

CHAMBER ACTION

1 The Committee on Appropriations recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to reading deficiencies; amending s.
7 1002.20, F.S.; providing certain rights to parents of
8 students with reading deficiencies; requiring that parents
9 receive understandable information and are consulted
10 regarding a child's academic progress; amending s.
11 1008.25, F.S.; removing an obsolete date; providing
12 notification of additional information to parents of
13 students who exhibit a substantial reading deficiency;
14 revising certain good cause exemptions from mandatory
15 retention; requiring school districts to provide certain
16 reading interventions to students who have been retained;
17 providing school district requirements relating to
18 remediation of student reading deficiencies, parental
19 notification, implementation of a mid-year promotion
20 policy, provision of instructional options for students,
21 establishment of a Reading Enhancement and Acceleration
22 Development (READ) Initiative and an Intensive

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23 Acceleration Class, and reporting; providing an effective
24 date.

25

26 Be It Enacted by the Legislature of the State of Florida:

27

28 Section 1. Subsections (11) through (22) of section
29 1002.20, Florida Statutes, are renumbered as subsections (12)
30 through (23), respectively, and a new subsection (11) is added
31 to said section to read:

32 1002.20 K-12 student and parent rights.--Parents of public
33 school students must receive accurate and timely information
34 regarding their child's academic progress and must be informed
35 of ways they can help their child to succeed in school. K-12
36 students and their parents are afforded numerous statutory
37 rights including, but not limited to, the following:

38 (11) STUDENTS WITH READING DEFICIENCIES.--Each elementary
39 school shall regularly assess the reading ability of each K-3
40 student. The parent of any K-3 student who exhibits a reading
41 deficiency shall be immediately notified of the student's
42 deficiency with a description and explanation, in terms
43 understandable to the parent, of the exact nature of the
44 student's difficulty in learning and lack of achievement in
45 reading; shall be consulted in the development of a detailed
46 academic improvement plan, as described in s. 1008.25(4)(b); and
47 shall be informed that the student will be given intensive
48 reading instruction until the deficiency is corrected. This
49 subsection operates in addition to the remediation and
50 notification provisions contained in s. 1008.25 and in no way

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51 reduces the rights of a parent or the responsibilities of a
52 school district under that section.

53 Section 2. Subsection (5) and paragraph (b) of subsection
54 (6) of section 1008.25, Florida Statutes, are amended,
55 subsections (7), (8), and (9) are renumbered as subsections (8),
56 (9), and (10), respectively, and a new subsection (7) is added
57 to said section, to read:

58 1008.25 Public school student progression; remedial
59 instruction; reporting requirements.--

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

61 (a) It is the ultimate goal of the Legislature that every
62 student read at or above grade level. Any student who exhibits a
63 substantial deficiency in reading, based upon locally determined
64 or statewide assessments conducted in kindergarten or grade 1,
65 grade 2, or grade 3, or through teacher observations, must be
66 given intensive reading instruction immediately following the
67 identification of the reading deficiency. The student's reading
68 proficiency must be reassessed by locally determined assessments
69 or through teacher observations at the beginning of the grade
70 following the intensive reading instruction. The student must
71 continue to be provided with intensive reading instruction until
72 the reading deficiency is remedied.

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

78 | (c) ~~Beginning with the 2002-2003 school year,~~ The parent
79 | of any student who exhibits a substantial deficiency in reading,
80 | as described in paragraph (a), must be notified in writing of
81 | the following:

82 | 1. That his or her child has been identified as having a
83 | substantial deficiency in reading.

84 | 2. A description of the current services that are provided
85 | to the child.

86 | 3. A description of the proposed supplemental
87 | instructional services and supports that will be provided to the
88 | child that are designed to remediate the identified area of
89 | reading deficiency.

90 | 4. That if the child's reading deficiency is not
91 | remediated by the end of grade 3, the child must be retained
92 | unless he or she is exempt from mandatory retention for good
93 | cause.

94 | 5. Strategies for parents to use in helping their child
95 | succeed in reading proficiency.

96 | 6. That the Florida Comprehensive Assessment Test (FCAT)
97 | is not the sole determiner of promotion and that additional
98 | evaluations, portfolio reviews, and assessments are available to
99 | the child to assist parents and the school district in knowing
100 | when a child is reading at or above grade level and ready for
101 | grade promotion.

102 | 7. The district's specific criteria and policies for mid-
103 | year promotion. Mid-year promotion means promotion of a retained
104 | student at any time during the year of retention once the
105 | student has demonstrated ability to read at grade level.

106 (6) ELIMINATION OF SOCIAL PROMOTION.--

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

111 1. Limited English proficient students who have had less
112 than 2 years of instruction in an English for Speakers of Other
113 Languages program.

114 2. Students with disabilities whose individual education
115 plan indicates that participation in the statewide assessment
116 program is not appropriate, consistent with the requirements of
117 State Board of Education rule.

118 3. Students who demonstrate an acceptable level of
119 performance on an alternative standardized reading assessment
120 approved by the State Board of Education.

121 4. Students who demonstrate, through a student portfolio,
122 that the student is reading on grade level as evidenced by
123 demonstration of mastery of the Sunshine State Standards in
124 reading equal to at least a Level 2 performance on the FCAT.

125 5. Students with disabilities who participate in the FCAT
126 and who have an individual education plan or a Section 504 plan
127 that reflects that the student has received the intensive
128 remediation in reading, as required by paragraph (4)(b), for
129 more than 2 years but still demonstrates a deficiency in reading
130 and was previously retained in kindergarten, grade 1, ~~or~~ grade
131 2, or grade 3.

132 6. Students who have received the intensive remediation in
133 reading as required by paragraph (4)(b) for 2 or more years but

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134 still demonstrate a deficiency in reading and who were
135 previously retained in kindergarten, grade 1, ~~or~~ grade 2, or
136 grade 3 for a total of 2 years. Intensive reading instruction
137 for students so promoted must include an altered instructional
138 day based upon an academic improvement plan that includes
139 specialized diagnostic information and specific reading
140 strategies for each student. The district school board shall
141 assist schools and teachers to implement reading strategies that
142 research has shown to be successful in improving reading among
143 low performing readers.

144 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

145 (a) Students retained under the provisions of paragraph
146 (5)(b) must be provided intensive interventions in reading to
147 ameliorate the student's specific reading deficiency, as
148 identified by a valid and reliable diagnostic assessment. This
149 intensive intervention must include effective instructional
150 strategies, participation in the school district's summer
151 reading camp, and appropriate teaching methodologies necessary
152 to assist those students in becoming successful readers, able to
153 read at or above grade level, and ready for promotion to the
154 next grade.

155 (b) Beginning with the 2004-2005 school year, each school
156 district shall:

157 1. Conduct a review of student academic improvement plans
158 for all students who did not score above Level 1 on the reading
159 portion of the FCAT and did not meet the criteria for one of the
160 good cause exemptions in paragraph (6)(b). The review shall
161 address additional supports and services, as described in this

162 subsection, needed to remediate the identified areas of reading
 163 deficiency. The school district shall require a student
 164 portfolio to be completed for each such student.

165 2. Provide students who are retained under the provisions
 166 of paragraph (5)(b) with intensive instructional services and
 167 supports to remediate the identified areas of reading
 168 deficiency, including a minimum of 90 minutes of daily,
 169 uninterrupted, scientifically research-based reading instruction
 170 and other strategies prescribed by the school district, which
 171 may include, but are not limited to:

- 172 a. Small group instruction.
- 173 b. Reduced teacher-student ratios.
- 174 c. More frequent progress monitoring.
- 175 d. Tutoring or mentoring.
- 176 e. Transition classes containing 3rd and 4th grade
 177 students.
- 178 f. Extended school day, week, or year.
- 179 g. Summer reading camps.

180 3. Provide written notification to the parent of any
 181 student who is retained under the provisions of paragraph (5)(b)
 182 that his or her child has not met the proficiency level required
 183 for promotion and the reasons the child is not eligible for a
 184 good cause exemption as provided in paragraph (6)(b). The
 185 notification must comply with the provisions of s. 1002.20(14)
 186 and must include a description of proposed interventions and
 187 supports that will be provided to the child to remediate the
 188 identified areas of reading deficiency.

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189 4. Implement a policy for the mid-year promotion of any
190 student retained under the provisions of paragraph (5)(b) who
191 can demonstrate that he or she is a successful and independent
192 reader, reading at or above grade level, and ready to be
193 promoted to grade 4. Tools that school districts may use in
194 reevaluating any student retained may include subsequent
195 assessments, alternative assessments, and portfolio reviews, in
196 accordance with rules of the State Board of Education. Students
197 promoted during the school year after November 1 must
198 demonstrate proficiency above that required to score at Level 2
199 on the grade 3 FCAT, as determined by the State Board of
200 Education. The State Board of Education shall adopt standards
201 that provide a reasonable expectation that the student's
202 progress is sufficient to master appropriate 4th grade level
203 reading skills.

204 5. Provide students who are retained under the provisions
205 of paragraph (5)(b) with a high-performing teacher as determined
206 by student performance data and above-satisfactory performance
207 appraisals.

208 6. In addition to required reading enhancement and
209 acceleration strategies, provide parents of students to be
210 retained with at least one of the following instructional
211 options:

212 a. Supplemental tutoring in scientifically research-based
213 reading services in addition to the regular reading block,
214 including tutoring before and/or after school.

215 b. A "Read at Home" plan outlined in a parental contract,
 216 including participation in "Families Building Better Readers
 217 Workshops" and regular parent-guided home reading.

218 c. A mentor or tutor with specialized reading training.

219 7. Establish a Reading Enhancement and Acceleration
 220 Development (READ) Initiative. The focus of the READ Initiative
 221 shall be to prevent the retention of grade 3 students and to
 222 offer intensive accelerated reading instruction to grade 3
 223 students who failed to meet standards for promotion to grade 4
 224 and to each K-3 student who is assessed as exhibiting a reading
 225 deficiency. The READ Initiative shall:

226 a. Be provided to all K-3 students at risk of retention as
 227 identified by the statewide assessment system used in Reading
 228 First schools. The assessment must measure phonemic awareness,
 229 phonics, fluency, vocabulary, and comprehension.

230 b. Be provided during regular school hours in addition to
 231 the regular reading instruction.

232 c. Provide a state-identified reading curriculum that has
 233 been reviewed by the Florida Center for Reading Research at
 234 Florida State University and meets, at a minimum, the following
 235 specifications:

236 (I) Assists students assessed as exhibiting a reading
 237 deficiency in developing the ability to read at grade level.

238 (II) Provides skill development in phonemic awareness,
 239 phonics, fluency, vocabulary, and comprehension.

240 (III) Provides scientifically based and reliable
 241 assessment.

242 (IV) Provides initial and ongoing analysis of each
 243 student's reading progress.

244 (V) Is implemented during regular school hours.

245 (VI) Provides a curriculum in core academic subjects to
 246 assist the student in maintaining or meeting proficiency levels
 247 for the appropriate grade in all academic subjects.

248 8. Establish at each school, where applicable, an
 249 Intensive Acceleration Class for retained grade 3 students who
 250 subsequently score at Level 1 on the reading portion of the
 251 FCAT. The focus of the Intensive Acceleration Class shall be to
 252 increase a child's reading level at least two grade levels in
 253 one school year. The Intensive Acceleration Class shall:

254 a. Be provided to any student in grade 3 who scores at
 255 Level 1 on the reading portion of the FCAT and who was retained
 256 in grade 3 the prior year because of scoring at Level 1 on the
 257 reading portion of the FCAT.

258 b. Have a reduced teacher-student ratio.

259 c. Provide uninterrupted reading instruction for the
 260 majority of student contact time each day and incorporate
 261 opportunities to master the grade 4 Sunshine State Standards in
 262 other core subject areas.

263 d. Use a reading program that is scientifically research-
 264 based and has proven results in accelerating student reading
 265 achievement within the same school year.

266 e. Provide intensive language and vocabulary instruction
 267 using a scientifically research-based program, including use of
 268 a speech language therapist.

269 f. Include weekly progress monitoring measures to ensure
 270 progress is being made.

271 g. Report to the Department of Education, in the manner
 272 described by the department, the progress of students in the
 273 class at the end of the first semester.

274 9. Report to the State Board of Education, as requested,
 275 on the specific intensive reading interventions and supports
 276 implemented at the school district level. The Commissioner of
 277 Education shall annually prescribe the required components of
 278 requested reports.

279 10. Provide a student who has been retained in grade 3 and
 280 has received intensive instructional services but is still not
 281 ready for grade promotion, as determined by the school district,
 282 the option of being placed in a transitional instructional
 283 setting. Such setting shall specifically be designed to produce
 284 learning gains sufficient to meet grade 4 performance standards
 285 while continuing to remediate the areas of reading deficiency.

286 Section 3. This act shall take effect July 1, 2004.