

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.

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 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 subsection (8) of section 1008.25, Florida
 16 Statutes, are amended to read:

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

19 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

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

26 | ~~grade 3, the student must be retained.~~

27 | (b)~~(e)~~ The parent of any student who exhibits a
28 | substantial deficiency in reading, as described in paragraph
29 | (a), must be notified in writing of the following:

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

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

47 | 5.6. That ~~the statewide, standardized English Language~~
48 | ~~Arts assessment is not the sole determiner of promotion and that~~
49 | ~~additional~~ evaluations, portfolio reviews, and assessments are
50 | available to the child to assist parents and the school district

51 in knowing when a child is reading at or above grade level and
52 ready for grade promotion.

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

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

64 (6) ELIMINATION OF SOCIAL PROMOTION.—

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

76 | who have reading difficulties. Good cause exemptions are limited
77 | to the following:

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

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

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

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

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

100 | 6. Students who have received intensive reading

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

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

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

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

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

- 126 ~~(a) Students retained under paragraph (5) (b) must be~~
127 ~~provided intensive interventions in reading to ameliorate the~~
128 ~~student's specific reading deficiency and prepare the student~~
129 ~~for promotion to the next grade. These interventions must~~
130 ~~include:~~
- 131 ~~1. Evidence-based, explicit, systematic, and multisensory~~
132 ~~reading instruction in phonemic awareness, phonics, fluency,~~
133 ~~vocabulary, and comprehension and other strategies prescribed by~~
134 ~~the school district.~~
- 135 ~~2. Participation in the school district's summer reading~~
136 ~~camp, which must incorporate the instructional and intervention~~
137 ~~strategies under subparagraph 1.~~
- 138 ~~3. A minimum of 90 minutes of daily, uninterrupted reading~~
139 ~~instruction incorporating the instructional and intervention~~
140 ~~strategies under subparagraph 1. This instruction may include:~~
- 141 ~~a. Integration of content-rich texts in science and social~~
142 ~~studies within the 90-minute block.~~
- 143 ~~b. Small group instruction.~~
- 144 ~~c. Reduced teacher-student ratios.~~
- 145 ~~d. More frequent progress monitoring.~~
- 146 ~~e. Tutoring or mentoring.~~
- 147 ~~f. Transition classes containing 3rd and 4th grade~~
148 ~~students.~~
- 149 ~~g. Extended school day, week, or year.~~
- 150 ~~(b) Each school district shall:~~

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

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

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

176 ~~district's summer reading camp under subparagraph (a)2., with a~~
177 ~~highly effective teacher as determined by the teacher's~~
178 ~~performance evaluation under s. 1012.34, and, beginning July 1,~~
179 ~~2020, the teacher must also be certified or endorsed in reading.~~

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

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

189 ~~b. Small group instruction.~~

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

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

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

197 (7)~~(8)~~ ANNUAL REPORT.—

198 ~~(a) In addition to the requirements in paragraph (5)(b),~~
199 Each district school board must annually report to the parent of
200 each student the progress of the student toward achieving state

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

211 Section 2. Paragraph (c) of subsection (7) of section
212 1008.34, Florida Statutes, is amended to read:

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

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

224 Accordingly, notwithstanding any other provision of law:

225 (c) Until such time as an independent verification of the

226 psychometric validity of the statewide, standardized assessments
227 first implemented in 2014-2015 is provided, for purposes of
228 ~~grade 3 English Language Arts student performance~~ and high
229 school graduation requirements pursuant to s. 1003.4282, student
230 performance on the 2014-2015 statewide, standardized assessments
231 shall be linked to 2013-2014 student performance expectations.
232 ~~Students who score in the bottom quintile on the 2014-2015 grade~~
233 ~~3 English Language Arts assessment shall be identified as~~
234 ~~students at risk of retention. School districts must notify~~
235 ~~parents of such students, provide evidence as outlined in s.~~
236 ~~1008.25(6)(b), and provide the appropriate intervention and~~
237 ~~support services for student success in grade 4.~~

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239 This subsection is repealed July 1, 2017.

240 Section 3. Paragraph (a) of subsection (5) of section
241 1008.345, Florida Statutes, is amended to read:

242 1008.345 Implementation of state system of school
243 improvement and education accountability.—

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

248 (a) For each school district:

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

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251 mathematics.

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

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

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

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