

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 0354

SPONSOR: Appropriations Committee, Education Committee, Senator Constantine, and others

SUBJECT: Middle Grades Reform Act

DATE: April 13, 2004                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dormady</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	<u>Armstrong</u>	<u>Newman</u>	<u>AED</u>	<u>Favorable/CS</u>
4.	_____	_____	<u>AP</u>	<u>Withdrawn: Favorable/CS</u>
5.	_____	_____	<u>RC</u>	_____
6.	_____	_____	_____	_____

## I. Summary:

The committee substitute for CS/SB 354 creates the “Middle Grades Reform Act,” which contains a number of initiatives to improve middle school academic performance. Pursuant to the bill’s requirements:

- The Commissioner of Education is required to recommend to the State Board of Education changes to the middle grades reading and language arts curricula, based on research-based programs that are proven effective.
  - The State Board of Education must adopt rules based on the Commissioner’s recommendations by March 1, 2005.
  - Implementation of new or revised reading and language arts courses pursuant to these recommendations must be phased in beginning no later than the 2005-2006 school year; completion of implementation must occur no later than the 2008-2009 school year.
- Beginning in the 2004-2005 school year, each school with fewer than 75% of its students in grades 6, 7 or 8 scoring at Level 3 or above on the prior year’s FCAT reading test must incorporate, by October 1, a Rigorous Reading Requirement for reading and language arts programs as the primary component of its school improvement plan.
  - By June 30 of each year, the Department of Education must provide each district school board a list of schools within the district that are required to implement a Rigorous Reading Requirement.
  - The results of each school’s Rigorous Reading Requirement must be used as a part of the annual evaluation of the school’s instructional personnel and administration.
- The Commissioner of Education must conduct a study and submit recommendations on ways to increase the academic performance of middle grade students and schools to

- specified parties in the Legislature and to the State Board of Education by December 1, 2004.
- Beginning with the 2004-2005 school year, each school must develop and implement a personalized middle school success plan for each entering sixth grade student who scored below Level 3 in reading on the most recent FCAT.
    - The plan is to be developed in collaboration with the student and his or her parent and must be implemented until the student completes the eighth grade or scores at level 3 or above on the FCAT reading test, whichever comes first.
    - Students' middle school success plans must be incorporated into all individual student plans otherwise required by state or federal law.

This bill creates a new section of the Florida Statutes and amends sections 1001.42, 1008.25, and 1012.34 of the Florida Statutes.

The bill takes effect upon becoming law.

## II. Present Situation:

Middle school in Florida comprises grades 6, 7 and 8. Currently, Florida has 477 middle schools serving approximately 613,000 students: 205,095 grade 6 students, 206,774 grade 7 students, and 201,160 grade 8 students.<sup>1</sup>

Skill levels of students in middle school, as measured by performance on the Florida Comprehensive Assessment Test, have increased in recent years but have not matched the gains made in student achievement at Florida's elementary schools, where test scores have increased more dramatically; additionally, achievement levels for middle school students are generally lower than for elementary school students. For example, the number of 3<sup>rd</sup> grade students scoring at level 3 or above on the FCAT reading test increased from 57 percent in 2001 to 63 percent in 2003, while reading test scores for 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grade students increased between 2001 and 2003 from 52 percent to 53 percent, 47 percent to 52 percent, and 43 percent to 49 percent, respectively.<sup>2</sup> Although these figures show that 7<sup>th</sup> and 8<sup>th</sup> grade students enjoyed a 5 percent and 6 percent increase, respectively, in grade-level reading between 2001 and 2003, the numbers of students reading at grade level in middle school overall are still lower than those of elementary school students; meanwhile, the improvement in test scores for 6th grade students in those years was only 1 percent.

Similarly, in mathematics, while middle school students improved test scores between 2001 and 2003, 63 percent of 3<sup>rd</sup> grade students scored at level 3 or above on the FCAT in 2003, but only 47 percent of 6<sup>th</sup> and 7<sup>th</sup> grade students, and 56 percent of 8<sup>th</sup> grade students, scored at level 3 or higher.<sup>3</sup>

The Florida Department of Education (DOE) has concluded from this and other related data that middle school student achievement is lagging behind that of elementary school students in Florida. Middle school learning, however, is particularly important because it prepares students

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<sup>1</sup> Data source: Florida Department of Education.

<sup>2</sup> Data source: Department of Education, available at <http://fcats.fldoe.org/pdf/fcrp03str.pdf>.

<sup>3</sup> Data source: Department of Education, available at <http://fcats.fldoe.org/pdf/fcrp03stm.pdf>.

for academic success in high school. Data from the National Assessment of Educational Progress (NAEP), also known as "the Nation's Report Card," also suggests that Florida's elementary school students may be achieving at higher levels than middle school students. In 2003, 31 percent of Florida's 4<sup>th</sup> grade students scored at the proficient level or higher in mathematics on the NAEP exam, while only 23 percent of Florida's 8<sup>th</sup> grade students scored at that level of proficiency. In that same year, 32 percent of Florida's 4<sup>th</sup> grade students scored proficient or higher in reading on the NAEP exam while 27 percent of 8<sup>th</sup> grade students scored proficient or higher.<sup>4</sup>

In fourth grade reading in 2003, Florida improved its score on the NAEP by four points (from 214 to 218), while the national score dipped slightly (from 217 to 216). This improvement brought Florida's gain since 1998 to four times the national gain (12 points, compared to 3).<sup>5</sup> The DOE attributes many of the recent gains enjoyed by Florida's elementary school students to the intensive improvement initiatives instituted for students at that level, including the Just Read, Florida! initiative.<sup>6</sup>

### III. Effect of Proposed Changes:

The bill proposes a new section of the Florida Statutes to be called the "Middle Grades Reform Act" (the Act). The Act is designed to add rigor to middle school academics generally while focusing on reading in particular. "Middle grades" are defined in the Act as grades 6, 7 and 8.

**Section 1. Revised Curriculum** -- The Act requires the DOE to review courses, teacher qualifications, instructional materials, and teaching practices in middle school reading and language arts programs. The DOE is required to consult with researchers and reading specialists, including district supervisors of curriculum, and the Commissioner of Education (Commissioner) is then required to make recommendations to the State Board of Education (SBE) regarding changes to middle school reading and language arts curricula, focusing on research-based proven effective programs. The SBE is required to adopt rules based on the Commissioner's recommendations by March 1, 2005. Implementation of the new reading and language arts courses must begin in all middle schools by the 2005-2006 school year and must be completed by the 2008-2009 school year.

**Rigorous Reading Requirement/School Improvement Plans** -- Beginning in 2004-2005, every public middle school with fewer than 75 percent of 6<sup>th</sup>, 7<sup>th</sup> or 8<sup>th</sup> grade students scoring at level 3 or above on the prior year's FCAT must incorporate a Rigorous Reading Requirement for reading and language arts programs into its school improvement plan by October 1 of each year. According to the DOE's calculations, this will currently impact approximately 400-450 schools in Florida that serve 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grade students. The Rigorous Reading Requirement must be the primary component of the school's school improvement plan. The DOE will notify district

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<sup>4</sup> Data available at <http://nces.ed.gov/nationsreportcard/states/profile.asp>.

<sup>5</sup> "Governor Jeb Bush and Education Commissioner Jim Horne Announce Results of 2003 National Assessment of Educational Progress (NAEP)," November 13, 2003, available at [http://www.fldoe.org/news/2003/2003\\_11\\_13-2.asp](http://www.fldoe.org/news/2003/2003_11_13-2.asp).

<sup>6</sup> "Governor Bush Unveils Middle School Reform Proposal ~Increased funding for Just Read, Florida! and new legislation will enhance student achievement in all subject areas~," press release dated January 12, 2004, available at [http://sun6.dms.state.fl.us/eog\\_new/eog/library/releases/2004/January/proposal-1-12-04.html](http://sun6.dms.state.fl.us/eog_new/eog/library/releases/2004/January/proposal-1-12-04.html).

school boards by June 30 of each year which schools are required to implement this requirement and will provide technical assistance to school districts and administrators in implementing the requirement.

The Rigorous Reading Requirement must identify specific areas in the school's students' reading skills, desired levels of student performance in those areas, and the services to be provided to students to meet the desired levels of performance. Schools participating in the Rigorous Reading Requirement must give quarterly reports to their superintendent on student progress, and the results of implementation of the school's Rigorous Reading Requirement will be used as part of the annual evaluation of the school's instructional personnel and school administrators.

**Reform Study Required – Academic Performance of Middle Schools and Middle School Students** -- The DOE is required to study how the performance of middle school students and schools can be improved, in consultation with delineated researchers, DOE staff, and other education stakeholders including school board members, superintendents, principals, parents, teachers, district supervisors of curriculum, and students. It is required to develop findings and recommendations and must review each of the following elements:

- Academic expectations, including:
  - Alignment of middle school academic expectations with elementary and high school graduation requirements;
  - Best practices to improve reading and language arts programs based on research-based programs aligned with the Sunshine State Standards;
  - Strategies for improving academic success for low-performing students;
  - Rigor of curricula and courses;
  - Instructional material;
  - Course enrollment;
  - Student support services; and
  - Measurement and reporting of student achievement.
- Attendance policies and student mobility.
- Teacher quality issues, including:
  - Preparedness of teachers to teach rigorous courses;
  - Teacher evaluations;
  - Substitute teachers;
  - Certification requirements;
  - Staff development;
  - Staff development training;
  - Teacher recruitment and vacancy issues; and
  - Federal requirements for highly qualified teachers under the No Child Left Behind Act of 2001.
- Identification and availability of diagnostic testing.
- Availability of personnel and scheduling issues.
- School leadership and performance.
- Parental and community involvement.

The Commissioner is required to submit recommendations on ways to increase the academic performance of middle school students and schools to the President of the Senate, the Speaker of the House of Representatives, the chairs of the education committees in the Senate and the House of Representatives, and the SBE by December 1, 2004.

**Personalized Middle School Success Plan** -- Beginning in 2004-2005, each principal of a school with a middle grade must designate certified staff members to develop and administer a personalized middle school success plan for each entering sixth grade student who scored below Level 3 in reading on the most recent FCAT administration. The plan would be developed with the student and the student's parents and would be in place until the student had completed 8<sup>th</sup> grade or until the student achieves a score of 3 or better on the FCAT reading test, whichever is sooner. The plans must be implemented in such a way as to minimize paperwork.

Requirements of each personalized middle school success plan include:

- Identification of goals and intermediate benchmarks for the student in core curriculum areas that will prepare the student for high school;
- A basis in academic performance data and an identification of the student's strengths and weaknesses;
- Academic intervention strategies with frequent monitoring of student progress; and
- Innovative methods to promote student advancement, including flexible scheduling, tutoring, a focus on core curricula, online instruction, alternative learning environments, and other demonstrated interventions.

The personalized middle school success plan must be incorporated into any individual student plan required by federal or state law, including academic improvement plans, individual education plans, federal 504 plans, and ESOL plans.

The bill provides that the DOE must give specified technical assistance to districts, school administrators, and instructional personnel regarding the development of the success plans.

**SBE Authority** -- The bill authorizes the SBE to adopt rules necessary for implementation of the section. The bill also references the SBE's existing enforcement authority with respect to bill requirements.

### **Section 2. Amendment to s. 1001.42, F.S.; District school board requirements.**

The bill amends s. 1001.42, F.S., a section setting forth the powers and duties of district school boards, to require that any school required to implement a Rigorous Reading Requirement under the new s. 1003.415, F.S., must include the program in its school improvement plan.

### **Section 3. Amendment to s. 1008.25, F.S.; Student progression and remedial instruction.**

The bill amends s. 1008.25, F.S., a section regarding student progression and remedial instruction, to require that a middle school success plan be incorporated into the academic improvement plan of any student who meets the requirements of the new s. 1003.415, F.S.

**Section 4. Amendment to s. 1012.34, F.S.; Assessment procedures for instructional personnel.**

The bill amends s. 1012.34, F.S., a section concerning assessment procedures, to amend the assessment criteria for instructional personnel. The bill requires that the assessment criteria for instructional personnel must now include an indicator that relates to the employee's ability to implement the Rigorous Reading Requirement, if applicable.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill does not require an appropriation; however, it should be noted that the Governor's recommended budget provides \$52.5 million from federal funds and \$46.4 million from state funds for reading programs, including funding for 240 reading coaches for middle schools.

The bill requires significant effort for implementation on the part of the state, schools, and school districts. The bill requires the Department of Education and/or the State Board of Education to: (1) make recommendations and revise rules for the middle grades reading and language arts curricula and then phase in implementation of coursework in all middle schools; (2) conduct a study on middle schools' and students' performance based on a review of twenty-three different criteria and then make recommendations to increase the academic performance of students in middle grades; (3) provide a list of schools within the district that are required to implement a Rigorous Reading Requirement as the primary component of their school improvement plan and (4) provide technical assistance to districts and schools in implementing the Rigorous Reading

Requirement and middle school success plans. In addition, implicit in the bill is the need for the Department to coordinate programs established by the bill.

The bill requires schools or school districts to: (1) implement new or revised reading and language arts courses in all middle schools; (2) develop and implement a Rigorous Reading Requirement in schools with fewer than 75 percent of students in grades six, seven, or eight scoring at Level 3 or above on the prior year's FCAT reading test; and (3) designate certified staff members in each school having a middle grade to develop and administer a personalized middle school success plan for each entering sixth grader who scored below Level 3 in reading on the most recent FCAT. Also required is a quarterly report on student progress to be submitted to the Superintendent.

In addition, there are 477 middle schools serving approximately 613,000 students in grades 6, 7, and 8. The Department of Education estimates that of the 477 middle schools, 400 to 450 will be required to implement the Rigorous Reading requirement. Also, in 2003, 53% of the 205,000 sixth grade students scored at Level 3 or above on the FCAT. Therefore, beginning with the 2004-2005 school year, personalized success plans must be developed and implemented for more than 96,000 sixth graders and administered until the students either complete the eighth grade or score at level 3 or above on the reading FCAT, whichever comes first.

Based on the level of effort indicated above, it is likely that this bill will have a fiscal impact on the Department of Education and school districts. At a minimum, the bill will require reallocation of resources at the state and local levels. School districts may be able to mitigate the additional cost of implementing the Rigorous Reading Requirement and the middle school success plans to the extent that some actions required in connection with these programs are already functional in the district.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

In 2004-05, it may be difficult for many of the affected 400 to 450 middle schools to effectively implement the provisions of this bill because of the aggressive timelines established for the Rigorous Reading Requirement and the Personalized School Success Plan.

**VIII. Amendments:**

None.