

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 2310

SPONSOR: Education Committee and Senator Atwater

SUBJECT: Reading Deficiencies

DATE: April 20, 2004 REVISED: _____

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

I. Summary:

CS/SB 2310 requires all elementary schools to regularly assess the reading ability of each K-3 student. The bill also provides several new parental notification requirements and establishes systems to enhance K-3 student progression. It requires the implementation – primarily by school districts – of a number of new programs to help remedy reading deficiencies in students who have been retained or are in danger of being retained due to mandatory retention provisions of state law. Required new initiatives for retained students or students in danger of retention include:

- mandatory review of existing academic improvement plans;
- mandatory preparation of academic portfolios for certain students;
- intensive reading instruction, for 90 minutes daily;
- written notification to parents when a student will not be promoted, including information as to why statutory good cause exemptions did not apply to the student;
- implementation of a policy for mid-year promotion of retained students;
- provision of high-performing teachers for retained students;
- involvement of parents in choosing additional remedial options for their children;
- establishment of a Reading Enhancement and Acceleration Development (READ) Initiative, the focus of which is to prevent the retention of 3rd grade students and to offer intensive reading instruction to K-3 students who exhibit a reading deficiency; and
- implementation of transitional instructional settings for certain retained 3rd grade students.

This bill substantially amends sections 1002.20 and 1008.25 of the Florida Statutes.

The bill will take effect July 1, 2004.

II. Present Situation:

Current State Law

Section 1008.25, F.S.: Student progression; Academic improvement plans

Section 1008.25, F.S., requires district school boards to establish comprehensive programs for student progress that must include, in relevant part, specific levels of performance in reading for each grade level, including performance levels on statewide assessments. Students are required to participate in the statewide assessment tests required by s. 1008.22, F.S. (the Florida Comprehensive Assessment Test). Students who perform below required performance levels must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need.

For students who do not meet designated proficiency levels, the school must consult with the student's parent and implement an academic improvement plan (AIP) for the student that is designed to help the student meet state and district proficiency expectations. Additionally, if a student has a deficiency specifically in reading, the AIP must identify:

- the student's specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary;
- desired levels of performance in these areas; and
- instructional and support services that will be provided to meet the desired levels of performance.

Schools are also required to frequently monitor each student's progress in meeting the desired levels of performance.

Districts are required to assist schools in implementing research-based reading activities that have been shown to be successful in teaching reading.

In addition to these requirements, under s. 1008.25(7), each school board is required to annually report to parents the student's progress toward achieving state and district expectations for proficiency in reading. The parent must also receive the student's results on each statewide assessment test. Under s. 1008.25(4)(b), the student may receive remediation or be retained in an intensive program that is different from the previous year's program and that takes into consideration the student's learning style.

Section 1008.25(5), F.S.: Reading deficiency in grades K-3

Under s. 1008.25(5), any student who exhibits a substantial deficiency in reading, based on (1) a locally determined or statewide assessment conducted in any of grades K-3 or (2) teacher observation, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessments or through teacher observation at the beginning of the grade following the intensive reading instruction. The student must continue to receive remediation until the reading deficiency is remedied.

If a student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring above Level 1 on the 3rd grade FCAT reading test, the student must be retained.

The parent of any student who shows a substantial deficiency in reading must be provided with:

- written notification that the student has been identified as having a substantial deficiency in reading;
- a description of the current services provided to the child;
- a description of the proposed supplemental instructional services and support that will be provided to the child to remediate the reading deficiency;
- a description of the mandatory retention policy for 3rd grade students; and
- strategies to use in helping the child succeed in reading proficiency.

Section 1002.20, F.S.: K-12 student and parent rights

Section 1002.20, F.S., currently provides that parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways to help their child to succeed in school. The section delineates several statutory rights afforded to K-12 students and their parents.

Section 1008.22(3), F.S.: Student Assessment

Section 1008.22(3), F.S., requires the Commissioner of Education to develop and implement a student achievement testing program, the Florida Comprehensive Assessment Test (FCAT), as part of the statewide educational assessment program that provides information for improving the operation and management of public schools. Participation in the testing program is mandatory for all students attending public school, except as otherwise prescribed by the Commissioner. Parents of students who do not participate in the assessment program must be provided specific information about possible consequences. School districts must provide appropriate remediation to students who score below the levels established for each subject area. Florida currently requires public school students in grades 3 through 10 to annually take the reading portion of the FCAT.

Current State Reading Initiatives for K-3 Students¹

Just Read, Florida!

Just Read, Florida! is the state's umbrella program for reading initiatives. It was created in 2001 by Executive Order 01-260 as a comprehensive and coordinated reading initiative, and includes such programs as Read to Learn, a public awareness campaign regarding 3rd grade reading issues; Read Together, Florida, a statewide book club; Just Read, Families! month, which encourages parents to read with their children during the summer; Building Better Readers family workshops, where parents can learn about activities for their grades K-3 children to improve reading performance; and other related initiatives.

¹ Source: www.fldoe.org.

Federal Funding: Reading First

Florida has received or will receive federal Reading First funds that will total more than \$300 million over six years, to help reach state reading goals. Reading First grants assist Florida school districts and schools to implement proven methods of scientifically based reading instruction, in order to prevent reading difficulties in grades K-3. Grants are awarded to individual school districts upon application. This competitive sub-grant process ensures that Florida school districts meet the eligibility criteria prescribed by the Reading First federal legislation and Florida's state grant application.

Florida Center for Reading Research (FCRR)

The FCRR is a state partner located at Florida State University that has been actively involved in conducting research and developing reading programs for all students, but particularly for students in grades K-3. The FCRR's projects include:

- Development and implementation of a web-based data management and student reporting system for K-3 classrooms that will provide information to help manage and improve instruction for individual children, classrooms, and schools;
- State-wide training for personnel from Reading First schools in the administration and interpretation of reliable and valid measures of reading progress for grades K-3;
- Development of a web site that will make research-based information about reading widely available;
- Development of high quality professional development modules for literacy instruction for Reading First teachers and school psychologists;
- Development of efficient computer-based and group-administered early reading progress monitoring assessments for children in grades K-3;
- Preparation of videos and interactive CDs on the basic science of reading, reading instruction, and reading assessment; and
- Development of valid early literacy assessment methods for preschool children ages 3-5.

III. Effect of Proposed Changes:*Section 1*

The bill amends s. 1002.20, F.S., to provide that each elementary school must regularly assess the reading ability of each K-3 student. If any student shows a reading deficiency, the student's parent must be immediately notified, and the nature of the student's reading problems must be explained to the parent. Parents must be consulted in the development of a detailed academic improvement plan and must be informed that the student will be given intensive reading

instruction until the deficiency is corrected. The provision specifically states that it is designed to operate in addition to, not in lieu of, the provisions of s. 1008.25, F.S.

Section 2

The bill amends s. 1008.25, F.S., to provide new parental notification requirements and to establish new systems for successful K-3 student progression.

Parental notification

The committee substitute provides that the parent of any child in grades K-3 who exhibits a substantial deficiency in reading must be notified in writing that the FCAT is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to assist parents and school personnel in making grade promotion decisions. Information must also be provided on the school district's criteria and policies for mid-year promotion of retained students.

Good cause promotion provisions

The bill would provide a good cause exemption from mandatory retention requirements for:

- students with disabilities who participate in the FCAT, have received remediation in reading, and were previously retained in grade 3; and
- students who have received the intensive remediation in reading required by law but still demonstrate deficiency in reading and were previously retained in grades kindergarten through 3 for a total of 2 years.

Student progression provisions

Intensive intervention requirement

The bill provides that students subject to mandatory 3rd grade retention due to FCAT scores must be provided intensive intervention in reading to cure their specific reading problems, as identified by a valid and reliable diagnostic assessment.

The intensive intervention must include:

- effective instructional strategies;
- participation in the district's summer reading camp; and
- appropriate teaching methodologies to assist the students in reading and progressing to the next grade.

Requirements of school districts

Beginning in the 2004-2005 school year, each school district must:

- Review the AIP of each student who did not score above Level 1 of the FCAT reading test and did not receive a good cause exemption for promotion. This review must address additional services needed to remediate identified problem areas in the student's reading.
- Require completion of a student portfolio for each student who did not score above Level 1 on the FCAT reading test and did not receive a good cause exemption for promotion.
- Provide students who are subject to mandatory retention with intensive instructional services to remediate identified problem areas in reading. These services must include a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies prescribed by the school district. The other strategies may include:
 - Small group instruction;
 - Reduced teacher-student ratios;
 - More frequent monitoring of student progress;
 - Tutoring or mentoring;
 - Transition classes containing 3rd and 4th grade students;
 - Extended school day, week, or year; or
 - Summer reading camps.
- Provide written notification to the parent of any student who is retained pursuant to mandatory retention requirements that their child has not met the requirements for promotion, together with the reasons that the child is not eligible for a statutory good cause exemption. This notification must comply with s. 1002.20(14), F.S., and must include a description of the proposed interventions that will be provided to remediate the child's reading deficiencies.
- Implement a policy for mid-year promotion of retained 3rd grade students who are ready for promotion to 4th grade. Districts may use subsequent assessments, alternative assessments, or portfolio reviews to reevaluate retained students for these purposes. Students promoted mid-year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FCAT, as determined by the SBE. The bill also requires the SBE to adopt standards to help ensure that each student's progress is sufficient to master appropriate 4th grade level reading skills.
- Provide students who are retained under mandatory retention requirements with a high-performing teacher, as determined by student performance data and above-satisfactory performance appraisals.
- Provide parents of retained students with at least one of the following options:
 - Supplemental tutoring in research-based reading services in addition to the regular reading block, including tutoring before and after school;
 - A "Read at Home" plan, outlined in a parental contract, that includes participation in related workshops and regular parent-guided home reading; or

- A mentor or tutor with specialized training in reading.
- Establish a Reading Enhancement and Acceleration Development (READ) Initiative, the focus of which is to prevent the retention of 3rd grade students and to offer intensive reading instruction to K-3 students who exhibit a reading deficiency. The READ Initiative must:
 - be provided to all K-3 students at risk of retention, as identified by the statewide assessment system used in Reading First schools
 - be provided during regular school hours, in addition to regular reading instruction
 - provide a state-identified reading curriculum that has been review by the FCRR and meets, at a minimum, these qualifications:
 - It assists students in developing the ability to read at grade level;
 - It provides skill development in designated reading areas;
 - It provides scientifically based and reliable assessment;
 - It provides initial and ongoing analysis of each student's reading progress;
 - It is implemented during regular school hours; and
 - It provides a curriculum to assist students in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.
- Establish at each school, where applicable, an intensive acceleration class for retained 3rd grade students who score at Level 1 on the FCAT reading test subsequent to their retention. The focus of this class will be to increase a child's reading level at least 2 grade levels in 1 school year. The class must:
 - be provided to any student in grade 3 who scores at level 1 on the FCAT reading test and who was retained in grade 3 the prior year because of scoring at Level 1 on the FCAT reading test;
 - have reduced student-teacher ratios;
 - provide uninterrupted reading instruction for the majority of student contact time each day;
 - incorporate opportunities to master the grade 4 Sunshine State Standards in other core subject areas;
 - use a reading program that is scientifically research-based and has proven results in accelerating student achievement;
 - provide intensive language and vocabulary instruction using a research-based program, including use of a speech-language therapist;
 - include weekly progress monitoring measures to ensure that progress is being made; and
 - report the students' progress to the DOE at the end of the first semester.
- Report to the SBE, as requested, on the intervention and support implemented at the district level. The Commissioner of Education is required to annually prescribe the required components of these reports.

- Provide a student who has been retained in grade 3, has received intensive services, but is still not ready for grade promotion the option of being placed in a transitional instructional setting. This setting must specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while remediating reading deficiencies.

Section 3

The bill will take effect July 1, 2004.

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:

Academic improvement plans and certain parental involvement provisions are already contained in current law; accordingly, school districts should already have systems in place to facilitate some of the requirements of the bill. The bill's requirements, however – particularly with respect to specified daily remediation, as well as some of the new intensive remedial measures – may require additional resources for school districts to implement. Additional required resources would likely vary by district. The DOE reports, however, that no fiscal impact will be incurred in connection with this legislation and that the bill may be implemented using existing funding sources such as Supplemental Academic Instruction (SAI) funds, funds generated under the FEFP, Just Read, Florida! funds, and available federal funds such as Title I, Title II, and Individuals with Disabilities Education Act funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
