

1 1001.42 Powers and duties of district school
2 board.--The district school board, acting as a board, shall
3 exercise all powers and perform all duties listed below:
4 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
5 ACCOUNTABILITY.--Maintain a system of school improvement and
6 education accountability as provided by statute and State
7 Board of Education rule. This system of school improvement and
8 education accountability shall be consistent with, and
9 implemented through, the district's continuing system of
10 planning and budgeting required by this section and ss.
11 1008.385, 1010.01, and 1011.01. This system of school
12 improvement and education accountability shall include, but is
13 not limited to, the following:
14 (a) School improvement plans.--Annually approve and
15 require implementation of a new, amended, or continuation
16 school improvement plan for each school in the district that
17 is designated as performance grade category "C" or below or
18 that is required to have a school improvement plan under
19 federal law, except that a district school board may establish
20 a district school improvement plan that includes all schools
21 in the district operating for the purpose of providing
22 educational services to youth in Department of Juvenile
23 Justice programs. The district school board may require a
24 school that is designated as performance grade category "A" or
25 "B" to complete a school improvement plan. A school
26 improvement ~~Such~~ plan shall be designed to achieve the state
27 education priorities pursuant to s. 1000.03(5) and student
28 performance standards. In addition, any school required to
29 implement a rigorous reading requirement pursuant to s.
30 1003.415 must include such component in its school improvement
31 plan. Each plan shall address student achievement goals and

1 strategies based on state and school district proficiency
2 standards. The plan may also address issues relative to other
3 academic-related matters ~~budget, training, instructional~~
4 ~~materials, technology, staffing, student support services,~~
5 ~~specific school safety and discipline strategies, student~~
6 ~~health and fitness, including physical fitness, parental~~
7 ~~information on student health and fitness, and indoor~~
8 ~~environmental air quality, and other matters of resource~~
9 allocation, as determined by district school board policy, and
10 shall be based on an analysis of student achievement and other
11 school performance data.

12 (22) REDUCE PAPERWORK AND DATA COLLECTION AND
13 REPORTING REQUIREMENTS.--

14 (a) Paperwork and data collection.--Hold extensive
15 public hearings and provide detailed analysis of burden hours
16 needed to complete paperwork, hard copies, and electronic
17 copies required under a state mandate if the district school
18 board will exceed paperwork and data collection requirements
19 of the state mandate. "Burden hours" are defined as the amount
20 of time required to gather, compile, complete, transmit, and
21 report information.

22 (b) Task force.--Establish a task force to reduce the
23 paper and electronic reporting requirements that impact the
24 school district, which may include the duties specified in s.
25 1008.385(2)(b). A majority of the task force members must be
26 classroom teachers with additional members including, but not
27 limited to, one exceptional student education teacher, school
28 administrators, district-level personnel, and the district
29 school superintendent. The task force must seek to reduce the
30 burden hours required of school district staff by making
31 recommendations to the district school board on ways to

1 reduce, eliminate, revise, or consolidate requirements
2 relating to, but not limited to, student attendance, student
3 behavior, and teacher lesson plans. The task force must
4 annually report its actions and recommendations to the
5 Department of Education. The department shall review the
6 annual reports and progress of each school district task force
7 and, based on such information, provide its recommendations to
8 school districts for reduction, elimination, revision, or
9 consolidation of paper and electronic reporting requirements.

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

13 1003.415 The Middle Grades Reform Act.--

14 ~~(7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.—~~

15 ~~(a) Beginning with the 2004-2005 school year, each~~
16 ~~principal of a school with a middle grade shall designate~~
17 ~~certified staff members at the school to develop and~~
18 ~~administer a personalized middle school success plan for each~~
19 ~~entering sixth grade student who scored below Level 3 in~~
20 ~~reading on the most recently administered FCAT. The purpose of~~
21 ~~the success plan is to assist the student in meeting state and~~
22 ~~school district expectations in academic proficiency and to~~
23 ~~prepare the student for a rigorous high school curriculum. The~~
24 ~~success plan shall be developed in collaboration with the~~
25 ~~student and his or her parent and must be implemented until~~
26 ~~the student completes the eighth grade or achieves a score at~~
27 ~~Level 3 or above in reading on the FCAT, whichever occurs~~
28 ~~first. The success plan must minimize paperwork and may be~~
29 ~~incorporated into a parent/teacher conference, included as~~
30 ~~part of a progress report or report card, included as part of~~

1 ~~a general orientation at the beginning of the school year, or~~
2 ~~provided by electronic mail or other written correspondence.~~

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

4 ~~1. Identify educational goals and intermediate~~
5 ~~benchmarks for the student in the core curriculum areas which~~
6 ~~will prepare the student for high school.~~

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

9 ~~3. Include academic intervention strategies with~~
10 ~~frequent progress monitoring.~~

11 ~~4. Provide innovative methods to promote the student's~~
12 ~~advancement which may include, but not be limited to, flexible~~
13 ~~scheduling, tutoring, focus on core curricula, online~~
14 ~~instruction, an alternative learning environment, or other~~
15 ~~interventions that have been shown to accelerate the learning~~
16 ~~process.~~

17 ~~(c) The personalized middle school success plan must~~
18 ~~be incorporated into any individual student plan required by~~
19 ~~federal or state law, including the academic improvement plan~~
20 ~~required in s. 1008.25, an individual education plan (IEP) for~~
21 ~~a student with disabilities, a federal 504 plan, or an ESOL~~
22 ~~plan.~~

23 ~~(d) The Department of Education shall provide~~
24 ~~technical assistance for districts, school administrators, and~~
25 ~~instructional personnel regarding the development of~~
26 ~~personalized middle school success plans. The assistance shall~~
27 ~~include strategies and techniques designed to maximize~~
28 ~~interaction between students, parents, teachers, and other~~
29 ~~instructional and administrative staff while minimizing~~
30 ~~paperwork.~~

31

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

4 1008.25 Public school student progression; remedial
5 instruction; reporting requirements.--

6 (4) ASSESSMENT AND REMEDIATION.--

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

17 (b) The school in which the student is enrolled must
18 develop, in consultation with the student's parent, and must
19 implement a progress-monitoring plan. A progress-monitoring
20 plan is intended to provide the school district and the school
21 flexibility in meeting the academic needs of the student and
22 to reduce paperwork. A student who is not meeting the school
23 district or state requirements for proficiency shall be
24 covered by one of the following plans to target instruction
25 and identify ways to improve his or her academic achievement:

26 1. A federally required student plan such as an
27 individual education plan;

28 2. A schoolwide system of progress monitoring for all
29 students; or

30 3. An individualized progress-monitoring plan.
31

1 The plan chosen must be an academic improvement plan designed
2 to assist the student or the school in meeting state and
3 district expectations for proficiency. ~~For a student for whom~~
4 ~~a personalized middle school success plan is required pursuant~~
5 ~~to s. 1003.415, the middle school success plan must be~~
6 ~~incorporated in the student's academic improvement plan.~~
7 ~~Beginning with the 2002-2003 school year, if the student has~~
8 ~~been identified as having a deficiency in reading, the~~
9 ~~academic improvement plan shall identify the student's~~
10 ~~specific areas of deficiency in phonemic awareness, phonics,~~
11 ~~fluency, comprehension, and vocabulary; the desired levels of~~
12 ~~performance in these areas; and the instructional and support~~
13 ~~services to be provided to meet the desired levels of~~
14 ~~performance. Schools shall also provide for the frequent~~
15 ~~monitoring of the student's progress in meeting the desired~~
16 ~~levels of performance. District school boards shall assist~~
17 ~~schools and teachers to implement research based reading~~
18 ~~activities that have been shown to be successful in teaching~~
19 ~~reading to low performing students. Remedial instruction~~
20 ~~provided during high school may not be in lieu of English and~~
21 ~~mathematics credits required for graduation.~~

22 ~~(c) Upon subsequent evaluation, if the documented~~
23 ~~deficiency has not been remediated in accordance with the~~
24 ~~academic improvement plan, the student may be retained. Each~~
25 ~~student who does not meet the minimum performance expectations~~
26 ~~defined by the Commissioner of Education for the statewide~~
27 ~~assessment tests in reading, writing, science, and mathematics~~
28 ~~must continue to be provided with remedial or supplemental~~
29 ~~instruction until the expectations are met or the student~~
30 ~~graduates from high school or is not subject to compulsory~~
31 ~~school attendance.~~

1 (6) ELIMINATION OF SOCIAL PROMOTION.--

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

6 1. Limited English proficient students who have had
7 less than 2 years of instruction in an English for Speakers of
8 Other Languages program.

9 2. Students with disabilities whose individual
10 education plan indicates that participation in the statewide
11 assessment program is not appropriate, consistent with the
12 requirements of State Board of Education rule.

13 3. Students who demonstrate an acceptable level of
14 performance on an alternative standardized reading assessment
15 approved by the State Board of Education.

16 4. Students who demonstrate, through a student
17 portfolio, that the student is reading on grade level as
18 evidenced by demonstration of mastery of the Sunshine State
19 Standards in reading equal to at least a Level 2 performance
20 on the FCAT.

21 5. Students with disabilities who participate in the
22 FCAT and who have an individual education plan or a Section
23 504 plan that reflects that the student has received ~~the~~
24 intensive remediation in reading, ~~as required by paragraph~~
25 ~~(4)(b)~~, for more than 2 years but still demonstrates a
26 deficiency in reading and was previously retained in
27 kindergarten, grade 1, grade 2, or grade 3.

28 6. Students who have received ~~the~~ intensive
29 remediation in reading ~~as required by paragraph (4)(b)~~ for 2
30 or more years but still demonstrate a deficiency in reading
31 and who were previously retained in kindergarten, grade 1,

1 | grade 2, or grade 3 for a total of 2 years. Intensive reading
2 | instruction for students so promoted must include an altered
3 | instructional day ~~based upon an academic improvement plan~~ that
4 | includes specialized diagnostic information and specific
5 | reading strategies for each student. The district school board
6 | shall assist schools and teachers to implement reading
7 | strategies that research has shown to be successful in
8 | improving reading among low-performing readers.

9 | (c) Requests for good cause exemptions for students
10 | from the mandatory retention requirement as described in
11 | subparagraphs (b)3. and 4. shall be made consistent with the
12 | following:

13 | 1. Documentation shall be submitted from the student's
14 | teacher to the school principal that indicates that the
15 | promotion of the student is appropriate and is based upon the
16 | student's academic record. In order to minimize paperwork
17 | requirements, such documentation shall consist only of the
18 | existing ~~academic improvement plan~~, individual educational
19 | plan, if applicable, report card, or student portfolio.

20 | 2. The school principal shall review and discuss such
21 | recommendation with the teacher and make the determination as
22 | to whether the student should be promoted or retained. If the
23 | school principal determines that the student should be
24 | promoted, the school principal shall make such recommendation
25 | in writing to the district school superintendent. The district
26 | school superintendent shall accept or reject the school
27 | principal's recommendation in writing.

28 | (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

29 | (b) Beginning with the 2004-2005 school year, each
30 | school district shall:

31 |

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

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

- 17 a. Small group instruction.
- 18 b. Reduced teacher-student ratios.
- 19 c. More frequent progress monitoring.
- 20 d. Tutoring or mentoring.
- 21 e. Transition classes containing 3rd and 4th grade
22 students.
- 23 f. Extended school day, week, or year.
- 24 g. Summer reading camps.

25 3. Provide written notification to the parent of any
26 student who is retained under the provisions of paragraph
27 (5)(b) that his or her child has not met the proficiency level
28 required for promotion and the reasons the child is not
29 eligible for a good cause exemption as provided in paragraph
30 (6)(b). The notification must comply with the provisions of s.
31 1002.20(14) and must include a description of proposed

1 interventions and supports that will be provided to the child
2 to remediate the identified areas of reading deficiency.

3 4. Implement a policy for the midyear promotion of any
4 student retained under the provisions of paragraph (5)(b) who
5 can demonstrate that he or she is a successful and independent
6 reader, reading at or above grade level, and ready to be
7 promoted to grade 4. Tools that school districts may use in
8 reevaluating any student retained may include subsequent
9 assessments, alternative assessments, and portfolio reviews,
10 in accordance with rules of the State Board of Education.
11 Students promoted during the school year after November 1 must
12 demonstrate proficiency above that required to score at Level
13 2 on the grade 3 FCAT, as determined by the State Board of
14 Education. The State Board of Education shall adopt standards
15 that provide a reasonable expectation that the student's
16 progress is sufficient to master appropriate 4th grade level
17 reading skills.

18 5. Provide students who are retained under the
19 provisions of paragraph (5)(b) with a high-performing teacher
20 as determined by student performance data and
21 above-satisfactory performance appraisals.

22 6. In addition to required reading enhancement and
23 acceleration strategies, provide parents of students to be
24 retained with at least one of the following instructional
25 options:

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

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

- 1 c. A mentor or tutor with specialized reading
2 training.
- 3 7. Establish a Reading Enhancement and Acceleration
4 Development (READ) Initiative. The focus of the READ
5 Initiative shall be to prevent the retention of grade 3
6 students and to offer intensive accelerated reading
7 instruction to grade 3 students who failed to meet standards
8 for promotion to grade 4 and to each K-3 student who is
9 assessed as exhibiting a reading deficiency. The READ
10 Initiative shall:
- 11 a. Be provided to all K-3 students at risk of
12 retention as identified by the statewide assessment system
13 used in Reading First schools. The assessment must measure
14 phonemic awareness, phonics, fluency, vocabulary, and
15 comprehension.
- 16 b. Be provided during regular school hours in addition
17 to the regular reading instruction.
- 18 c. Provide a state-identified reading curriculum that
19 has been reviewed by the Florida Center for Reading Research
20 at Florida State University and meets, at a minimum, the
21 following specifications:
- 22 (I) Assists students assessed as exhibiting a reading
23 deficiency in developing the ability to read at grade level.
- 24 (II) Provides skill development in phonemic awareness,
25 phonics, fluency, vocabulary, and comprehension.
- 26 (III) Provides scientifically based and reliable
27 assessment.
- 28 (IV) Provides initial and ongoing analysis of each
29 student's reading progress.
- 30 (V) Is implemented during regular school hours.
- 31

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

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

10 a. Be provided to any student in grade 3 who scores at
11 Level 1 on the reading portion of the FCAT and who was
12 retained in grade 3 the prior year because of scoring at Level
13 1 on the reading portion of the FCAT.

14 b. Have a reduced teacher-student ratio.

15 c. Provide uninterrupted reading instruction for the
16 majority of student contact time each day and incorporate
17 opportunities to master the grade 4 Sunshine State Standards
18 in other core subject areas.

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

22 e. Provide intensive language and vocabulary
23 instruction using a scientifically research-based program,
24 including use of a speech-language therapist.

25 f. Include weekly progress monitoring measures to
26 ensure progress is being made.

27 g. Report to the Department of Education, in the
28 manner described by the department, the progress of students
29 in the class at the end of the first semester.

30 9. Report to the State Board of Education, as
31 requested, on the specific intensive reading interventions and

1 supports implemented at the school district level. The
2 Commissioner of Education shall annually prescribe the
3 required components of requested reports.

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

12 Section 4. Paragraph (b) of subsection (3) of section
13 411.227, Florida Statutes, is amended to read:

14 411.227 Components of the Learning Gateway.--The
15 Learning Gateway system consists of the following components:

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

17 (b) Demonstration projects shall develop strategies to
18 increase the use of appropriate intervention practices with
19 children who have learning problems and learning disabilities
20 within public and private early care and education programs
21 and K-3 public and private school settings. Strategies may
22 include training and technical assistance teams. Intervention
23 must be coordinated and must focus on providing effective
24 supports to children and their families within their regular
25 education and community environment. These strategies must
26 incorporate, as appropriate, school and district activities
27 related to the student's academic ~~improvement~~ plan and must
28 provide parents with greater access to community-based
29 services that should be available beyond the traditional
30 school day. Academic expectations for public school students
31 in grades K-3 must be based upon the local school board's

1 adopted proficiency levels. When appropriate, school personnel
2 shall consult with the local Learning Gateway to identify
3 other community resources for supporting the child and the
4 family.

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

7 1002.20 K-12 student and parent rights.--Parents of
8 public school students must receive accurate and timely
9 information regarding their child's academic progress and must
10 be informed of ways they can help their child to succeed in
11 school. K-12 students and their parents are afforded numerous
12 statutory rights including, but not limited to, the following:

13 (11) STUDENTS WITH READING DEFICIENCIES.--Each
14 elementary school shall regularly assess the reading ability
15 of each K-3 student. The parent of any K-3 student who
16 exhibits a reading deficiency shall be immediately notified of
17 the student's deficiency with a description and explanation,
18 in terms understandable to the parent, of the exact nature of
19 the student's difficulty in learning and lack of achievement
20 in reading; shall be consulted in the development of a
21 progress-monitoring ~~detailed academic improvement~~ plan, as
22 described in s. 1008.25(4)(b); and shall be informed that the
23 student will be given intensive reading instruction until the
24 deficiency is corrected. This subsection operates in addition
25 to the remediation and notification provisions contained in s.
26 1008.25 and in no way reduces the rights of a parent or the
27 responsibilities of a school district under that section.

28 Section 6. Paragraph (n) of subsection (2) of section
29 1003.51, Florida Statutes, is amended to read:

30 1003.51 Other public educational services.--
31

1 (2) The State Board of Education shall adopt and
2 maintain an administrative rule articulating expectations for
3 effective education programs for youth in Department of
4 Juvenile Justice programs, including, but not limited to,
5 education programs in juvenile justice commitment and
6 detention facilities. The rule shall articulate policies and
7 standards for education programs for youth in Department of
8 Juvenile Justice programs and shall include the following:

9 (n) Performance expectations for providers and
10 district school boards, including the provision of a
11 progress-monitoring ~~an academic improvement~~ plan as required
12 in s. 1008.25.

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

15 1003.52 Educational services in Department of Juvenile
16 Justice programs.--

17 (7) A progress-monitoring ~~An academic improvement~~ plan
18 shall be developed for students who score below the level
19 specified in district school board policy in reading, writing,
20 and mathematics or below the level specified by the
21 Commissioner of Education on statewide assessments as required
22 by s. 1008.25. These plans shall address academic, literacy,
23 and life skills and shall include provisions for intensive
24 remedial instruction in the areas of weakness.

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