

**STORAGE NAME:** h1259.ei.doc

**DATE:** February 17, 2002

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
EDUCATION INNOVATION  
ANALYSIS**

**BILL #:** HB 1259

**RELATING TO:** Pupil Progression

**SPONSOR(S):** Representative(s) Arza

**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) EDUCATION INNOVATION
  - (2) COUNCIL FOR LIFELONG LEARNING
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

HB 1259 requires, rather than permits, a student to be retained if he or she still demonstrates deficiencies in reading, writing, math, and science after receiving additional diagnostic assessments and intensive remediation that is prescribed in the student's academic improvement plan.

This bill requires a student that has a reading deficiency, as determined by a local assessment in grades one and two, to be retained if the deficiency is not remedied by the end of grade three as demonstrated by scoring at Level 2 or higher on the Florida Comprehensive Assessment Test (FCAT).

Lastly, this bill deletes language that authorizes a school board to exempt a student from mandatory retention for good cause.

This bill may have a negative fiscal impact on state and school district expenditures because it appears that the state and school districts may incur significant additional costs to fund the additional years of instruction provided to students who are retained.

This bill has an effective date of July 1, 2002.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |  |   |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

This bill does not appear to support the principle of Less Government because it requires school districts to provide additional years of instruction to students who are retained.

B. PRESENT SITUATION:

**Student Progression**

Section 232.245, F.S., stipulates that it is the Legislature's intent that each student's progression from one grade to another be determined, in part, by proficiency in reading, writing, science, and mathematics; and that school districts facilitate these proficiencies and report a student's academic progress to his or her parents. According to s. 232.245(2), F.S., each school board must establish a comprehensive program for student progression, which must include:

- Standards for evaluating each student's performance, including how well he or she masters the Sunshine State Standards approved by the State Board of Education.
- Specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on the FCAT, that a student must receive remediation or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style.

Pursuant to s. 232.245(2)(b), F.S., no student may be assigned to a grade level based solely on age or other factors that constitute social promotion. However; the State Board of Education is required to adopt rules to prescribe limited circumstances in which a student may be promoted without meeting the specific assessment performance levels prescribed by the district's student progression plan. These rules must specifically address the promotion of students with limited English proficiency and students with disabilities.

Section 232.245(3), F.S., requires the following for each student:

- Each student must participate in the FCAT.
- Each student who does not meet specific levels of performance as determined by the school board in reading, writing, science, and mathematics for each grade level, or who does not meet specific levels of performance, determined by the Commissioner of Education, on the FCAT at selected grade levels, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need.
- The school in which the student is enrolled must develop, in consultation with the student's parent or legal guardian an academic improvement plan designed to assist the student in meeting state and district expectations for proficiency.

- Each academic improvement plan must include the provision of intensive remedial instruction in the areas of weakness.
- Upon subsequent evaluation, if the documented deficiency has not been corrected in accordance with the academic improvement plan, the student may be retained.

### **Students with Substantial Deficiencies in Reading Skills**

Section 232.245(4), F.S., requires certain standards for students with substantial deficiencies in reading skills:

- Any student who exhibits substantial deficiency in reading skills, based on locally determined assessments conducted before the end of grade 1 or 2, or based on a teacher's recommendation, must be given intensive reading instruction immediately following the identification of the reading deficiency.
- The student's reading proficiency must be reassessed by a locally determined assessment or based on a teacher's recommendation at the beginning of the grade following the intensive reading instruction, and the student must continue to be given intensive reading instruction until the reading deficiency is remedied.
- If the student's reading deficiency, as determined by the locally determined assessment at grades 1 and 2 or by the 3<sup>rd</sup> grade FCAT, is not remedied by the end of the 4<sup>th</sup> grade, and if the student scores below the specific level of performance on the FCAT in reading, the student must be retained.
- A school board may exempt a student from mandatory retention for good cause.

The Department of Education reports that 188,696 4<sup>th</sup> grade students took the reading portion of the FCAT in 2001. Of those students, 58,496 (31%) students scored at Level 1 and only 5,194 students were retained.

Pursuant to s. 232.245(5), F.S., each school district must annually report to the parent or legal guardian of each student the progress of the student towards achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The school district must report to the parent or legal guardian the student's results on the FCAT. The evaluation of each student's progress must be based on the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent or legal guardian in writing in a format adopted by the school board.

#### **C. EFFECT OF PROPOSED CHANGES:**

HB 1259 requires, rather than permits, a student to be retained if he or she still demonstrates deficiencies in reading, writing, math, and science after receiving additional diagnostic assessments and intensive remediation that is prescribed in the student's academic improvement plan.

This bill requires a student that has a reading deficiency, as determined by a local assessment in grades one and two, to be retained if the deficiency is not remedied by the end of grade three as demonstrated by scoring at Level 2 or higher on the Florida Comprehensive Assessment Test (FCAT).

Lastly, this bill deletes language that authorizes a school board to exempt a student from mandatory retention for good cause.

This bill may have a negative fiscal impact on state and school district expenditures because it appears that the state and school districts may incur significant additional costs, to fund the additional years of instruction provided to students who are retained.

Since this bill requires a student to be retained if he or she scores at Level 1 on the 3<sup>rd</sup> grade reading portion of the FCAT, the Department of Education reports that 29% of students scored at Level 1 on the 3<sup>rd</sup> grade reading portion of the FCAT in 2001.

D. SECTION-BY-SECTION ANALYSIS:

**Section 1:** Amends s. 232.245, F.S., to revise student retention criteria when certain documented academic deficiencies have not been corrected; revise criteria for student retention based on reading deficiency; and delete language that allows school boards from exempting students from mandatory retention for good cause.

**Section 2:** Establishes an effective date for July 1, 2002.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

This bill may have a negative fiscal impact on state and school district expenditures because it appears that the state and school districts may incur significant additional costs, to fund the additional years of instruction provided to students who are retained.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a sales tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

This bill does not grant additional rule-making authority.

C. OTHER COMMENTS:

The sponsor of the bill intends to file an amendment that substantially revises the provisions of the bill.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

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