

By Senator Farmer

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1                   A bill to be entitled  
2           An act relating to mandatory retention of grade 3  
3           students; amending s. 1008.25, F.S.; deleting  
4           provisions relating to the mandatory retention of  
5           students who receive specified scores on the grade 3  
6           statewide, standardized English Language Arts  
7           assessment; amending ss. 1008.34 and 1008.345, F.S.;  
8           conforming provisions to changes made by the act;  
9           providing an effective date.

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

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

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

19           (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

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

27           (b)(e) 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:

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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 remediated~~  
41 ~~by the end of grade 3, the child must be retained unless he or~~  
42 ~~she is exempt from mandatory retention for good cause.~~

43 ~~4.5.~~ Strategies, including multisensory strategies, through  
44 a read-at-home plan the parent can use in helping his or her  
45 child succeed in reading.

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

52 ~~6.7.~~ The district's specific criteria and policies for a  
53 portfolio as provided in subparagraph (6) (b)4. and the evidence  
54 required for a student to demonstrate mastery of Florida's  
55 academic standards for English Language Arts. ~~A parent of a~~  
56 ~~student in grade 3 who is identified anytime during the year as~~  
57 ~~being at risk of retention may request that the school~~  
58 ~~immediately begin collecting evidence for a portfolio.~~

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

63        (6) ELIMINATION OF SOCIAL PROMOTION.—

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

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

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

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

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88 Education.

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

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

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

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

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

115 2. The school principal shall review and discuss such  
116 recommendation with the teacher and make the determination as to

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117 whether the student should be promoted or retained. If the  
118 school principal determines that the student should be promoted,  
119 the school principal shall make such recommendation in writing  
120 to the district school superintendent. The district school  
121 superintendent shall accept or reject the school principal's  
122 recommendation in writing.

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

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

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

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

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

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

142 ~~b. Small group instruction.~~

143 ~~c. Reduced teacher-student ratios.~~

144 ~~d. More frequent progress monitoring.~~

145 ~~e. Tutoring or mentoring.~~

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

148 ~~g. Extended school day, week, or year.~~

149 ~~(b) Each school district shall:~~

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

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

173 ~~3. Provide students who are retained under paragraph~~  
174 ~~(5) (b), including students participating in the school~~

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175 ~~district's summer reading camp under subparagraph (a)2., with a~~  
176 ~~highly effective teacher as determined by the teacher's~~  
177 ~~performance evaluation under s. 1012.34, and, beginning July 1,~~  
178 ~~2020, the teacher must also be certified or endorsed in reading.~~

179 ~~4. Establish at each school, when applicable, an intensive~~  
180 ~~reading acceleration course for any student retained in grade 3~~  
181 ~~who was previously retained in kindergarten, grade 1, or grade~~  
182 ~~2. The intensive reading acceleration course must provide the~~  
183 ~~following:~~

184 ~~a. Uninterrupted reading instruction for the majority of~~  
185 ~~student contact time each day and opportunities to master the~~  
186 ~~grade 4 Next Generation Sunshine State Standards in other core~~  
187 ~~subject areas through content-rich texts.~~

188 ~~b. Small group instruction.~~

189 ~~e. Reduced teacher-student ratios.~~

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

195 ~~e. A read-at-home plan.~~

196 ~~(7)-(8) ANNUAL REPORT.-~~

197 ~~(a) In addition to the requirements in paragraph (5)(b),~~  
198 Each district school board must annually report to the parent of  
199 each student the progress of the student toward achieving state  
200 and district expectations for proficiency in English Language  
201 Arts, science, social studies, and mathematics. The district  
202 school board must report to the parent the student's results on  
203 each statewide, standardized assessment. The evaluation of each

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204 student's progress must be based upon the student's classroom  
205 work, observations, tests, district and state assessments,  
206 response to intensive interventions provided under paragraph  
207 (5) (a), and other relevant information. Progress reporting must  
208 be provided to the parent in writing in a format adopted by the  
209 district school board.

210 Section 2. Paragraph (c) of subsection (7) of section  
211 1008.34, Florida Statutes, is amended to read:

212 1008.34 School grading system; school report cards;  
213 district grade.—

214 (7) TRANSITION.—School grades pursuant to this section and  
215 school improvement ratings pursuant to s. 1008.341 for the 2013-  
216 2014 school year shall be calculated based on statutes and rules  
217 in effect on June 30, 2014. To assist in the transition to 2014-  
218 2015 school grades and school improvement ratings, calculated  
219 based on new statewide, standardized assessments administered  
220 pursuant to s. 1008.22, the 2014-2015 school grades and school  
221 improvement ratings shall serve as an informational baseline for  
222 schools to work toward improved performance in future years.  
223 Accordingly, notwithstanding any other provision of law:

224 (c) Until such time as an independent verification of the  
225 psychometric validity of the statewide, standardized assessments  
226 first implemented in 2014-2015 is provided, for purposes of  
227 ~~grade 3 English Language Arts student performance and high~~  
228 school graduation requirements pursuant to s. 1003.4282, student  
229 performance on the 2014-2015 statewide, standardized assessments  
230 shall be linked to 2013-2014 student performance expectations.  
231 ~~Students who score in the bottom quintile on the 2014-2015 grade~~  
232 ~~3 English Language Arts assessment shall be identified as~~



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233 ~~students at risk of retention. School districts must notify~~  
234 ~~parents of such students, provide evidence as outlined in s.~~  
235 ~~1008.25(6)(b), and provide the appropriate intervention and~~  
236 ~~support services for student success in grade 4.~~

237

238 This subsection is repealed July 1, 2017.

239 Section 3. Paragraph (a) of subsection (5) of section  
240 1008.345, Florida Statutes, is amended to read:

241 1008.345 Implementation of state system of school  
242 improvement and education accountability.-

243 (5) The commissioner shall annually report to the State  
244 Board of Education and the Legislature and recommend changes in  
245 state policy necessary to foster school improvement and  
246 education accountability. The report shall include:

247 (a) For each school district:

248 1. The percentage of students, by school and grade level,  
249 demonstrating learning growth in English Language Arts and  
250 mathematics.

251 2. The percentage of students, by school and grade level,  
252 in both the highest and lowest quartiles demonstrating learning  
253 growth in English Language Arts and mathematics.

254 3. The information contained in the school district's  
255 annual report required pursuant to s. 1008.25(7) ~~s. 1008.25(8)~~.

256

257 School reports shall be distributed pursuant to this subsection  
258 and s. 1001.42(18)(c) and according to rules adopted by the  
259 State Board of Education.

260 Section 4. This act shall take effect July 1, 2018.