

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 which  
 4           the retention of a third grade student who exhibits a  
 5           reading deficiency may be appealed; providing for  
 6           exemption from mandatory retention through successful  
 7           appeal; requiring the Department of Education to establish  
 8           an appeal process; specifying circumstances recognized as  
 9           justification for granting an appeal; requiring assessment  
 10          and evaluation; providing for reporting; providing an  
 11          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  
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  
49 | instructional services and supports that will be provided to the  
50 | child that are designed to remediate the identified area of  
51 | reading deficiency.

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

56 |           5. The availability of an appeal process for a student who

57 is to be retained pursuant to paragraph (b).

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

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

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

70 (6) ELIMINATION OF SOCIAL PROMOTION.—

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

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

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

83 3. Students who demonstrate an acceptable level of  
84 performance on an alternative standardized reading assessment

85 approved by the State Board of Education.

86 4. Students who demonstrate, through a student portfolio,  
87 that the student is reading on grade level as evidenced by  
88 demonstration of mastery of the Sunshine State Standards in  
89 reading equal to at least a Level 2 performance on the FCAT.

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

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

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

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

HB 639

2010

113 vote of the membership of the district school board is required  
114 for such exemption.

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

117 1. A student suffers physical or emotional trauma  
118 resulting in test anxiety, including, but not limited to, death  
119 of a family member, removal from the home, or serious illness or  
120 injury to the student or a family member.

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

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

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

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

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

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

141 (9)~~(8)~~ ANNUAL REPORT.—

142 (a) In addition to the requirements in paragraph  
 143 (5)~~(c)~~~~(b)~~, each district school board must annually report to  
 144 the parent of each student the progress of the student toward  
 145 achieving state and district expectations for proficiency in  
 146 reading, writing, science, and mathematics. The district school  
 147 board must report to the parent the student's results on each  
 148 statewide assessment test. The evaluation of each student's  
 149 progress must be based upon the student's classroom work,  
 150 observations, tests, district and state assessments, and other  
 151 relevant information. Progress reporting must be provided to the  
 152 parent in writing in a format adopted by the district school  
 153 board.

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

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

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

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

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

HB 639

2010

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

172           ~~6.5.~~ Any revisions to the district school board's policy  
173 on student retention and promotion from the prior year.

174           (c) The Department of Education shall establish a uniform  
175 format for school districts to report the information required  
176 in paragraph (b). The format shall be developed with input from  
177 district school boards and shall be provided not later than 90  
178 days prior to the annual due date. The department shall annually  
179 compile the information required in subparagraphs (b)2., 3., ~~and~~  
180 4., and 5., along with state-level summary information, and  
181 report such information to the Governor, the President of the  
182 Senate, and the Speaker of the House of Representatives.

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