

By Senator Wilson

33-1000-04

1 A bill to be entitled
2 An act relating to public school student
3 progression; amending s. 1008.25, F.S.;
4 repealing provisions mandating the retention of
5 a student in grade 3 if the student exhibits a
6 deficiency in reading; deleting provisions
7 requiring the elimination of social promotion;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Section 1008.25, Florida Statutes, is
13 amended to read:

14 1008.25 Public school student progression; remedial
15 instruction; reporting requirements.--

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

22 (2) COMPREHENSIVE PROGRAM.--Each district school board
23 shall establish a comprehensive program for student
24 progression which must include:

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

29 (b) Specific levels of performance in reading,
30 writing, science, and mathematics for each grade level,
31 including the levels of performance on statewide assessments

1 as defined by the commissioner, below which a student must
2 receive remediation, ~~or be retained within an intensive~~
3 ~~program that is different from the previous year's program and~~
4 that takes into account the student's learning style.

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

7 (3) ALLOCATION OF RESOURCES.--District school boards
8 shall allocate remedial and supplemental instruction resources
9 to students in the following priority:

10 (a) Students who are deficient in reading by the end
11 of grade 3.

12 (b) Students who fail to meet performance levels
13 required for promotion consistent with the district school
14 board's plan for student progression required in paragraph
15 (2)(b).

16 (4) ASSESSMENT AND REMEDIATION.--

17 (a) Each student must participate in the statewide
18 assessment tests required by s. 1008.22. Each student who does
19 not meet specific levels of performance as determined by the
20 district school board in reading, writing, science, and
21 mathematics for each grade level, or who does not meet
22 specific levels of performance as determined by the
23 commissioner on statewide assessments at selected grade
24 levels, must be provided with additional diagnostic
25 assessments to determine the nature of the student's
26 difficulty and areas of academic need.

27 (b) The school in which the student is enrolled must
28 develop, in consultation with the student's parent, and must
29 implement an academic improvement plan designed to assist the
30 student in meeting state and district expectations for
31 proficiency. Beginning with the 2002-2003 school year, if the

1 student has been identified as having a deficiency in reading,
2 the academic improvement plan shall identify the student's
3 specific areas of deficiency in phonemic awareness, phonics,
4 fluency, comprehension, and vocabulary; the desired levels of
5 performance in these areas; and the instructional and support
6 services to be provided to meet the desired levels of
7 performance. Schools shall also provide for the frequent
8 monitoring of the student's progress in meeting the desired
9 levels of performance. District school boards shall assist
10 schools and teachers to implement research-based reading
11 activities that have been shown to be successful in teaching
12 reading to low-performing students. Remedial instruction
13 provided during high school may not be in lieu of English and
14 mathematics credits required for graduation.

15 (c) Upon subsequent evaluation, if the documented
16 deficiency has not been remediated in accordance with the
17 academic improvement plan, the student may be retained. Each
18 student who does not meet the minimum performance expectations
19 defined by the Commissioner of Education for the statewide
20 assessment tests in reading, writing, science, and mathematics
21 must continue to be provided with remedial or supplemental
22 instruction until the expectations are met or the student
23 graduates from high school or is not subject to compulsory
24 school attendance.

25 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

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

1 instruction immediately following the identification of the
2 reading deficiency. The student's reading proficiency must be
3 reassessed by locally determined assessments or through
4 teacher observations at the beginning of the grade following
5 the intensive reading instruction. The student must continue
6 to be provided with intensive reading instruction until the
7 reading deficiency is remedied.

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

13 (b)(c) Beginning with the 2002-2003 school year, the
14 parent of any student who exhibits a substantial deficiency in
15 reading, as described in paragraph (a), must be notified in
16 writing of the following:

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

19 2. A description of the current services that are
20 provided to the child.

21 3. A description of the proposed supplemental
22 instructional services and supports that will be provided to
23 the child that are designed to remediate the identified area
24 of reading deficiency.

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

29 4.5. Strategies for parents to use in helping their
30 child succeed in reading proficiency.

31 ~~(6) ELIMINATION OF SOCIAL PROMOTION.--~~

1 ~~(a) No student may be assigned to a grade level based~~
2 ~~solely on age or other factors that constitute social~~
3 ~~promotion.~~

4 ~~(b) The district school board may only exempt students~~
5 ~~from mandatory retention, as provided in paragraph (5)(b), for~~
6 ~~good cause. Good cause exemptions shall be limited to the~~
7 ~~following:~~

8 ~~1. Limited English proficient students who have had~~
9 ~~less than 2 years of instruction in an English for Speakers of~~
10 ~~Other Languages program.~~

11 ~~2. Students with disabilities whose individual~~
12 ~~education plan indicates that participation in the statewide~~
13 ~~assessment program is not appropriate, consistent with the~~
14 ~~requirements of State Board of Education rule.~~

15 ~~3. Students who demonstrate an acceptable level of~~
16 ~~performance on an alternative standardized reading assessment~~
17 ~~approved by the State Board of Education.~~

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

23 ~~5. Students with disabilities who participate in the~~
24 ~~FCAT and who have an individual education plan or a Section~~
25 ~~504 plan that reflects that the student has received the~~
26 ~~intensive remediation in reading, as required by paragraph~~
27 ~~(4)(b), for more than 2 years but still demonstrates a~~
28 ~~deficiency in reading and was previously retained in~~
29 ~~kindergarten, grade 1, or grade 2.~~

30 ~~6. Students who have received the intensive~~
31 ~~remediation in reading as required by paragraph (4)(b) for 2~~

1 ~~or more years but still demonstrate a deficiency in reading~~
2 ~~and who were previously retained in kindergarten, grade 1, or~~
3 ~~grade 2 for a total of 2 years. Intensive reading instruction~~
4 ~~for students so promoted must include an altered instructional~~
5 ~~day based upon an academic improvement plan that includes~~
6 ~~specialized diagnostic information and specific reading~~
7 ~~strategies for each student. The district school board shall~~
8 ~~assist schools and teachers to implement reading strategies~~
9 ~~that research has shown to be successful in improving reading~~
10 ~~among low performing readers.~~

11 ~~(c) Requests for good cause exemptions for students~~
12 ~~from the mandatory retention requirement as described in~~
13 ~~subparagraphs (b)3. and 4. shall be made consistent with the~~
14 ~~following:~~

15 ~~1. Documentation shall be submitted from the student's~~
16 ~~teacher to the school principal that indicates that the~~
17 ~~promotion of the student is appropriate and is based upon the~~
18 ~~student's academic record. In order to minimize paperwork~~
19 ~~requirements, such documentation shall consist only of the~~
20 ~~existing academic improvement plan, individual educational~~
21 ~~plan, if applicable, report card, or student portfolio.~~

22 ~~2. The school principal shall review and discuss such~~
23 ~~recommendation with the teacher and make the determination as~~
24 ~~to whether the student should be promoted or retained. If the~~
25 ~~school principal determines that the student should be~~
26 ~~promoted, the school principal shall make such recommendation~~
27 ~~in writing to the district school superintendent. The~~
28 ~~district school superintendent shall accept or reject the~~
29 ~~school principal's recommendation in writing.~~

30 ~~(6)(7) ANNUAL REPORT.--~~

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1 (a) ~~In addition to the requirements in paragraph~~
2 ~~(5)(b)~~, Each district school board must annually report to the
3 parent of each student the progress of the student toward
4 achieving state and district expectations for proficiency in
5 reading, writing, science, and mathematics. The district
6 school board must report to the parent the student's results
7 on each statewide assessment test. The evaluation of each
8 student's progress must be based upon the student's classroom
9 work, observations, tests, district and state assessments, and
10 other relevant information. Progress reporting must be
11 provided to the parent in writing in a format adopted by the
12 district school board.

13 (b) Beginning with the 2001-2002 school year, each
14 district school board must annually publish in the local
15 newspaper, and report in writing to the State Board of
16 Education by September 1 of each year, the following
17 information on the prior school year:

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

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

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

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

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

31 (7)~~(8)~~ STATE BOARD AUTHORITY AND RESPONSIBILITIES.--

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

3 (b) The State Board of Education shall adopt rules
4 pursuant to ss. 120.536(1) and 120.54 for the administration
5 of this section.

6 (8)~~(9)~~ TECHNICAL ASSISTANCE.--The department shall
7 provide technical assistance as needed to aid district school
8 boards in administering this section.

9 Section 2. This act shall take effect July 1, 2004.

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12 SENATE SUMMARY

13 Repeals provisions mandating the retention of a student
14 in grade 3 if the student exhibits a deficiency in
15 reading. Deletes provisions requiring the elimination of
16 social promotion.

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