

By Senator Rodriguez

40-01023-23

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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 1008.22, F.S.; revising requirements of the statewide,
9 standardized assessment program to include native
10 language versions of related assessments; requiring
11 school districts to administer native language
12 versions of such assessments to certain English
13 language learners and other students for whom it is
14 appropriate; providing for the determination of when
15 it is appropriate to administer native language
16 versions of such assessments; requiring the Department
17 of Education to create a timetable and action plan for
18 the development and adoption of native language
19 versions of the assessments; requiring the state to
20 accept results on the high school equivalency
21 examination from any language version of the
22 examination; providing for the administration of
23 standardized assessments; requiring the department to
24 develop or identify content assessments in target
25 languages; providing for the administration of content
26 assessments in target languages in certain education
27 programs; requiring the department to create a
28 timetable and an action plan for the development and
29 adoption of native language examinations; requiring

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30 the Commissioner of Education to identify alternative
31 assessments and passing scores for a specified
32 purpose; requiring the State Board of Education to
33 approve by rule passing scores on alternative
34 assessments; providing an effective date.

35
36 WHEREAS, the federal Every Student Succeeds Act (ESSA)
37 includes the purpose of assisting all English learners,
38 including immigrant children and youth, in achieving at high
39 levels in academic subjects so that all English learners can
40 meet the same challenging state academic standards that all
41 students are expected to meet, and

42 WHEREAS, the ESSA requires states to make every effort to
43 develop annual academic assessments in languages other than
44 English which are present to a significant extent in the
45 participating student population, and

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

48 WHEREAS, Florida is ranked third nationally in English
49 language learner population and, although Spanish is the native
50 language of the majority of these students, English language
51 learners in this state speak more than 200 different languages,
52 and

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

56 WHEREAS, the current system of testing students for
57 accountability purposes in a language that the students do not
58 understand does not provide accurate information about how well

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59 English language learners are learning content area subjects,
60 NOW, THEREFORE,

61

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

63

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

66 1003.435 High school equivalency diploma program.—

67 (5) Each district school board shall develop, in
68 cooperation with the area Florida College System institution
69 board of trustees, a plan for the provision of advanced
70 instruction for ~~these~~ students who attain satisfactory
71 performance on the high school equivalency examination or the
72 subject area examinations or who demonstrate through other means
73 a readiness to engage in postsecondary-level academic work. The
74 plan must ~~shall~~ include provisions for the equitable
75 distribution of generated funds to cover personnel, maintenance,
76 and other costs of offering the advanced instruction. Priority
77 must ~~shall~~ be given to programs of advanced instruction offered
78 in high school facilities. A high school equivalency examination
79 administered in a language other than English must be given the
80 same weight as a high school equivalency examination
81 administered in English.

82 Section 2. Present subsections (9) through (14) of section
83 1008.22, Florida Statutes, are redesignated as subsections (10)
84 through (15), respectively, paragraph (h) is added to subsection
85 (3) and a new subsection (9) is added to that section, and
86 paragraphs (a) and (d) of subsection (3) of that section are
87 amended, to read:

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88 1008.22 Student assessment program for public schools.—

89 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
90 Commissioner of Education shall design and implement a
91 statewide, standardized assessment program aligned to the core
92 curricular content established in the state academic standards.
93 The commissioner also must develop or select and implement a
94 common battery of assessment tools that will be used in all
95 juvenile justice education programs in the state. These tools
96 must accurately measure the core curricular content established
97 in the state academic standards. Participation in the assessment
98 program is mandatory for all school districts and all students
99 attending public schools, including adult students seeking a
100 standard high school diploma under s. 1003.4282 and students in
101 Department of Juvenile Justice education programs, except as
102 otherwise provided by law. If a student does not participate in
103 the assessment program, the school district must notify the
104 student's parent and provide the parent with information
105 regarding the implications of such nonparticipation. The
106 statewide, standardized assessment program shall be designed and
107 implemented as follows:

108 (a) *Statewide, standardized comprehensive assessments.—*

109 1. The statewide, standardized English Language Arts (ELA)
110 assessments shall be administered to students in grades 3
111 through 10. Retake opportunities for the grade 10 ELA assessment
112 must be provided. Reading passages and writing prompts for ELA
113 assessments shall incorporate grade-level core curricula content
114 from social studies. The statewide, standardized Mathematics
115 assessments shall be administered annually in grades 3 through
116 8. The statewide, standardized Science assessment shall be

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117 administered annually at least once at the elementary and middle
118 grades levels. In order to earn a standard high school diploma,
119 a student who has not earned a passing score on the grade 10 ELA
120 assessment must earn a passing score on the assessment retake or
121 earn a concordant score as authorized under subsection (10) ~~(9)~~.

122 2. Beginning with the 2022-2023 school year, the end-of-
123 year comprehensive progress monitoring assessment administered
124 pursuant to s. 1008.25(8)(b)2. is the statewide, standardized
125 ELA assessment for students in grades 3 through 10 and the
126 statewide, standardized Mathematics assessment for students in
127 grades 3 through 8.

128 *(d) Students with disabilities; Florida Alternate*
129 *Assessment; English language learners enrolled in dual language*
130 *programs.*—

131 1. Each district school board must provide instruction to
132 prepare students with disabilities in the core content knowledge
133 and skills necessary for successful grade-to-grade progression
134 and high school graduation.

135 2. A student with a disability~~r~~, as defined in s. 1007.02~~r~~,
136 for whom the individual education plan (IEP) team determines
137 that the statewide, standardized assessments under this section
138 cannot accurately measure the student's abilities, taking into
139 consideration all allowable accommodations, shall have
140 assessment results waived for the purpose of receiving a course
141 grade and a standard high school diploma. Such waiver shall be
142 designated on the student's transcript and. ~~The statement of~~
143 ~~waiver shall be~~ limited to a statement that performance on an
144 assessment was waived for the purpose of receiving a course
145 grade or a standard high school diploma, as applicable.

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146 3. The State Board of Education shall adopt rules, based
147 upon recommendations of the commissioner, for the provision of
148 assessment accommodations for students with disabilities and for
149 students who have limited English proficiency.

150 a. Accommodations that negate the validity of a statewide,
151 standardized assessment are not allowed during the
152 administration of the assessment. However, instructional
153 accommodations are allowed in the classroom if identified in a
154 student's IEP. Students using instructional accommodations in
155 the classroom that are not allowed on a statewide, standardized
156 assessment may have assessment results waived if the IEP team
157 determines that the assessment cannot accurately measure the
158 student's abilities.

159 b. If a student is provided with instructional
160 accommodations in the classroom that are not allowed as
161 accommodations for statewide, standardized assessments, the
162 district must inform the parent in writing and provide the
163 parent with information regarding the impact on the student's
164 ability to meet expected performance levels. A parent must
165 provide signed consent for a student to receive classroom
166 instructional accommodations that would not be available or
167 permitted on a statewide, standardized assessment and
168 acknowledge in writing that he or she understands the
169 implications of such instructional accommodations.

170 c. If a student's IEP states that online administration of
171 a statewide, standardized assessment will significantly impair
172 the student's ability to perform, the assessment shall be
173 administered in hard copy.

174 d.(I) Each school district shall administer, as

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175 appropriate, native language versions of statewide, standardized
176 assessments and EOC assessments to English language learners
177 enrolled in dual language programs in elementary or middle
178 school and for whom it is appropriate.

179 (A) A parent of an English language learner enrolled in a
180 dual language program in prekindergarten through grade 5 and a
181 parent of a student with disabilities in any grade level may
182 determine whether the administration of a native language
183 version of a statewide, standardized assessment and EOC
184 assessment is appropriate.

185 (B) An English language learner enrolled in a dual language
186 program in grades 6, 7, or 8 may determine whether the
187 administration of a native language version of a statewide,
188 standardized assessment and EOC assessment is appropriate. The
189 parent of an English language learner enrolled in a dual
190 language program in grades 6, 7, or 8 is entitled to prohibit
191 his or her student from being administered the native language
192 versions of the assessments.

193 (II) The Department of Education shall develop a timetable
194 and action plan to phase in the development and adoption of the
195 native language assessments, beginning with assessments for the
196 three most prevalent languages represented in the English
197 language learner population within this state and with
198 assessments required for high school graduation. The state shall
199 accept results on the high school equivalency examination from
200 any language version of the examination.

201 4. For students with significant cognitive disabilities,
202 the Department of Education shall provide for implementation of
203 the Florida Alternate Assessment to accurately measure the core

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204 curricular content established in the state academic standards.

205 (h) Content assessments in the target language of
206 instruction.-

207 1. Statewide, standardized assessments in the target
208 language identified or developed by the department must be
209 administered annually for the target language to English
210 language learners in dual language programs and bilingual
211 education programs.

212 2. The department shall develop a timetable and action plan
213 to phase in the identification or development and adoption of
214 native language examinations of achievement in the content areas
215 taught through the target language, beginning with examinations
216 in the most frequently taught content area in bilingual or dual
217 language programs in public schools.

218 (9) ENGLISH LANGUAGE LEARNERS; ALTERNATIVE ASSESSMENTS.-The
219 commissioner shall identify alternative assessments and the
220 respective passing scores to be offered in languages other than
221 English which are appropriate for demonstrating the college
222 readiness of English language learners. The passing scores on
223 alternative assessments identified pursuant to this subsection
224 must be approved by state board rule.

225 Section 3. This act shall take effect July 1, 2023.