

**Public school student progression; remedial instruction; reporting requirements.**

(1)INTENT.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, science, and mathematics; that district school board policies facilitate such proficiency; and that each student and his or her parent be informed of that student's academic progress.

(2)COMPREHENSIVE PROGRAM.Each district school board shall establish a comprehensive program for student progression which must include:

(a)Standards for evaluating each student's performance, including how well he or she masters the performance standards approved by the State Board of Education.

(b)Specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments as defined by the commissioner, below which a student must receive remediation, or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style.

(c)Appropriate alternative placement for a student who has been retained 2 or more years.

(3)ALLOCATION OF RESOURCES.District school boards shall allocate remedial and supplemental instruction resources to students in the following priority:

(a)Students who are deficient in reading by the end of grade 3.

(b)Students who fail to meet performance levels required for promotion consistent with the district school board's plan for student progression required in paragraph (2)(b).

(4)ASSESSMENT AND REMEDIATION.

(a)Each student must participate in the statewide assessment tests required by s. 1008.22. Each student who does not meet specific levels of performance as determined by the district school board in reading, writing, science, and mathematics for each grade level, or who does not meet specific levels of performance as determined by the commissioner 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.

(b)The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement an academic improvement plan designed to assist the student in meeting state and district expectations for proficiency. For a student for whom a personalized middle school success plan is required pursuant to s. 1003.415, the middle school success plan must be incorporated in the student's academic improvement plan. Beginning with the 2002-2003 school year, if the student has been identified as having a deficiency in reading, the academic improvement plan shall identify the student's specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary; the desired levels of performance in these areas; and the instructional and support services to be provided to meet the desired levels of performance. Schools shall also provide for the frequent monitoring of the student's progress in meeting the desired levels of performance. District school boards shall assist schools and teachers to implement research-based reading activities that have been shown to be successful in teaching reading to low-performing students. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.

(c)Upon subsequent evaluation, if the documented deficiency has not been remediated 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, 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.

**(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.**

(a) It is the ultimate goal of the Legislature that every student read at or above grade level. Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, 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.

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

(c) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following: 1. That his or her child has been identified as having a substantial deficiency in reading. 2. A description of the current services that are provided to the child. 3. 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. 4. That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause. 5. Strategies for parents to use in helping their child succeed in reading proficiency. 6. That the Florida Comprehensive Assessment Test (FCAT) is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion. 7. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

**(6) ELIMINATION OF SOCIAL PROMOTION.**

(a) No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. Good cause exemptions shall be limited to the following: 1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program. 2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program 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 the student is 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 the FCAT. 5. Students with disabilities who participate in the FCAT and who have an individual education plan or a Section 504 plan that reflects that the student has received the intensive remediation in reading, as required by paragraph (4)(b), for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, grade 2, or grade 3. 6. Students who have received the intensive remediation in reading as required by paragraph (4)(b) for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive reading instruction for students so promoted must include an altered instructional day based upon an academic improvement plan that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

(c) Requests for good cause exemptions for students from the mandatory retention requirement as described in subparagraphs (b)3. and 4. shall be made consistent with the following:  
1. Documentation shall be submitted from the student's teacher to the school 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 shall consist only of the existing academic improvement plan, individual educational plan, if applicable, report card, or student portfolio. 2. The school principal shall review and discuss such recommendation with the teacher and make the determination as to whether the student should be promoted or retained. If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

**(7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.**

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

(b) Beginning with the 2004-2005 school year, each school district shall:  
1. Conduct a review of student academic improvement plans for all students who did not score above Level 1 on the reading portion of the FCAT and did not meet the criteria for one of the good cause exemptions in paragraph (6)(b). The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each such student.  
2. Provide students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies prescribed by the school district, which may include, but are not limited to:  
a. Small group instruction. b. Reduced teacher-student ratios. c. More frequent progress monitoring. d. Tutoring or mentoring. e. Transition classes containing 3rd and 4th grade students. f. Extended school day, week, or year. g. Summer reading camps.  
3. Provide written notification to the parent of any student who is retained under the provisions of paragraph (5)(b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(14) and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.  
4. Implement a policy for the midyear promotion of any student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader, reading at or above grade level, and ready to be promoted to grade 4. Tools that school districts may use in reevaluating any student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FCAT, as determined by the State Board of Education. The State Board of Education shall adopt standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate 4th grade level reading skills.  
5. Provide students who are retained under the provisions of paragraph (5)(b) with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals.  
6. In addition to required reading enhancement and acceleration strategies, provide parents of students to be retained with at least one of the following instructional options:  
a. Supplemental tutoring in scientifically research-based reading services in addition to the regular reading block, including tutoring before and/or after school. b. A "Read at Home" plan outlined in a parental contract, including participation in "Families Building Better Readers Workshops" and regular parent-guided

home reading. c.A mentor or tutor with specialized reading training. 7.Establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of grade 3 students and to offer intensive accelerated reading instruction to grade 3 students who failed to meet standards for promotion to grade 4 and to each K-3 student who is assessed as exhibiting a reading deficiency. The READ Initiative shall: a.Be provided to all K-3 students at risk of retention as identified by the statewide assessment system used in Reading First schools. The assessment must measure phonemic awareness, phonics, fluency, vocabulary, and comprehension. b.Be provided during regular school hours in addition to the regular reading instruction. c.Provide a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research at Florida State University and meets, at a minimum, the following specifications: (I)Assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level. (II)Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension. (III)Provides scientifically based and reliable assessment. (IV)Provides initial and ongoing analysis of each student's reading progress. (V)Is implemented during regular school hours. (VI)Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects. 8.Establish at each school, where applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score at Level 1 on the reading portion of the FCAT. The focus of the Intensive Acceleration Class shall be to increase a child's reading level at least two grade levels in 1 school year. The Intensive Acceleration Class shall: a.Be provided to any student in grade 3 who scores at Level 1 on the reading portion of the FCAT and who was retained in grade 3 the prior year because of scoring at Level 1 on the reading portion of the FCAT. b.Have a reduced teacher-student ratio. c.Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Sunshine State Standards in other core subject areas. d.Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year. e.Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist. f.Include weekly progress monitoring measures to ensure progress is being made. g.Report to the Department of Education, in the manner described by the department, the progress of students in the class at the end of the first semester. 9.Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school district level. The Commissioner of Education shall annually prescribe the required components of requested reports. 10.Provide a student who has been retained in grade 3 and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency.

#### (8)ANNUAL REPORT.

(a)In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The district school board must report to the parent 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 in writing in a format adopted by the district school board.

(b)Beginning with the 2001-2002 school year, each district school board must annually publish in the local newspaper, and report in writing to the State Board of Education by September 1 of each year, the following information on the prior school year: 1.The provisions of this section relating to public school student progression and the district school board's policies and procedures on student retention and promotion. 2.By grade, the number and percentage of all

students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT. 3.By grade, the number and percentage of all students retained in grades 3 through 10. 4.Information on the total number of students who were promoted for good cause, by each category of good cause as specified in paragraph (6)(b). 5.Any revisions to the district school board's policy on student retention and promotion from the prior year.

(9)STATE BOARD AUTHORITY AND RESPONSIBILITIES.

(a)The State Board of Education shall have authority as provided in s. 1008.32 to enforce this section.

(b)The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the administration of this section.

(10)TECHNICAL ASSISTANCE.The department shall provide technical assistance as needed to aid district school boards in administering this section.

History

s. 371, ch. 2002-387; s. 8, ch. 2003-118; s. 6, ch. 2004-42; s. 6, ch. 2004-255.