

State K-3 Policies

Is there a third-grade retention policy? If so, what exemptions are provided?

September 2020

At least 17 states and the District of Columbia require retention with good cause exemptions. Good cause exemptions outlined in state policy range from exemptions for students who are English language learners to students who demonstrate reading proficiency through alternative assessments and evaluations.

The following information was gathered from state statutes and regulations only.

To view other data points, click [here](#).

STATE ▲	IS THERE A THIRD-GRADE RETENTION POLICY? IF SO, WHAT EXEMPTIONS ARE PROVIDED?	CITATION
Alabama	<p>Retention is required with exemptions beginning in the 2021-22 school year.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - Students with disabilities whose Individual Education Plan indicates that participation in the statewide assessment program is not appropriate, consistent with state law. - Students identified as English language learners who have had less than two years of instruction in English as a second language. - Students with disabilities who participate in the statewide English language arts reading assessment and who have an Individual Education Plan or a Section 504 plan that reflects that the student has received intensive reading intervention for more than two years and who still demonstrates a deficiency in reading and was previously retained in kindergarten, first grade, second grade, or third grade. - Students who have received intensive reading intervention for two or more years and who still demonstrate a deficiency in reading and who were previously retained in kindergarten, first grade, second grade, or third grade for a total of two years. 	Ala. Code § 16-6G-5

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Alaska	Retention is allowed. Retention policy is a local decision.	Alaska Stat. Ann. § 14.03.072
Arizona	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - Is an English learner or a limited English proficient student and has had fewer than two years of English language instruction. - Is in the process of a special education referral or evaluation for placement in special education, has been diagnosed as having a significant reading impairment, including dyslexia, or is a child with a disability if the pupil's individualized education program team and the pupil's parent or guardian agree that promotion is appropriate based on the pupil's individualized education program. - Has demonstrated or subsequently demonstrates sufficient reading skills or adequate progress toward sufficient reading skills of the third grade reading standards as evidenced through a collection of reading assessments approved by the state board of education, which includes an alternative standardized reading assessment approved by the state board. - Receives intervention and remedial services during the summer or a subsequent school year and demonstrates sufficient progress based on guidelines issued 	Ariz. Rev. Stat. Ann. § 15-701
Arkansas	Not specified in statute or regulation	
California	<p>Retention is required with exemptions.</p> <p>Exemption:</p> <ul style="list-style-type: none"> - Classroom teacher can submit in writing reasons why retention is not appropriate. 	Cal. Educ. Code § 48070.5
Colorado	Retention is allowed.	Colo. Rev. Stat. Ann. § 22-7-1205
Connecticut	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - Completion of a summer reading program. 	Conn. Gen. Stat. Ann. § 10-265g

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Delaware	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - The student's parent or parents or guardian and the school district agree on an individual improvement plan to remediate those areas of weakness demonstrated by the state assessment. A student's parent or parents or guardian shall have the right to appeal the contents of an individual improvement plan to an academic review committee established pursuant to this section; - If no agreement can be reached, the student shall attend a summer school program and demonstrate a proficient level of performance on the state reading assessment prior to the commencement of the next school year. If at the end of summer school the student still does not demonstrate proficiency on the state reading assessment the student shall be retained unless an academic review committee composed of educators from the student's district determines that the student has demonstrated proficient performance relative to the state content standards using evidence from other indicators approved pursuant to subsection (b) of this section; or - An academic review committee composed of educators from the student's district determines that the student has demonstrated proficient performance relative to the state content standards using evidence from other approved indicators. Such evidence shall only be used if the student has not demonstrated a proficient level of performance on the reading assessment after at least 1 retake of the state assessment at a grade level; or - The student has previously been retained for 2 years because of academic performance. - A student may advance to the next grade level without attending summer school if an academic review committee composed of educators from the student's district or charter school determines that the student has demonstrated proficient performance relative to the state content standards using evidence from other approved indicators. 	Del. Code Ann. tit. 14, § 153
District of Columbia	Retention is required.	D.C. Code Ann. § 38-1803.21

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Florida	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - 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. - Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate. - 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. - 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. - 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. - 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. 	Fla. Stat. Ann. § 1008.25
Georgia	Retention is required with the opportunity for a parental or teacher appeal.	Ga. Code Ann. § 20-2-283
Hawaii	Not specified in statute or regulation	
Idaho	Not specified in statute or regulation	
Illinois	Retention is allowed. Retention policy is a local decision.	105 Ill. Comp. Stat. Ann. 5/10-20.9a

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Indiana	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - The student has been retained two times prior to promotion to grade 4. - The student has a disability and a case conference committee has determined that promotion is appropriate. - The student is an English learner and a committee consisting of the student's parent, a building level administrator or designee; a classroom teacher of service; an English learner teacher, if one exists; and an English learner district administrator, if one exists; determines that promotion is appropriate based on the implementation of researched-based instructional practices outlined in the student's individual learning plan. 	511 Ind. Admin. Code 6.2-3.1-3
Iowa	Not specified in statute or regulation	
Kansas	Not specified in statute or regulation	
Kentucky	Not specified in statute or regulation	
Louisiana	Not specified in statute or regulation	
Maine	Not specified in statute or regulation	
Maryland	<p>Retention is allowed with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - Enrollment in a reading assistance program is an option to avoid retention. 	Md. Code Ann., Educ. § 7-202
Massachusetts	Not specified in statute or regulation	

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Michigan	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - The pupil is a student with an individualized education program or with a section 504 plan and the pupil's individualized education program team or section 504 coordinator, as applicable, makes the decision to exempt the pupil based upon the team's or coordinator's knowledge of the pupil. - The pupil is a limited English proficient student who has had less than 3 years of instruction in an English language learner program. - The pupil has received intensive reading intervention for 2 or more years but still demonstrates a reading deficiency and was previously retained in kindergarten, grade 1, grade 2, or grade 3. - The pupil has been continuously enrolled in his or her current school district or public school academy for less than 2 years and there is evidence that the pupil was not provided with an appropriate individual reading improvement plan by the school district or public school academy in which the pupil was previously enrolled. - The pupil's parent or legal guardian has requested a good cause exemption within the time period provided and the superintendent or chief administrator, or his or her designee, determines that the good cause exemption is in the best interests of the pupil. 	Mich. Comp. Laws Ann. § 380.1280f
Minnesota	Retention is allowed.	Minn. Stat. Ann. § 120B.12

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Mississippi	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - Limited English proficient students who have had less than two years of instruction in an English Language Learner program; - Students with disabilities whose individual education plan indicates that participation in the statewide accountability assessment program is not appropriate, as authorized under state law; - Students with a disability who participate in the state annual accountability assessment and who have an IEP or a Section 504 plan that reflects that the individual student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading or previously was retained in Kindergarten or First, Second or Third Grade; - Students who demonstrate an acceptable level of reading proficiency on an alternative standardized assessment approved by the State Board of Education; and - Students who have received intensive intervention in reading for two or more years but still demonstrate a deficiency in reading and who previously were retained in Kindergarten or First, Second or Third Grade for a total of two (2) years and have not met exceptional education criteria. A student who is promoted to Fourth Grade with a good cause exemption shall be provided an individual reading plan, which outlines intensive reading instruction and intervention informed by specialized diagnostic information and delivered through specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers in implementing reading strategies that research has shown to be successful in improving reading among students with persistent reading difficulties. 	Miss. Code. Ann. § 37-177-11
Missouri	<p>Retention is required with exemption.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - Student receiving special education services - Students who complete a summer reading program and demonstrate improvement in reading proficiency. 	<p>Mo. Ann. Stat. § 162.1100</p> <p>Mo. Ann. Stat. § 167.645</p>
Montana	Not specified in statute or regulation	
Nebraska	Not specified in statute or regulation	
Nevada	Retention is allowed.	Nev. Rev. Stat. Ann. § 392.760
New Hampshire	Not specified in statute or regulation.	

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New Jersey	Retention is allowed , local decision and policy.	N.J. Stat. Ann. § 18A:35-4.9
New Mexico	Retention is allowed , local decision.	N.M. Stat. Ann. § 22-2C-6
New York	Not specified in statute or regulation	
North Carolina	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - Limited English Proficient students with less than two school years of instruction in an English as a Second Language program. - Students with disabilities and whose individualized education program indicates at least a two school year delay in educational performance, or receipt of intensive reading interventions for at least two school years. - Students who demonstrate reading proficiency appropriate for third grade students on an alternative assessment approved by the State Board of Education. - Students who demonstrate, through a student reading portfolio, reading proficiency appropriate for third grade students. Student reading portfolio and review processes used by local school administrative units shall be approved by the State Board of Education. - Students who have received reading intervention and previously been retained more than once in kindergarten, first, second, or third grades. 	N.C. Gen. Stat. Ann. § 115C-83.7
North Dakota	Not specified in statute or regulation	

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Ohio	<p>Retention is required with exemptions</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - The student is an English learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program. - The student is a child with a disability entitled to special education and related services and the student's individualized education program exempts the student from retention under this division. - The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education. - All of the following apply: the student is a child with a disability entitled to special education and related services, the student has taken the third grade English language arts achievement assessment, the student's individualized education program or 504 plan shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading, the student previously was retained in any of grades kindergarten to three. - The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three and a student who is promoted shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 	Ohio Rev. Code Ann. § 3313.608

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Oklahoma	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - English language learners who have had less than two years of instruction in an English language learner program. - Students with disabilities whose individualized education program, consistent with state law, indicates that the student is to be assessed with alternate achievement standards through the Oklahoma Alternate Assessment Program. - Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education. - Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the state standards beyond the retention level. - Students with disabilities who participate in the statewide assessments and who have an individualized education program that reflects that the student has received intensive remediation in reading and has made adequate progress in reading pursuant to the student's individualized education program. - Students who have received intensive remediation in reading through a program of reading instruction for two or more years but still demonstrate a deficiency in reading and who were previously retained in prekindergarten for academic reasons, kindergarten, first grade, second grade, or third grade, - Students who have been granted an exemption for medical emergencies by the State Department of Education. 	Okla. Stat. Ann. tit. 70, § 1210.508C
Oregon	Not specified in statute or regulation	
Pennsylvania	Not specified in statute or regulation	
Rhode Island	Not specified in statute or regulation	

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South Carolina	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - with limited English proficiency and less than two years of instruction in English as a Second Language program; - with disabilities whose individual education plan indicates the use of alternative assessments or alternative reading interventions and students with disabilities whose Individual Education Plan or Section 504 Plan reflects that the student has received intensive remediation in reading for more than two years but still does not substantially demonstrate reading proficiency; - who demonstrate third-grade reading proficiency on an alternative assessment approved by the board and which teachers may administer following the administration of the state assessment of reading; - who have received two years of reading intervention and were previously retained; - who through a reading portfolio document, the student's mastery of the state standards in reading equal to at least a level above the lowest achievement level on the state reading assessment. Such evidence must be an organized collection of the student's mastery of the state English/language arts standards that are assessed by the grade three state reading assessment. The Read to Succeed Office shall develop the assessment tool for the student portfolio; however, the student portfolio must meet the following minimum criteria: <ul style="list-style-type: none"> (a) be selected by the student's English/language arts teacher or summer reading camp instructor; (b) be an accurate picture of the student's ability and only include student work that has been independently produced in the classroom; (c) include evidence that the benchmarks assessed by the grade three state reading assessment have been met. Evidence is to include multiple choice items and passages that are approximately sixty percent literary text and forty percent information text, and that are between one hundred and seven hundred words with an average of five hundred words. Such evidence could include chapter or unit tests from the district or school's adopted core reading curriculum that are aligned with the state English/language arts standards or teacher-prepared assessments; (d) be an organized collection of evidence of the student's mastery of the English/language arts state standards that are assessed by the grade three state reading assessment. For each benchmark there must be at least three examples of mastery as demonstrated by a grade of seventy percent or above; and (e) be signed by the teacher and the principal as an accurate assessment of the required reading skills; and - who successfully participate in a summer reading camp at the conclusion of the third grade year and demonstrate through either a reading portfolio or through a norm-referenced, alternative assessment, selected from a list of norm-referenced, alternative assessments approved by the Read to Succeed Office for use in the summer reading camps, that the student's mastery of the state standards in reading is equal to at least a level above the lowest level on the state reading assessment. 	S.C. Code Ann. § 59-155-160
South Dakota	Not specified in statute or regulation	

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Tennessee	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - Completion of an district approved research-based intervention before the beginning of third grade. - Students with an IEP. 	Tenn. Code Ann. § 49-6-3115
Texas	<p>Retention is required with exemptions.</p> <p>Exemptions:</p> <ul style="list-style-type: none"> - Considerations for students who are dyslexic. - Consideration of recommendations of the student's teacher, student's grades, and students performance on assessments. 	Tex. Educ. Code Ann. § 28.021
Utah	Not specified in statute or regulation	
Vermont	Not specified in statute or regulation	
Virginia	Not specified in statute or regulation	
Washington	Retention is allowed , local decision.	Wash. Rev. Code Ann. § 28A.655.230
West Virginia	Retention is allowed based on a teacher recommendation.	W. Va. Code Ann. § 18-2E-10
Wisconsin	Not specified in statute or regulation	
Wyoming	Not specified in statute or regulation	