

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, including a description and
32 | explanation, in terms understandable to the parent, of the exact
33 | nature of the student's difficulty in learning and lack of
34 | achievement in reading.

35 | 2. A description of the current services that are provided
36 | to the child.

37 | 3. A description of the proposed intensive interventions
38 | and supports that will be provided to the child that are
39 | designed to remediate the identified area of reading deficiency.

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

44 | 4.5. Strategies, including multisensory strategies,
45 | through a read-at-home plan the parent can use in helping his or
46 | her child succeed in reading.

47 | 5.6. That the statewide, standardized English Language
48 | Arts assessment is not the sole determiner of promotion and that
49 | additional evaluations, portfolio reviews, and assessments are
50 | available to the child to assist parents and the school district

51 in knowing when a child is reading at or above grade level and
52 ready for grade promotion.

53 6.7. The district's specific criteria and policies for a
54 portfolio as provided in subparagraph (6)(b)4. and the evidence
55 required for a student to demonstrate mastery of Florida's
56 academic standards for English Language Arts. A parent of a
57 student in grade 3 who is identified anytime during the year as
58 being at risk of retention may request that the school
59 immediately begin collecting evidence for a portfolio.

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

64 (6) ELIMINATION OF SOCIAL PROMOTION.—

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

76 | who have reading difficulties. Good cause exemptions are limited
77 | to the following:

78 | 1. Limited English proficient students who have had less
79 | than 2 years of instruction in an English for Speakers of Other
80 | Languages program based on the initial date of entry into a
81 | school in the United States.

82 | 2. Students with disabilities whose individual education
83 | plan indicates that participation in the statewide assessment
84 | program is not appropriate, consistent with the requirements of
85 | s. 1008.212.

86 | 3. Students who demonstrate an acceptable level of
87 | performance on an alternative standardized reading or English
88 | Language Arts assessment approved by the State Board of
89 | Education.

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

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

100 | 6. Students who have received intensive reading

101 intervention for 2 or more years but still demonstrate a
102 deficiency in reading and who were previously retained in
103 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
104 years. A student may not be retained more than once in grade 3.

105 (c) Requests for good cause exemptions ~~for students from~~
106 ~~the mandatory retention requirement~~ as described in
107 subparagraphs (b)3. and 4. shall be made consistent with the
108 following:

109 1. Documentation shall be submitted from the student's
110 teacher to the school principal that indicates that the
111 promotion of the student is appropriate and is based upon the
112 student's academic record. In order to minimize paperwork
113 requirements, such documentation shall consist only of the
114 existing progress monitoring plan, individual educational plan,
115 if applicable, report card, or student portfolio.

116 2. The school principal shall review and discuss such
117 recommendation with the teacher and make the determination as to
118 whether the student should be promoted or retained. If the
119 school principal determines that the student should be promoted,
120 the school principal shall make such recommendation in writing
121 to the district school superintendent. The district school
122 superintendent shall accept or reject the school principal's
123 recommendation in writing.

124 (7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
125 STUDENTS.—

126 (a) A student ~~Students~~ retained for a reading deficiency
 127 ~~under paragraph (5) (b)~~ must be provided intensive interventions
 128 in reading to ameliorate the student's specific reading
 129 deficiency and prepare the student for promotion to the next
 130 grade. These interventions must include:

131 1. Evidence-based, explicit, systematic, and multisensory
 132 reading instruction in phonemic awareness, phonics, fluency,
 133 vocabulary, and comprehension and other strategies prescribed by
 134 the school district.

135 2. Participation in the school district's summer reading
 136 camp, which must incorporate the instructional and intervention
 137 strategies under subparagraph 1.

138 3. A minimum of 90 minutes of daily, uninterrupted reading
 139 instruction incorporating the instructional and intervention
 140 strategies under subparagraph 1. This instruction may include:

141 a. Integration of content-rich texts in science and social
 142 studies within the 90-minute block.

143 b. Small group instruction.

144 c. Reduced teacher-student ratios.

145 d. More frequent progress monitoring.

146 e. Tutoring or mentoring.

147 f. Transition classes containing 3rd and 4th grade
 148 students.

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

150 (b) Each school district shall:

151 1. Provide written notification to the parent of a student
152 who is retained for a reading deficiency ~~under paragraph (5) (b)~~
153 that his or her child has not met the proficiency level required
154 for promotion and the reasons the child is not eligible for a
155 good cause exemption as provided in paragraph (6) (b). The
156 notification must comply with paragraph (5) (c) and must include
157 a description of proposed interventions and supports that will
158 be provided to the child to remediate the identified areas of
159 reading deficiency.

160 2. Implement a policy for the midyear promotion of a
161 student retained for a reading deficiency ~~under paragraph (5) (b)~~
162 who can demonstrate that he or she is a successful and
163 independent reader and performing at or above grade level in
164 reading or, upon implementation of English Language Arts
165 assessments, performing at or above grade level in English
166 Language Arts. Tools that school districts may use in
167 reevaluating a student retained may include subsequent
168 assessments, alternative assessments, and portfolio reviews, in
169 accordance with rules of the State Board of Education. Students
170 promoted during the school year after November 1 must
171 demonstrate proficiency levels in reading equivalent to the
172 level necessary for the beginning of grade 4. The rules adopted
173 by the State Board of Education must include standards that
174 provide a reasonable expectation that the student's progress is
175 sufficient to master appropriate grade 4 level reading skills.

176 3. Provide students who are retained for reading
177 deficiencies ~~under paragraph (5)(b)~~, including students
178 participating in the school district's summer reading camp under
179 subparagraph (a)2., with a highly effective teacher as
180 determined by the teacher's performance evaluation under s.
181 1012.34, and, beginning July 1, 2020, the teacher must also be
182 certified or endorsed in reading.

183 4. Establish at each school, when applicable, an intensive
184 reading acceleration course for any student retained in grade 3
185 who was previously retained in kindergarten, grade 1, or grade
186 2. The intensive reading acceleration course must provide the
187 following:

188 a. Uninterrupted reading instruction for the majority of
189 student contact time each day and opportunities to master the
190 grade 4 Next Generation Sunshine State Standards in other core
191 subject areas through content-rich texts.

192 b. Small group instruction.

193 c. Reduced teacher-student ratios.

194 d. The use of explicit, systematic, and multisensory
195 reading interventions, including intensive language, phonics,
196 and vocabulary instruction, and use of a speech-language
197 therapist if necessary, that have proven results in accelerating
198 student reading achievement within the same school year.

199 e. A read-at-home plan.

200 (8) ANNUAL REPORT.—

201 (a) In addition to the requirements in paragraph (5) (c)
202 ~~(5) (b)~~, each district school board must annually report to the
203 parent of each student the progress of the student toward
204 achieving state and district expectations for proficiency in
205 English Language Arts, science, social studies, and mathematics.
206 The district school board must report to the parent the
207 student's results on each statewide, standardized assessment.
208 The evaluation of each student's progress must be based upon the
209 student's classroom work, observations, tests, district and
210 state assessments, response to intensive interventions provided
211 under paragraph (5) (a), and other relevant information. Progress
212 reporting must be provided to the parent in writing in a format
213 adopted by the district school board.

214 Section 2. This act shall take effect July 1, 2018.