

The 2002 Florida Statutes

Title XLVIII
K-20 EDUCATION CODE

Chapter 1008
ASSESSMENT AND ACCOUNTABILITY

1008.25 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. 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) Beginning with the 2002-2003 school year, 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.

(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, or grade 2.
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, or grade 2 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) 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.

(8) 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.

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