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1
2 An act relating to public school student progression
3 for students with disabilities; amending s. 1008.25,
4 F.S.; requiring comprehensive plans for student
5 progression to provide for specified students with
6 disabilities to be retained in prekindergarten at the
7 discretion of a student's parent; authorizing certain
8 prekindergarten students to receive instruction in
9 early literacy skills, rather than intensive reading
10 interventions; requiring certain prekindergarten
11 students to receive such instruction; revising the
12 requirements for certain students with disabilities to
13 receive a good cause exemption from mandatory
14 retention in grade 3; providing an effective date.
15

16 Be It Enacted by the Legislature of the State of Florida:
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18 Section 1. Paragraph (b) of subsection (5) and paragraph
19 (b) of subsection (6) of section 1008.25, Florida Statutes, are
20 amended, and paragraph (g) is added to subsection (2) of that
21 section, to read:

22 1008.25 Public school student progression; student support;
23 coordinated screening and progress monitoring; reporting
24 requirements.—

25 (2) STUDENT PROGRESSION PLAN.—Each district school board
26 shall establish a comprehensive plan for student progression
27 which must provide for a student's progression from one grade to
28 another based on the student's mastery of the standards in s.
29 1003.41, specifically English Language Arts, mathematics,

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30 science, and social studies standards. The plan must:

31 (g) Allow the parent of a student with disabilities who is
32 enrolled in prekindergarten at the age of 4 and is fully funded
33 through the Florida Education Finance Program to retain his or
34 her child in consultation with the individual education plan
35 team.

36 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

37 (b) A Voluntary Prekindergarten Education Program student who
38 exhibits a substantial deficiency in early literacy skills in
39 accordance with the standards under s. 1002.67(1)(a) and based
40 upon the results of the administration of the final coordinated
41 screening and progress monitoring under subsection (8) shall be
42 referred to the local school district and may be eligible to
43 receive instruction in early literacy skills ~~intensive reading~~
44 ~~interventions~~ before participating in kindergarten. A student
45 with an individual education plan who has been retained pursuant
46 to paragraph (2)(g) and has demonstrated a substantial
47 deficiency in early literacy skills must receive instruction in
48 early literacy skills. Such instruction in early literacy skills
49 ~~intensive reading interventions~~ shall be paid for using funds
50 from the district's evidence-based reading instruction
51 allocation in accordance with s. 1011.62(8).

52 (6) ELIMINATION OF SOCIAL PROMOTION.—

53 (b) The district school board may only exempt students from
54 mandatory retention, as provided in paragraph (5)(c), for good
55 cause. A student who is promoted to grade 4 with a good cause
56 exemption shall be provided intensive reading instruction and
57 intervention that include specialized diagnostic information and
58 specific reading strategies to meet the needs of each student so

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59 promoted. The school district shall assist schools and teachers
60 with the implementation of explicit, systematic, and
61 multisensory reading instruction and intervention strategies for
62 students promoted with a good cause exemption which research has
63 shown to be successful in improving reading among students who
64 have reading difficulties. Good cause exemptions are limited to
65 the following:

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

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

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

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

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

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88 6. Students who have received intensive reading
89 intervention for 2 or more years but still demonstrate a
90 deficiency in reading and who were previously retained in
91 kindergarten, grade 1, grade 2, or grade 3 for a total of 2
92 years. A student may not be retained more than once in grade 3.
93 Section 2. This act shall take effect July 1, 2023.