

By Senator Taddeo

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1 A bill to be entitled
2 An act relating to native language assessment in
3 public schools; amending s. 1002.69, F.S.; requiring
4 the Department of Education to adopt native language
5 versions of the school readiness screener, the school
6 readiness assessment, the Florida Voluntary
7 Prekindergarten Assessment, and the Florida
8 Kindergarten Readiness Screener; requiring school
9 districts to administer such screeners and assessments
10 to certain students; providing for the determination
11 of when it is appropriate to administer native
12 language versions of the screeners and assessments;
13 amending s. 1003.435, F.S.; requiring that a high
14 school equivalency examination administered in any
15 language other than English be given the same weight
16 as a high school equivalency examination administered
17 in English; 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 English language learners and other students for whom
23 it is appropriate; providing for the determination of
24 when it is appropriate to administer native language
25 versions of such assessments; requiring the department
26 to create a timetable and action plan for the
27 development and adoption of native language versions
28 of the assessments; requiring the state to accept
29 results on the high school equivalency examination

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30 from any language version of the examination;
31 providing for the administration of language
32 proficiency assessments; defining terms; requiring the
33 department to develop or identify content assessments
34 in target languages; providing for the administration
35 of content assessments in target languages in certain
36 education programs; requiring the department to create
37 a timetable and an action plan for the development and
38 adoption of native language examinations; requiring
39 the state board to adopt standards for heritage
40 language courses; requiring the state board to develop
41 a timeline for phasing in standards for additional
42 languages; requiring the Commissioner of Education to
43 identify alternative assessments and passing scores
44 for a specified purpose; requiring the State Board of
45 Education to approve by rule passing scores on
46 alternative assessments; requiring the department to
47 provide funding for instructional materials for
48 heritage language courses, subject to legislative
49 appropriation; amending s. 1008.30, F.S.; requiring
50 the state board, in conjunction with the Board of
51 Governors, to develop and implement native language
52 versions of the common placement test for public
53 postsecondary education, beginning with certain
54 languages; requiring the state board and the board to
55 develop a timeline for phasing in additional
56 languages; providing an effective date.

57
58 WHEREAS, the federal Every Student Succeeds Act (ESSA)

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59 includes the purpose of assisting all English learners,
60 including immigrant children and youth, in achieving at high
61 levels in academic subjects so that all English learners can
62 meet the same challenging state academic standards that all
63 students are expected to meet, and

64 WHEREAS, the ESSA requires states to make every effort to
65 develop annual academic assessments in languages other than
66 English which are present to a significant extent in the
67 participating student population, and

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

70 WHEREAS, Florida is ranked third in English language
71 learner population and, although Spanish is the native language
72 of the majority of these students, English language learners in
73 this state speak more than 200 different languages, and

74 WHEREAS, all students within this state should be given an
75 equitable opportunity to study and learn subjects required for
76 grade-to-grade progression and high school graduation, and

77 WHEREAS, the current system of testing students for
78 accountability purposes in a language they do not understand
79 does not provide accurate information about how well English
80 language learners are learning content area subjects, NOW,
81 THEREFORE,

82

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

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85 Section 1. Subsection (1) of section 1002.69, Florida
86 Statutes, is amended to read:

87 1002.69 Statewide kindergarten screening; kindergarten

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88 readiness rates; state-approved prekindergarten enrollment
89 screening; good cause exemption.—

90 (1) (a) The department shall adopt a statewide kindergarten
91 screening that assesses the readiness of each student for
92 kindergarten based upon the performance standards adopted by the
93 department under s. 1002.67(1) for the Voluntary Prekindergarten
94 Education Program. The department shall require that each school
95 district administer the statewide kindergarten screening to each
96 kindergarten student in the school district within the first 30
97 school days of each school year. Nonpublic schools may
98 administer the statewide kindergarten screening to each
99 kindergarten student in a nonpublic school who was enrolled in
100 the Voluntary Prekindergarten Education Program.

101 (b) The department shall adopt native language versions of
102 the school readiness screener, the school readiness assessment,
103 the Florida Voluntary Prekindergarten Assessment, and the
104 Florida Kindergarten Readiness Screener beginning with the two
105 most prevalent languages represented in the English language
106 learner population within this state. For students who are
107 English language learners and for whom it is appropriate, each
108 school district shall administer, as appropriate, a native
109 language version of the school readiness screener, the school
110 readiness assessment, the Florida Voluntary Prekindergarten
111 Assessment, and the Florida Kindergarten Readiness Screener. A
112 parent of a prekindergarten dual language learner or a
113 kindergarten dual language learner must be given the opportunity
114 to determine whether the administration of a native language
115 version screening or assessment is appropriate for his or her
116 student. If a parent does not exercise his or her right, the

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117 decision to determine the appropriateness of the administration
118 of a native language version screening or assessment may be
119 based on teacher judgment.

120 Section 2. Subsection (5) of section 1003.435, Florida
121 Statutes, is amended to read:

122 1003.435 High school equivalency diploma program.—

123 (5) Each district school board shall develop, in
124 cooperation with the area Florida College System institution
125 board of trustees, a plan for the provision of advanced
126 instruction for those students who attain satisfactory
127 performance on the high school equivalency examination or the
128 subject area examinations or who demonstrate through other means
129 a readiness to engage in postsecondary-level academic work. The
130 plan shall include provisions for the equitable distribution of
131 generated funds to cover personnel, maintenance, and other costs
132 of offering the advanced instruction. Priority shall be given to
133 programs of advanced instruction offered in high school
134 facilities. A high school equivalency examination administered
135 in any language other than English must be given the same weight
136 as a high school equivalency examination administered in
137 English.

138 Section 3. Present subsections (9) through (13) of section
139 1008.22, Florida Statutes, are redesignated as subsections (10)
140 through (14), respectively, a new subsection (9) is added to
141 that section, and paragraphs (a) and (c) of subsection (3) of
142 that section are amended, and paragraph (h) is added to that
143 subsection, to read:

144 1008.22 Student assessment program for public schools.—

145 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The

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146 Commissioner of Education shall design and implement a
147 statewide, standardized assessment program aligned to the core
148 curricular content established in the Next Generation Sunshine
149 State Standards. The commissioner also must develop or select
150 and implement a common battery of assessment tools that will be
151 used in all juvenile justice education programs in the state.
152 These tools must accurately measure the core curricular content
153 established in the Next Generation Sunshine State Standards.
154 Participation in the assessment program is mandatory for all
155 school districts and all students attending public schools,
156 including adult students seeking a standard high school diploma
157 under s. 1003.4282 and students in Department of Juvenile
158 Justice education programs, except as otherwise provided by law.
159 If a student does not participate in the assessment program, the
160 school district must notify the student's parent and provide the
161 parent with information regarding the implications of such
162 nonparticipation. The statewide, standardized assessment program
163 shall be designed and implemented as follows:

164 (a) *Statewide, standardized comprehensive assessments.*—The
165 statewide, standardized Reading assessment shall be administered
166 annually in grades 3 through 10. The statewide, standardized
167 Writing assessment shall be administered annually at least once
168 at the elementary, middle, and high school levels. When the
169 Reading and Writing assessments are replaced by English Language
170 Arts (ELA) assessments, ELA assessments shall be administered to
171 students in grades 3 through 10. Retake opportunities for the
172 grade 10 Reading assessment or, upon implementation, the grade
173 10 ELA assessment must be provided. Students taking the ELA
174 assessments shall not take the statewide, standardized

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175 assessments in Reading or Writing. Reading passages and writing
176 prompts for ELA assessments shall incorporate grade-level core
177 curricula content from social studies. The statewide,
178 standardized Mathematics assessments shall be administered
179 annually in grades 3 through 8. Students taking a revised
180 Mathematics assessment shall not take the discontinued
181 assessment. The statewide, standardized Science assessment shall
182 be administered annually at least once at the elementary and
183 middle grades levels. In order to earn a standard high school
184 diploma, a student who has not earned a passing score on the
185 grade 10 Reading assessment or, upon implementation, the grade
186 10 ELA assessment must earn a passing score on the assessment
187 retake or earn a concordant score as authorized under subsection
188 (10) ~~subsection (9)~~.

189 (c) *Students with disabilities; Florida Alternate*
190 *Assessment; English language learners*.—

191 1. Each district school board must provide instruction to
192 prepare students with disabilities in the core content knowledge
193 and skills necessary for successful grade-to-grade progression
194 and high school graduation.

195 2. A student with a disability, as defined in s. 1007.02,
196 for whom the individual education plan (IEP) team determines
197 that the statewide, standardized assessments under this section
198 cannot accurately measure the student's abilities, taking into
199 consideration all allowable accommodations, shall have
200 assessment results waived for the purpose of receiving a course
201 grade and a standard high school diploma. Such waiver shall be
202 designated on the student's transcript. The statement of waiver
203 shall be limited to a statement that performance on an

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204 assessment was waived for the purpose of receiving a course
205 grade or a standard high school diploma, as applicable.

206 3. The State Board of Education shall adopt rules, based
207 upon recommendations of the commissioner, for the provision of
208 assessment accommodations for students with disabilities and for
209 students who have limited English proficiency.

210 a. Accommodations that negate the validity of a statewide,
211 standardized assessment are not allowed during the
212 administration of the assessment. However, instructional
213 accommodations are allowed in the classroom if identified in a
214 student's IEP. Students using instructional accommodations in
215 the classroom that are not allowed on a statewide, standardized
216 assessment may have assessment results waived if the IEP team
217 determines that the assessment cannot accurately measure the
218 student's abilities.

219 b. If a student is provided with instructional
220 accommodations in the classroom that are not allowed as
221 accommodations for statewide, standardized assessments, the
222 district must inform the parent in writing and provide the
223 parent with information regarding the impact on the student's
224 ability to meet expected performance levels. A parent must
225 provide signed consent for a student to receive classroom
226 instructional accommodations that would not be available or
227 permitted on a statewide, standardized assessment and
228 acknowledge in writing that he or she understands the
229 implications of such instructional accommodations.

230 c. If a student's IEP states that online administration of
231 a statewide, standardized assessment will significantly impair
232 the student's ability to perform, the assessment shall be

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233 administered in hard copy.

234 d.(I) Each school district shall administer, as
235 appropriate, native language versions of statewide, standardized
236 comprehensive assessments and EOC assessments to English
237 language learners and for whom it is appropriate.

238 (A) A parent of an English language learner in grades
239 prekindergarten through 5 and a parent of a student with
240 disabilities of any grade level may determine whether the
241 administration of a native language version of a standardized
242 comprehensive assessment and EOC assessment is appropriate.

243 (B) An English language learner in grades 6 through 12 may
244 determine whether the administration of a native language
245 version of a standardized comprehensive assessment and EOC
246 assessment is appropriate. The parent of an English language
247 learner in grades 6 through 12 is entitled to prohibit his or
248 her student from being administered the native language versions
249 of the assessments.

250 (II) The Department of Education shall develop a timetable
251 and action plan to phase in the development and adoption of the
252 native language assessments, beginning with assessments for the
253 two most prevalent languages represented in the English language
254 learner population within this state and with assessments
255 required for high school graduation. The state shall accept
256 results on the high school equivalency examination from any
257 language version of the examination.

258 4. For students with significant cognitive disabilities,
259 the Department of Education shall provide for implementation of
260 the Florida Alternate Assessment to accurately measure the core
261 curricular content established in the Next Generation Sunshine

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262 State Standards.

263 (h) Language proficiency assessments and content
264 assessments in the target language of instruction.-

265 1. Language proficiency assessments in the target language
266 identified or developed by the department must be administered
267 annually for the target language in dual language programs,
268 bilingual education programs, and heritage language programs to
269 all participating students, including, but not limited to,
270 English language learners. For purposes of this paragraph, the
271 term "heritage language program" means a program for heritage
272 language speakers and the term "heritage language speakers"
273 means individuals who are exposed to a language other than
274 English at home, but educated primarily in English. Content
275 assessments in the target language must be identified or
276 developed by the department and administered annually in dual
277 language and bilingual education programs for content knowledge
278 taught in a language other than English to all participating
279 students, including, but not limited to, English language
280 learners.

281 2. The department shall develop a timetable and action plan
282 to phase in the identification or development and adoption of
283 native language examinations of progress in acquisition of the
284 target language and examinations of achievement in the content
285 areas taught through the target language, beginning with
286 examinations for the most frequently taught language and content
287 area in bilingual or dual language programs in public schools.

288 3. The state board shall adopt standards for heritage
289 language courses, beginning with the heritage languages with the
290 largest enrollment, and shall develop a timeline for phasing in

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291 standards for additional languages.

292 (9) ENGLISH LANGUAGE LEARNERS; ALTERNATIVE ASSESSMENTS.—The
293 Commissioner of Education shall identify alternative assessments
294 and their respective passing scores to be offered in languages
295 other than English and that are appropriate for demonstrating
296 the college readiness of English language learners. The passing
297 scores on alternative assessments identified pursuant to this
298 subsection must be approved by state board rule.

299 Section 4. Subject to legislative appropriation, the
300 Department of Education shall provide funds to school districts
301 to purchase instructional materials for heritage language
302 program courses as provided in s. 1008.22(3)(h), Florida
303 Statutes.

304 Section 5. Subsection (1) of section 1008.30, Florida
305 Statutes, is amended to read:

306 1008.30 Common placement testing for public postsecondary
307 education.—

308 (1) The State Board of Education, in conjunction with the
309 Board of Governors, shall develop and implement a common
310 placement test for the purpose of assessing the basic
311 computation and communication skills of students who intend to
312 enter a degree program at any public postsecondary educational
313 institution. Alternative assessments that may be accepted in
314 lieu of the common placement test shall also be identified in
315 rule. Public postsecondary educational institutions shall
316 provide appropriate modifications of the test instruments or
317 test procedures for students with disabilities. The State Board
318 of Education, in conjunction with the Board of Governors, shall
319 develop and implement native language versions of the common

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320 placement test, beginning with the two most prevalent languages
321 represented in the English language learner population within
322 this state, and shall develop a timeline for phasing in
323 additional languages.

324 Section 6. This act shall take effect July 1, 2020.