

By Senator Wilson

33-00094-08

2008254__

1 A bill to be entitled

2 An act relating to public school student progression;
3 amending s. 1008.25, F.S.; revising the components of
4 school district student progression programs; eliminating
5 guidelines for allocating school district remedial and
6 supplemental instruction resources; providing for the
7 retention of students under specified circumstances;
8 eliminating mandatory retention requirements for certain
9 students in grade 3; eliminating midyear promotion;
10 providing procedures for parental requests for retention;
11 providing for appeals; eliminating standards for exemption
12 from mandatory retention, to conform; revising the
13 parental notification requirements; revising guidelines
14 for remedial reading instruction and intervention
15 strategies; revising the purpose of the Reading
16 Enhancement and Acceleration Development Initiative;
17 revising the eligibility criteria for the Intensive
18 Acceleration Class; revising the requirements for reports
19 by district school boards; specifying required rules;
20 amending s. 1002.20, F.S.; conforming a cross-reference;
21 amending s. 1002.23, F.S., to conform; requiring the State
22 Board of Education to initiate the adoption of rules by a
23 time certain; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Section 1008.25, Florida Statutes, is amended to
28 read:

29 1008.25 Public school student progression; remedial

33-00094-08

2008254__

30 instruction; reporting requirements.--

31 (1) INTENT.--It is the intent of the Legislature that each
32 student's progression from one grade to another be determined, in
33 part, upon proficiency in reading, writing, science, and
34 mathematics; that district school board policies facilitate such
35 proficiency; and that each student and his or her parent be
36 informed of that student's academic progress.

37 (2) COMPREHENSIVE PROGRAM.--Each district school board
38 shall establish a comprehensive program for student progression
39 which must include:

40 (a) Standards for evaluating each student's performance,
41 including how well he or she masters the performance standards
42 approved by the State Board of Education.

43 (b) Specific levels of performance in reading, writing,
44 science, and mathematics for each grade level, including the
45 levels of performance on statewide assessments as defined by the
46 commissioner, below which a student must receive remediation, or
47 be retained within an intensive program that is different from
48 the previous year's program and that takes into account the
49 student's learning style.

50 ~~(c) Appropriate alternative placement for a student who has
51 been retained 2 or more years.~~

52 ~~(3) ALLOCATION OF RESOURCES.--District school boards shall
53 allocate remedial and supplemental instruction resources to
54 students in the following priority:~~

55 ~~(a) Students who are deficient in reading by the end of
56 grade 3.~~

57 ~~(b) Students who fail to meet performance levels required
58 for promotion consistent with the district school board's plan~~

33-00094-08

2008254__

59 | ~~for student progression required in paragraph (2)(b).~~

60 | (3)~~(4)~~ ASSESSMENT AND REMEDIATION.--

61 | (a) Each student must participate in the statewide
62 | assessment tests required by s. 1008.22. Each student who does
63 | not meet specific levels of performance as determined by the
64 | district school board in reading, writing, science, and
65 | mathematics for each grade level, or who scores below Level 3 in
66 | reading or math, must be provided with additional diagnostic
67 | assessments to determine the nature of the student's difficulty,
68 | the areas of academic need, and strategies for appropriate
69 | intervention and instruction as described in paragraph (b).

70 | (b) The school in which the student is enrolled must
71 | develop, in consultation with the student's parent, and must
72 | implement a progress monitoring plan. A progress monitoring plan
73 | is intended to provide the school district and the school
74 | flexibility in meeting the academic needs of the student and to
75 | reduce paperwork. A student who is not meeting the school
76 | district or state requirements for proficiency in reading and
77 | math shall be covered by one of the following plans to target
78 | instruction and identify ways to improve his or her academic
79 | achievement:

80 | 1. A federally required student plan such as an individual
81 | education plan;

82 | 2. A schoolwide system of progress monitoring for all
83 | students; or

84 | 3. An individualized progress monitoring plan.

85 |

86 | The plan chosen must be designed to assist the student or the
87 | school in meeting state and district expectations for

33-00094-08

2008254__

88 proficiency. If the student has been identified as having a
89 deficiency in reading, the K-12 comprehensive reading plan
90 required by s. 1011.62(8) shall include instructional and support
91 services to be provided to meet the desired levels of
92 performance. District school boards may require low-performing
93 students to attend remediation programs held before or after
94 regular school hours or during the summer if transportation is
95 provided.

96 (c) Upon subsequent evaluation, if the documented
97 deficiency has not been remediated, the student may be retained
98 as provided in subsection (5). Each student who does not meet the
99 minimum performance expectations defined by the Commissioner of
100 Education for the statewide assessment tests in reading, writing,
101 science, and mathematics must continue to be provided with
102 remedial or supplemental instruction until the expectations are
103 met or the student graduates from high school or is not subject
104 to compulsory school attendance.

105 (4)~~(5)~~ READING DEFICIENCY AND PARENTAL NOTIFICATION.--

106 (a) It is the ultimate goal of the Legislature that every
107 student read at or above grade level. Any student who exhibits a
108 substantial deficiency in reading, based upon locally determined
109 or statewide assessments conducted in kindergarten or grade 1,
110 grade 2, or grade 3, or through teacher observations, must be
111 given intensive reading instruction immediately following the
112 identification of the reading deficiency. The student's reading
113 proficiency must be reassessed by locally determined assessments
114 or through teacher observations at the beginning of the grade
115 following the intensive reading instruction. The student must
116 continue to be provided with intensive reading instruction until

33-00094-08

2008254__

117 the reading deficiency is remedied.

118 (b) Beginning with the 2007-2008 ~~2002-2003~~ school year, if
119 the student's reading deficiency, as identified in paragraph (a),
120 is not remedied by the end of grade 3, as demonstrated by scoring
121 at Level 2 or higher on the statewide assessment test in reading
122 for grade 3, the student may ~~must~~ be retained as provided in
123 subsection (5).

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

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

129 2. A description of the current services that are provided
130 to the child.

131 3. A description of the proposed supplemental instructional
132 services and supports that will be provided to the child that are
133 designed to remediate the identified area of reading deficiency.

134 4. That if the child's reading deficiency is not remediated
135 by the end of the child's grade level ~~grade 3~~, the child may ~~must~~
136 be retained as provided in subsection (5) ~~unless he or she is~~
137 ~~exempt from mandatory retention for good cause.~~

138 5. Strategies for parents to use in helping their child
139 succeed in reading proficiency.

140 ~~6. That the Florida Comprehensive Assessment Test (FCAT) is~~
141 ~~not the sole determiner of promotion and that additional~~
142 ~~evaluations, portfolio reviews, and assessments are available to~~
143 ~~the child to assist parents and the school district in knowing~~
144 ~~when a child is reading at or above grade level and ready for~~
145 ~~grade promotion.~~

33-00094-08

2008254__

146 ~~7. The district's specific criteria and policies for~~
147 ~~midyear promotion. Midyear promotion means promotion of a~~
148 ~~retained student at any time during the year of retention once~~
149 ~~the student has demonstrated ability to read at grade level.~~

150 ~~(5)(6) ELIMINATION OF SOCIAL PROMOTION; RETENTION;~~
151 ~~APPEALS.--~~

152 (a) ~~A~~ A ~~No~~ student may not be assigned to a grade level based
153 solely on age or other factors that constitute social promotion.

154 (b) The district school board may retain students only
155 ~~exempt students from mandatory retention,~~ as provided in this
156 subsection paragraph (5)(b), for good cause. ~~Good cause~~
157 ~~exemptions shall be limited to the following:~~

158 ~~1. Limited English proficient students who have had less~~
159 ~~than 2 years of instruction in an English for Speakers of Other~~
160 ~~Languages program.~~

161 ~~2. Students with disabilities whose individual education~~
162 ~~plan indicates that participation in the statewide assessment~~
163 ~~program is not appropriate, consistent with the requirements of~~
164 ~~State Board of Education rule.~~

165 ~~3. Students who demonstrate an acceptable level of~~
166 ~~performance on an alternative standardized reading assessment~~
167 ~~approved by the State Board of Education.~~

168 ~~4. Students who demonstrate, through a student portfolio,~~
169 ~~that the student is reading on grade level as evidenced by~~
170 ~~demonstration of mastery of the Sunshine State Standards in~~
171 ~~reading equal to at least a Level 2 performance on the FCAT.~~

172 ~~5. Students with disabilities who participate in the FCAT~~
173 ~~and who have an individual education plan or a Section 504 plan~~
174 ~~that reflects that the student has received intensive remediation~~

33-00094-08

2008254__

175 ~~in reading for more than 2 years but still demonstrates a~~
176 ~~deficiency in reading and was previously retained in~~
177 ~~kindergarten, grade 1, grade 2, or grade 3.~~

178 ~~6. Students who have received intensive remediation in~~
179 ~~reading for 2 or more years but still demonstrate a deficiency in~~
180 ~~reading and who were previously retained in kindergarten, grade~~
181 ~~1, grade 2, or grade 3 for a total of 2 years. Intensive reading~~
182 ~~instruction for students so promoted must include an altered~~
183 ~~instructional day that includes specialized diagnostic~~
184 ~~information and specific reading strategies for each student. The~~
185 ~~district school board shall assist schools and teachers to~~
186 ~~implement reading strategies that research has shown to be~~
187 ~~successful in improving reading among low-performing readers.~~

188 (c) Written requests for the retention of a student must
189 ~~good cause exemptions for students from the mandatory retention~~
190 ~~requirement as described in subparagraphs (b)3. and 4. shall be~~
191 made consistent with the following:

192 1. Documentation must ~~shall~~ be submitted from the student's
193 teacher to the school principal which ~~that~~ indicates that the
194 retention ~~promotion~~ of the student is appropriate and is based
195 upon the student's academic record. In order to minimize
196 paperwork requirements, such documentation must ~~shall~~ consist
197 only of the existing progress monitoring plan, individual
198 educational plan, if applicable, report card, or student
199 portfolio.

200 2. The school principal shall review the parent's request
201 and the teacher's recommendation and discuss the ~~such~~
202 recommendation with:

203 a. The teacher;

33-00094-08

2008254__

- 204 b. The parent;
205 c. A representative of the school district who is qualified
206 to provide or supervise the provision of specially designed
207 instruction to meet the unique needs of the student, is
208 knowledgeable about the general curriculum, and is knowledgeable
209 about the availability of resources of the school district; and
210 d. Other individuals, at the discretion of the parent or
211 the school district, who have knowledge or special expertise
212 regarding the student. The determination of the knowledge or
213 special expertise of any such individual shall be made by the
214 party who invited the individual to be a part of the discussion.

215
216 The school principal shall and make the determination as to
217 whether the student should be promoted or retained. If the school
218 principal determines that the student should be promoted, the
219 school principal shall make such recommendation in writing to the
220 district school superintendent. The district school
221 superintendent shall accept or reject the school principal's
222 recommendation in writing.

223 3. The parent may appeal the decision of the district
224 school superintendent to the district school board.

225 (6) ~~(7)~~ SUCCESSFUL PROGRESSION FOR ~~RETAINED~~ READERS.--

226 (a) Students who have a substantial reading deficiency as
227 determined under paragraph (4) (a) ~~retained under the provisions~~
228 ~~of paragraph (5) (b)~~ must be provided intensive interventions in
229 reading to ameliorate the student's specific reading deficiency,
230 as identified by a valid and reliable diagnostic assessment. This
231 intensive intervention must include effective instructional
232 strategies, participation in the school district's summer reading

33-00094-08

2008254__

233 | camp, and appropriate teaching methodologies necessary to assist
234 | those students in becoming successful readers who are, able to
235 | read at or above grade level, ~~and ready for promotion to the next~~
236 | ~~grade.~~

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

239 | 1. Conduct a review of student progress monitoring plans
240 | for all students who did not score above Level 1 on the reading
241 | portion of the FCAT ~~and did not meet the criteria for one of the~~
242 | ~~good cause exemptions in paragraph (6)(b).~~ The review shall
243 | address additional supports and services, as described in this
244 | subsection, needed to remediate the identified areas of reading
245 | deficiency. The school district shall require a student portfolio
246 | to be completed for each such student.

247 | 2. Provide students ~~who are retained under the provisions~~
248 | ~~of paragraph (5)(b)~~ with intensive instructional services and
249 | supports to remediate the identified areas of reading deficiency,
250 | including a minimum of 90 minutes of daily, uninterrupted,
251 | scientifically research-based reading instruction and other
252 | strategies prescribed by the school district, which may include,
253 | but are not limited to:

- 254 | a. Small group instruction.
- 255 | b. Reduced teacher-student ratios.
- 256 | c. More frequent progress monitoring.
- 257 | d. Tutoring or mentoring.
- 258 | e. Transition classes containing 3rd and 4th grade
259 | students.
- 260 | f. Extended school day, week, or year.
- 261 | g. Summer reading camps.

33-00094-08

2008254__

262 3. Provide written notification to the parent of any
263 student who is identified as having a substantial reading
264 deficiency under paragraph (4) (a) ~~retained under the provisions~~
265 ~~of paragraph (5) (b)~~ that his or her child has not met the
266 proficiency level ~~required for promotion and the reasons the~~
267 ~~child is not eligible for a good cause exemption as provided in~~
268 ~~paragraph (6) (b)~~. The notification must comply with the
269 provisions of s. 1002.20(15) and must include a description of
270 proposed interventions and supports that will be provided to the
271 child to remediate the identified areas of reading deficiency.

272 ~~4. Implement a policy for the midyear promotion of any~~
273 ~~student retained under the provisions of paragraph (5) (b) who can~~
274 ~~demonstrate that he or she is a successful and independent~~
275 ~~reader, reading at or above grade level, and ready to be promoted~~
276 ~~to grade 4. Tools that school districts may use in reevaluating~~
277 ~~any student retained may include subsequent assessments,~~
278 ~~alternative assessments, and portfolio reviews, in accordance~~
279 ~~with rules of the State Board of Education. Students promoted~~
280 ~~during the school year after November 1 must demonstrate~~
281 ~~proficiency above that required to score at Level 2 on the grade~~
282 ~~3 FCAT, as determined by the State Board of Education. The State~~
283 ~~Board of Education shall adopt standards that provide a~~
284 ~~reasonable expectation that the student's progress is sufficient~~
285 ~~to master appropriate 4th grade level reading skills.~~

286 4.5. Provide students who are identified as having a
287 substantial reading deficiency under paragraph (4) (a) ~~retained~~
288 ~~under the provisions of paragraph (5) (b)~~ with a high-performing
289 teacher as determined by student performance data and above-
290 satisfactory performance appraisals.

33-00094-08

2008254__

291 ~~5.6.~~ In addition to required reading enhancement and
292 acceleration strategies, provide parents of students identified
293 as having a substantial reading deficiency ~~to be retained~~ with at
294 least one of the following instructional options:

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

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

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

302 ~~6.7.~~ Establish a Reading Enhancement and Acceleration
303 Development (READ) Initiative. The focus of the READ Initiative
304 shall be ~~to prevent the retention of grade 3 students and to~~
305 ~~offer intensive accelerated reading instruction to grade 3~~
306 ~~students who failed to meet standards for promotion to grade 4~~
307 ~~and~~ to each K-3 student who is assessed as exhibiting a reading
308 deficiency. The READ Initiative shall:

309 a. Be provided to all K-3 students at risk of not meeting
310 grade level expectations ~~retention~~ as identified by the statewide
311 assessment system used in Reading First schools. The assessment
312 must measure phonemic awareness, phonics, fluency, vocabulary,
313 and comprehension.

314 b. Be provided during regular school hours in addition to
315 the regular reading instruction.

316 c. Provide a state-identified reading curriculum that has
317 been reviewed by the Florida Center for Reading Research at
318 Florida State University and meets, at a minimum, the following
319 specifications:

33-00094-08

2008254__

- 320 (I) Assists students assessed as exhibiting a reading
321 deficiency in developing the ability to read at grade level.
- 322 (II) Provides skill development in phonemic awareness,
323 phonics, fluency, vocabulary, and comprehension.
- 324 (III) Provides scientifically based and reliable
325 assessment.
- 326 (IV) Provides initial and ongoing analysis of each
327 student's reading progress.
- 328 (V) Is implemented during regular school hours.
- 329 (VI) Provides a curriculum in core academic subjects to
330 assist the student in maintaining or meeting proficiency levels
331 for the appropriate grade in all academic subjects.
- 332 7.8- Establish at each school, where applicable, an
333 Intensive Acceleration Class for ~~retained~~ grade 3 students who
334 subsequently score at Level 1 on the reading portion of the FCAT.
335 The focus of the Intensive Acceleration Class shall be to
336 increase a child's reading level at least two grade levels in 1
337 school year. The Intensive Acceleration Class shall:
- 338 a. Be provided to any student in grade 3 who scores at
339 Level 1 on the reading portion of the FCAT ~~and who was retained~~
340 ~~in grade 3 the prior year because of scoring at Level 1 on the~~
341 ~~reading portion of the FCAT.~~
- 342 b. Have a reduced teacher-student ratio.
- 343 c. Provide uninterrupted reading instruction for the
344 majority of student contact time each day and incorporate
345 opportunities to master the grade 4 Sunshine State Standards in
346 other core subject areas.
- 347 d. Use a reading program that is scientifically research-
348 based and has proven results in accelerating student reading

33-00094-08

2008254__

349 achievement within the same school year.

350 e. Provide intensive language and vocabulary instruction
351 using a scientifically research-based program, including use of a
352 speech-language therapist.

353 f. Include weekly progress monitoring measures to ensure
354 progress is being made.

355 g. Report to the Department of Education, in the manner
356 described by the department, the progress of students in the
357 class at the end of the first semester.

358 8.9. Report to the State Board of Education, as requested,
359 on the specific intensive reading interventions and supports
360 implemented at the school district level. The Commissioner of
361 Education shall annually prescribe the required components of
362 requested reports.

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

370 (7)~~(8)~~ ANNUAL REPORT.--

371 (a) ~~In addition to the requirements in paragraph (5)(b),~~
372 Each district school board must annually report to the parent of
373 each student the progress of the student toward achieving state
374 and district expectations for proficiency in reading, writing,
375 science, and mathematics. The district school board must report
376 to the parent the student's results on each statewide assessment
377 test. The evaluation of each student's progress must be based

33-00094-08

2008254__

378 upon the student's classroom work, observations, tests, district
379 and state assessments, and other relevant information. Progress
380 reporting must be provided to the parent in writing in a format
381 adopted by the district school board.

382 (b) Each district school board must annually publish in the
383 local newspaper, and report in writing to the State Board of
384 Education by September 1 of each year, the following information
385 on the prior school year:

386 1. The provisions of this section relating to public school
387 student progression and the district school board's policies and
388 procedures on student ~~retention and~~ promotion.

389 2. By grade, the number and percentage of all students in
390 grades 3 through 10 performing at Levels 1 and 2 on the reading
391 portion of the FCAT.

392 3. By grade, the number and percentage of all students
393 retained as provided in subsection (5) in grades 3 through 10.

394 4. Information on the total number of students who were
395 promoted ~~for good cause, by each category of good cause as~~
396 ~~specified in paragraph (6) (b).~~

397 5. Any revisions to the district school board's policy on
398 student ~~retention and~~ promotion from the prior year.

399 (c) The Department of Education shall establish a uniform
400 format for school districts to report the information required in
401 paragraph (b). The format shall be developed with input from
402 district school boards and shall be provided not later than 90
403 days prior to the annual due date. The department shall annually
404 compile the information required in subparagraphs (b)2., 3., and
405 4., along with state-level summary information, and report such
406 information to the Governor, the President of the Senate, and the

33-00094-08

2008254__

407 Speaker of the House of Representatives.

408 ~~(8)-(9)~~ STATE BOARD AUTHORITY AND RESPONSIBILITIES.--

409 (a) The State Board of Education shall have authority as
410 provided in s. 1008.32 to enforce this section.

411 (b) The State Board of Education shall adopt rules pursuant
412 to ss. 120.536(1) and 120.54 for the administration of this
413 section, including, but not limited to, rules establishing
414 procedures by which parents may appeal a decision by the district
415 school superintendent as provided in subsection (5).

416 ~~(9)-(10)~~ TECHNICAL ASSISTANCE.--The department shall provide
417 technical assistance as needed to aid district school boards in
418 administering this section.

419 Section 2. Subsection (11) of section 1002.20, Florida
420 Statutes, is amended to read:

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

427 (11) STUDENTS WITH READING DEFICIENCIES.--Each elementary
428 school shall regularly assess the reading ability of each K-3
429 student. The parent of any K-3 student who exhibits a reading
430 deficiency shall be immediately notified of the student's
431 deficiency with a description and explanation, in terms
432 understandable to the parent, of the exact nature of the
433 student's difficulty in learning and lack of achievement in
434 reading; shall be consulted in the development of a progress
435 monitoring plan, as described in s. 1008.25(3)(b) ~~s.~~

33-00094-08

2008254__

436 ~~1008.25(4)(b)~~; and shall be informed that the student will be
437 given intensive reading instruction until the deficiency is
438 corrected. This subsection operates in addition to the
439 remediation and notification provisions contained in s. 1008.25
440 and in no way reduces the rights of a parent or the
441 responsibilities of a school district under that section.

442 Section 3. Subsection (2) of section 1002.23, Florida
443 Statutes, is amended to read:

444 1002.23 Family and School Partnership for Student
445 Achievement Act.--

446 (2) To facilitate meaningful parent and family involvement,
447 the Department of Education shall develop guidelines for a parent
448 guide to successful student achievement which describes what
449 parents need to know about their child's educational progress and
450 how they can help their child to succeed in school. The
451 guidelines shall include, but need not be limited to:

452 (a) Parental information regarding:

453 1. Options ~~Requirements~~ for their child to be retained
454 ~~promoted to the next grade~~, as provided ~~for~~ in s. 1008.25;

455 2. Progress of their child toward achieving state and
456 district expectations for academic proficiency;

457 3. Assessment results, including report cards and progress
458 reports;

459 4. Qualifications of their child's teachers; and

460 5. School entry requirements, including required
461 immunizations and the recommended immunization schedule;

462 (b) Services available for parents and their children, such
463 as family literacy services; mentoring, tutorial, and other
464 academic reinforcement programs; college planning, academic

33-00094-08

2008254__

465 advisement, and student counseling services; and after-school
466 programs;

467 (c) Opportunities for parental participation, such as
468 parenting classes, adult education, school advisory councils, and
469 school volunteer programs;

470 (d) Opportunities for parents to learn about rigorous
471 academic programs that may be available for their child, such as
472 honors programs, dual enrollment, advanced placement,
473 International Baccalaureate, International General Certificate of
474 Secondary Education (pre-AICE), Advanced International
475 Certificate of Education, Florida Virtual High School courses,
476 and accelerated access to postsecondary education;

477 (e) Educational choices, as provided for in s. 1002.20(6),
478 and corporate income tax credit scholarships, as provided for in
479 s. 220.187;

480 (f) Classroom and test accommodations available for
481 students with disabilities;

482 (g) School board rules, policies, and procedures for
483 ~~student promotion and retention~~, academic standards, student
484 assessment, courses of study, instructional materials, and
485 contact information for school and district offices; and

486 (h) Resources for information on student health and other
487 available resources for parents.

488 Section 4. The State Board of Education shall initiate the
489 adoption of rules required by this act no more than 10 days after
490 the effective date of this act.

491 Section 5. This act shall take effect upon becoming a law.