

CHAPTER 2023-91

Committee Substitute for Senate Bill No. 290

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

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

Section 1. Paragraph (b) of subsection (5) and paragraph (b) of subsection (6) of section 1008.25, Florida Statutes, are amended, and paragraph (g) is added to subsection (2) of that section, to read:

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

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

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

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early literacy skills in accordance with the standards under s. 1002.67(1)(a) and based upon the results of the administration of the final coordinated screening and progress monitoring under subsection (8) shall be referred to the local school district and may be eligible to receive instruction in early literacy skills ~~intensive reading interventions~~ before participating in kindergarten. A student with an individual education plan who has been retained pursuant to paragraph (2)(g) and has demonstrated a substantial deficiency in early literacy skills must receive instruction in early literacy skills. Such instruction in early literacy skills ~~intensive reading interventions~~ shall be paid for using funds

from the district's evidence-based reading instruction allocation in accordance with s. 1011.62(8).

(6) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(c), 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 explicit, systematic, and multisensory reading instruction and intervention 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 prekindergarten, 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.

Section 2. This act shall take effect July 1, 2023.

Approved by the Governor May 17, 2023.

Filed in Office Secretary of State May 17, 2023.