

**STORAGE NAME:** h1931a.ed

**DATE:** April 23, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
EDUCATION K-12  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1931

**RELATING TO:** Education

**SPONSOR(S):** Rep. Merchant

**STATUTE(S) AFFECTED:** Amends ss. 232.245 and 232.2454, F.S.

**COMPANION BILL(S):** SB 1956 (i); HB 45 (c); HB 1007 (c); SB 458 (c); SB 670 (c)

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

(1) Education/K-12 YEAS 10 NAYS 0

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**I. SUMMARY:**

HB 1931 revises provisions regarding a district's comprehensive program for pupil progression requiring that remedial instruction be provided students who have not met district-required and state-required levels of proficiency. Students must be evaluated, subsequent to the provision of remedial instruction, and may be retained.

The fiscal impact of the bill is indeterminate.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

**STATE EDUCATION GOALS**

Section 229.591, F.S., requires that Florida's system for school improvement and education accountability establish state and local goals. The state as a whole is to work toward the following goals:

1. Readiness to start school. -- Communities and schools collaborate to prepare children and families for children's success in school.
2. Graduation rate and readiness for postsecondary education and employment. -- Students graduate and are prepared to enter the workforce and postsecondary education.
3. Student performance. -- Students successfully compete at the highest levels nationally and internationally and are prepared to make well-reasoned, thoughtful, and healthy lifelong decisions.
4. Learning environment. -- School boards provide a learning environment conducive to teaching and learning.
5. School safety and environment. -- Communities provide an environment that is drug-free and protects students' health, safety, and civil rights.
6. Teachers and staff. -- The schools, district, and state ensure professional teachers and staff.
7. Adult literacy. -- Adult Floridians are literate and have the knowledge and skills needed to compete in a global economy and exercise the rights and responsibilities of citizenship.
8. Parental involvement. -- Communities, school boards, and schools provide opportunities for involving parents and guardians as active partners in achieving school improvement and education accountability.

**STUDENT PERFORMANCE STANDARDS**

Section 229.565(1), F.S., directs the State Board Of Education (SBOE) to approve student performance standards which the Commissioner of Education designates as necessary for maintaining a good educational system. The term "performance standard" is defined to mean "a statement describing a skill or competency students are expected to learn." The standards must apply to reading, writing, mathematics, science, history, government, geography, economics, and computer literacy. The commissioner must obtain advice and opinions from citizens, educators, and members of the business community in developing the standards. The performance standards must address the skills and competencies that a student must learn in order to graduate from high school.

**STUDENT ASSESSMENT PROGRAM**

Section 229.57, F.S., provides for the establishment of a statewide assessment program to provide information needed for the improvement of the public schools. The program must be designed to:

1. Identify the educational strengths and needs of students.

2. Assess how well the educational goals and performance standards are met at the school, district, and state levels.
3. Provide information to aid in the evaluation and development of educational programs and policies.

The Commissioner of Education is directed to design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, does not conflict with ongoing district assessment programs and uses information obtained from district programs. Pursuant to the statewide assessment program, the Commissioner of Education must:

1. Submit to the SBOE a list of student skills and competencies to which the goals for education specified in the state plan apply. These skills and competencies must include those which comprise minimum standards of student performance.
2. Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools.

The Commissioner must also develop and implement a student achievement testing program of grades 4, 7, and 10 in reading, writing, and mathematics to be administered each spring. Specifications regarding the design of the testing program are set forth in statute. For tests for grades 4 and 7, a score must be designated for each subject area tested, below which score a student's performance is deemed inadequate. School districts must provide appropriate remedial instruction to students who score below these levels.

All 11th grade students must take high school competency tests developed by the SBOE to test minimum performance skills and competencies in reading, writing, and mathematics. The SBOE designates the passing scores for each part of the high school competency test. A student must earn a passing score on each part taken to qualify for a regular high school diploma. School districts must provide appropriate remedial instruction to students who do not pass part of the competency test.

In addition to the statewide assessment program, s. 229.57, F.S., provides for periodic assessment by each district of student performance and achievement within each school of the district. Such assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the SBOE. In grades 4 and 7, each district must administer a nationally normed achievement test selected from a list approved by the State Board. The data resulting from these tests must be provided to the Commissioner of Education.

Each public school administering an achievement test at grades 4, 7, and 10 as well as the high school competency test must prepare an analysis of the resultant data after each administration. The analysis must identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning process and the development of the programs of remediation.

### **PUPIL PROGRESSION**

Section 232.245, F.S., requires each school district to establish a comprehensive program for pupil progression (program). The program must be based upon an evaluation of each pupil's performance, including how well the student masters performance standards approved by the SBOE. In addition, the program must be based upon local goals and objectives which are compatible with the state's plan for education. The district school board must prescribe in its rules the pertinent factors to be considered by a teacher before recommending that a pupil progress from one grade to another. The program must reflect an effort to identify students at each grade level in grades 9 through 12 who have attained a cumulative grade point average of 1.5 or below.

The program must include provisions for assisting such students to achieve the 1.5 cumulative grade point average required for graduation pursuant to s. 232.246, F.S.

Section 232.2454, F.S., directs the SBOE to adopt rules to authorize school districts to obtain or develop and implement assessments of student achievement in each major subject area or major area of study approved by the SBOE. Results of such assessments must be reported annually to the SBOE. Each district board is required to adopt performance standards for each academic program in grades 9 through 12 for which credit toward high school graduation is awarded. District boards must also establish policies as to student mastery of performance standards before credit for a program may be awarded. During each compliance and program performance audit of a district, the Department of Education (D.O.E.) must review and make recommendations for improvement of the student performance standards and policies adopted by the district. The department must provide technical assistance as needed to the districts to facilitate compliance with the provisions of s. 232.2454, F.S. Districts must incorporate student performance standards in the pupil progression plan for students in grades 9 through 12 to be eligible to receive funding through the Florida Education Finance Program.

### **HIGH SCHOOL GRADUATION REQUIREMENTS**

Section 232.246, F.S., sets forth the general requirements for high school graduation including the minimum grade point average in courses required for graduation.

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

This bill revises provisions relating to district comprehensive programs for pupil progression; requires that additional assessment and remedial instruction be provided for students who do not meet district or state expectations of proficiency; and provides for retention in the event documented deficiencies fail to be corrected.

Legislative intent regarding pupil progression is added to provide that each student's progression from one grade to another be determined, in part, upon proficiency in reading writing, and mathematics; that school district policies facilitate such proficiency; and that each student and his or her parent or guardian be informed of the student's academic progress.

Provisions relating to district programs for pupil progression are amended to require that each program include:

1. Standards for evaluating each pupil's performance, including how well the student masters performance standards approved by the SBOE pursuant to s. 229.565, F.S.
2. Specific levels of performance below which a student must receive remediation and may be retained.
3. Local goals and objectives that are compatible with the state's education goals according to s. 229.591, F.S., and student performance standards for grades prekindergarten through 12.
4. Pertinent factors to be considered by a teacher before recommending promotion of a pupil.
5. Procedures to identify students in grades 9 through 12 who have attained a cumulative grade point average of 2.0 or below and provisions for assisting such students to achieve the cumulative grade point average required by law for graduation.

Each student would be required to participate in the statewide assessment tests required by s. 229.57, F.S. Any student not meeting the district performance levels in reading, writing, and

mathematics or state performance levels on the statewide assessments must be provided with additional assessments to determine the nature of the student's difficulty and areas of academic need. The student's school, in conjunction with the student's parent or guardian, would be required to develop and implement a plan designed to assist the student in meeting the expected performance levels. The plan must include the provision of remedial instruction through one or more of the following activities:

1. Summer school coursework;
2. Extended day services;
3. Parent tutorial programs;
4. Contracted academic services;
5. Exceptional education services; or,
6. Suspension of curriculum other than reading, writing, and mathematics.

Upon subsequent evaluation, if the deficiency has not been corrected in conjunction with plan, the student may be retained.

A student who does not meet the minimum performance standards for the statewide assessment tests in reading, writing, and mathematics would be required to retake the state assessment test in the area of deficiency and continue remedial instruction until the standards are met or the student graduates from high school or is no longer subject to compulsory school attendance.

The bill also addresses reading skills deficiencies in the lower grades. A student who exhibits substantial deficiency in reading skills, based on locally determined assessments conducted before the end of grade 1, grade 2, and grade 3, or based on teacher recommendation must be provided intensive reading instruction following the identification of the reading deficiency. The student's reading proficiency must be reassessed at the beginning of the grade following the intensive reading instruction. The student must continue to receive intensive reading instruction until the deficiency is remedied. If the student's reading deficiency, as determined by local assessment, is not remedied by the end of grade 2 or grade 3, or if the student scores below a specific performance level as determined by the Commissioner of Education on the statewide assessment test in reading and writing given in elementary school, the student must be retained. The Commissioner of Education could exempt a student from mandatory retention for good cause.

Each district would be required to report annually to each student's parent or guardian the progress of the student towards achieving state and district expectations for proficiency in reading and writing and the student's results on each statewide assessment test.

School districts would be required rather than authorized to obtain or develop and implement assessments of student achievement as necessary to accurately measure student progress and to report the progress to parents or guardians.

The requirement that the D.O. E. review and make recommendations for improvement of the student performance standards and policies adopted by the district relating to passage for credit and the provision conditioning receipt of funding through the FEFP upon incorporation of student performance standards in the pupil progression plan for students in grades 9 through 12 would be repealed. The requirement that D.O.E. provide technical assistance as needed would be transferred from s. 232.2454, F.S., to 232.245, F.S.

**C. APPLICATION OF PRINCIPLES:**

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

- (1) any authority to make rules or adjudicate disputes?

*The Commissioner of Education is directed to adopt rules necessary for the administration of the provisions relating to s. 232.245, F.S.*

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

*School districts would be required to provide additional assessment and remedial instruction for students who fail to meet expected performance levels until deficiencies are remedied, the student graduates, or the student is no longer subject to compulsory attendance.*

- (3) any entitlement to a government service or benefit?

*The bill provides for additional assessment and remedial assistance for students who do not meet the expected levels of performance.*

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A.

- (2) what is the cost of such responsibility at the new level/agency?

N/A.

- (3) how is the new agency accountable to the people governed?

N/A.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

*No.*

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

*No.*

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

*No.*

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

*No.*

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

*No.*

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

*Standards for evaluating pupil performance are developed at both the local and state level.*

- (2) Who makes the decisions?

*Local school board; Commissioner of Education; and the State Board of Education.*

- (3) Are private alternatives permitted?

*No.*

- (4) Are families required to participate in a program?

*Yes.*

- (5) Are families penalized for not participating in a program?

*The bill does not address failure of a student to participate in the required assessment or remediation.*

- b. Does the bill directly affect the legal rights and obligations between family members?

*No.*

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

*The academic improvement plan designed to assist the student in meeting state and district expectations for proficiency must be developed in consultation with the student's parent or guardian.*

- (2) service providers?

*N/A.*

- (3) government employees/agencies?

*The student must be provided remedial instruction until the deficiency is remedied, or the student graduates from high school, or is not subject to compulsory school attendance.*

**D. SECTION-BY-SECTION RESEARCH:**

This section need be completed only in the discretion of the Committee.

**III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

1. Non-recurring Effects:

See FISCAL COMMENTS.

2. Recurring Effects:

See FISCAL COMMENTS.

3. Long Run Effects Other Than Normal Growth:

See FISCAL COMMENTS.

4. Total Revenues and Expenditures:

See FISCAL COMMENTS.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. Non-recurring Effects:

See FISCAL COMMENTS.

2. Recurring Effects:

See FISCAL COMMENTS.

3. Long Run Effects Other Than Normal Growth:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

The fiscal impact of HB 1931 is indeterminate.

There are two potential sources of fiscal impact -- the required additional assessment and remediation services for students who do not achieve the prescribed levels of performance and the required retention of students who fail to meet the reading standards set forth in the bill. It is not possible at this time to predict the performance levels that will be required and accordingly the number of students within each district that would require remediation and additional assessment. Nor is it possible at this time to predict the number of students who could be retained under the provisions of the bill.

To the extent that districts can provide the additional assessment and required remediation through existing resources or by redirecting existing resources, the fiscal impact may be minimal. The impact of redirecting resources on other services provided by a district is unknown.

The fiscal impact of retaining a child in the early grades is also unknown. To the extent that retention in the early grades offsets retention in later years, the fiscal impact may be minimal. The April 14, 1997 bill analysis for CS/SB 1956 provides the following assessment of "Government Sector Impact":

The possibility that retention in earlier grades offsets retention in later grades is, however, called into question by research which suggests that students who are retained do not "catch up". For example, research suggests that a second grade student retained in that grade will perform on grade level after repeating that grade but will lag in performance a year later at the end of the third grade.

Even if early retention does offset later retention, it is doubtful the correspondence is one-to-one. For example, currently less than 1% of grade 4 students are retained. According to the National Assessment of Educational Progress, fully one half of the state's fourth grade students read at a level referred to as "below basic." Even if half of those students were to meet prescribed levels of performance after receiving remedial services, the

retention rate would still rise from 1% to 25%. Even if half of that increase were offset by a reduction in retention in later grades, the net increase would still be from 1% to 12.5%, which would have a fiscal impact of \$72 million.

Also, because being over age for grade is one of the principle factors guiding placement of students into dropout prevention programs, it is possible that mandatory retention will produce a significant increase in the cost of funding dropout prevention programs. Similarly, to the extent that districts promote summer school attendance in order to help students achieve prescribed levels of performance and avoid retention, the bill's fiscal impact will also rise substantially.

**IV. 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:**

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

**V. COMMENTS:**

None.

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

On April 23, 1997, HB 1931 unanimously passed the Committee on Education K-12 with one amendment. The amendment removes the language requiring retention of a student who scores below the specific level of performance on the statewide assessment test and language permitting the Commissioner of Education to exempt a student from mandatory retention for good cause. The amendment requires the state board to adopt guidelines by which a student may be exempt from mandatory retention for good cause.

**VII. SIGNATURES:**

COMMITTEE ON Education/K-12:

Prepared by:

Legislative Research Director:

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Betty H. Tilton, Ph.D.

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Lynn Cobb