

6A-6.0533 Determining a Substantial Deficiency in Early Mathematics Skills and Substantial Deficiency in Mathematics.

(1) Purpose. The purpose of this rule is to set forth the requirements for determining and addressing a substantial deficiency in early mathematics skills for students in a Voluntary Prekindergarten (VPK) educational program and a substantial deficiency in mathematics for students in grades kindergarten through 4. ~~In accordance with Section 1008.25(4)(c), F.S., students identified with a substantial mathematics deficiency must be covered by a federally required student plan, such as an Individual Educational Plan (IEP) or an individualized progress monitoring plan, or both, as necessary.~~

(2) Definitions.

(a) “District” means a Florida school district or district school board, the Florida Virtual School (s. 1002.37, F.S.), the Florida School for the Deaf and the Blind (s. 1002.36, F.S.), Developmental Research (Laboratory) Schools (s. 1002.32, F.S.), and a university or Florida College System institution (s. 1002.33(5), F.S.) that sponsors one or more charter schools.

(b) “Voluntary Prekindergarten” (VPK) means a state-funded program that covers the cost of a set number of hours of prekindergarten instruction to children who turn four (4) years of age on or before September 1 of the school year for which they are eligible to attend as provided in Part V of Chapter 1002, F.S.

(c) “Trained tutor” means:

1. A high school student who meets the following criteria:

a. Be a rising junior or senior;

b. Have a cumulative grade point average of 3.0 or higher;

c. Have no history of out-of-school suspensions or expulsions;

d. Be on track to complete all core course requirements to graduate;

e. Have earned at least three (3) credits in mathematics; and

f. Have received two (2) written recommendations to serve as a trained tutor from present or former high school teachers of record or extracurricular activity sponsors; and

g. Have completed the Division of Early Learning developed math professional learning course for tutors of students in VPK or a district-identified training for tutors of students in grades K-4; or

2. An adult who meets the following criteria:

a. Complete the Division of Early Learning developed math professional learning course, if tutoring students in VPK; and

b. Complete forty (40) hours of professional learning on instructional strategies in grades K-4 math, if tutoring students in grades K-4.

(3) Planning for Learning and Teaching of Mathematics. Mathematics instruction must align with Florida's Mathematics Formula for Success. This formula, 5+5+T1+T2+T3, describes five (5) characteristics of high-quality mathematics instruction, five (5) types of assessments and three (3) tiers (T1, T2 and T3) of mathematics instruction and intervention that promote student success.

(a) The five (5) characteristics of high-quality mathematics instruction include: horizontal and vertical alignment, balanced instructional approaches, student-centered, instruction informed by assessment(s), and implementing tiered instruction.

(b). The five (5) types of assessments are: screening, progress monitoring (PM), diagnostic, formative and summative.

(c) Tiered instruction (T1, T2 and T3) includes Tier 1 provided to all students, supplemental or Tier 2 intervention for students needing additional support, and intensive or Tier 3 intervention for students whom data indicate a need for more intensive, individualized instruction/intervention. Tiered instruction is standards-aligned; includes accommodations for students with a disability, students with an Individual Educational Plan (IEP) and students who are English language learners (ELLs); and incorporates the principles of Universal Design for Learning (UDL) as defined in Title 34 Code of Federal Regulations Section 200.2(b)(2)(ii). When data indicate that a student needs more intensive support of Tier 2 or Tier 3, those interventions must be provided in addition to, not in place of, Tier 1. Tier 2 and 3 interventions must be aligned with Tier 1 and include additional instructional time focused on critical skills and content.

1. Tier 1 (core) instruction is instruction that is accessible to all students. A Tier 1 intervention is a change or adjustment made to core instruction for all students based on data. Tier 1 interventions are implemented when data indicate that the majority or a high percentage of students in a large group (e.g., class, grade level, school) are performing below expectation.

2. Tier 2, or supplemental instruction and intervention, is provided to students not meeting expectations. Tier 2 is often delivered to small groups of students who will likely benefit from instruction focused on the same target skill(s). Tier 2 occurs in addition to Tier 1 (core) instruction.

3. Tier 3, or intensive instruction and intervention, is intended for students experiencing significant barriers to learning. Tier 3 can be provided one-on-one or in very small groups. Tier 3 occurs in addition to Tier 1 (core) instruction and Tier 2.

(4) Substantial Deficiency in Early Mathematics Skills. A VPK student is identified as having a substantial deficiency in early mathematics skills as described below.

(a) If the student scores below the tenth (10th) percentile at the middle (PM2) or the end of the year (PM3) test administrations of the coordinated screening and progress monitoring system pursuant to s. 1008.25(9), F.S., or is unable to complete the practice items at the middle (PM2) or the end of the year (PM3) test administrations of the coordinated screening and progress monitoring system pursuant to s. 1008.25(9), F.S.; and

(b) Through observation and informal assessment has demonstrated achievement of twenty-five (25) percent or less of the mathematical thinking standards adopted for use in VPK programs per s. 1002.67, F.S.

(5)(2) Substantial Deficiency in Mathematics. A student in kindergarten through grade 4 is identified as having a substantial deficiency in mathematics based upon a minimum of five (5) data points as described below. if the following criteria are met:

(a) For kindergarten, if the student scores below the tenth (10th) percentile on various assessments including based upon screening, diagnostic assessments, formative, summative, progress monitoring, other classroom data, or the coordinated screening and progress monitoring system statewide assessments pursuant to s. Section 1008.25(6), F.S.; and if or if through teacher observation, the student has demonstrated minimum skill levels for mathematics competencies in one or more of the areas of emphasis for that grade level. In Kindergarten, areas of emphasis include:

1. Ddeveloping an understanding of counting to represent the total number of objects in a set and to order the objects within a set;

2. Ddeveloping an understanding of addition and subtraction and the relationship of these operations to counting; and

3. ~~M~~measuring, comparing, and categorizing objects according to various attributes, including their two- and three-dimensional shapes.

(b) For grade 1, if the student scores below the tenth (10th) percentile on various assessments including based upon screening, diagnostic assessments, formative, summative, progress monitoring, other classroom data, or the coordinated screening and progress monitoring system statewide assessments pursuant to s. ~~Section~~ 1008.25(6), F.S.; ~~and if or if through teacher observation,~~ the student has demonstrated minimum skill levels for mathematics competencies in one or more of the areas of emphasis for that grade level. In grade 1, areas of emphasis include:

1. ~~U~~nderstanding the place value of tens and ones within two-digit whole numbers;
2. ~~E~~xtending understanding of addition and subtraction and the relationship between them;
3. ~~D~~eveloping an understanding of measurement of physical objects, money and time and
4. ~~C~~ategorizing, composing and decomposing geometric figures.

(c) For grade 2, if the student scores below the tenth (10th) percentile on various assessments including based upon screening, diagnostic assessments, formative, summative, progress monitoring, other classroom data, or the coordinated screening and progress monitoring system statewide assessments pursuant to s. ~~Section~~ 1008.25(6), F.S.; ~~and if or if through teacher observation,~~ the student has demonstrated minimum skill levels for mathematics competencies in one or more of the areas of emphasis for that grade level. In grade 2, areas of emphasis include:

1. ~~E~~xtending understanding of place value in three-digit numbers;
2. ~~B~~uilding fluency and algebraic reasoning with addition and subtraction;
3. ~~E~~xtending understanding of measurement of objects, time and the perimeter of geometric figures; and
4. ~~D~~eveloping spatial reasoning with number representations and two-dimensional figures.

(d) For grade 3, if the student scores below the tenth (10th) percentile on various assessments including based upon screening, diagnostic assessments, formative, summative, progress monitoring, other classroom data, or the coordinated screening and progress monitoring system statewide assessments pursuant to s. ~~Section~~ 1008.25(6), F.S.; ~~and if or if through teacher observation,~~ the student has demonstrated minimum skill levels for mathematics competencies in one or more of the areas of emphasis for that grade level. In grade 3, areas of emphasis include:

1. ~~A~~adding and subtracting multi-digit whole numbers, including using a standard algorithm;
2. ~~B~~uilding an understanding of multiplication and division, the relationship between them and the connection to area of rectangles;

3. ~~D~~developing an understanding of fractions; and
4. ~~E~~xtending geometric reasoning to lines and attributes of quadrilaterals.

(e) For grade 4, if the student scores below the tenth (10th) percentile on various assessments including based upon screening, diagnostic assessments, formative, summative, progress monitoring, other classroom data, or the coordinated screening and progress monitoring system statewide assessments pursuant to s. ~~Section~~ 1008.25(6), F.S.; ~~and if or if through teacher observation,~~ the student has demonstrated minimum skill levels for mathematics competencies in one or more of the areas of emphasis for that grade level. In grade 4, areas of emphasis include:

1. ~~E~~xtending understanding of multi-digit multiplication and division;
2. ~~D~~developing the relationship between fractions and decimals and beginning operations with both;
3. ~~C~~lassifying and measuring angles; and
4. ~~D~~developing an understanding for interpreting data to include mode, median and range.

(6) Notification to Parents.

(a) Parents of students with a substantial deficiency in mathematics must be notified by the school district in writing of the information listed in s. 1008.25(6)(c)1.-4., F.S., and consulted in the development of a plan to address the deficiency as described in subsection (7) of this rule.

(b) Timing of Notification. The initial parental notification must occur immediately after a school district determines that a student has a substantial deficiency and identifies the student's specific area or type of deficiency with sufficient specificity to tailor interventions.

(7) Required Plan and Interventions.

(a) Interventions. Student with a substantial deficiency in early mathematics skills in a VPK educational program provided by a public school or a substantial deficiency in mathematics in grades K-4 or who exhibit the characteristics of dyscalculia must be provided with daily small group intervention during the school day or supplemental interventions provided before or after school or both, as described in s. 1008.25(6)(a)1. and 2., F.S.

1. Timing of Interventions. Interventions must begin immediately after a school district determines that a student has a substantial deficiency or exhibits the characteristics of dyscalculia and identifies the student's specific area or type of deficiency with sufficient specificity to tailor interventions.

2. Interventions Based upon Diagnosis. In addition to identification of a student by a school district for interventions based upon the criteria set forth in subsections (4) or (5) of this rule, the requirement to provide

interventions is triggered based upon receipt of written documentation from a professional licensed under chapter 490, F.S., which diagnoses a student with dyscalculia.

3. For grades K-4, supplemental interventions provided before or after school must be delivered by an educator with a bachelor's degree or higher who holds an active valid Florida Educator Certificate as defined in s. 1012.56, F.S., or a trained tutor as defined in paragraph (2)(c) of this rule. If the tutor is a student, tutoring must occur on school district property in the presence and under the supervision of instructional personnel who are school district employees and only where a parent has provided written permission.

4. VPK supplemental interventions provided before or after school must be delivered by an instructor who meets the school year or summer prekindergarten instructor qualifications, in accordance with sections 1002.55(3)(c)2., 1002.61(4), and 1002.63(4), F.S., or by an educator with a bachelor's degree or higher who holds an active valid Florida Educator Certificate as defined in s. 1012.56, F.S., or a trained tutor as defined in paragraph (2)(c) of this rule. If the tutor is a student, tutoring must occur on school district property in the presence and under the supervision of instructional personnel who are school district employees and only where a parent has provided written permission.

(b) Progress Monitoring Plan. Except as provided in paragraph (7)(c) of this rule, students identified with a substantial deficiency in mathematics for grades Kindergarten through 4 must have an individualized progress monitoring plan that is in writing, provided to parents and designed to address the student's specific mathematics deficiency. A progress monitoring plan must meet the following requirements:

1. The plan must include the information set forth in s. 1008.25(4)(c), F.S.;

2. The plan must include an explanation of the timing of progress reports, which must be provided to parents at least monthly, the process for a parent to request more interventions and the process for a parent to request more frequent notification of the student's progress;

3. The plan must include an explanation of how the district will determine grade level proficiency for the purpose of discontinuing interventions; and

4. The plan must be developed as soon as the identification occurs as described in subsections (4) or (5) of this rule and no later than forty-five (45) school days after the results of the coordinated screening and progress monitoring system become available.

(c) Exemption from Requirement for a Progress Monitoring Plan. Students with qualifying disabilities

addressed by an Individual Educational Plan (IEP) under the Individuals with Disabilities Education Act or a 504 Plan under Section 504 of the Rehabilitation Act of 1973 are exempt from the requirement to have an individualized progress monitoring plan, if the IEP or 504 Plan addresses the student's mathematics deficiency. Nothing in this rule should be construed to require or prohibit the development or review of an IEP or 504 Plan or prescribe the contents of these plans.

Rulemaking Authority 1001.02(1),(2)(n) FS. Law Implemented 1008.25(6)(a) FS. History—New 9-26-23.