

1 A bill to be entitled
2 An act relating to native language assessments in
3 public schools; amending s. 1003.435, F.S.; requiring
4 that a high school equivalency examination
5 administered in any language other than English be
6 given the same weight as a high school equivalency
7 examination administered in English; amending s.
8 1008.2125, F.S.; requiring written portions of the
9 coordinated screening and progress monitoring program
10 for students in the Voluntary Prekindergarten
11 Education Program through grade 3 to be in specified
12 native languages; requiring school districts to
13 administer the screenings and monitoring in a native
14 language to certain students; providing for the
15 determination of when it is appropriate to administer
16 native language versions of the screenings and
17 monitoring; amending s. 1008.22, F.S.; revising
18 requirements of the statewide, standardized assessment
19 program to include native language versions of related
20 assessments; requiring school districts to administer
21 native language versions of such assessments to
22 certain English language learners and other students
23 for whom it is appropriate; providing for the
24 determination of when it is appropriate to administer
25 native language versions of such assessments;

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26 requiring the department to create a timetable and
27 action plan for the development and adoption of native
28 language versions of the assessments; requiring the
29 state to accept results on the high school equivalency
30 examination from any language version of the
31 examination; providing for the administration of
32 standardized assessments; requiring the department to
33 develop or identify content assessments in target
34 languages; providing for the administration of content
35 assessments in target languages in certain education
36 programs; requiring the department to create a
37 timetable and an action plan for the development and
38 adoption of native language examinations; requiring
39 the Commissioner of Education to identify alternative
40 assessments and passing scores for a specified
41 purpose; requiring the State Board of Education to
42 approve by rule passing scores on alternative
43 assessments; providing an effective date.

44
45 WHEREAS, the federal Every Student Succeeds Act (ESSA)
46 includes the purpose of assisting all English learners,
47 including immigrant children and youth, in achieving at high
48 levels in academic subjects so that all English learners can
49 meet the same challenging state academic standards that all
50 students are expected to meet, and

51 WHEREAS, the ESSA requires states to make every effort to
 52 develop annual academic assessments in languages other than
 53 English which are present to a significant extent in the
 54 participating student population, and

55 WHEREAS, Florida's diversity of English language learners
 56 surpasses most states in the country, and

57 WHEREAS, Florida is ranked third in English language
 58 learner population and, although Spanish is the native language
 59 of the majority of these students, English language learners in
 60 the state speak more than 200 different languages, and

61 WHEREAS, all students within the state should be given an
 62 equitable opportunity to study and learn subjects required for
 63 grade-to-grade progression and high school graduation, and

64 WHEREAS, the current system of testing students for
 65 accountability purposes in a language the students not
 66 understand does not provide accurate information about how well
 67 English language learners are learning content area subjects,
 68 NOW, THEREFORE,

69

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

71

72 Section 1. Subsection (5) of section 1003.435, Florida
 73 Statutes, is amended to read:

74 1003.435 High school equivalency diploma program.—

75 (5) Each district school board shall develop, in

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76 cooperation with the area Florida College System institution
77 board of trustees, a plan for the provision of advanced
78 instruction for those students who attain satisfactory
79 performance on the high school equivalency examination or the
80 subject area examinations or who demonstrate through other means
81 a readiness to engage in postsecondary-level academic work. The
82 plan shall include provisions for the equitable distribution of
83 generated funds to cover personnel, maintenance, and other costs
84 of offering the advanced instruction. Priority shall be given to
85 programs of advanced instruction offered in high school
86 facilities. A high school equivalency examination administered
87 in a language other than English must be given the same weight
88 as a high school equivalency examination administered in
89 English.

90 Section 2. Paragraph (h) is added to subsection (1) of
91 section 1008.2125, Florida Statutes, to read:

92 1008.2125 Coordinated screening and progress monitoring
93 program for students in the Voluntary Prekindergarten Education
94 Program through grade 3.—

95 (1) The primary purpose of the coordinated screening and
96 progress monitoring program for students in the Voluntary
97 Prekindergarten Education Program through grade 3 is to provide
98 information on students' progress in mastering the appropriate
99 grade-level standards and to provide information on their
100 progress to parents, teachers, and school and program

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101 administrators. Data shall be used by Voluntary Prekindergarten
102 Education Program providers and school districts to improve
103 instruction, by parents and teachers to guide learning
104 objectives and provide timely and appropriate supports and
105 interventions to students not meeting grade-level expectations,
106 and by the public to assess the cost benefit of the expenditure
107 of taxpayer dollars. The coordinated screening and progress
108 monitoring program must:

109 (h) For any written portion of the screenings and progress
110 monitoring, include native language versions for the three most
111 prevalent languages represented in the English language learner
112 population within the state. For students who are English
113 language learners enrolled in a dual language program and for
114 whom it is appropriate, each school district shall administer,
115 as appropriate, the native language screening or progress
116 monitoring. A parent of a prekindergarten dual language learner
117 or a kindergarten dual language learner must be given the
118 opportunity to determine whether the administration of a native
119 language screening or progress monitoring is appropriate for his
120 or her student. If a parent does not exercise his or her right,
121 the decision to determine the appropriateness of the
122 administration of a native language screening or progress
123 monitoring may be based on teacher judgment.

124 Section 3. Subsections (9) through (13) of section
125 1008.22, Florida Statutes, are renumbered as subsections (10)

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126 through (14), respectively, paragraphs (a) and (d) of subsection
127 (3) are amended and paragraph (h) is added to that subsection,
128 and a new subsection (9) is added to that section, to read:

129 1008.22 Student assessment program for public schools.—

130 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
131 Commissioner of Education shall design and implement a
132 statewide, standardized assessment program aligned to the core
133 curricular content established in the Next Generation Sunshine
134 State Standards. The commissioner also must develop or select
135 and implement a common battery of assessment tools that will be
136 used in all juvenile justice education programs in the state.
137 These tools must accurately measure the core curricular content
138 established in the Next Generation Sunshine State Standards.
139 Participation in the assessment program is mandatory for all
140 school districts and all students attending public schools,
141 including adult students seeking a standard high school diploma
142 under s. 1003.4282 and students in Department of Juvenile
143 Justice education programs, except as otherwise provided by law.
144 If a student does not participate in the assessment program, the
145 school district must notify the student's parent and provide the
146 parent with information regarding the implications of such
147 nonparticipation. The statewide, standardized assessment program
148 shall be designed and implemented as follows:

149 (a) Statewide, standardized comprehensive assessments.—The
150 statewide, standardized English Language Arts (ELA) assessments

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151 shall be administered to students in grades 3 through 10. Retake
152 opportunities for the grade 10 ELA assessment must be provided.
153 Reading passages and writing prompts for ELA assessments shall
154 incorporate grade-level core curricula content from social
155 studies. The statewide, standardized Mathematics assessments
156 shall be administered annually in grades 3 through 8. The
157 statewide, standardized Science assessment shall be administered
158 annually at least once at the elementary and middle grades
159 levels. In order to earn a standard high school diploma, a
160 student who has not earned a passing score on the grade 10 ELA
161 assessment must earn a passing score on the assessment retake or
162 earn a concordant score as authorized under subsection (10) ~~(9)~~.
163 Statewide, standardized ELA and Mathematics assessments in
164 grades 3 through 6 must be delivered in a paper-based format.

165 (d) Students with disabilities; Florida Alternate
166 Assessment; English language learners enrolled in dual language
167 programs.—

168 1. Each district school board must provide instruction to
169 prepare students with disabilities in the core content knowledge
170 and skills necessary for successful grade-to-grade progression
171 and high school graduation.

172 2. A student with a disability, as defined in s. 1007.02,
173 for whom the individual education plan (IEP) team determines
174 that the statewide, standardized assessments under this section
175 cannot accurately measure the student's abilities, taking into

176 consideration all allowable accommodations, shall have
177 assessment results waived for the purpose of receiving a course
178 grade and a standard high school diploma. Such waiver shall be
179 designated on the student's transcript. The statement of waiver
180 shall be limited to a statement that performance on an
181 assessment was waived for the purpose of receiving a course
182 grade or a standard high school diploma, as applicable.

183 3. The State Board of Education shall adopt rules, based
184 upon recommendations of the commissioner, for the provision of
185 assessment accommodations for students with disabilities and for
186 students who have limited English proficiency.

187 a. Accommodations that negate the validity of a statewide,
188 standardized assessment are not allowed during the
189 administration of the assessment. However, instructional
190 accommodations are allowed in the classroom if identified in a
191 student's IEP. Students using instructional accommodations in
192 the classroom that are not allowed on a statewide, standardized
193 assessment may have assessment results waived if the IEP team
194 determines that the assessment cannot accurately measure the
195 student's abilities.

196 b. If a student is provided with instructional
197 accommodations in the classroom that are not allowed as
198 accommodations for statewide, standardized assessments, the
199 district must inform the parent in writing and provide the
200 parent with information regarding the impact on the student's

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201 ability to meet expected performance levels. A parent must
202 provide signed consent for a student to receive classroom
203 instructional accommodations that would not be available or
204 permitted on a statewide, standardized assessment and
205 acknowledge in writing that he or she understands the
206 implications of such instructional accommodations.

207 c. If a student's IEP states that online administration of
208 a statewide, standardized assessment will significantly impair
209 the student's ability to perform, the assessment shall be
210 administered in hard copy.

211 d.(I) Each school district shall administer, as
212 appropriate, native language versions of statewide, standardized
213 comprehensive assessments and end-of-course (EOC) assessments to
214 English language learners enrolled in dual language programs in
215 elementary or middle school and for whom it is appropriate.

216 (A) A parent of an English language learner enrolled in a
217 dual language program in prekindergarten through grade 5 and a
218 parent of a student with disabilities of any grade level may
219 determine whether the administration of a native language
220 version of a standardized comprehensive assessment and EOC
221 assessment is appropriate.

222 (B) An English language learner enrolled in a dual
223 language program in grades 6 through 8 may determine whether the
224 administration of a native language version of a standardized
225 comprehensive assessment and EOC assessment is appropriate. The

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226 parent of an English language learner enrolled in a dual
227 language program in grades 6 through 8 is entitled to prohibit
228 his or her student from being administered the native language
229 versions of the assessments.

230 (II) The Department of Education shall develop a timetable
231 and action plan to phase in the development and adoption of the
232 native language assessments, beginning with assessments for the
233 three most prevalent languages represented in the English
234 language learner population within the state and with
235 assessments required for high school graduation. The state shall
236 accept results on the high school equivalency examination from
237 any language version of the examination.

238 4. For students with significant cognitive disabilities,
239 the Department of Education shall provide for implementation of
240 the Florida Alternate Assessment to accurately measure the core
241 curricular content established in the Next Generation Sunshine
242 State Standards.

243 (h) Content assessments in the target language of
244 instruction.-

245 1. Standardized assessments in the target language
246 identified or developed by the department must be administered
247 annually for the target language to English language learners in
248 dual language programs and bilingual education programs.

249 2. The department shall develop a timetable and action
250 plan to phase in the identification or development and adoption

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251 of native language examinations of achievement in the content
252 areas taught through the target language, beginning with
253 examinations in the most frequently taught content area in
254 bilingual or dual language programs in public schools.

255 (9) ENGLISH LANGUAGE LEARNERS; ALTERNATIVE ASSESSMENTS.-

256 The Commissioner of Education shall identify alternative
257 assessments and the respective passing scores to be offered in
258 languages other than English and that are appropriate for
259 demonstrating the college readiness of English language
260 learners. The passing scores on alternative assessments
261 identified pursuant to this subsection must be approved by state
262 board rule.

263 Section 4. This act shall take effect July 1, 2022.