

By Senator Rodriguez

37-01352-17

20171280__

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:

37-01352-17

20171280__

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 instructional
35 services and supports that will be provided to the child that
36 are designed to remediate the identified area of reading
37 deficiency.

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

41 4.5. Strategies for parents to use in helping their child
42 succeed in reading proficiency.

43 5.6. That the statewide, standardized English Language Arts
44 assessment is not the sole determiner of promotion and that
45 additional evaluations, portfolio reviews, and assessments are
46 available to the child to assist parents and the school district
47 in knowing when a child is reading at or above grade level and
48 ready for grade promotion.

49 6.7. The district's specific criteria and policies for a
50 portfolio as provided in subparagraph (6)(b)4. and the evidence
51 required for a student to demonstrate mastery of Florida's
52 academic standards for English Language Arts. A parent of a
53 student in grade 3 who is identified anytime during the year as
54 being at risk of retention may request that the school
55 immediately begin collecting evidence for a portfolio.

56 7.8. The district's specific criteria and policies for
57 midyear promotion. Midyear promotion means promotion of a
58 retained student at any time during the year of retention once

37-01352-17

20171280__

59 the student has demonstrated ability to read at grade level.

60 (6) ELIMINATION OF SOCIAL PROMOTION.—

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

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

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

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

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

37-01352-17

20171280__

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

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

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

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

115 1. Documentation shall be submitted from the student's
116 teacher to the school principal that indicates that the

37-01352-17

20171280__

117 promotion of the student is appropriate and is based upon the
118 student's academic record. In order to minimize paperwork
119 requirements, such documentation shall consist only of the
120 existing progress monitoring plan, individual educational plan,
121 if applicable, report card, or student portfolio.

122 2. The school principal shall review and discuss such
123 recommendation with the teacher and make the determination as to
124 whether the student should be promoted or retained. If the
125 school principal determines that the student should be promoted,
126 the school principal shall make such recommendation in writing
127 to the district school superintendent. The district school
128 superintendent shall accept or reject the school principal's
129 recommendation in writing.

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

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

142 (b) Each school district shall:

143 1. Provide third grade students who are retained for
144 reading deficiencies ~~under the provisions of paragraph (5) (b)~~
145 with intensive instructional services and supports to remediate

37-01352-17

20171280__

146 the identified areas of reading deficiency, including
147 participation in the school district's summer reading camp as
148 required under paragraph (a) and a minimum of 90 minutes of
149 daily, uninterrupted, scientifically research-based reading
150 instruction which includes phonemic awareness, phonics, fluency,
151 vocabulary, and comprehension and other strategies prescribed by
152 the school district, which may include, but are not limited to:

- 153 a. Integration of science and social studies content within
- 154 the 90-minute block.
- 155 b. Small group instruction.
- 156 c. Reduced teacher-student ratios.
- 157 d. More frequent progress monitoring.
- 158 e. Tutoring or mentoring.
- 159 f. Transition classes containing 3rd and 4th grade
- 160 students.
- 161 g. Extended school day, week, or year.

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

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

37-01352-17

20171280__

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

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

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

198 a. Be provided to a student in grade 3 who scores Level 1
199 on the statewide, standardized English Language Arts assessment
200 and who was retained in grade 3 the prior year because of
201 scoring Level 1.

202 b. Have a reduced teacher-student ratio.

203 c. Provide uninterrupted reading instruction for the

37-01352-17

20171280__

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

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

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

213 (8) ANNUAL REPORT.—

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

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