

By Senator Rodriguez

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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 support;  
17    reporting requirements.—

18           (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

19           (b) To be promoted to grade 4, a student must score a Level  
20    2 or higher on the statewide, standardized English Language Arts  
21    assessment required under s. 1008.22 for grade 3 or meet a good  
22    cause exemption pursuant to paragraph (6)(b). ~~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           (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:

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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) A student ~~Students~~ retained for a reading deficiency  
126 ~~under paragraph (5)(b)~~ must be provided intensive interventions  
127 in reading to ameliorate the student's specific reading  
128 deficiency and prepare the student for promotion to the next  
129 grade. These interventions must 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 for a reading deficiency ~~under paragraph (5) (b)~~  
152 that his or her child has not met the proficiency level required  
153 for promotion and the reasons the child is not eligible for a  
154 good cause exemption as provided in paragraph (6) (b). The  
155 notification must comply with paragraph (5) (c) and must include  
156 a description of proposed interventions and supports that will  
157 be provided to the child to remediate the identified areas of  
158 reading deficiency.

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

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

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

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

191           b. Small group instruction.

192           c. Reduced teacher-student ratios.

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

198           e. A read-at-home plan.

199           (8) ANNUAL REPORT.—

200           (a) In addition to the requirements in paragraph (5)(c)  
201 ~~(5)(b)~~, each district school board must annually report to the  
202 parent of each student the progress of the student toward  
203 achieving state and district expectations for proficiency in

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

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