

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/SB 2488 and SB 2314

SPONSOR: Education Committee and Senators Sullivan and Cowin

SUBJECT: Public School Student Progression

DATE: March 12, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gordon	O'Farrell	ED	Favorable/CS
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill revises the requirements for student progression, remediation and retention contained in s. 232.245, F.S. This bill does the following: requires that schools explicitly designate in their pupil progression plans an alternative placement for students who have been retained for two years; requires that districts prioritize their funding to benefit students with reading deficiencies; requires that a student's academic improvement plan (AIP) include specific details about the deficiency and the school's plan to redress it; requires that the deficiency be remedied by grade three or the student will be retained, except for good cause; outlines reasons for good cause; requires reporting to the public on the pupil progression plan and progress in meeting those goals; requires reporting to parents; and authorizes the State Board of Education to take certain steps to enforce these provisions.

The substantially amends the following section of the Florida Statutes: 232.245.

II. Present Situation:

Statutory Provision

Section 232.245, F.S., outlines the legislative requirements for pupil progression. Generally, that statute does the following:

- Requires school districts to devise a pupil progression plan that prescribes rules governing academic performance, remediation and retention.
- Requires that if a child is diagnosed with an academic deficiency that he or she be given intensive remediation and, if the next assessment shows that the deficiency has not been corrected, the child may be retained.

- Requires that if a child does not pass the statewide assessments in reading at the end of grade 4 that he or she be retained except for good cause. If the student is remediated, he or she must receive intensive remediation.

Good cause for an exemption from retention is not defined in the statute. However, according to a survey conducted by the Florida Association of District School Superintendents, schools have used these exemptions, amongst others, for good cause: previous retention, the student has been in English for Second Language learner classes for less than two years, the student has been enrolled in an alternative academic program; the student's national test scores meet or exceed the national average; the student's academic record contradicts the FCAT scores; or the student suffered a catastrophic physical or emotional event soon before taking the test.¹

The statute also requires that if the student is retained, he or she must be placed in an academic program that differs from the one in which he or she participated in the previous year. Moreover, each district must report the student's progress to the parent or legal guardian.

The Florida Comprehensive Assessment Test (FCAT)

School administrators rely on student scores on the statewide assessment, the Florida Comprehensive Assessment Test (FCAT), in deciding whether to promote and remediate or to simply retain. That test is administered in grades 3 through 10 as follows: math and reading tests for grades 3 to 10 and a writing test for grades 4, 8 and 10. The FCAT is scored on a scale of 100 to 500. The scores are linked to one of five achievement levels as established by State Board of Education rule, with level one being the lowest and level five the highest. *See*, Rule 6A-1.09422, F.A.C.

In 1999, the Department of Education sent a memo to all school district superintendents detailing the criteria for retention and remediation. *See*, DPS Memo 00-15. Importantly, that memo provided the following guidelines related to remediation and retention based on reading scores:

- Students who score at Level 1 on the FCAT in reading at grades 4, 8, and 10 must be remediated or retained, as determined by the district pupil progression plan. Retention decisions must be based on more than a single test score.
- Students who have a national percentile rank score below the 25th percentile on the FCAT in reading comprehension must be remediated or retained, as determined by the district pupil progression plan. Retention decisions must be based on more than a single test score.
- Students who have been identified as having reading deficiencies in grades 1, 2, or 3 and who have received remediation but score at Level 1 on the grade 4 FCAT test and who have a national percentile rank score below the 25th percentile on the FCAT in reading comprehension must be retained, unless the school board exempts the student for good cause.

¹ General Counsel for the Florida Association of District School Superintendent, Joy Frank, and her staff conducted this survey and compiled its results.

Despite these policies, the Orlando Sentinel has reported that although thirty percent of the state's fourth graders failed the FCAT test, only 2.7 percent were held back. Orlando Sentinel, *Florida Targets Social Passing*, February 8, 2002.

Research on Retention and Social Promotion

Educational research on the potential effects of retention on children is in conflict. The following three studies are consistently referenced in articles on this topic:

- In 1994, a University of Houston sociologist, Alan Dworkin, began to study third graders retained in Texas. He found that their scores on statewide assessments improved by an average of twenty points while the students who went on to fourth grade made no appreciable gains. Retained students also outperformed the socially promoted students over the next four years. Importantly, the researchers attributed those gains to the special remedial services given to students in the repeat year of schooling.²
- A Baltimore study by Johns Hopkins University researchers found short term gains by students who were retained, but severe problems in the long term. That study tracked 800 students who began first grade in 1982 and found that, compared to the academic progress students made before being held back, retained children made up some ground relative to struggling children who were allowed to pass. Interestingly, those same children who were retained were tracked into their early twenties and exhibited a sixty-five percent drop-out rate, compared to eighteen percent of the non-repeaters.³
- A Chicago study by the Consortium on Chicago School Research looked at retention after 1996 when that city's public schools began to require third, sixth and eighth grade students to achieve a minimum score on a basic skills test in order to be promoted. Early reports demonstrated increased test scores, but those same students were doing no better two years after the retention year than similar students who had been promoted. At least half of the retained students were required to go to summer school soon after the retention year.⁴

In a paper prepared for the South Carolina Department of Education, the Southern Regional Education Board examined research on retention and found:⁵

- African-American and Latino students are disproportionately retained in comparison to their white counterparts; and that male and poor students are also retained more frequently.⁶

² Viadero, Debra. Education Week, *Ending Social Promotion*, Volume 19, Number 27, page 40-42 (2000).

³ Alexander, K. L., Entwisle, D. R., & Kabbani, N. 1999. *Grade Retention, Social Promotion, and "Third Way" Alternatives*. Paper presented at conference at Temple University on Early Child Learning: Programs for a New Age.

⁴ Viadero, Debra. *Study Looks at Retention Policy in Chicago*, Education Week. Vol.19, No. 17 (p. 5).

⁵ Denton, David R. *Retention and Promotion in South Carolina*. White paper prepared for the South Carolina Department of Education by the Southern Regional Education Board. August 2000.

- Retention in the early grades correlates with high drop-out rates later on.
- Alternatives to retention such as the following should be considered: one-to-one tutoring and small group instruction; flexible scheduling; after-school and weekend programs; continuous assessment; summer school; and increased parental and community involvement.

Importantly, this report found that simply repeating the same classroom instruction does not improve academic performance or self-concept. Special attention given to students during their first time in a grade or after retention significantly improves academic achievement.

This bill closely resembles HB 1259 which also revises the pupil progression statute, s. 232.245, F.S.

III. Effect of Proposed Changes:

Pupil Progression Plans

This bill changes s.232.245(2), F.S., by requiring that a pupil progression plan include an appropriate alternative placement for a student who has been retained for two years. Although this issue is mentioned in the current statute, it is not set apart as a requirement.

Funding Allocation

The bill also requires that district school boards prioritize the allocation of resources for pupil progression. In doing so, districts must first fund programs for students deficient in reading by the end of grade 3. The allocation section also states that standards for student performance should be set in the district school board's plan for student progression rather than through rules created by the State Board of Education.

Pupil Progression and Remediation

The bill redesignates s.232.245(3), F.S., as an "Assessment and Remediation" subsection. This provision requires, beginning with the 2002-2003 school year, that the academic improvement plan (AIP) of a student with a learning deficiency specify: (1) the student's phonemic awareness, phonics, fluency, comprehension and vocabulary; (2) the desired levels of performance in those areas; and (3) the instructional and support services needed. School monitoring must take place and district school boards must assist schools and teachers in implementing research-based reading activities.

This bill would delete s. 232.245(4), F.S., entirely and insert a new subsection entitled "Reading Deficiency and Parental Notification." This new provision provides that if reading deficiencies are detected by local assessments at grades K, 1, 2, or 3, the student must be given intensive reading instruction. If the deficiency is not remedied by grade 3 as demonstrated by a grade of level 2 or lower on the FCAT, the student must be retained. It also requires that the parent of a

⁶ This difference may be as heavily influenced by race and class politics as by the academic performance of the students who are retained. Ernest R. House 1999. *Race and Policy*. Education Policy Analysis Archives, Volume 7, No. 16

child found to have a substantial deficiency in reading be notified about current services being provided to the child, a description of supplemental services that will be provided to the child and whether the child may be retained at the end of grade 3.

Good-Cause Exemptions

A new subsection entitled, "Elimination of Social Promotion," would also be inserted. That section plainly states that no student shall be assigned to a grade level based solely on age or other factors that constitute social promotion. This bill outlines the following good cause exemptions:

- Students who are limited English proficient (LEP) and who have less than 2 years of instruction in a program for speakers of other languages;
- students with disabilities whose individualized education plan (IEP) indicates that participation in the FCAT is not appropriate;
- students who demonstrate acceptable levels of performance on alternative assessments;
- students who demonstrate through a portfolio the mastery of Sunshine State Standards equivalent to at least level 2 performance on the FCAT;
- students with disabilities who participate in the FCAT and have an IEP or Section 504⁷ plan reflecting that that student has received intensive remediation in reading; and
- students who have been retained twice may be promoted and given intensive reading instruction.

This proposed legislation would also require that requests for good-cause exemptions be handled according to this procedure: (1) a teacher must submit documents to the principal indicating that promotion is appropriate based on the student's academic record; (2) the school principal must review and discuss this recommendation with the teacher; (3) the school principal will then make a recommendation to the district superintendent who must accept or reject the principal's request in writing.

Reporting Requirements and State Board of Education Authority

Currently, under s. 232.245(5), F.S., school boards are required to report the student's progress to the parent. The bill goes further by requiring that, beginning in 2001-2002, school boards annually publish the following information in the local newspaper:

- the district school board's policies on retention and promotion;
- the number and percent of students in grades 3 through 10 performing at level 1 and 2 on the reading section of the FCAT;
- the number and percent of all students retained in grades 3 through 10 (by grade);
- information on the total number of students promoted for good cause by grade; and
- any revisions to the school board's policy in this regard.

⁷ Refers to Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination against persons with disabilities. Section 504 specifically covers any person who (a) has a physical or mental impairment which substantially limits one or more major life activities, (b) has a record of such an impairment; or (c) is regarded as having such an impairment.

The bill would add a final provision to the existing statute that delineates the authority and responsibilities of the state board regarding pupil progression. Under the provisions of this bill, the state board may request reports on compliance with this legislation, the Commissioner of Education may investigate allegations of noncompliance; and the state board may order a district board to comply within a certain period of time. If there is continued noncompliance the state board may:

- report this noncompliance to the Legislature and recommend legislative action;
- reduce the lottery appropriation until the district complies;
- withhold the transfer of state funds; discretionary grant funds; or other funds until the district complies;
- declare the district ineligible for competitive grants; and
- require monthly or periodic reporting on the situation related to the noncompliance;

This bill also changes *pupil* to *student* and alters the phrase *parent or legal guardian* to *parent* throughout its text. The term *remediated* is also changed to *corrected*.

The changes contained in this bill will alter the pupil progression practices currently existent in Florida's public schools. By codifying the scores needed to pass the FCAT, the reasons that can be used to promote for good cause, and the guidelines for remediation, this legislation will likely result in stricter compliance with the legislative intent for pupil progression. Delineating the State Board of Education's authority and responsibilities in regard to this legislation, may also result in increased focus on best pedagogical practices. If students, whether retained or not, actually receive the type of remediation contemplated by this bill, it is also likely that increased learning gains in reading and other subjects will result.

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:

If enacted, this proposed legislation may result in increased costs to accommodate retained students or to remediate other students. However, that cost can not be determined until the number of students affected is known.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.