

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
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)
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 the state speak more than 200 different languages, and

74 WHEREAS, all students within the state should be given an
75 equitable opportunity to study and learn subjects required for

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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:

84 |
 85 | Section 1. Subsection (1) of section 1002.69, Florida
 86 | Statutes, is amended to read:

87 | 1002.69 Statewide kindergarten screening; kindergarten
 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.

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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 the state. For students who are
107 English language learners and for whom it is appropriate, each
108 school district shall administer, as appropriate, the native
109 language screening or assessment adopted under this paragraph. A
110 parent of a prekindergarten dual language learner or a
111 kindergarten dual language learner must be given the opportunity
112 to determine whether the administration of a native language
113 screening or assessment is appropriate for his or her student.
114 If a parent does not exercise his or her right, the decision to
115 determine the appropriateness of the administration of a native
116 language screening or assessment may be based on teacher
117 judgment.

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

120 1003.435 High school equivalency diploma program.—

121 (5) Each district school board shall develop, in
122 cooperation with the area Florida College System institution
123 board of trustees, a plan for the provision of advanced
124 instruction for those students who attain satisfactory
125 performance on the high school equivalency examination or the

126 subject area examinations or who demonstrate through other means
127 a readiness to engage in postsecondary-level academic work. The
128 plan shall include provisions for the equitable distribution of
129 generated funds to cover personnel, maintenance, and other costs
130 of offering the advanced instruction. Priority shall be given to
131 programs of advanced instruction offered in high school
132 facilities. A high school equivalency examination administered
133 in a language other than English must be given the same weight
134 as a high school equivalency examination administered in
135 English.

136 Section 3. Subsections (9) through (13) of section
137 1008.22, Florida Statutes, are renumbered as subsections (10)
138 through (14), respectively, paragraphs (a) and (c) of subsection
139 (3) are amended and paragraph (h) is added to that subsection,
140 and a new subsection (9) is added to that section, to read:

141 1008.22 Student assessment program for public schools.—

142 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
143 Commissioner of Education shall design and implement a
144 statewide, standardized assessment program aligned to the core
145 curricular content established in the Next Generation Sunshine
146 State Standards. The commissioner also must develop or select
147 and implement a common battery of assessment tools that will be
148 used in all juvenile justice education programs in the state.
149 These tools must accurately measure the core curricular content
150 established in the Next Generation Sunshine State Standards.

151 Participation in the assessment program is mandatory for all
152 school districts and all students attending public schools,
153 including adult students seeking a standard high school diploma
154 under s. 1003.4282 and students in Department of Juvenile
155 Justice education programs, except as otherwise provided by law.
156 If a student does not participate in the assessment program, the
157 school district must notify the student's parent and provide the
158 parent with information regarding the implications of such
159 nonparticipation. The statewide, standardized assessment program
160 shall be designed and implemented as follows:

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

176 annually in grades 3 through 8. Students taking a revised
177 Mathematics assessment shall not take the discontinued
178 assessment. The statewide, standardized Science assessment shall
179 be administered annually at least once at the elementary and
180 middle grades levels. In order to earn a standard high school
181 diploma, a student who has not earned a passing score on the
182 grade 10 Reading assessment or, upon implementation, the grade
183 10 ELA assessment must earn a passing score on the assessment
184 retake or earn a concordant score as authorized under subsection
185 (10) ~~subsection (9)~~.

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

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

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

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

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

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

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

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226 | implications of such instructional accommodations.

227 | c. If a student's IEP states that online administration of
228 | a statewide, standardized assessment will significantly impair
229 | the student's ability to perform, the assessment shall be
230 | administered in hard copy.

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

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

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

247 | (II) The Department of Education shall develop a timetable
248 | and action plan to phase in the development and adoption of the
249 | native language assessments, beginning with assessments for the
250 | two most prevalent languages represented in the English language

251 learner population within the state and with assessments
252 required for high school graduation. The state shall accept
253 results on the high school equivalency examination from any
254 language version of the examination.

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

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

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

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276 students, including, but not limited to, English language
277 learners.

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

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

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

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

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301 Statutes.

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

304 1008.30 Common placement testing for public postsecondary
305 education.—

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

321 Section 6. This act shall take effect July 1, 2021.