

By Senator Rodriguez

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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 screening 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 screening 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;
26 requiring the Department of Education to create a
27 timetable and action plan for the development and
28 adoption of native language versions of the
29 assessments; requiring the state to accept results on

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30 the high school equivalency examination from any
31 language version of the examination; providing for the
32 administration of standardized assessments; requiring
33 the department to develop or identify content
34 assessments in target languages; providing for the
35 administration of content assessments in target
36 languages in certain education programs; requiring the
37 department to create a timetable and an action plan
38 for the development and adoption of native language
39 examinations; requiring the Commissioner of Education
40 to identify alternative assessments and passing scores
41 for a specified purpose; requiring the State Board of
42 Education to approve by rule passing scores on
43 alternative 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 nationally in English
58 language learner population and, although Spanish is the native

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59 language of the majority of these students, English language
60 learners in this state speak more than 200 different languages,
61 and

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

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

70

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

72

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

75 1003.435 High school equivalency diploma program.—

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

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88 in a language other than English must be given the same weight
89 as a high school equivalency examination administered in
90 English.

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

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

96 (1) The primary purpose of the coordinated screening and
97 progress monitoring program for students in the Voluntary
98 Prekindergarten Education Program through grade 3 is to provide
99 information on students' progress in mastering the appropriate
100 grade-level standards and to provide information on their
101 progress to parents, teachers, and school and program
102 administrators. Data shall be used by Voluntary Prekindergarten
103 Education Program providers and school districts to improve
104 instruction, by parents and teachers to guide learning
105 objectives and provide timely and appropriate supports and
106 interventions to students not meeting grade-level expectations,
107 and by the public to assess the cost benefit of the expenditure
108 of taxpayer dollars. The coordinated screening and progress
109 monitoring program must:

110 (h) For any written portion of the screening and progress
111 monitoring, include native language versions for the three most
112 prevalent languages represented in the English language learner
113 population within this state. For students who are English
114 language learners enrolled in a dual language program and for
115 whom it is appropriate, each school district shall administer,
116 as appropriate, the native language screening or progress

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117 monitoring. A parent of a prekindergarten dual language learner
118 or a kindergarten dual language learner must be given the
119 opportunity to determine whether the administration of a native
120 language screening or progress monitoring is appropriate for his
121 or her student. If a parent does not exercise his or her right,
122 the decision to determine the appropriateness of the
123 administration of a native language screening or progress
124 monitoring may be based on teacher judgment.

125 Section 3. Present subsections (9) through (13) of section
126 1008.22, Florida Statutes, are redesignated as subsections (10)
127 through (14), respectively, paragraph (h) is added to subsection
128 (3), a new subsection (9) is added to that section, and
129 paragraphs (a) and (d) of subsection (3) are amended, to read:

130 1008.22 Student assessment program for public schools.—

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

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146 assessment program, the school district must notify the
147 student's parent and provide the parent with information
148 regarding the implications of such nonparticipation. The
149 statewide, standardized assessment program shall be designed and
150 implemented as follows:

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

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

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

174 2. A student with a disability~~7~~ as defined in s. 1007.02~~7~~

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175 for whom the individual education plan (IEP) team determines
176 that the statewide, standardized assessments under this section
177 cannot accurately measure the student's abilities, taking into
178 consideration all allowable accommodations, shall have
179 assessment results waived for the purpose of receiving a course
180 grade and a standard high school diploma. Such waiver shall be
181 designated on the student's transcript and. ~~The statement of~~
182 ~~waiver shall be~~ limited to a statement that performance on an
183 assessment was waived for the purpose of receiving a course
184 grade or a standard high school diploma, as applicable.

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

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

198 b. If a student is provided with instructional
199 accommodations in the classroom that are not allowed as
200 accommodations for statewide, standardized assessments, the
201 district must inform the parent in writing and provide the
202 parent with information regarding the impact on the student's
203 ability to meet expected performance levels. A parent must

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204 provide signed consent for a student to receive classroom
205 instructional accommodations that would not be available or
206 permitted on a statewide, standardized assessment and
207 acknowledge in writing that he or she understands the
208 implications of such instructional accommodations.

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

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

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

224 (B) An English language learner enrolled in a dual language
225 program in grades 6 through 8 may determine whether the
226 administration of a native language version of a statewide,
227 standardized assessment and EOC assessment is appropriate. The
228 parent of an English language learner enrolled in a dual
229 language program in grades 6 through 8 is entitled to prohibit
230 his or her student from being administered the native language
231 versions of the assessments.

232 (II) The Department of Education shall develop a timetable

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233 and action plan to phase in the development and adoption of the
234 native language assessments, beginning with assessments for the
235 three most prevalent languages represented in the English
236 language learner population within this state and with
237 assessments required for high school graduation. The state shall
238 accept results on the high school equivalency examination from
239 any language version of the examination.

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

245 (h) Content assessments in the target language of
246 instruction.

247 1. Statewide, standardized assessments in the target
248 language identified or developed by the department must be
249 administered annually for the target language to English
250 language learners in dual language programs and bilingual
251 education programs.

252 2. The department shall develop a timetable and action plan
253 to phase in the identification or development and adoption of
254 native language examinations of achievement in the content areas
255 taught through the target language, beginning with examinations
256 in the most frequently taught content area in bilingual or dual
257 language programs in public schools.

258 (9) ENGLISH LANGUAGE LEARNERS; ALTERNATIVE ASSESSMENTS.—The
259 Commissioner of Education shall identify alternative assessments
260 and the respective passing scores to be offered in languages
261 other than English which are appropriate for demonstrating the

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262 college readiness of English language learners. The passing
263 scores on alternative assessments identified pursuant to this
264 subsection must be approved by state board rule.

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