

FLORIDA DEPARTMENT OF EDUCATION



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MEMORANDUM

TO: School District School Superintendents

FROM: Betty Coxe *BC*

DATE: August 26, 2002

SUBJECT: Changes in the School Code Regarding Student Progression

Senate Bill 20E, passed by the Legislature in May 2002, revises the Florida School Code effective January 7, 2003. Included in the revisions are changes to the requirements for school district pupil progression plans, now called student progression plans. The policy interpretations provided in this memorandum supersede all previous policy memoranda regarding pupil/student progression. These changes will be in effect for student promotion at the end of the 2002-2003 school year. School districts should incorporate these statutory changes into school district policy by revising the student progression plan so that it will be effective for the 2002-2003 school year. Unchanged 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, science, and mathematics; that school board policies facilitate such proficiency; and that each student and his or her parent be informed of that student's academic progress.

Comprehensive Program for Student Progression

Each school district must continue using a comprehensive program for student progression that includes:

- standards for evaluating each student's performance, including mastery of the Sunshine State Standards *(no change)*
- specific levels of performance in reading, writing, science, and mathematics for each grade level that includes, where appropriate, the levels of performance on statewide assessments defined by the Commissioner of Education below in which a student must receive remediation or be retained *(no change)*
- for a student who has been retained, provision of an intensive program that is different from the previous year's program and that takes into account the student's learning style; *(no change)*
- appropriate alternative placement for a student who has been retained two or more years. *(Previously the law required only that school districts consider such alternative placement. It is now required.)*

Allocation of Resources

A new provision requires school districts to allocate remedial and supplemental instruction resources to students in the following priority:

- first, to students who are deficient in reading by the end of grade three
- next, to students who fail to meet performance levels required for promotion.

Assessment and Remediation

Each student must participate in the statewide assessment program. *Each* student who does not meet specific levels of performance in reading, writing, science, and mathematics for *each* grade, as determined by:

- the school district, or
- the Commissioner of Education for grades with statewide assessments

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must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need.

For *each* student with identified and diagnosed deficiencies, the school must develop, in consultation with the student's parent, and *must implement* an academic improvement plan (AIP) to assist the student in meeting state and district expectations for proficiency.

Beginning with the 2002-2003 school year, if the student, *at any grade*, has been identified as having a deficiency in reading, the AIP must identify the following:

1. the student's specific areas of deficiency in
 - phonemic awareness
 - phonics
 - fluency
 - comprehension
 - vocabulary
2. the desired levels of performance in these areas
3. the instructional and support services to be provided to help the student achieve the desired levels of performance.

Schools must also provide for frequent monitoring of the student's progress. The Commissioner of Education has determined the following levels of performance for student progression.

- **Students who score at achievement Level 1 on the Florida Comprehensive Assessment Test (FCAT) Sunshine State Standards tests in reading and mathematics in grades 3-10** will be required to receive remediation through an AIP or be retained, as determined by the district student progression plan. Retention decisions should be based on more than a single test score.
- **Students who score lower than 3 on the FCAT writing tests at grades 4, 8, and 10** will be required to receive remediation through an AIP or be retained, as determined by the district student progression plan. **Retention decisions should be based on more than a single test score.**

Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation. While not addressed in the law, best practice indicates that middle- and high-school English courses are not appropriate for the remediation of reading difficulties since these courses are designed to address other critical knowledge and skills besides basic reading proficiency.

Upon subsequent evaluation after remediation, if the documented deficiency has not been remediated in accordance with the AIP, 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, science, and mathematics must continue to be provided with remedial or supplemental instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

Reading Deficiency and Parental Notification

In the new law, the Legislature expresses its goal that every student read at or above grade level. Any student who exhibits a substantial deficiency in reading, based on teacher observations or local or state assessments conducted in grades K-3 *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 observations at the beginning of the grade following the intensive reading instruction. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied. *(No change)*

New language provides that beginning with the 2002-2003 school year, the parent of any student in grades K-3 who exhibits a substantial reading deficiency must be notified in writing of the following:

- that the child has been identified as having a substantial reading deficiency
- a description of the current services that are provided to the child
- a description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency
- that if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless exempted from mandatory retention for good cause.

Beginning with the 2002-2003 school year, if the student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring at Level 2 or higher on the grade 3 reading portion of the FCAT Sunshine State Standards, the student *must* be retained, unless exempted for good cause. *(The change moves the reading promotion gateway from grade 4 to grade 3 and places in statute the FCAT level requiring retention.)*

Elimination of Social Promotion

The law continues to require that no student may be assigned to a grade level based solely on age or other factors that constitute social promotion. This also prevents administrative placement that is without regard to the student's proficiency. Grade 3 reading proficiency is now the state focus of accountability for no social promotion, but no student who is not ready for the more difficult work of the next grade should be promoted.

School districts must assist schools and teachers to implement research-based reading activities that have been shown to be successful in teaching reading to low-performing students.

Good Cause Exemptions from Mandatory Retention

The school district may exempt students in grade 3 who demonstrate a continued deficiency in reading from mandatory retention only for good cause. These good cause exemptions are now specified in statute and are limited to the following:

1. limited English proficient students who have had less than two years of instruction in an English for Speakers of Other Languages program
2. students with disabilities, whose individual educational plan (IEP) indicates that participation in statewide assessment is not appropriate, consistent with the requirements of State Board of Education rule
3. students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education
4. students who demonstrate, through a student portfolio, that they are reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on FCAT
5. students with disabilities who participate in FCAT and who have an individual educational plan or a Section 504 plan that reflects that they have received intensive remediation in reading for more than two years but still demonstrate a deficiency in reading and were previously retained in grades K, 1, or 2
6. Third-grade students who have received intensive remediation in reading for two or more years but still have deficiency in reading and were previously retained in K, grade 1, or grade 2 for a total of two years. If promoted under this exemption, intensive reading instruction must include an altered instructional day based on an AIP that includes specialized diagnostic information and specific reading strategies.

Districts may use this or similar good cause language at other grades and for other subjects, but it is not required by statute.

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Requests for good cause exemptions from the mandatory retention in grade 3 based on performance demonstrated by a state-approved alternative reading assessment or by portfolio (#3 and #4 above) must be consistent with the following:

- Documentation must be submitted by the student's teacher to the principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. In order to minimize paperwork requirements, such documentation can consist only of the existing AIP, IEP, if applicable, report card, or student portfolio. While not mentioned specifically in the law, LEP Student Plans and alternate test scores would also be appropriate documentation.
- The principal must review and discuss the recommendation with the teacher and determine promotion or retention. If the principal determines that the student should be promoted, the principal must make the recommendation in writing to the superintendent.
- The superintendent must accept or reject the principal's recommendation in writing.

Annual Reports

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

The new law now provides that each school district must annually publish in a local newspaper and report in writing to the State Board of Education by September 1 of each year, beginning with 2003, the following information on the prior school year:

- the provisions of the law relating to public school student progression (*Only those portions of the law relating to student progression need to be published in the newspaper.*)
- the school district's policies and procedures on student retention and promotion (*Only those portions of the student progression plan relating to retention and promotion need to be published in the newspaper.*)
- by grade, the number and percentage of all students in grades 3-10 performing at Levels 1 and 2 on the reading portion of the FCAT
- by grade, the number and percentage of all students retained in grades 3 through 10
- information on the total number of students who were promoted for good cause *by each category* of good cause

- any revisions to the school district's policy on student retention and promotion from the prior year.

Copies of the districts' published report in the local newspaper and their revised student progression plans will need to be sent to the Department of Education (DOE). This information, along with FCAT and student retention data, will be reported by DOE to the State Board of Education.

State Board Enforcement Authority and Responsibilities

The law now provides the State Board of Education with the authority to enforce this statute.

Department of Education Technical Assistance

The law also requires the DOE to provide technical assistance as needed to assist districts. To provide such assistance, enclosed are the following:

- technical assistance paper
- one-page fact sheet on expectations for third-grade students: reading and student progression
- PowerPoint presentation

In the next few weeks, DOE will also provide:

- sample notice to parents, in English and Spanish
- expanded technical assistance papers including issues regarding students with disabilities and students with limited English proficiency
- "model" student progression plan (your director of student services received a DRAFT of this document in the spring)
- parent information booklet
- resources for teachers to use in identifying and remediating reading deficiencies
- sample academic improvement plan

The Department of Education is introducing an alternative to bulk mail communications to districts and schools. We are excited about this project because it will not only reduce the amount of paper and postage used, it will increase our ability to communicate with you. Please review the attachment

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to this memorandum regarding how to register and receive electronic communications from the department.

Enclosures
BC/mtt

cc: Assistant Superintendents for Instruction
Student Services Directors
Guidance Contacts