

1                   A bill to be entitled  
2           An act relating to paperwork reduction in the school  
3           districts; amending s. 1001.42, F.S., relating to powers  
4           and duties of district school boards; revising provisions  
5           relating to required school improvement plans; revising  
6           content of such plans; requiring public hearings and  
7           analysis relating to excess paperwork and data collection;  
8           requiring district school board establishment of a task  
9           force to reduce paper and electronic reporting  
10          requirements; providing task force duties; amending s.  
11          1003.415, F.S.; deleting the personalized middle school  
12          success plan; amending s. 1008.25, F.S., relating to  
13          student progression; requiring implementation of progress  
14          monitoring plans and deleting student improvement plans;  
15          providing planning options to improve student academic  
16          achievement; deleting certain provisions relating to  
17          student remediation; amending ss. 411.227, 1002.20,  
18          1003.51, and 1003.52, F.S.; conforming provisions;  
19          providing an effective date.

20  
21   Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Paragraph (a) of subsection (16) of section  
24           1001.42, Florida Statutes, is amended, subsection (22) is  
25           renumbered as subsection (23), and a new subsection (22) is  
26           added to that section, to read:

HB 1295

2006

27 |           1001.42 Powers and duties of district school board.--The  
28 | district school board, acting as a board, shall exercise all  
29 | powers and perform all duties listed below:

30 |           (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
31 | ACCOUNTABILITY.--Maintain a system of school improvement and  
32 | education accountability as provided by statute and State Board  
33 | of Education rule. This system of school improvement and  
34 | education accountability shall be consistent with, and  
35 | implemented through, the district's continuing system of  
36 | planning and budgeting required by this section and ss.  
37 | 1008.385, 1010.01, and 1011.01. This system of school  
38 | improvement and education accountability shall include, but is  
39 | not limited to, the following:

40 |           (a) School improvement plans.--Annually approve and  
41 | require implementation of a new, amended, or continuation school  
42 | improvement plan for each school in the district that is  
43 | designated as performance grade category "C" or below or that is  
44 | required to have a school improvement plan under federal law,  
45 | except that a district school board may establish a district  
46 | school improvement plan that includes all schools in the  
47 | district operating for the purpose of providing educational  
48 | services to youth in Department of Juvenile Justice programs.  
49 | The district school board may require a school that is  
50 | designated as performance grade category "A" or "B" to complete  
51 | a school improvement plan. A school improvement ~~such~~ plan shall  
52 | be designed to achieve the state education priorities pursuant  
53 | to s. 1000.03(5) and student performance standards. In addition,  
54 | any school required to implement a rigorous reading requirement

55 pursuant to s. 1003.415 must include such component in its  
 56 school improvement plan. Each plan shall address student  
 57 achievement goals and strategies based on state and school  
 58 district proficiency standards. The plan may also address issues  
 59 relative to other academic-related matters ~~budget, training,~~  
 60 ~~instructional materials, technology, staffing, student support~~  
 61 ~~services, specific school safety and discipline strategies,~~  
 62 ~~student health and fitness, including physical fitness, parental~~  
 63 ~~information on student health and fitness, and indoor~~  
 64 ~~environmental air quality, and other matters of resource~~  
 65 ~~allocation,~~ as determined by district school board policy, and  
 66 shall be based on an analysis of student achievement and other  
 67 school performance data.

68 (22) REDUCE PAPERWORK AND DATA COLLECTION AND REPORTING  
 69 REQUIREMENTS.--

70 (a) Paperwork and data collection.--Hold extensive public  
 71 hearings and provide detailed analysis of burden hours needed to  
 72 complete paperwork, hard copies, and electronic copies required  
 73 under a state mandate if the district school board will exceed  
 74 paperwork and data collection requirements of the state mandate.

75 "Burden hours" are defined as the amount of time required to  
 76 gather, compile, complete, transmit, and report information.

77 (b) Task force.--Establish a task force to reduce the  
 78 paper and electronic reporting requirements that impact the  
 79 school district, which may include the duties specified in s.  
 80 1008.385(2)(b). A majority of the task force members must be  
 81 classroom teachers with additional members including, but not  
 82 limited to, one exceptional student education teacher, school

HB 1295

2006

83 administrators, district-level personnel, and the district  
84 school superintendent. The task force must seek to reduce the  
85 burden hours required of school district staff by making  
86 recommendations to the district school board on ways to reduce,  
87 eliminate, revise, or consolidate requirements relating to, but  
88 not limited to, student attendance, student behavior, and  
89 teacher lesson plans. The task force must annually report its  
90 actions and recommendations to the Department of Education. The  
91 department shall review the annual reports and progress of each  
92 school district task force and, based on such information,  
93 provide its recommendations to school districts for reduction,  
94 elimination, revision, or consolidation of paper and electronic  
95 reporting requirements.

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

99 1003.415 The Middle Grades Reform Act.--

100 ~~(7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.~~

101 ~~(a) Beginning with the 2004-2005 school year, each~~  
102 ~~principal of a school with a middle grade shall designate~~  
103 ~~certified staff members at the school to develop and administer~~  
104 ~~a personalized middle school success plan for each entering~~  
105 ~~sixth grade student who scored below Level 3 in reading on the~~  
106 ~~most recently administered FCAT. The purpose of the success plan~~  
107 ~~is to assist the student in meeting state and school district~~  
108 ~~expectations in academic proficiency and to prepare the student~~  
109 ~~for a rigorous high school curriculum. The success plan shall be~~  
110 ~~developed in collaboration with the student and his or her~~

HB 1295

2006

111 ~~parent and must be implemented until the student completes the~~  
112 ~~eighth grade or achieves a score at Level 3 or above in reading~~  
113 ~~on the FCAT, whichever occurs first. The success plan must~~  
114 ~~minimize paperwork and may be incorporated into a parent/teacher~~  
115 ~~conference, included as part of a progress report or report~~  
116 ~~card, included as part of a general orientation at the beginning~~  
117 ~~of the school year, or provided by electronic mail or other~~  
118 ~~written correspondence.~~

119 ~~(b) The personalized middle school success plan must:~~

120 ~~1. Identify educational goals and intermediate benchmarks~~  
121 ~~for the student in the core curriculum areas which will prepare~~  
122 ~~the student for high school.~~

123 ~~2. Be based upon academic performance data and an~~  
124 ~~identification of the student's strengths and weaknesses.~~

125 ~~3. Include academic intervention strategies with frequent~~  
126 ~~progress monitoring.~~

127 ~~4. Provide innovative methods to promote the student's~~  
128 ~~advancement which may include, but not be limited to, flexible~~  
129 ~~scheduling, tutoring, focus on core curricula, online~~  
130 ~~instruction, an alternative learning environment, or other~~  
131 ~~interventions that have been shown to accelerate the learning~~  
132 ~~process.~~

133 ~~(c) The personalized middle school success plan must be~~  
134 ~~incorporated into any individual student plan required by~~  
135 ~~federal or state law, including the academic improvement plan~~  
136 ~~required in s. 1008.25, an individual education plan (IEP) for a~~  
137 ~~student with disabilities, a federal 504 plan, or an ESOL plan.~~

HB 1295

2006

138       ~~(d) The Department of Education shall provide technical~~  
139 ~~assistance for districts, school administrators, and~~  
140 ~~instructional personnel regarding the development of~~  
141 ~~personalized middle school success plans. The assistance shall~~  
142 ~~include strategies and techniques designed to maximize~~  
143 ~~interaction between students, parents, teachers, and other~~  
144 ~~instructional and administrative staff while minimizing~~  
145 ~~paperwork.~~

146       Section 3. Subsection (4), paragraphs (b) and (c) of  
147 subsection (6), and paragraph (b) of subsection (7) of section  
148 1008.25, Florida Statutes, are amended to read:

149       1008.25 Public school student progression; remedial  
150 instruction; reporting requirements.--

151       (4) ASSESSMENT AND REMEDIATION.--

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

161       (b) The school in which the student is enrolled must  
162 develop, in consultation with the student's parent, and must  
163 implement a progress monitoring plan. A progress monitoring plan  
164 is intended to provide the school district and the school  
165 flexibility in meeting the academic needs of the student and to

HB 1295

2006

166 reduce paperwork. A student who is not meeting the school  
167 district or state requirements for proficiency shall be covered  
168 by one of the following plans to target instruction and identify  
169 ways to improve his or her academic achievement:

170 1. A federally required student plan such as an individual  
171 education plan;

172 2. A schoolwide system of progress monitoring for all  
173 students; or

174 3. An individualized progress monitoring plan.  
175

176 The plan chosen must be an academic improvement plan designed to  
177 assist the student or the school in meeting state and district  
178 expectations for proficiency. ~~For a student for whom a~~  
179 ~~personalized middle school success plan is required pursuant to~~  
180 ~~s. 1003.415, the middle school success plan must be incorporated~~  
181 ~~in the student's academic improvement plan. Beginning with the~~  
182 ~~2002-2003 school year, if the student has been identified as~~  
183 ~~having a deficiency in reading, the academic improvement plan~~  
184 ~~shall identify the student's specific areas of deficiency in~~  
185 ~~phonemic awareness, phonics, fluency, comprehension, and~~  
186 ~~vocabulary; the desired levels of performance in these areas;~~  
187 ~~and the instructional and support services to be provided to~~  
188 ~~meet the desired levels of performance. Schools shall also~~  
189 ~~provide for the frequent monitoring of the student's progress in~~  
190 ~~meeting the desired levels of performance. District school~~  
191 ~~boards shall assist schools and teachers to implement research-~~  
192 ~~based reading activities that have been shown to be successful~~  
193 ~~in teaching reading to low performing students. Remedial~~

194 ~~instruction provided during high school may not be in lieu of~~  
 195 ~~English and mathematics credits required for graduation.~~

196 ~~(c) Upon subsequent evaluation, if the documented~~  
 197 ~~deficiency has not been remediated in accordance with the~~  
 198 ~~academic improvement plan, the student may be retained. Each~~  
 199 ~~student who does not meet the minimum performance expectations~~  
 200 ~~defined by the Commissioner of Education for the statewide~~  
 201 ~~assessment tests in reading, writing, science, and mathematics~~  
 202 ~~must continue to be provided with remedial or supplemental~~  
 203 ~~instruction until the expectations are met or the student~~  
 204 ~~graduates from high school or is not subject to compulsory~~  
 205 ~~school attendance.~~

206 (6) ELIMINATION OF SOCIAL PROMOTION.--

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

211 1. Limited English proficient students who have had less  
 212 than 2 years of instruction in an English for Speakers of Other  
 213 Languages program.

214 2. Students with disabilities whose individual education  
 215 plan indicates that participation in the statewide assessment  
 216 program is not appropriate, consistent with the requirements of  
 217 State Board of Education rule.

218 3. Students who demonstrate an acceptable level of  
 219 performance on an alternative standardized reading assessment  
 220 approved by the State Board of Education.

221 4. Students who demonstrate, through a student portfolio,

HB 1295

2006

222 that the student is reading on grade level as evidenced by  
223 demonstration of mastery of the Sunshine State Standards in  
224 reading equal to at least a Level 2 performance on the FCAT.

225 5. Students with disabilities who participate in the FCAT  
226 and who have an individual education plan or a Section 504 plan  
227 that reflects that the student has received ~~the~~ intensive  
228 remediation in reading, ~~as required by paragraph (4)(b)~~, for  
229 more than 2 years but still demonstrates a deficiency in reading  
230 and was previously retained in kindergarten, grade 1, grade 2,  
231 or grade 3.

232 6. Students who have received ~~the~~ intensive remediation in  
233 reading ~~as required by paragraph (4)(b)~~ for 2 or more years but  
234 still demonstrate a deficiency in reading and who were  
235 previously retained in kindergarten, grade 1, grade 2, or grade  
236 3 for a total of 2 years. Intensive reading instruction for  
237 students so promoted must include an altered instructional day  
238 ~~based upon an academic improvement plan~~ that includes  
239 specialized diagnostic information and specific reading  
240 strategies for each student. The district school board shall  
241 assist schools and teachers to implement reading strategies that  
242 research has shown to be successful in improving reading among  
243 low-performing readers.

244 (c) Requests for good cause exemptions for students from  
245 the mandatory retention requirement as described in  
246 subparagraphs (b)3. and 4. shall be made consistent with the  
247 following:

248 1. Documentation shall be submitted from the student's  
249 teacher to the school principal that indicates that the

250 promotion of the student is appropriate and is based upon the  
 251 student's academic record. In order to minimize paperwork  
 252 requirements, such documentation shall consist only of the  
 253 existing ~~academic improvement plan~~, individual educational plan,  
 254 if applicable, report card, or student portfolio.

255 2. The school principal shall review and discuss such  
 256 recommendation with the teacher and make the determination as to  
 257 whether the student should be promoted or retained. If the  
 258 school principal determines that the student should be promoted,  
 259 the school principal shall make such recommendation in writing  
 260 to the district school superintendent. The district school  
 261 superintendent shall accept or reject the school principal's  
 262 recommendation in writing.

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

264 (b) Beginning with the 2004-2005 school year, each school  
 265 district shall:

266 1. Conduct a review of student academic ~~improvement~~ plans  
 267 for all students who did not score above Level 1 on the reading  
 268 portion of the FCAT and did not meet the criteria for one of the  
 269 good cause exemptions in paragraph (6)(b). The review shall  
 270 address additional supports and services, as described in this  
 271 subsection, needed to remediate the identified areas of reading  
 272 deficiency. The school district shall require a student  
 273 portfolio to be completed for each such student.

274 2. Provide students who are retained under the provisions  
 275 of paragraph (5)(b) with intensive instructional services and  
 276 supports to remediate the identified areas of reading  
 277 deficiency, including a minimum of 90 minutes of daily,

278 | uninterrupted, scientifically research-based reading instruction  
279 | and other strategies prescribed by the school district, which  
280 | may include, but are not limited to:

- 281 |       a. Small group instruction.
- 282 |       b. Reduced teacher-student ratios.
- 283 |       c. More frequent progress monitoring.
- 284 |       d. Tutoring or mentoring.
- 285 |       e. Transition classes containing 3rd and 4th grade  
286 | students.
- 287 |       f. Extended school day, week, or year.
- 288 |       g. Summer reading camps.

289 |       3. Provide written notification to the parent of any  
290 | student who is retained under the provisions of paragraph (5)(b)  
291 | that his or her child has not met the proficiency level required  
292 | for promotion and the reasons the child is not eligible for a  
293 | good cause exemption as provided in paragraph (6)(b). The  
294 | notification must comply with the provisions of s. 1002.20(14)  
295 | and must include a description of proposed interventions and  
296 | supports that will be provided to the child to remediate the  
297 | identified areas of reading deficiency.

298 |       4. Implement a policy for the midyear promotion of any  
299 | student retained under the provisions of paragraph (5)(b) who  
300 | can demonstrate that he or she is a successful and independent  
301 | reader, reading at or above grade level, and ready to be  
302 | promoted to grade 4. Tools that school districts may use in  
303 | reevaluating any student retained may include subsequent  
304 | assessments, alternative assessments, and portfolio reviews, in  
305 | accordance with rules of the State Board of Education. Students

306 promoted during the school year after November 1 must  
307 demonstrate proficiency above that required to score at Level 2  
308 on the grade 3 FCAT, as determined by the State Board of  
309 Education. The State Board of Education shall adopt standards  
310 that provide a reasonable expectation that the student's  
311 progress is sufficient to master appropriate 4th grade level  
312 reading skills.

313 5. Provide students who are retained under the provisions  
314 of paragraph (5)(b) with a high-performing teacher as determined  
315 by student performance data and above-satisfactory performance  
316 appraisals.

317 6. In addition to required reading enhancement and  
318 acceleration strategies, provide parents of students to be  
319 retained with at least one of the following instructional  
320 options:

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

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

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

328 7. Establish a Reading Enhancement and Acceleration  
329 Development (READ) Initiative. The focus of the READ Initiative  
330 shall be to prevent the retention of grade 3 students and to  
331 offer intensive accelerated reading instruction to grade 3  
332 students who failed to meet standards for promotion to grade 4

333 and to each K-3 student who is assessed as exhibiting a reading  
334 deficiency. The READ Initiative shall:

335 a. Be provided to all K-3 students at risk of retention as  
336 identified by the statewide assessment system used in Reading  
337 First schools. The assessment must measure phonemic awareness,  
338 phonics, fluency, vocabulary, and comprehension.

339 b. Be provided during regular school hours in addition to  
340 the regular reading instruction.

341 c. Provide a state-identified reading curriculum that has  
342 been reviewed by the Florida Center for Reading Research at  
343 Florida State University and meets, at a minimum, the following  
344 specifications:

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

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

349 (III) Provides scientifically based and reliable  
350 assessment.

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

353 (V) Is implemented during regular school hours.

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

357 8. Establish at each school, where applicable, an  
358 Intensive Acceleration Class for retained grade 3 students who  
359 subsequently score at Level 1 on the reading portion of the  
360 FCAT. The focus of the Intensive Acceleration Class shall be to

361 increase a child's reading level at least two grade levels in 1  
362 school year. The Intensive Acceleration Class shall:

363 a. Be provided to any student in grade 3 who scores at  
364 Level 1 on the reading portion of the FCAT and who was retained  
365 in grade 3 the prior year because of scoring at Level 1 on the  
366 reading portion of the FCAT.

367 b. Have a reduced teacher-student ratio.

368 c. Provide uninterrupted reading instruction for the  
369 majority of student contact time each day and incorporate  
370 opportunities to master the grade 4 Sunshine State Standards in  
371 other core subject areas.

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

375 e. Provide intensive language and vocabulary instruction  
376 using a scientifically research-based program, including use of  
377 a speech-language therapist.

378 f. Include weekly progress monitoring measures to ensure  
379 progress is being made.

380 g. Report to the Department of Education, in the manner  
381 described by the department, the progress of students in the  
382 class at the end of the first semester.

383 9. Report to the State Board of Education, as requested,  
384 on the specific intensive reading interventions and supports  
385 implemented at the school district level. The Commissioner of  
386 Education shall annually prescribe the required components of  
387 requested reports.

388           10. Provide a student who has been retained in grade 3 and  
 389 has received intensive instructional services but is still not  
 390 ready for grade promotion, as determined by the school district,  
 391 the option of being placed in a transitional instructional  
 392 setting. Such setting shall specifically be designed to produce  
 393 learning gains sufficient to meet grade 4 performance standards  
 394 while continuing to remediate the areas of reading deficiency.

395           Section 4. Paragraph (b) of subsection (3) of section  
 396 411.227, Florida Statutes, is amended to read:

397           411.227 Components of the Learning Gateway.--The Learning  
 398 Gateway system consists of the following components:

399           (3) EARLY EDUCATION, SERVICES AND SUPPORTS.--

400           (b) Demonstration projects shall develop strategies to  
 401 increase the use of appropriate intervention practices with  
 402 children who have learning problems and learning disabilities  
 403 within public and private early care and education programs and  
 404 K-3 public and private school settings. Strategies may include  
 405 training and technical assistance teams. Intervention must be  
 406 coordinated and must focus on providing effective supports to  
 407 children and their families within their regular education and  
 408 community environment. These strategies must incorporate, as  
 409 appropriate, school and district activities related to the  
 410 student's academic ~~improvement~~ plan and must provide parents  
 411 with greater access to community-based services that should be  
 412 available beyond the traditional school day. Academic  
 413 expectations for public school students in grades K-3 must be  
 414 based upon the local school board's adopted proficiency levels.  
 415 When appropriate, school personnel shall consult with the local

HB 1295

2006

416 Learning Gateway to identify other community resources for  
417 supporting the child and the family.

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

420 1002.20 K-12 student and parent rights.--Parents of public  
421 school students must receive accurate and timely information  
422 regarding their child's academic progress and must be informed  
423 of ways they can help their child to succeed in school. K-12  
424 students and their parents are afforded numerous statutory  
425 rights including, but not limited to, the following:

426 (11) STUDENTS WITH READING DEFICIENCIES.--Each elementary  
427 school shall regularly assess the reading ability of each K-3  
428 student. The parent of any K-3 student who exhibits a reading  
429 deficiency shall be immediately notified of the student's  
430 deficiency with a description and explanation, in terms  
431 understandable to the parent, of the exact nature of the  
432 student's difficulty in learning and lack of achievement in  
433 reading; shall be consulted in the development of a progress  
434 monitoring ~~detailed academic improvement~~ plan, as described in  
435 s. 1008.25(4)(b); and shall be informed that the student will be  
436 given intensive reading instruction until the deficiency is  
437 corrected. This subsection operates in addition to the  
438 remediation and notification provisions contained in s. 1008.25  
439 and in no way reduces the rights of a parent or the  
440 responsibilities of a school district under that section.

441 Section 6. Paragraph (n) of subsection (2) of section  
442 1003.51, Florida Statutes, is amended to read:

443 1003.51 Other public educational services.--

444 (2) The State Board of Education shall adopt and maintain  
 445 an administrative rule articulating expectations for effective  
 446 education programs for youth in Department of Juvenile Justice  
 447 programs, including, but not limited to, education programs in  
 448 juvenile justice commitment and detention facilities. The rule  
 449 shall articulate policies and standards for education programs  
 450 for youth in Department of Juvenile Justice programs and shall  
 451 include the following:

452 (n) Performance expectations for providers and district  
 453 school boards, including the provision of a progress monitoring  
 454 ~~an academic improvement~~ plan as required in s. 1008.25.

455 Section 7. Subsection (7) of section 1003.52, Florida  
 456 Statutes, is amended to read:

457 1003.52 Educational services in Department of Juvenile  
 458 Justice programs.--

459 (7) A progress monitoring ~~An academic improvement~~ plan  
 460 shall be developed for students who score below the level  
 461 specified in district school board policy in reading, writing,  
 462 and mathematics or below the level specified by the Commissioner  
 463 of Education on statewide assessments as required by s. 1008.25.  
 464 These plans shall address academic, literacy, and life skills  
 465 and shall include provisions for intensive remedial instruction  
 466 in the areas of weakness.

467 Section 8. This act shall take effect July 1, 2006.