

1 A bill to be entitled
 2 An act relating to mandatory retention; amending s.
 3 1008.25, F.S.; removing the requirement for mandatory
 4 retention of a third grade student based on his or her
 5 performance on the English Language Arts assessment;
 6 conforming provisions to changes made by the act;
 7 correcting a cross-reference; providing an effective
 8 date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraphs (b) and (c) of subsection (5),
 13 paragraphs (b) and (c) of subsection (6), subsection (7), and
 14 paragraph (a) of subsection (8) of section 1008.25, Florida
 15 Statutes, are amended to read:

16 1008.25 Public school student progression; student
 17 support; reporting requirements.—

18 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

19 (b) To be promoted to grade 4, a student must score a
 20 Level 2 or higher on the statewide, standardized English
 21 Language Arts assessment required under s. 1008.22 for grade 3
 22 or meet a good cause exemption pursuant to paragraph (6)(b). ~~If~~
 23 ~~a student's reading deficiency is not remedied by the end of~~
 24 ~~grade 3, as demonstrated by scoring Level 2 or higher on the~~
 25 ~~statewide, standardized assessment required under s. 1008.22 for~~

26 | ~~grade 3, the student must be retained.~~

27 | (c) The parent of any student who exhibits a substantial
28 | deficiency in reading, as described in paragraph (a), must be
29 | notified in writing of the following:

30 | 1. That his or her child has been identified as having a
31 | substantial deficiency in reading.

32 | 2. A description of the current services that are provided
33 | to the child.

34 | 3. A description of the proposed supplemental
35 | instructional services and supports that will be provided to the
36 | child that are designed to remediate the identified area of
37 | reading deficiency.

38 | ~~4. That if the child's reading deficiency is not~~
39 | ~~remediated by the end of grade 3, the child must be retained~~
40 | ~~unless he or she is exempt from mandatory retention for good~~
41 | ~~cause.~~

42 | 4.5. Strategies for parents to use in helping their child
43 | succeed in reading proficiency.

44 | 5.6. That the statewide, standardized English Language
45 | Arts assessment is not the sole determiner of promotion and that
46 | additional evaluations, portfolio reviews, and assessments are
47 | available to the child to assist parents and the school district
48 | in knowing when a child is reading at or above grade level and
49 | ready for grade promotion.

50 | 6.7. The district's specific criteria and policies for a

51 portfolio as provided in subparagraph (6)(b)4. and the evidence
52 required for a student to demonstrate mastery of Florida's
53 academic standards for English Language Arts. A parent of a
54 student in grade 3 who is identified anytime during the year as
55 being at risk of retention may request that the school
56 immediately begin collecting evidence for a portfolio.

57 7.8- The district's specific criteria and policies for
58 midyear promotion. Midyear promotion means promotion of a
59 retained student at any time during the year of retention once
60 the student has demonstrated ability to read at grade level.

61 (6) ELIMINATION OF SOCIAL PROMOTION.-

62 (b) ~~The district school board may only exempt students~~
63 ~~from mandatory retention, as provided in paragraph (5)(b), for~~
64 ~~good cause.~~ A student who is promoted to grade 4 with a good
65 cause exemption shall be provided intensive reading instruction
66 and intervention that include specialized diagnostic information
67 and specific reading strategies to meet the needs of each
68 student so promoted. The school district shall assist schools
69 and teachers with the implementation of reading strategies for
70 students promoted with a good cause exemption which research has
71 shown to be successful in improving reading among students who
72 have reading difficulties. Good cause exemptions are limited to
73 the following:

74 1. Limited English proficient students who have had less
75 than 2 years of instruction in an English for Speakers of Other

76 Languages program based on the initial date of entry into a
77 school in the United States.

78 2. Students with disabilities whose individual education
79 plan indicates that participation in the statewide assessment
80 program is not appropriate, consistent with the requirements of
81 s. 1008.212.

82 3. Students who demonstrate an acceptable level of
83 performance on an alternative standardized reading or English
84 Language Arts assessment approved by the State Board of
85 Education.

86 4. A student who demonstrates through a student portfolio
87 that he or she is performing at least at Level 2 on the
88 statewide, standardized English Language Arts assessment.

89 5. Students with disabilities who take the statewide,
90 standardized English Language Arts assessment and who have an
91 individual education plan or a Section 504 plan that reflects
92 that the student has received intensive instruction in reading
93 or English Language Arts for more than 2 years but still
94 demonstrates a deficiency and was previously retained in
95 kindergarten, grade 1, grade 2, or grade 3.

96 6. Students who have received intensive reading
97 intervention for 2 or more years but still demonstrate a
98 deficiency in reading and who were previously retained in
99 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
100 years. A student may not be retained more than once in grade 3.

101 7. Students who have received intensive remediation in
102 reading or English Language Arts for 2 or more years but still
103 demonstrate a deficiency and who were previously retained in
104 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
105 years. Intensive instruction for students so promoted must
106 include an altered instructional day that includes specialized
107 diagnostic information and specific reading strategies for each
108 student. The district school board shall assist schools and
109 teachers to implement reading strategies that research has shown
110 to be successful in improving reading among low-performing
111 readers.

112 (c) Requests for good cause exemptions ~~for students from~~
113 ~~the mandatory retention requirement~~ as described in
114 subparagraphs (b)3. and 4. shall be made consistent with the
115 following:

116 1. Documentation shall be submitted from the student's
117 teacher to the school principal that indicates that the
118 promotion of the student is appropriate and is based upon the
119 student's academic record. In order to minimize paperwork
120 requirements, such documentation shall consist only of the
121 existing progress monitoring plan, individual educational plan,
122 if applicable, report card, or student portfolio.

123 2. The school principal shall review and discuss such
124 recommendation with the teacher and make the determination as to
125 whether the student should be promoted or retained. If the

126 school principal determines that the student should be promoted,
127 the school principal shall make such recommendation in writing
128 to the district school superintendent. The district school
129 superintendent shall accept or reject the school principal's
130 recommendation in writing.

131 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
132 STUDENTS.—

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

143 (b) Each school district shall:

144 1. Provide third grade students who are retained for
145 reading deficiencies ~~under the provisions of paragraph (5) (b)~~
146 with intensive instructional services and supports to remediate
147 the identified areas of reading deficiency, including
148 participation in the school district's summer reading camp as
149 required under paragraph (a) and a minimum of 90 minutes of
150 daily, uninterrupted, scientifically research-based reading

151 instruction which includes phonemic awareness, phonics, fluency,
152 vocabulary, and comprehension and other strategies prescribed by
153 the school district, which may include, but are not limited to:

154 a. Integration of science and social studies content
155 within the 90-minute block.

156 b. Small group instruction.

157 c. Reduced teacher-student ratios.

158 d. More frequent progress monitoring.

159 e. Tutoring or mentoring.

160 f. Transition classes containing 3rd and 4th grade
161 students.

162 g. Extended school day, week, or year.

163 2. Provide written notification to the parent of a student
164 who is retained for a reading deficiency ~~under the provisions of~~
165 ~~paragraph (5) (b)~~ that his or her child has not met the
166 proficiency level required for promotion and the reasons the
167 child is not eligible for a good cause exemption as provided in
168 paragraph (6) (b). The notification must comply with the
169 provisions of s. 1002.20(15) and must include a description of
170 proposed interventions and supports that will be provided to the
171 child to remediate the identified areas of reading deficiency.

172 3. Implement a policy for the midyear promotion of a
173 student retained for a reading deficiency ~~under the provisions~~
174 ~~of paragraph (5) (b)~~ who can demonstrate that he or she is a
175 successful and independent reader and performing at or above

176 grade level in reading or, upon implementation of English
177 Language Arts assessments, performing at or above grade level in
178 English Language Arts. Tools that school districts may use in
179 reevaluating a student retained may include subsequent
180 assessments, alternative assessments, and portfolio reviews, in
181 accordance with rules of the State Board of Education. Students
182 promoted during the school year after November 1 must
183 demonstrate proficiency levels in reading equivalent to the
184 level necessary for the beginning of grade 4. The rules adopted
185 by the State Board of Education must include standards that
186 provide a reasonable expectation that the student's progress is
187 sufficient to master appropriate grade 4 level reading skills.

188 4. Provide students who are retained for reading
189 deficiencies ~~under the provisions of paragraph (5) (b)~~ with a
190 highly effective teacher as determined by the teacher's
191 performance evaluation under s. 1012.34.

192 5. Establish at each school, when applicable, an Intensive
193 Acceleration Class for retained grade 3 students who
194 subsequently score Level 1 on the required statewide,
195 standardized assessment identified in s. 1008.22. The focus of
196 the Intensive Acceleration Class shall be to increase a child's
197 reading and English Language Arts skill level at least two grade
198 levels in 1 school year. The Intensive Acceleration Class shall:

199 a. Be provided to a student in grade 3 who scores Level 1
200 on the statewide, standardized English Language Arts assessment

201 and who was retained in grade 3 the prior year because of
 202 scoring Level 1.

203 b. Have a reduced teacher-student ratio.

204 c. Provide uninterrupted reading instruction for the
 205 majority of student contact time each day and incorporate
 206 opportunities to master the grade 4 Next Generation Sunshine
 207 State Standards in other core subject areas.

208 d. Use a reading program that is scientifically research-
 209 based and has proven results in accelerating student reading
 210 achievement within the same school year.

211 e. Provide intensive language and vocabulary instruction
 212 using a scientifically research-based program, including use of
 213 a speech-language therapist.

214 (8) ANNUAL REPORT.—

215 (a) In addition to the requirements in paragraph (5)(c)
 216 ~~(5)(b)~~, each district school board must annually report to the
 217 parent of each student the progress of the student toward
 218 achieving state and district expectations for proficiency in
 219 English Language Arts, science, social studies, and mathematics.
 220 The district school board must report to the parent the
 221 student's results on each statewide, standardized assessment.
 222 The evaluation of each student's progress must be based upon the
 223 student's classroom work, observations, tests, district and
 224 state assessments, and other relevant information. Progress
 225 reporting must be provided to the parent in writing in a format

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226 | adopted by the district school board.

227 | Section 2. This act shall take effect July 1, 2017.