

CHAPTER 97-309

Committee Substitute for Senate Bill No. 1956

An act relating to education; amending s. 232.245, F.S.; revising provisions relating to a district's comprehensive program for pupil progression; requiring remedial instruction and retention of students who have not met district-required levels of proficiency; providing reporting requirements; authorizing exemption from retention requirements; amending s. 232.2454, F.S.; revising provisions relating to student performance standards, instruments, and assessment procedures; providing a contingency for the implementation of the act; repealing the amendments to s. 409.908(21), F.S., contained in HB 1965, relating to Medicaid provider agreements for school districts; providing an effective date.

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

Section 1. Section 232.245, Florida Statutes, is amended to read:

232.245 Pupil progression; remedial instruction; reporting requirements.—

(1) It is the intent of the Legislature 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 legal guardian be informed of that student's academic progress.

~~(2)~~(4) Each district school board shall establish a comprehensive program for pupil progression which must include:

~~(a) Standards for evaluating shall be based upon an evaluation of each pupil's performance, including how well he or she masters the performance standards approved by the state board according to s. 229.565;:-~~

~~(b) Specific levels of performance in reading, writing, and mathematics for each grade level, including the levels of performance on statewide assessments at selected grade levels in elementary school, middle school, and high school as defined by the Commissioner of Education, below which a student must receive remediation and may be retained;:-~~

~~(c)(2) The district program for pupil progression shall be based upon Local goals and objectives that which are compatible with the state's plan for education, the state's education goals according to s. 229.591, and student performance standards for grades prekindergarten through 12;:-~~

~~(d) Pertinent factors to be considered by the teacher before recommending that a pupil progress from one grade to another; and shall be prescribed by the district school board in its rules.~~

~~(e)(3) Procedures~~ Each district comprehensive program for pupil progression shall reflect an effort to identify students at each grade level in grades 9 through 12 who have attained a cumulative grade point average of 2.0 1.5 or below and. The program shall further include provisions for assisting such students to achieve the 1.5 cumulative grade point average required for graduation pursuant to s. 232.246.

(3) Each student must participate in the statewide assessment tests required by s. 229.57. Each student who does not meet specific levels of performance as determined by the district school board in reading, writing, and mathematics for each grade level, or who does not meet specific levels of performance, determined by the Commissioner of Education, on statewide assessments at selected grade levels, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need. The school in which the student is enrolled must develop, in consultation with the student's parent or legal guardian, and implement an academic improvement plan designed to assist the student in meeting state and district expectations for proficiency. Each plan must include the provision of intensive remedial instruction in the areas of weakness through one or more of the following activities, as considered appropriate by the school administration:

(a) Summer school coursework;

(b) Extended day services;

(c) Parent tutorial programs;

(d) Contracted academic services;

(e) Exceptional education services; or

(f) Suspension of curriculum other than reading, writing, and mathematics. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.

Upon subsequent evaluation, if the documented deficiency has not been corrected in accordance with the academic improvement plan, the student may be retained. Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, and mathematics must retake the state assessment test in the subject area of deficiency and must continue remedial instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

(4) Any 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 given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessment or based on teacher recommendation at the beginning of the grade following the intensive reading instruction, and the student must continue to be given intensive reading instruction until the

reading deficiency is remedied. If the student's reading deficiency, as determined by the locally determined assessment, is not remedied by the end of grade 2 or grade 3, or if the student scores below the specific level of performance, determined by the local school board, on the statewide assessment test in reading and writing given in elementary school, the student must be retained. The local school board may exempt a student from mandatory retention for good cause.

(5) Each district must annually report to the parent or legal guardian of each student the progress of the student towards achieving state and district expectations for proficiency in reading, writing, and mathematics. The district must report to the parent or legal guardian the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent or legal guardian in writing in a format adopted by the district school board.

(6) The Commissioner of Education shall adopt rules necessary for the administration of this section.

(7) The Department of Education shall provide technical assistance as needed to aid school districts in administering this section.

Section 2. Section 232.2454, Florida Statutes, is amended to read:

232.2454 District student performance standards, instruments, and assessment procedures.—

~~(1) The State Board of Education shall adopt rules to authorize School districts are required to obtain or develop and implement assessments of student achievement as necessary to accurately measure student progress and to report this progress to parents or legal guardians according to s. 232.245 in each major subject area or major area of study approved by the state board and to annually report the results of such assessments to the state board. Each school district shall implement the assessment program pursuant to the procedures it adopts.~~

(2) Each district school board shall adopt student performance standards for each academic program in grades 9 through 12 for which credit toward high school graduation is awarded. The board shall also establish policies as to student mastery of performance standards before credit for a program may be awarded. Teacher observations, classroom assignments, and examinations may be considered appropriate methods of assessing student mastery.

~~(3) The Department of Education shall review and make appropriate recommendations for improvement of the student performance standards and policies adopted by the district relating to passage for credit during each compliance and program performance audit.~~

~~(4) The department shall provide technical assistance as needed in order to aid district school boards in complying with this section.~~

~~(5) Effective July 1, 1985, student performance standards must be incorporated in the pupil progression plan for students in grades 9 through 12 in order for the district to receive funding through the Florida Education Finance Program.~~

Section 3. Notwithstanding the provisions of sections 1 and 2 of this act, implementation shall be contingent upon legislative appropriation for this purpose or the identification of federal funds which can be specifically used for this purpose.

Section 4. The amendments to section 409.908(21), Florida Statutes, contained in HB 1965, enacted by the 1997 Regular Session of the Florida Legislature, are repealed.

Section 5. This act shall take effect July 1, 1997.

Became a law without the Governor's approval June 4, 1997.

Filed in Office Secretary of State June 3, 1997.