

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1025 Student Retention
SPONSOR(S): Skidmore
TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 200

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Early Learning & Elementary Education Subcommittee		Bauman	Brink
2) PreK-12 Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

In recognition of the challenges presented by COVID-19 for student learning, the bill authorizes parents to request that their K-8 public school student be retained in the grade level to which the student was assigned at the beginning of the 2020-2021 school year for the 2021-2022 school year.

The bill provides that a parent must submit the retention request in writing to the district school superintendent. The superintendent must grant any request received by June 30, 2021. If a request is received after the deadline, it is within the superintendent’s discretion whether to consider and grant the request.

The bill provides that a student retained at the request of a parent may not qualify for midyear promotion and must remain in the grade in which the student was retained until the end of the school year. The bill also requires school districts to report the number of students retained by parental request for all or part of the 2021-2022 school year to the Department of Education by June 30, 2022.

The authority of a parent to request retention under the bill is limited to requests for the 2021-2022 school year.

This bill has an indeterminate fiscal impact. See Fiscal Comments.

The bill becomes effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Student Progression

District school boards are required to establish a comprehensive plan for student progression from one grade to another based on the student's mastery of the Next Generation Sunshine State Standards (NGSSS), which establish the core content knowledge and skills that K-12 public school students are expected to acquire.¹ Among other requirements, the progression plan must:²

- Emphasize student reading proficiency in grades K-3 and provide targeted instructional support for students with identified deficiencies in English Language Arts (ELA), math, science, and social studies.
- Use the results of statewide, standardized assessments and end-of-course assessments to advise high school students of any identified deficiencies and to provide appropriate preparatory instruction.
- Provide for the timely delivery of student evaluation results to a student's teachers and parents for progress monitoring in grades K-12.
- Provide requirements and notification procedures for student participation in whole-grade promotion, midyear promotion,³ or subject-matter acceleration.

Statewide, Standardized Assessments

The primary purpose of Florida's student assessment program is to provide student academic achievement and learning gains data to students, parents, and schools.⁴ In addition to providing information for school accountability and policy development objectives, the program is also designed to:⁵

- Assess the achievement level and annual learning gains of each student in ELA and mathematics and the achievement level in all other subjects assessed.
- Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school.⁶

The statewide, standardized assessment program is designed and implemented by the Commissioner of Education to align with the core curricular content established in the NGSSS.⁷ Each public school student must participate in the statewide, standardized assessment program in grades 3 through 10.⁸ Students who do not achieve a Level 3 or above on the statewide, standardized ELA assessment, the statewide, standardized Mathematics assessment, or the Algebra I end-of-course assessment must be evaluated to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance.⁹

¹ See ss. 1003.41 and 1008.25(2), F.S. In particular, the plan must focus progression on a student's mastery of English Language Arts, math, science, and social studies standards.

² Section 1008.25(2), F.S.

³ 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. Section 1008.25(5)(c)8., F.S.

⁴ Section 1008.22(1), F.S.

⁵ *Id.*

⁶ *Id.*

⁷ Section 1008.22(3), F.S.

⁸ Sections 1008.22(3)(a) and 1008.25(4)(a), F.S.

⁹ Section 1008.25(4)(a), F.S.

Any student in kindergarten through grade 3 who exhibits a substantial reading deficiency¹⁰ must be provided interventions immediately following the identification of the substantial deficiency.¹¹ When a student is identified with a substantial reading deficiency, Florida law requires the student's school to notify his or her parent.¹² The school must provide an explanation of the child's particular difficulty in reading as well as descriptions of the services available and proposed interventions designed to address the child's reading deficiency.¹³ Additionally, the parent must be informed that if the student's substantial reading deficiency is not remediated by grade 3, the student must be retained unless a good cause exemption from retention¹⁴ applies.¹⁵

Student Retention

Florida law specifies that no student may be assigned to a grade level based solely on age or other factors that constitute social promotion.¹⁶

For promotion to grade 4, a student must score a Level 2 or higher on the statewide, standardized ELA assessment required for grade 3. The student must be retained if the student's reading deficiency is not remedied by the end of grade 3, which is demonstrated by scoring a Level 2 or higher on the statewide, standardized ELA assessment required for grade 3.¹⁷

The district school board may exempt students from mandatory retention in grade 3 only for good cause.¹⁸ Good cause exemptions are limited to students in grade 3 and may apply to students with limited English proficiency; students with disabilities; students who demonstrate an acceptable level of performance on an alternative assessment approved by the State Board of Education or through a student portfolio; and students previously retained in grades K-3.¹⁹ Any student who is promoted to grade 4 with a good cause exemption must be provided intensive reading instruction and intervention, including specialized diagnostic information and specific reading strategies for the particular student's needs.²⁰

In the 2018-2019 school year, 28,178 students were promoted to grade 4 based on a good cause exemption.²¹

For promotion to high school, middle grade²² students must successfully complete:²³

- three middle grades or higher courses in ELA;
- three middle grades or higher courses in math;
- three middle grades or higher courses in social studies, one of which must be a civics education course;²⁴

¹⁰ Identification of a substantial deficiency is based upon screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations. Section 1008.25(5)(a), F.S. See Rule 6A-6.053(12), F.A.C.

¹¹ Section 1008.25(5)(a), F.S.

¹² Section 1008.25(5)(c), F.S.

¹³ Section 1008.25(5)(c)1.-3., F.S.

¹⁴ See *infra* text accompanying notes 18-19.

¹⁵ Section 1008.25(5)(c)4., F.S.

¹⁶ Section 1008.25(6)(a), F.S.

¹⁷ Section 1008.25(5)(b), F.S.

¹⁸ Section 1008.25(6)(b), F.S.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Florida Department of Education, *3rd Grade Promotions: Good Cause Exemption 2018-19*, Excel Report, available at <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.stml> (last visited March 29, 2021) (scroll to "Retentions and Non-Promotions" at the bottom of the page). Pursuant to the Florida Department of Education's Emergency Order No. 2020-EO-01, spring K-12 statewide assessment test administrations—including the grade 3 ELA assessment—for the 2019-20 school year were canceled. Therefore, grade 3 good cause exemption promotion data is not available for the 2019-20 school year. See Florida Department of Education, *Emergency Order No. 2020-EO-01* (March 23, 2020) available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEORDERNO2020-EO-01.pdf> (last visited March 29, 2021).

²² Middle grade refers to grades 6, 7, and 8. Section 1003.4156(1), F.S.

²³ Section 1003.4156(1), F.S.

²⁴ Section 1003.4156(1)(c), F.S.

- three middle grades or higher courses in science; and
- one middle grades course in career and education planning.

Based on data from the Florida Department of Education (DOE),²⁵ there was an overall 50 percent reduction in statewide K-8 student retention rates for the 2019-20 school year compared to the previous 5-year average. Students in grade 3 had the most significant reduction in retention rates, with a 77 percent reduction in the 2019-20 school year compared to the previous 5-year average.²⁶

COVID-19 Public Health Emergency

In response to the COVID-19 emergency, the DOE issued an Emergency Order canceling the remaining K-12 state assessments for the 2019-2020 school year.²⁷ The order also authorized school districts and other educational entities to evaluate students for promotion, graduation, and final course grades for the 2019-2020 school year without consideration of the assessments that were canceled.²⁸

Given the cancellation of the statewide, standardized ELA assessment, the DOE advised that grade 3 student promotion decisions for the 2019-2020 school year should be made in consultation with parents, teachers, and school leaders based on the student's classroom performance and progress monitoring data.²⁹ Recognizing the important role parents play in planning their students' educations, the DOE guidance also specified that parents should have the ability to request retention of their child in the current grade for the 2020-2021 year.³⁰ The guidance provided that the decision about retention should be made in consultation by parents, teachers, and school leaders about what is in the best interest of the child.³¹

Effect of Proposed Changes

The bill authorizes parents to request that their K-8 public school student be retained in the grade level to which the student was assigned at the beginning of the 2020-2021 school year for the 2021-2022 school year.

The bill provides that a parent must submit the retention request in writing to the school district superintendent. The superintendent must grant any request received by June 30, 2021. If a request is received after the deadline, it is within the superintendent's discretion whether to consider and grant the request.

The bill provides that a student retained at the request of a parent may not qualify for midyear promotion and must remain in the grade in which the student was retained until the end of the school year. The bill also requires school districts to report the number of students retained by parental request for all or part of the 2021-2022 school year to the DOE by June 30, 2022. This appears to require reporting of parent-requested retentions that occur after the start of the 2021-2022 school year.

²⁵ House staff analysis of the DOE's retention data. Florida Department of Education, *Retention Rates by District 2019-20*, Excel Report, available at <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.shtml> (last visited March 29, 2021); Florida Department of Education, *Retention Rates by District 2014-15 to 2018-19*, Excel Reports, available at <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/archive.shtml> (last visited March 29, 2021) (retention reports for the following school years: 2014-15; 2015-16; 2016-17; 2017-18; and 2018-19).

²⁶ *Id.*

²⁷ Florida Department of Education, *Emergency Order No. 2020-EO-01* (March 23, 2020), at 3-4, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEORDERNO2020-EO-01.pdf>.

²⁸ *See id.* at 3; *see also* Florida Department of Education, *Coronavirus (COVID-19): K-12 Public, Private & Charter Schools, Assessments, Accountability and Promotion*, <http://www.fldoe.org/em-response/schools.shtml> (last visited March 29, 2021).

²⁹ Florida Department of Education, *Q&A Guidance*, at Question 4, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/FDOE-COVID-QAI.pdf> (last visited March 29, 2021).

³⁰ *Id.* at Question 5.

³¹ *Id.*

The authority of a parent to request retention under the bill is limited to requests for the 2021-2022 school year.

B. SECTION DIRECTORY:

Section 1. Authorizes a parent to request that his or her student be retained in a grade level for a specified school year; requires such a request to be submitted in a specified manner; requires school district superintendents to grant such requests if they are timely received; authorizes school district superintendents to grant requests that are not timely received; requires a retained student to remain in the grade in which he or she was retained in until the student qualifies for promotion at the end of the school year; requires school districts to report certain data to the Department of Education by a specified date.

Section 2. Provides an effective date of coming into effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill has no impact on state revenues or expenditures for fiscal year 2021- 2022. However, to the extent the bill increases student retention, it could affect the number of full-time equivalent (FTE; measuring student enrollment) projected for funding as students may remain in the public K-12 system longer.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.