

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Pre-K - 12 Committee

BILL: CS/SB 2512

INTRODUCER: Committee on Education Pre-K - 12 and Senator Wise

SUBJECT: English for Speakers of Other Languages/Educators

DATE: April 19, 2007                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Matthews	ED	Fav/CS
2.	_____	_____	EA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill establishes in-service requirements for teachers of English for Speakers of Other Languages (ESOL). The bill specifies that a teacher providing ESOL instruction must comply with the following in-service requirements:

- Primary English instructor (Basic ESOL) who is an English/Language Arts teacher: 300 inservice hours or the equivalent;
- Instructor teaching the basic subject areas of reading, mathematics, science, social studies or computer literacy: 60 inservice hours or the equivalent;
- Instructor teaching other subject areas other than basic ESOL or basic subject areas: 18 in-service hours or the equivalent; and
- School administrator or guidance counselor: 60 in-service hours or the equivalent.

This bill creates section 1012.587 of the Florida Statutes.

**II. Present Situation:**

Federal law requires the Department of Education (DOE) to adopt challenging academic content standards and challenging student academic achievement standards.<sup>1</sup> The state is required to apply the same academic standards to all schools and children in the state. Subjects to be covered by these standards must include at least mathematics, reading or language arts, and science.<sup>2</sup> The

<sup>1</sup> 20 U.S.C. s. 6311.

<sup>2</sup> *Id.*

law also sets forth specific testing requirements for public school students.<sup>3</sup> States must also implement student academic assessments in mathematics, reading/language arts, and (beginning in 2007-2008) science. The tests must be aligned with the state's academic content standards.<sup>4</sup> For Florida, this means that the testing instrument must be aligned with the Sunshine State Standards, which include reading.

School districts must provide Limited English Proficient (LEP) students with ESOL instruction in English and ESOL or home-language instruction in the basic subject areas of reading, mathematics, science, social studies, and computer literacy.<sup>5</sup> In 2005, the DOE provided recommendations for placement of LEP students who are not reading on grade level.<sup>6</sup>

### **ESOL Certification and Endorsement**

The Multicultural Education, Training, and Advocacy, Inc. (META), and the Florida DOE negotiated a settlement agreement, which on August 14, 1990, was approved by a federal district court judge in a consent decree.<sup>7</sup> Section IV of the consent decree sets forth training and in-service requirements for personnel assigned to teach English language learners.<sup>8</sup> Under the consent decree, the United States District Court for the Southern District of Florida retains jurisdiction to oversee the implementation of the consent decree.

The requirements for obtaining ESOL certification and endorsement are established in administrative rule and the modified consent decree:

- Earning a bachelor's or higher degree in ESOL and passing the ESOL subject area examination required for certification pursuant to s. 1012.56, F.S.;<sup>9</sup>
- Earning a passing score on the state ESOL subject area certification examination and obtaining 120 hours of in-service training or continuing education in ESOL approved courses within 3 years of receiving ESOL certification;<sup>10</sup> or
- Obtaining ESOL endorsement through completing 15 semester hours in ESOL.<sup>11</sup>

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<sup>3</sup> Part A of Title I of the Elementary and Secondary Education Act (Title I), as reauthorized by the No Child Left Behind Act of 2001 (NCLB), P.L. 107-110. To receive federal funds under Part A, states must comply with these requirements.

<sup>4</sup> 20 U.S.C. s. 6311.

<sup>5</sup> s. 1003.56(3)(d), F.S.

<sup>6</sup> Florida Department of Education, Memorandum of Jim Warford and Mary Laura Openshaw to District School Superintendents, No. 2005-82 (June 23, 2005), *Enrollment of Limited English Proficient Students in Required Intensive Reading Courses* See [http://info.fl DOE.org/docushare/dsweb/Get/Document-3062/k12\\_05-82.pdf](http://info.fl DOE.org/docushare/dsweb/Get/Document-3062/k12_05-82.pdf).

<sup>7</sup> *League of United Latin American Citizens (LULAC) et al. vs. Florida Board of Education et al.*, No. 90-1913 (S.D. Fla. Aug. 13, 1990).

<sup>8</sup> Department of Education See <http://www.firn.edu/doe/aala/lulac.htm>

<sup>9</sup> Rule 6A-4.0245, F.A.C.

<sup>10</sup> In September 2003, the DOE and META approved a joint stipulation modifying the 1990 consent decree. The stipulation provided an additional means for a certified teacher to obtain ESOL subject area coverage. See <http://www.firn.edu/doe/aala/pdf/stipulation.pdf>

<sup>11</sup> Rule 6A-4.0244, F.A.C. Current administrative rule provides that the endorsement will be retained on the professional certificate when the person completes three semester hours of college credit or 60 in-service points that are part of the district's master plan.

## Requirements for Reading Teachers and ESOL Teachers

In 2002, the State Board of Education (SBE) established specialization requirements for a reading endorsement.<sup>12</sup> The reading endorsement requires 15 semester hours in reading coursework based upon scientifically-based reading research with a focus on both the prevention and remediation of reading difficulties.<sup>13</sup> The DOE established a deadline of June 30, 2006, for reading teachers to have a reading certification or endorsement by June 30, 2006.<sup>14</sup> The DOE's current policy requires that teachers who are assigned to teach reading or intensive reading to English language learners must obtain either the reading endorsement or the reading certification and the ESOL endorsement or ESOL certification.<sup>15</sup>

In 2001, the DOE advised districts that 300 in-service hours were required for reading if the reading teacher provides the primary language instruction. Otherwise, 18 clock hours were required.<sup>16</sup> In the last three years, through memorandums and technical assistance documents, the DOE has attempted to interpret how the in-service hours in administrative rule apply to ESOL teachers.

In 2004, DOE recommended in-service credit based on correlations between ESOL and reading endorsement competencies.<sup>17</sup> The DOE has developed strategies for teachers to meet the requirements for 300 hours of in-service for the reading endorsement and 300 hours for ESOL endorsement, including:

- REESOL which gives credit toward the reading endorsement requirements for teachers who have completed 300 hours for ESOL endorsement;<sup>18</sup> and
- ESOL for Reading Teachers which provides credit toward the ESOL endorsement for teachers who have completed the 300 hours for reading endorsement.<sup>19</sup>

Under either option, a teacher will need to earn additional hours (220 additional in-service hours to complete the reading endorsement and 180 hours to complete the ESOL endorsement).<sup>20</sup>

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<sup>12</sup> Rule 6A-4.0292, F.A.C.

<sup>13</sup> *Id.*

<sup>14</sup> Florida Department of Education, Memorandum from Jim Warford and Mary Laura Openshaw to District School Superintendents, No. 2005-82 (June 23, 2005), See [http://info.fldoe.org/docushare/dsweb/Get/Document-3062/k12\\_05-82.pdf](http://info.fldoe.org/docushare/dsweb/Get/Document-3062/k12_05-82.pdf).

<sup>15</sup> Florida Department of Education, March 8, 2007.

<sup>16</sup> Florida Department of Education, *Preparing Florida Teachers to Work with Limited English Proficient Students*, September 2001. See [http://www.firn.edu/doe/profdev/pdf/final\\_esol.pdf](http://www.firn.edu/doe/profdev/pdf/final_esol.pdf)

<sup>17</sup> See [http://info.fldoe.org/docushare/dsweb/Get/Document-3063/k12\\_05-82a.pdf](http://info.fldoe.org/docushare/dsweb/Get/Document-3063/k12_05-82a.pdf)

<sup>18</sup> *Id.* See also Florida Department of Education, Memorandum from Jim Warford and Mary Laura Openshaw to District School Superintendents, No. 2005-26 (Mar. 4, 2005), See <http://info.fldoe.org/docushare/dsweb/Get/Document-2802/reesol.pdf>.

<sup>19</sup> Florida Department of Education, Memorandum of Cheri Pierson Yecke, Ph.D., to District Superintendents, No. 2007-24 (Mar. 30, 2007), See <http://info.fldoe.org/docushare/dsweb/Get/Document-4337/k12-07-24memo.pdf>.

<sup>20</sup> The DOE requirement for 300 in-service hours for reading and ESOL endorsement are provided for in memorandums to district school superintendents. See also Florida Department of Education, *Preparing Florida Teachers to Work with Limited English Proficient Students*, September 2001. See [http://www.firn.edu/doe/profdev/pdf/final\\_esol.pdf](http://www.firn.edu/doe/profdev/pdf/final_esol.pdf)

In 2006, there were 49,085 teachers with either ESOL certification or the endorsement, 7,837 teachers with a reading certification or endorsement, and 7,132 teachers who have certification or endorsement in both ESOL and reading.

### III. Effect of Proposed Changes:

The bill establishes in-service requirements for ESOL teachers. The bill specifies that teachers providing ESOL instruction must comply with the following in-service requirements:

- Primary English instructor (Basic ESOL) who is an English/Language Arts teacher: 300 in-service hours or the equivalent;
- Instructor teaching the basic subject areas of reading, mathematics, science, social studies or computer literacy: 60 in-service hours or the equivalent;
- Instructor teaching other subject areas other than basic ESOL or basic subject areas: 18 in-service hours or the equivalent; and
- School administrator or guidance counselor: 60 in-service hours or the equivalent.

According to the DOE, the addition of reading to the basic subject areas of the bill conflicts with the definitions in the consent decree.<sup>21</sup> The consent decree addresses in-service requirements for English/language arts by requiring 15 semester hours or the equivalent.<sup>22</sup> It also addresses basic subject areas such as mathematics, science, social studies, and computer literacy by requiring 60 in-service points or the equivalent.<sup>23</sup> Finally, the consent decree addresses subjects other than basic ESOL and basic subject areas by requiring 18 in-service points.<sup>24</sup> Reading is not explicitly referenced in any of the in-service requirement categories. However, s. 1003.56(3)(d), F.S., defines reading for purposes of English language instruction for limited English proficient students as a basic subject area. Finally, it should be noted that DOE has not adopted a rule to require the additional 300 in-service points for reading teachers who teach LEP students.

The effective date of this bill is July 1, 2007.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>21</sup> See *League of United Latin American Citizens (LULAC) et al. vs. Florida Board of Education et al.*, No. 90-1913 (S.D. Fla. Aug. 13, 1990); consent decree IV A., provided at <http://www.firn.edu/doe/aala/lulac.htm>

<sup>22</sup> *Id.* at IV A. 1.

<sup>23</sup> *Id.* at IV A. 3.

<sup>24</sup> *Id.* at IV A. 4.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOE estimates that it will cost \$100,000 to implement changes to the online programs and training facilitators in each school district.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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