A bill to be entitled
An act relating to mandatory retention; amending s. 1008.25, F.S.; removing the requirement for mandatory retention of a third grade student based on his or her performance on the English Language Arts assessment; conforming provisions to changes made by the act; correcting a cross-reference; providing an effective date.

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

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

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

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) To be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized English Language Arts assessment required under s. 1008.22 for grade 3 or meet a good cause exemption pursuant to paragraph (6)(b). If a student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the statewide, standardized assessment required under s. 1008.22 for
grade 3, the student must be retained.

(c) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading.

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

3. A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

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

5. Strategies for parents to use in helping their child succeed in reading proficiency.

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

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

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

(6) ELIMINATION OF SOCIAL PROMOTION.—
(b) The district school board may only exempt students
from mandatory retention, as provided in paragraph (5)(b), for
good cause. A student who is promoted to grade 4 with a good
cause exemption shall be provided intensive reading instruction
and intervention that include specialized diagnostic information
and specific reading strategies to meet the needs of each
student so promoted. The school district shall assist schools
and teachers with the implementation of reading strategies for
students promoted with a good cause exemption which research has
shown to be successful in improving reading among students who
have reading difficulties. Good cause exemptions are limited to
the following:

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

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

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

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

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

6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.
7. Students who have received intensive remediation in reading or English Language Arts for 2 or more years but still demonstrate a deficiency and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. Intensive instruction for students so promoted must include an altered instructional day that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low-performing readers.

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

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

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

(7) SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE 
STUDENTS.—
(a) A student retained for a reading deficiency 
under the provisions of paragraph (5)(b) must be provided 
intensive interventions in reading to ameliorate the student's 
specific reading deficiency, as identified by a valid and 
reliable diagnostic assessment. This intensive intervention must 
include effective instructional strategies, participation in the 
school district's summer reading camp, and appropriate teaching 
methodologies necessary to assist those students in becoming 
successful readers, able to read at or above grade level, and 
ready for promotion to the next grade.

(b) Each school district shall:

1. Provide third grade students who are retained for 
reading deficiencies under the provisions of paragraph (5)(b) 
with intensive instructional services and supports to remediate 
the identified areas of reading deficiency, including 
participation in the school district's summer reading camp as 
required under paragraph (a) and a minimum of 90 minutes of 
daily, uninterrupted, scientifically research-based reading
instruction which includes phonemic awareness, phonics, fluency, vocabulary, and comprehension and other strategies prescribed by the school district, which may include, but are not limited to:

a. Integration of science and social studies content within the 90-minute block.

b. Small group instruction.

c. Reduced teacher-student ratios.

d. More frequent progress monitoring.

e. Tutoring or mentoring.

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

g. Extended school day, week, or year.

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

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

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

5. Establish at each school, when applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score Level 1 on the required statewide, standardized assessment identified in s. 1008.22. The focus of the Intensive Acceleration Class shall be to increase a child's reading and English Language Arts skill level at least two grade levels in 1 school year. The Intensive Acceleration Class shall:
   a. Be provided to a student in grade 3 who scores Level 1 on the statewide, standardized English Language Arts assessment
and who was retained in grade 3 the prior year because of scoring Level 1.

   b. Have a reduced teacher-student ratio.
   c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Next Generation Sunshine State Standards in other core subject areas.
   d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.
   e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

(8) ANNUAL REPORT.—
   (a) In addition to the requirements in paragraph (5)(c)(5)(b), each district school board must annually report to the parent of each student the progress of the student toward achieving state and district expectations for proficiency in English Language Arts, science, social studies, and mathematics. The district school board must report to the parent the student's results on each statewide, standardized assessment. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format...
adopted by the district school board.

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