

This document is an e-mail thread between Darcey Addo, MEd, NBCT and Hershel Lyons, K-12 Chancellor, FL DOE on March 17, 2015 and clarifies that a score of NR2 on the Florida Standards Assessment (FSA) does NOT result in automatic retention or remediation of third grade students.

SUMMARY

“Today, the department issued a Technical Assistance Paper (TAP) for school districts that restates the notes of the February 11 call with superintendents and district directors of curriculum. There is some updated information, and this TAP supersedes the original call notes. It can be found at <http://info.fl DOE.org/docushare/dsweb/Get/Document-7300/dps-2015-31.pdf>.

1. ...this TAP supersedes the original call notes.

The March 17 TAP supersedes Mary Jane Tappen’s Feb 11 call and call notes sent to district superintendents.

“Third-grade students must participate in the statewide standardized assessment program required by s. 1008.22, F.S., and demonstrate proficiency in reading in order to be promoted to fourth grade. Students not achieving a Level 2 or higher on the statewide assessment may qualify for a good case exemption (see A.2).”

1. “Third-grade students must participate in the statewide standardized assessment program required by s. 1008.22, F.S.,
The way we propose to opt out meets participation.
 2. and demonstrate proficiency in reading in order to be promoted to fourth grade.
Report card, and regular class grades can demonstrate this according to s. 1008.25.6(c) 1
 3. Students not achieving a Level 2 or higher on the statewide assessment may qualify for a good case exemption (see A.2).”
A student with an NR2 has not achieved a level 2.
 4. Based on the district’s March 10 memo that you sent with your email, it appears that your district has chosen to pursue good cause exemptions for any student who does not have a score on the third grade ELA FSA. This is consistent with the technical assistance from the department.
Consistent with TAP means we can pursue GCE for students with no score (or NR2). That Good Cause Exemption can be, according to s. 1008.25.6(c) 1, as simple as a report card for students without a documented reading deficiency.
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From: **Chancellor Public Schools** <Chancellor.Lyons@fldoe.org>

Date: Tue, Mar 17, 2015 at 4:28 PM

Subject: RE: Third Grade Promotion and Statutory Retention

To: Darcey Addo < >

Dear Ms. Addo,

Today, the department issued a Technical Assistance Paper (TAP) for school districts that restates the notes of the February 11 call with superintendents and district directors of curriculum. There is some updated information, and **this TAP supersedes the original call notes**. It can be found at

<http://info.fldoe.org/docushare/dsweb/Get/Document-7300/dps-2015-31.pdf>.

One of the additions is a reference back to a 2013 TAP on third grade student progression that can be found at

<http://www.fldoe.org/core/fileparse.php/7539/urlt/2013thirdgradeprogesstap.pdf>.

This 2013 TAP states, **"Third-grade students must participate in the statewide standardized assessment program required by s. 1008.22, F.S., and demonstrate proficiency in reading in order to be promoted to fourth grade. Students not achieving a Level 2 or higher on the statewide assessment may qualify for a good case exemption (see A.2)."**

Based on the district's March 10 memo that you sent with your email, it appears that your district has chosen to pursue good cause exemptions for any student who does not have a score on the third grade ELA FSA. This is consistent with the technical assistance from the department.

Please continue to work with your district on the implementation of this local decision.

Sincerely,

Hershel Lyons

K12 Chancellor

From: Darcey Addo []
Sent: Wednesday, March 11, 2015 9:10 AM
To: Chancellor Public Schools
Subject: Re: Third Grade Promotion and Statutory Retention

Thank you so much for your swift reply, Mr. Lyons. I look forward to your response to my inquiry.

Have a wonderful day. Darcey Addo

On Wed, Mar 11, 2015 at 8:57 AM, Chancellor Public Schools
<Chancellor.Lyons@fldoe.org> wrote:

Good morning Ms. Addo,

I am in receipt of your email. I will review with staff and provide a response. Thank you for your dedication and commitment to student achievement for ALL.

Sincerely,

Hershel Lyons

K12 Chancellor

Florida Department of Education

325 W. Gaines St.

Tallahassee, FL 32399

[850-245-0509](tel:850-245-0509)

From: Darcey Addo []

Sent: Tuesday, March 10, 2015 3:51 PM

To: Chancellor Public Schools

Subject: Fwd: Third Grade Promotion and Statutory Retention

Good afternoon Chancellor Lyons,

I've emailed Ms. Tappen for clarification on some statutory language regarding third grade promotion and retention. I have not yet heard back from her, but it is my understanding, based on the attached memo, that you and Dr. Binggeli have been in touch on this issue so I am forwarding my questions to you. I understand there was a conference call today and, according to the attached memo from the Office of Assessment and Accountability for Brevard Public Schools, interpretation of state law is now the decision of the local school districts. As this is obviously confusing as concerning, I'm hoping you can clarify a few questions I posed to Ms. Tappen. I know you are a very busy man, so I appreciate your help on this matter. It sounds, based on the conference calls, that these questions have been discussed so hopefully this will not be much of an imposition. As all students in the state of Florida are guaranteed the same Fourteenth Amendment rights, it reasonable to that we will have clarification in writing.

Thank you once again,

Darcey Addo

MEd, NBCT

Good afternoon Ms. Tappen,

I am writing for clarification regarding Good Cause Exemptions and statutes surrounding third grade promotion and retention. For clarification, and to ensure that statute is not decontextualized, I've read carefully the entire K-20 Education Code, with specific focus on Chapter 1008, Assessment and Accountability. My questions center specifically on students who do not have identified and documented reading deficiencies. Students who are reading on or above grade level as evidenced by assessments such as a district reading assessment, formative assessments, STAR test reports, report cards for the year, and/or evidence of student work documented by the classroom teacher. I am aware that my original inquiry was forwarded this morning to Wendy Stevens and Laurie Lee of the Just Read! Office. It is my understanding that a statement of yours in conference call on February

11, 2015 was the catalyst for the statement issued by Brevard Public Schools Office of Testing and Accountability in the "Consequences of Not Testing" memo (attached) which reads: "**As per Florida Department of Education directive, grade 3 students who are opted out of testing and do not have a grade 3 FSA ELA score will not be promoted.**" Since this statement cannot be verified by a public records request, and the author of the memo indicated that it was a statement made by you, I'd ask you to clarify my questions directly as they relate to the Florida Law:

My primary question is: **If a third grade student is working on or above grade-level with no documented deficiency in reading, has not had a progress monitoring plan initiated [1008.25 (4)(b)], but does not have a score demonstrating reading proficiency on the FSA ELA, on what basis will that student be promoted to fourth grade?** I do have several follow up questions below, also highlighted in yellow.

I am citing several sections of Florida Statute 1008.25, *Public school student progression, remedial instruction, reporting requirements*, along with my question. For your convenience, I have italicized for the section of the statute I am quoting, beginning with 1008.25(1), which discusses INTENT:

*It is the intent of the Legislature that each student's progression from one grade to another be determined, in part, upon **satisfactory performance in reading, writing, science, and mathematics**;*

Keeping that in mind, section two of the code discusses the district adopted progression plan, which is used to evaluate student performance.

Section 1008.25(2) COMPREHENSIVE STUDENT PROGRESSION PLAN

Each district school board shall establish a comprehensive plan for student progression, which includes (a) Provid[ing] standards for evaluating each student's performance, including how well he or she masters the performance standards approved by the State Board of Education.

Next, section four addresses assessment, with a reference to 1008.22 and a reminder that *each student must participate in the statewide, standardized assessment*

*1008.25 (4)(a) goes on to state that each student who does not meet specific levels of performance on the required assessments **or** who scores below Level 3 on the statewide, standardized Reading assessment **or**, upon implementation, the English Language Arts assessment **or** on the statewide, standardized Mathematics*

*assessments in grades 3...assessment **must be provided with additional diagnostic assessments to determine the nature of the student's difficulty**, the areas of academic need, and strategies for appropriate intervention and instruction as described in paragraph (b).*

What this does not address, however, is the situation I described above in my question: a student without a reading deficiency but also without a score on the state-mandated assessments corroborating his or her proficiency.

Section 4b of the statute clarifies that a progress monitoring plan (PMP) must be made for students who have a reading deficiency. The statute states that *the plan chosen must be designed to assist the student or the school in meeting state and district expectations for proficiency. **If the student has been identified as having a deficiency in reading**, the K-12 comprehensive reading plan required by s. 1011.62(9) and the resulting guidance of the research-based instruction of the Just Read, Florida! Office (1001.215).*

Please confirm that there is no provision in the law for retention of students who are not deficient readers (or, when considering INTENT from 1008.25(1), deficient in reading, writing, science, or mathematics. In other words, if a child is making satisfactory academic progress, there is no provision in the law that would require the child to be retained).

Please confirm that promotion of students using the criteria set forth from Just Read, Florida! (1001.215) is required only for students who have a documented reading deficiency.

Please confirm that there is no provision in the law that requires the use of the comprehensive research-based reading plan set forth by Just Read, Florida! for students who have no documented reading deficiency.

1008.25 (6) reads *"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."*

As this is the only statute that may speak to the promotion of third grade students in the scenario I described, I would like further clarification regarding the language. First I will acknowledge that this year we are discussing the Florida Standards Assessment (FSA) instead of the FCAT as "not the sole determiner of promotion."

Please help me clarify the language, *“Additional evaluations, portfolio reviews, and assessments are available.”* As the Plain Meaning Rule assuredly applies here, please confirm that “portfolio” in this context is used in its traditional educational context; that is, to mean a collection of a student’s best work, aligned to the standards, and used to evaluate the learning of the student. For example, a portfolio might include: writing assignments, journal entries, formative and summative assessments, short and long term projects, multimedia presentations, digital artifacts of learning, etc.

Please further clarify the process by which third grade students will advance to fourth grade using these measures *“additional evaluations, portfolio reviews, and assessments are available”* as allowable by 1008.25 (6).

Will their teachers complete a Grade Promotion Status: Good Cause Exemption (Data Element Number 126500 Form)?

<http://www.fldoe.org/core/fileparse.php/7729/urlt/0100221126500.pdf>

If so, are they coded with a “4” on the form:

Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the content standards in reading equal to at least a Level 2 performance on the statewide standardized reading assessment.

Are any other forms needed to verify the promotion of these students?

Please confirm that the only provision in the law for statutory retention is 1008.25 (5)(b) *if a student’s reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the statewide standardized test, which can only occur after 1008.25(5) (c) notification to the parent of the “substantial deficiency in reading,” and supplemental support services are provided.*

Please confirm that there have been no rule or statute changes since last year with regard to the way test scores are reported or coded. If that is incorrect and a House Rule has been adopted, please cite the rule number, date of file, and effective date.

Thank you very much for your time and assistance. I have copied multiple stakeholders on this email; as such, it would be appreciated if you would kindly "reply all" with your responses to the highlighted time-sensitive questions.

Respectfully, Darcey Addo, MEd, NBCT