be provided during regular school hours in addition to the regular reading instruction.
- c. Provide a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research at Florida State University and meets, at a minimum, the following specifications:
- (I) Assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level.
- (II) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.
- (III) Provides scientifically based and reliable assessment.
- 333 (IV) Provides initial and ongoing analysis of each 334 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.
- 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 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 researchbased 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.
- 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 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.
- Section 4. Paragraph (b) of subsection (3) of section 411.227, Florida Statutes, is amended to read:
- 411.227 Components of the Learning Gateway.--The Learning Gateway system consists of the following components:
 - (3) EARLY EDUCATION, SERVICES AND SUPPORTS. --
- (b) Demonstration projects shall develop strategies to increase the use of appropriate intervention practices with children who have learning problems and learning disabilities within public and private early care and education programs and K-3 public and private school settings. Strategies may include training and technical assistance teams. Intervention must be coordinated and must focus on providing effective supports to children and their families within their regular education and community environment. These strategies must incorporate, as 662687

appropriate, school and district activities related to the student's academic improvement plan and must provide parents with greater access to community-based services that should be available beyond the traditional school day. Academic expectations for public school students in grades K-3 must be based upon the local school board's adopted proficiency levels. When appropriate, school personnel shall consult with the local Learning Gateway to identify other community resources for supporting the child and the family.

Section 5. Subsection (11) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.--Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

school shall regularly assess the reading ability of each K-3 student. The parent of any K-3 student who exhibits a reading deficiency shall be immediately notified of the student's deficiency with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading; shall be consulted in the development of a progress monitoring detailed academic improvement plan, as described in s. 1008.25(4)(b); and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected. This subsection operates in addition to the 662687

- remediation and notification provisions contained in s. 1008.25
 and in no way reduces the rights of a parent or the
 responsibilities of a school district under that section.
 - Section 6. Subsection (7) of section 1002.23, Florida Statutes, is amended to read:
 - 1002.23 Family and School Partnership for Student Achievement Act.--
 - (7) Each school district shall develop and disseminate a parent guide to successful student achievement, consistent with the guidelines of the Department of Education, which addresses what parents need to know about their child's educational progress and how parents can help their child to succeed in school. The guide must:
 - (a) Be understandable to students and parents;
 - (b) Be distributed to all parents, students, and school personnel at the beginning of each school year;
 - (c) Be discussed at the beginning of each school year in meetings of students, parents, and teachers; and
 - (d) Include information concerning services, opportunities, choices, academic standards, and student assessment; and
 - (e) Provide detailed information regarding the causes, symptoms, and transmission of meningococcal disease and the availability, effectiveness, known contraindications, and appropriate age for the administration of any required or recommended vaccine against meningococcal disease, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the United States Centers for Disease Control and Prevention.

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The parent guide may be included as a part of the code of student conduct that is required in s. 1006.07(2).

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Section 7. Subsection (6) of section 1002.42, Florida Statutes, is amended to read:

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1002.42 Private schools.--

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(6) IMMUNIZATIONS.--The governing authority of each private school shall:

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(a) Require students to present a certification of immunization in accordance with the provisions of s. 1003.22(3)-(11).

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(b) Provide to every student's parent detailed information regarding the causes, symptoms, and transmission of meningococcal disease and the availability, effectiveness, known contraindications, and appropriate age for the administration of any required or recommended vaccine against meningococcal disease, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the United States Centers for Disease Control and Prevention.

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Section 8. Paragraph (n) of subsection (2) of section 1003.51, Florida Statutes, is amended to read:

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1003.51 Other public educational services.--

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an administrative rule articulating expectations for effective education programs for youth in Department of Juvenile Justice

The State Board of Education shall adopt and maintain

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programs, including, but not limited to, education programs in

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juvenile justice commitment and detention facilities. The rule

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shall articulate policies and standards for education programs

for youth in Department of Juvenile Justice programs and shall include the following:

- (n) Performance expectations for providers and district school boards, including the provision of <u>a progress monitoring</u> an academic improvement plan as required in s. 1008.25.
- Section 9. Subsection (7) of section 1003.52, Florida Statutes, is amended to read:
- 1003.52 Educational services in Department of Juvenile Justice programs.--
- (7) A progress monitoring An academic improvement plan shall be developed for students who score below the level specified in district school board policy in reading, writing, and mathematics or below the level specified by the Commissioner of Education on statewide assessments as required by s. 1008.25. These plans shall address academic, literacy, and life skills and shall include provisions for intensive remedial instruction in the areas of weakness.

Section 10. This act shall take effect July 1, 2006.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to schools; amending s. 1001.42, F.S., relating to powers and duties of district school boards; revising provisions relating to required school improvement plans; revising content of such plans; requiring public hearings and analysis relating to excess paperwork and data collection; requiring district school 662687

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board establishment of a task force to reduce paper and electronic reporting requirements; providing task force duties; amending s. 1002.23, F.S.; requiring school districts to include certain information concerning meningococcal disease in a parent guide; amending s. 1002.42, F.S.; requiring the governing authority of a private school to provide certain information concerning meningococcal disease to parents; amending s. 1003.415, F.S.; deleting the personalized middle school success plan; amending s. 1008.25, F.S., relating to student progression; requiring implementation of progress monitoring plans and deleting student improvement plans; providing planning options to improve student academic achievement; deleting certain provisions relating to student remediation; amending ss. 411.227, 1002.20, 1003.51, and 1003.52, F.S.; conforming provisions; providing an effective date.