

By Senator Wilson

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1 A bill to be entitled
2 An act relating to public school student progression;
3 amending s. 1008.25, F.S.; providing a process by
4 which the retention of a third grade student who
5 exhibits a reading deficiency may be appealed;
6 providing for exemption from mandatory retention
7 through successful appeal; requiring the Department of
8 Education to establish an appeal process; specifying
9 circumstances recognized as justification for granting
10 an appeal; requiring assessment and evaluation;
11 providing for reporting; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsection (5) and paragraph (b) of subsection
16 (6) of section 1008.25, Florida Statutes, are amended, present
17 subsections (7), (9), and (10) are renumbered as subsections
18 (8), (10), and (11), respectively, present subsection (8) is
19 renumbered as subsection (9) and amended, and a new subsection
20 (7) is added to that section, to read:

21 1008.25 Public school student progression; remedial
22 instruction; reporting requirements.—

23 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

24 (a) It is the ultimate goal of the Legislature that every
25 student read at or above grade level. Any student who exhibits a
26 substantial deficiency in reading, based upon locally determined
27 or statewide assessments conducted in kindergarten or grade 1,
28 grade 2, or grade 3, or through teacher observations, must be
29 given intensive reading instruction immediately following the

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30 identification of the reading deficiency. The student's reading
31 proficiency must be reassessed by locally determined assessments
32 or through teacher observations at the beginning of the grade
33 following the intensive reading instruction. The student must
34 continue to be provided with intensive reading instruction until
35 the reading deficiency is remedied.

36 (b) Beginning with the 2002-2003 school year, if the
37 student's reading deficiency, as identified in paragraph (a), is
38 not remedied by the end of grade 3, as demonstrated by scoring
39 at Level 2 or higher on the statewide assessment test in reading
40 for grade 3, the student must be retained.

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

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

46 2. A description of the current services that are provided
47 to the child.

48 3. A description of the proposed supplemental instructional
49 services and supports that will be provided to the child that
50 are designed to remediate the identified area of reading
51 deficiency.

52 4. That if the child's reading deficiency is not remediated
53 by the end of grade 3, the child must be retained unless he or
54 she is exempt from mandatory retention for good cause.

55 5. The availability of an appeal process for a student who
56 is to be retained pursuant to paragraph (b).

57 ~~6.5.~~ Strategies for parents to use in helping their child
58 succeed in reading proficiency.

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59 ~~7.6.~~ That the Florida Comprehensive Assessment Test (FCAT)
60 is not the sole determiner of promotion and that additional
61 evaluations, portfolio reviews, and assessments are available to
62 the child to assist parents and the school district in knowing
63 when a child is reading at or above grade level and ready for
64 grade promotion.

65 ~~8.7.~~ The district's specific criteria and policies for
66 midyear promotion. Midyear promotion means promotion of a
67 retained student at any time during the year of retention once
68 the student has demonstrated ability to read at grade level.

69 (6) ELIMINATION OF SOCIAL PROMOTION.—

70 (b) The district school board may only exempt students from
71 mandatory retention, as provided in paragraph (5)(b), for good
72 cause or for successful appeal of their retention under
73 subsection (7). Good cause exemptions shall be limited to the
74 following:

75 1. Limited English proficient students who have had less
76 than 2 years of instruction in an English for Speakers of Other
77 Languages program.

78 2. Students with disabilities whose individual education
79 plan indicates that participation in the statewide assessment
80 program is not appropriate, consistent with the requirements of
81 State Board of Education rule.

82 3. Students who demonstrate an acceptable level of
83 performance on an alternative standardized reading assessment
84 approved by the State Board of Education.

85 4. Students who demonstrate, through a student portfolio,
86 that the student is reading on grade level as evidenced by
87 demonstration of mastery of the Sunshine State Standards in

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88 reading equal to at least a Level 2 performance on the FCAT.

89 5. Students with disabilities who participate in the FCAT
90 and who have an individual education plan or a Section 504 plan
91 that reflects that the student has received intensive
92 remediation in reading for more than 2 years but still
93 demonstrates a deficiency in reading and was previously retained
94 in kindergarten, grade 1, grade 2, or grade 3.

95 6. Students who have received intensive remediation in
96 reading for 2 or more years but still demonstrate a deficiency
97 in reading and who were previously retained in kindergarten,
98 grade 1, grade 2, or grade 3 for a total of 2 years. Intensive
99 reading instruction for students so promoted must include an
100 altered instructional day that includes specialized diagnostic
101 information and specific reading strategies for each student.
102 The district school board shall assist schools and teachers to
103 implement reading strategies that research has shown to be
104 successful in improving reading among low-performing readers.

105 (7) APPEALS FOR EXEMPTION FROM MANDATORY RETENTION.—

106 (a) The Legislature recognizes that there are unusual and
107 unique circumstances that may warrant a student's exemption from
108 mandatory retention. The Department of Education shall establish
109 an appeal process in which the parent of a student who is to be
110 retained pursuant to paragraph (5) (b) may seek an exemption from
111 mandatory retention from the district school board. A majority
112 vote of the membership of the district school board is required
113 for such exemption.

114 (b) Circumstances that shall be recognized as justification
115 for granting an appeal include:

116 1. A student suffers physical or emotional trauma resulting

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117 in test anxiety, including, but not limited to, death of a
118 family member, removal from the home, or serious illness or
119 injury to the student or a family member.

120 2. A student develops unusual test anxiety, especially when
121 it arises from being threatened with retention.

122 (c) A parent shall have input as to the types of additional
123 support the student will receive to overcome his or her
124 deficiency.

125 (d) When an appeal is filed with the district school board,
126 the school shall provide an independent assessment of the
127 student's academic needs by a qualified school psychologist.

128 (e) The school principal shall evaluate the assessment,
129 discuss the assessment with the student's teacher and parent,
130 and make a recommendation to the district school board within 30
131 days after receipt of the assessment.

132 (f) If a parent wishes to appeal his or her child's
133 retention but does not have the means or resources to do so, the
134 school district shall appoint a qualified advocate to intervene
135 on the child's behalf during the appeal process.

136 (g) School personnel, including guidance counselors and
137 teachers, may initiate the appeal process on behalf of a student
138 but must receive the parent's permission to do so before
139 proceeding with an appeal.

140 (9) ~~(8)~~ ANNUAL REPORT.—

141 (a) In addition to the requirements in paragraph (5) ~~(c)~~ ~~(b)~~,
142 each district school board must annually report to the parent of
143 each student the progress of the student toward achieving state
144 and district expectations for proficiency in reading, writing,
145 science, and mathematics. The district school board must report

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146 to the parent the student's results on each statewide assessment
147 test. The evaluation of each student's progress must be based
148 upon the student's classroom work, observations, tests, district
149 and state assessments, and other relevant information. Progress
150 reporting must be provided to the parent in writing in a format
151 adopted by the district school board.

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

156 1. The provisions of this section relating to public school
157 student progression and the district school board's policies and
158 procedures on student retention and promotion.

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

162 3. By grade, the number and percentage of all students
163 retained in grades 3 through 10.

164 4. Information on the total number of students who were
165 promoted for good cause, by each category of good cause as
166 specified in paragraph (6) (b).

167 5. Information on the total number of students who were
168 promoted as a result of appealing their retention under
169 subsection (7).

170 ~~6.5.~~ Any revisions to the district school board's policy on
171 student retention and promotion from the prior year.

172 (c) The Department of Education shall establish a uniform
173 format for school districts to report the information required
174 in paragraph (b). The format shall be developed with input from

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175 district school boards and shall be provided not later than 90
176 days prior to the annual due date. The department shall annually
177 compile the information required in subparagraphs (b)2., 3., ~~and~~
178 4., and 5., along with state-level summary information, and
179 report such information to the Governor, the President of the
180 Senate, and the Speaker of the House of Representatives.

181 Section 2. This act shall take effect July 1, 2010.