



327290

LEGISLATIVE ACTION

Senate

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House

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Senator Berman moved the following:

**Senate Amendment (with title amendment)**

Between lines 169 and 170

insert:

Section 3. Notwithstanding s. 1008.25, Florida Statutes, a parent or guardian may request that his or her K-5 public school student be retained for the 2021-2022 school year in the grade level to which the student was assigned at the beginning of the 2020-2021 school year, provided that such request is made for academic reasons.

(1) A parent or guardian who wishes for his or her student



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12 to be retained as provided by this act must submit, in writing,  
13 to the school principal a retention request that specifies the  
14 academic reasons for the retention. Only requests received by  
15 the principal on or before June 30, 2021, must be considered. A  
16 principal may consider a request received after that date at his  
17 or her discretion.

18 (2) (a) A principal who considers a retention request  
19 submitted pursuant to this subsection shall inform the student's  
20 teachers of the retention request and collaboratively discuss  
21 with the parent or guardian any basis for agreement or  
22 disagreement with the request. As part of the discussion with  
23 the parent or guardian, the principal shall disclose that  
24 retention may impact the student's eligibility to participate in  
25 high school interscholastic or intrascholastic sports due to the  
26 student's age.

27 (b) In lieu of retention, the principal, teachers, and  
28 parent or guardian may collaborate to develop a customized 1-  
29 year education plan for the student with the intent of helping  
30 the student return to grade level readiness by the end of the  
31 next academic year. Such plan may include, but need not be  
32 limited to, supplemental educational support, services, and  
33 interventions; summer education; promotion in some, but not all,  
34 courses; and midyear promotion.

35 (c) The parent's or guardian's decision to promote or  
36 retain his or her student after discussing the retention request  
37 with the principal shall control. The parent or guardian must  
38 sign a form provided by the principal indicating the parent or  
39 guardian's decision and acknowledging the academic and athletic  
40 ramifications of his or her decision. This form must be retained



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41 in the student's record.

42 (3) If a student retained under this subsection has an  
43 individual education plan (IEP) in effect, the student's IEP  
44 team must convene to review and revise the student's IEP, as  
45 appropriate.

46 (4) By June 30, 2022, school districts shall report to the  
47 Department of Education the number of students retained pursuant  
48 to this act for all or part of the 2021-2022 school year.

49  
50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete line 21

53 and insert:

54 against an educational institution; authorizing a  
55 parent or guardian to request that his or her K-5  
56 student be retained in a grade level for academic  
57 reasons for a specified school year; requiring that  
58 such a request be submitted in a specified manner;  
59 requiring school principals to consider such requests  
60 if they are timely received; authorizing school  
61 principals to consider requests that are not timely  
62 received; requiring a school principal who considers a  
63 request for retention to inform the student's teachers  
64 of the request and collaboratively discuss with the  
65 parent or guardian any basis for agreement or  
66 disagreement with the request; requiring such  
67 discussion to disclose that retention may impact the  
68 student's eligibility to participate in high school  
69 interscholastic or intrascholastic sports; authorizing



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70 the principal, teachers, and parent or guardian to  
71 collaborate to develop a customized 1-year education  
72 plan for the student in lieu of retaining the student;  
73 requiring a parent's or guardian's decision regarding  
74 retention to control; requiring a parent or guardian  
75 to sign a form provided by the principal indicating  
76 the parent or guardian's decision and acknowledging  
77 the academic and athletic ramifications of their  
78 decision; requiring such form to be retained in the  
79 student's record; requiring the individual education  
80 plan (IEP) team for a retained student to review and  
81 revise the student's IEP, as appropriate; requiring  
82 school districts to report certain data to the  
83 department by a specified date; providing an