



Technical Assistance Paper

Reference:

DPS Memo xxxx

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Student Progression Requirements for 2002-2003

Effective Dates

- 1. Q: Do the new provisions of law passed by the 2002 Legislature regarding student progression, remediation, and retention apply to students in the 2002-2003 school year?**

A: Yes. The new provisions of the School Code rewrite go into effect on January 7, 2003. Those changes will be in effect for the 2002-2003 school year.
- 2. Q: When must districts modify their student progression plans to incorporate the new provisions of s.1008.25, Florida Statutes?**

A. District student progression plans must be revised and in effect for the 2002-2003 school year so parents and students understand what is required for promotion at the end of that school year. As stated above, language in the statute provides for certain provisions to go into effect for the 2002-2003 school year.

Mandatory Retention at Third Grade

3. Q. Does the retention mandated by s.1008.25(5)(a), Florida Statutes, apply to all third graders who do not score Level 2 or above on the reading FCAT?

- A. Yes. The legislative intent is that no student will be promoted from grade 3 without demonstrating proficiency in reading. Therefore, school districts must initiate a process whereby the reading proficiency level of each student in grades 1, 2, and 3 is determined at the beginning of the school year. Since 2002-2003 is the first year of implementation of the "mandatory retention" requirements at third grade, it is essential that the reading proficiency level of each third grade student is determined and remediation services are provided, as appropriate. Districts should also provide for the assessment of students that enroll in school at various times during the school year so that their reading proficiency levels will also be determined. Any student who scores below Level 2 on the Grade 3 reading FCAT and who is unable to demonstrate reading proficiency through an alternative assessment or convincing portfolio should have been previously identified and provided remediation.

The new law sets the Grade 3 reading FCAT as the critical gateway to identify students who, after remediation, are still unable to demonstrate reading proficiency and clearly need more time to learn the basic skill of reading. If the student is able to demonstrate proficiency through alternative, state-approved tests or a portfolio of classroom work, the student may be promoted for good cause.

4. Q. If a student transfers into a district late in his/her third grade year after the administration of the FCAT and is subsequently identified for the first time as substantially deficient in reading, must that student be retained even though there has been little or no time to remediate that student?

- A. A school should immediately assess the reading proficiency of any student transferring into the district to determine if remediation is appropriate. If the student enters after administration of the FCAT, it would be up to the district to assess the student's reading proficiency at the end of the year to determine if the student needs to repeat the third grade. If a student transfers in time to take the FCAT, that

score would assist in determining the student's retention or promotion.

FCAT Performance and Promotion

5. Q. Must a student “pass” the state assessment test in grades 4-10 in order to be promoted?

- A. No. Promotion and retention decisions must be based on a number of factors, as provided in s. 1008.25(7)(a), Florida Statutes, but state assessments are an important factor. The decision to promote should be based on a student's ability to perform the more difficult work of the higher grade, and the decision to retain should be based on the student's need for additional time to secure a firm foundation in the basic skills or master the Sunshine State Standards at that grade.

In addition, passing the tenth-grade FCAT is a requirement for graduation.

6. Q. How do indicators of growth in learning (gain scores) affect promotion/retention policies?

- A. Section 1008.25, Florida Statutes, does not address indicators of growth in learning (gain scores) as a factor in the state requirements for student progression. Districts may incorporate gain scores in district-required levels of proficiency for pupil progression, but the intent of the law is that students must meet *absolute* standards of proficiency to be promoted.

Previous Retentions

7. Q: Section 1008.25(2)(c), Florida Statutes, provides that, in the case of students retained two or more years, the district student progression plan must provide for an appropriate alternative placement. What is meant by alternative placement?

- A: It is intended that the alternative placement would provide the student with intensive differentiated instruction designed to remediate the student's academic deficiencies and include opportunities for the student to be placed in small group

instructional settings. Each district should design such placements using local resources and expertise.

8. Q. **May a student who has not met the levels of proficiency for promotion but who has been retained two previous times be “promoted” to an alternative placement so that, while the student does not fall further behind, he/she is receiving intensive instruction to catch up and can be separated from younger students? For example, some districts have established an alternative school site at the middle school level. Could an overage elementary student be “promoted” to qualify for attendance at such a school?**
- A. Yes, but the program must be designed to address the student’s deficiencies in an intensive, individualized manner and not be a placement in a regular classroom at a higher grade.

Options for Remediation and Promotion

9. Q. **DPS Memorandum 00-015, August 18, 1999, listed three options available to districts for students who did not meet district and state levels of proficiency for pupil progression: (1) remediate before the beginning of the next school year and promote, (2) promote and remediate in the following school year with intensive remediation, and (3) retain and remediate. Are these options still available?**
- A. No, not for third-grade students with reading deficiencies who have been provided remediation. These students must either demonstrate proficiency by scoring Level 2 or above on the reading FCAT or be promoted for one of the good causes specified in statute. However, a third-grade student meeting the criteria for mandatory retention could be promoted for good cause if an approved alternative assessment test administered at the end of the school year or after a remediation provided during the summer months demonstrates the student’s proficiency in reading. For other grades and subjects, these options remain, but option #2 should be used only in special cases.

10. Q. Can a student who has failed to meet the levels of performance for pupil progression be “conditionally promoted” to the next grade?

A. No, not if the student is a third-grader who has previously identified reading difficulties, had been provided remediation, and does not score Level 2 or above on the Grade 3 reading FCAT. At other grades and for other subjects, conditional promotion continues to be a district option. However, the use of this option should be limited.

11. Q. Can a school district require attendance in summer school as a condition of promotion?

A. A school district may not require attendance in summer school as a condition of promotion because promotion must be based on demonstration of proficiency rather than the completion of a particular course. However, the district can advise the parent that without participation in summer school the student will not be promoted and that participation in summer school is an opportunity to bring the student's proficiency to a level that would allow him or her to be promoted.

Good Cause Exemptions

12. Q. Do the good cause exemptions listed in s.1008.25(6)(b), Florida Statutes, apply only to the mandatory retention at third grade for reading deficiencies or to all grades?

A. The statutory language on good cause applies only to the mandatory retention at third grade for reading deficiencies, but school districts may apply the same or similar language to all grades and other subjects through local school board policy.

13. Q. If a student is promoted under the good cause provisions of s.1008.25(6)(b), Florida Statutes, what is the proper terminology for such a promotion? Is it a “promotion” or “promotion for good cause” or “exemption from mandatory retention for good cause”?

- A. It would be appropriate to label such a promotion as “promotion for good cause.” The district is required to report such promotions by good cause category to the public and the State Board of Education following the 2002-2003 school year.
- 14. Q. If a student has had extenuating circumstances, such as a family tragedy or similar event, during a school year that prevented the student from demonstrating proficiency both in schoolwork and tests, can that student be promoted under good cause?**
- A. No, such a situation would not be a good cause exemption from mandatory retention in third grade for reading deficiencies. Those good causes are specified in law, and a district may not establish additional good causes in this case. A district might consider this as a good cause for other grades and subjects, but it should be kept in mind that such a student has not learned the knowledge and skills required in the current grade and is unlikely to be prepared for the more difficult work of the next grade.

Parental Involvement

- 15. Q. When should the notice to parents of students identified as having a reading deficiency be provided?**

Districts should provide the required notice to parents of third grade students as soon as practicable after the reading proficiency levels of the student have been determined. Informing parents early of their child’s reading difficulties allows for families to become informed and involved in their child’s remediation strategies.

- 16. Q. What can parents do if they disagree with a district promotion or retention decision?**

- A. Section 230.23(6)(a)/1003.02(1)(a), Florida Statutes, gives a district school board the authority for classifying, promoting, and graduating students. Parental approval for such placement decisions is not required, but the parents should be provided an explanation of the information on which the decision was based, and schools should try to enlist the parents’ support for remediation efforts. It is also likely that parental awareness of the district’s pupil progression policies

will be increased with the required annual reporting in a local newspaper.

17. Q. Can a parent refuse remedial or supplemental academic instruction?

- A. A school district has the authority and responsibility to design the student's course of study. While s.1008.25, Florida Statutes, requires a school to develop an academic improvement plan in consultation with the parent, it does not require parental approval nor does it give the parent the right to veto an academic improvement plan. It is the school that is held accountable for the student's success.

Alternative Assessments and Portfolios

18. Q. What alternative assessments will be allowed in determining good cause exemptions for retention at grade 3 for reading deficiencies under s.1008.25(6)(b)3, Florida Statutes, and when will a list of approved assessments be available?

- A. Only those alternative assessments approved by the State Board of Education may be used in determining a good cause promotion from the third grade. A list of such assessments will be developed through the promulgation process for a State Board of Education Rule. It is anticipated that such a list will be available by spring 2003.

19. Q. What does a student portfolio that is being used for a good cause exemption promotion include?

- A. A student portfolio includes student work that demonstrates student achievement above Level I on the reading FCAT. The portfolio, consisting of work collected throughout the school year, includes examples of mastery of the grade-appropriate Reading Sunshine State Standards.

Some examples are alternate assessments administered by the school or district, end-of-chapter tests, and samples of student work--all reflective of the Sunshine State Standards. Letters from the guidance counselor or observations by the teacher in the absence of examples of student work do not qualify for demonstration of student achievement.

Established gains in the portfolio must demonstrate achievement above a Level I. Gains within a Level I do not qualify a student for promotion as part of the good cause exemption.

Students with Disabilities

20. Q. Previously, most districts have permitted individual educational plan (IEP) teams to make decisions regarding the promotion/retention of students with disabilities. Is this still permitted for students with disabilities in third grade ?

A. No, the new provisions of s.1008.25(5)(b), Florida Statutes, apply to **all students** in third grade. However, for the small percentage of students with disabilities for whom the Sunshine State Standards are not appropriate standards for learning, such students may be promoted for good cause. (See s.1008.25(6)(b)2, Florida Statutes.)

For the majority of students with disabilities, the Sunshine State Standards and participation in the FCAT are appropriate. For these students with disabilities in third grade, districts must determine each student's reading proficiency level and if a deficiency is present

- provide the student's parents with the required notice
- include the required components (see s.1008.25(4)(b), Florida Statutes) in the student's IEP
- provide appropriate remediation services, which may be provided through special education
- reassess the student's reading proficiency levels.

Academic Improvement Plans

21. Q. To which grades does the requirement for academic improvement plans apply?

A. It applies to any grade in which any student's deficiencies in reading, writing, mathematics, and/or science are identified.

Annual Reporting Requirements

- 22. When will school districts be required to publish in the local newspaper and report to the State Board of Education the data required by s.1008.25(7)(b), Florida Statutes?**

Beginning in 2003, school districts will be required to publish in a local newspaper and report to the Department of Education certain information before September 1, 2003, and every year thereafter. Copies of these reports and the districts' student progression plans must be sent to the DOE. These documents, along with district's FCAT scores and student retention data, will be submitted to the State Board of Education.

- 23. Q. Since student progression plans are lengthy, how much of the district's plan must be published in the newspaper?**

- A. Districts must include only those portions of their student progression plans that address school-board student retention and promotion policies and procedures.

Additional questions will be addressed in subsequent technical assistance documents. If you have questions to be included in the next document, send them to Michael Tremor, Education Policy Consultant, Florida Department of Education, 444 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)487-8804, Suncom 277-8804, but preferably by e-mail to michael.tremor@fldoe.org.