

HB 855

2015

1                   A bill to be entitled  
2           An act relating to K-12 educational instruction;  
3           creating s. 1003.4284, F.S.; creating the State Seal  
4           of Biliteracy; requiring the State Board of Education  
5           to adopt rules for awarding the seal; creating s.  
6           1003.562, F.S.; creating the English Language Learners  
7           Advisory Council within the Department of Education;  
8           providing purpose and duties; providing for  
9           appointment and membership; providing meeting  
10          requirements; providing for staff and administrative  
11          support; amending s. 1008.22, F.S.; requiring the  
12          department to provide for the development and adoption  
13          of statewide, standardized assessments in native  
14          languages for students with limited English  
15          proficiency; requiring school districts to administer  
16          such assessments; amending s. 1008.34, F.S.; revising  
17          components used to calculate school grades to include  
18          certain Learning Gains of English language learners;  
19          providing an effective date.

20  
21   Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1.   Section 1003.4284, Florida Statutes, is created  
24   to read:

25           1003.4284 State Seal of Biliteracy.—

26           (1) The State Seal of Biliteracy is established to

27 recognize high school students who have attained a high level of  
28 proficiency in speaking, reading, and writing in a foreign  
29 language. The State Seal of Biliteracy shall be affixed to a  
30 student's high school diploma, and the student's high school  
31 transcript shall indicate that he or she has earned the seal.  
32 For purposes of this section, a foreign language includes  
33 American Sign Language and Native American languages.

34 (2) The State Board of Education shall adopt rules  
35 establishing criteria for awarding the State Seal of Biliteracy.  
36 The criteria must require a student to demonstrate proficiency  
37 in English by meeting high school graduation requirements in  
38 English Language Arts and proficiency in a foreign language. The  
39 criteria must allow for a student to demonstrate proficiency in  
40 a foreign language through multiple methods, including, but not  
41 limited to, nationally or internationally recognized language  
42 proficiency tests.

43 (3) Each school district shall notify students and parents  
44 in writing of the requirements for earning the State Seal of  
45 Biliteracy.

46 Section 2. Section 1003.562, Florida Statutes, is created  
47 to read:

48 1003.562 English Language Learners Advisory Council.—

49 (1) The English Language Learners Advisory Council is  
50 created within the Department of Education.

51 (2) The purpose of the advisory council is to review and  
52 recommend in an annual report to the Governor, the President of

53 the Senate, the Speaker of the House of Representatives, and the  
54 Commissioner of Education:

55 (a) Reform initiatives to statewide English language  
56 learner (ELL) accountability policies, including research-based  
57 assessment accommodations appropriate for ELLs.

58 (b) Proposed changes to state law, State Board of  
59 Education rules, or agreements with the Federal Government that  
60 would remove barriers to or enhance the implementation of  
61 education programs offered to ELLs.

62 (c) Proposed changes to teacher preparation and credential  
63 standards, professional development and inservice education,  
64 ESOL program models, and instructional materials and strategies.

65 (d) The best methods for increasing parental engagement in  
66 programs for ELLs.

67 (e) Criteria for awarding the State Seal of Biliteracy.

68 (f) Proposed funding allocations for programs serving  
69 ELLs.

70 (g) Applied research projects that use research  
71 capabilities within the state, including, but not limited to,  
72 resources of the State University System, for the purpose of  
73 achieving improved outcomes for ELLs.

74 (h) Other matters identified by advisory council members.

75 (3) The advisory council shall be composed of the  
76 following members:

77 (a) The Commissioner of Education, or his or her designee,  
78 who shall serve as chair of the advisory council and shall serve

79 ex officio as a nonvoting member.

80 (b) The director of the Office of Policy and Budget of the  
81 Executive Office of the Governor, or his or her designee, who  
82 shall serve ex officio as a nonvoting member.

83 (c) The chair of the Florida Legislative Hispanic Caucus,  
84 or his or her designee.

85 (d) The chair of the Florida Legislative Black Caucus, or  
86 his or her designee.

87 (e) Fifteen members of the public who shall be appointed  
88 by the Governor as follows:

89 1. One member who has professional or occupational  
90 expertise in university-level preparation of ESOL teachers and  
91 second-language research.

92 2. One member who has professional or occupational  
93 expertise in college-level preparation of ESOL or special  
94 education teachers.

95 3. One member who has professional or occupational  
96 expertise in secondary school and adult programs for ELLs.

97 4. One member who has professional or occupational  
98 expertise in prekindergarten or elementary school programs for  
99 ELLs.

100 5. One member who has experience as the principal of a  
101 school the student population of which includes ELLs.

102 6. Ten members who have professional or occupational  
103 expertise in, or are generally knowledgeable about, issues that  
104 relate to programs and services for ELLs, one each nominated by

105 the following organizations:

106 a. The state professional organization for ESOL teachers,  
 107 Sunshine State TESOL of Florida.

108 b. The Florida Association of Bilingual/ESOL Supervisors.

109 c. LULAC Florida Corp., the League of United Latin  
 110 American Citizens.

111 d. The Florida State Conference of the NAACP.

112 e. An ESOL parent leadership council.

113 f. The Florida PTA.

114 g. The Florida League of Cities.

115 h. The Florida Association of School Administrators.

116 i. The Florida Educational Research Association.

117 j. The Florida School Boards Association.

118 (f) One member of the Florida Education Association who  
 119 shall be appointed by the President of the Senate.

120 (g) One member with experience as the superintendent of a  
 121 school district the student population of which includes ELLs  
 122 who shall be appointed by the Speaker of the House of  
 123 Representatives.

124 (4) (a) Members of the advisory council appointed by the  
 125 Governor, the President of the Senate, and the Speaker of the  
 126 House of Representatives shall be appointed to 4-year terms,  
 127 except that initially, to provide for staggered terms, the  
 128 Governor shall appoint seven members to serve 2-year terms.

129 (b) A vacancy shall be filled in the same manner as the  
 130 original appointment. A vacancy occurring on the advisory

131 council before expiration of a term shall be filled for the  
132 remainder of the unexpired term. A member of the advisory  
133 council is eligible for reappointment.

134 (5) The advisory council shall hold its first meeting no  
135 later than October 1, 2015, and at least one meeting per quarter  
136 per calendar year thereafter. Meetings may be held via  
137 teleconference or other electronic means; however, the advisory  
138 council must meet in person during its first meeting of each  
139 year.

140 (6) Each member of the advisory council shall serve  
141 without compensation but may be reimbursed for per diem and  
142 travel expenses pursuant to s. 112.061.

143 (7) The Department of Education shall provide staff and  
144 administrative support for the advisory council.

145 (8) By February 1 of each year, the advisory council shall  
146 submit a written report to the Governor, the President of the  
147 Senate, the Speaker of the House of Representatives, and the  
148 Commissioner of Education containing the advisory council's  
149 recommendations.

150 Section 3. Paragraph (c) of subsection (3) of section  
151 1008.22, Florida Statutes, is amended to read:

152 1008.22 Student assessment program for public schools.—

153 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The  
154 Commissioner of Education shall design and implement a  
155 statewide, standardized assessment program aligned to the core  
156 curricular content established in the Next Generation Sunshine

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

172 (c) Students with disabilities; Florida Alternate  
173 Assessment; students with limited English proficiency.—

174 1. Each district school board must provide instruction to  
175 prepare students with disabilities in the core content knowledge  
176 and skills necessary for successful grade-to-grade progression  
177 and high school graduation.

178 2. A student with a disability, as defined in s. 1007.02,  
179 for whom the individual education plan (IEP) team determines  
180 that the statewide, standardized assessments under this section  
181 cannot accurately measure the student's abilities, taking into  
182 consideration all allowable accommodations, shall have

183 assessment results waived for the purpose of receiving a course  
184 grade and a standard high school diploma. Such waiver shall be  
185 designated on the student's transcript. The statement of waiver  
186 shall be limited to a statement that performance on an  
187 assessment was waived for the purpose of receiving a course  
188 grade or a standard high school diploma, as applicable.

189 3. The State Board of Education shall adopt rules, based  
190 upon recommendations of the commissioner, for the provision of  
191 assessment accommodations for students with disabilities and for  
192 students who have limited English proficiency.

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

202 b. If a student is provided with instructional  
203 accommodations in the classroom that are not allowed as  
204 accommodations for statewide, standardized assessments, the  
205 district must inform the parent in writing and provide the  
206 parent with information regarding the impact on the student's  
207 ability to meet expected performance levels. A parent must  
208 provide signed consent for a student to receive classroom

209 instructional accommodations that would not be available or  
210 permitted on a statewide, standardized assessment and  
211 acknowledge in writing that he or she understands the  
212 implications of such instructional accommodations.

213 c. If a student's IEP states that online administration of  
214 a statewide, standardized assessment will significantly impair  
215 the student's ability to perform, the assessment shall be  
216 administered in hard copy.

217 d. For a student who has limited English proficiency and  
218 for whom it is appropriate as determined in accordance with the  
219 No Child Left Behind Act of 2001, a school district shall  
220 provide for the administration of statewide, standardized  
221 assessments in the student's native language. The Department of  
222 Education shall create a timetable and action plan for the  
223 development and adoption of these statewide, standardized  
224 assessments, beginning with assessments for the two most  
225 prevalent languages represented in the limited English  
226 proficient student population within the state.

227 4. For students with significant cognitive disabilities,  
228 the Department of Education shall provide for implementation of  
229 the Florida Alternate Assessment to accurately measure the core  
230 curricular content established in the Next Generation Sunshine  
231 State Standards.

232 Section 4. Paragraph (b) of subsection (3) of section  
233 1008.34, Florida Statutes, is amended to read:

234 1008.34 School grading system; school report cards;

235 district grade.—

236 (3) DESIGNATION OF SCHOOL GRADES.—

237 (b)1. Beginning with the 2014-2015 school year, a school's  
 238 grade shall be based on the following components, each worth 100  
 239 points:

240 a. The percentage of eligible students passing statewide,  
 241 standardized assessments in English Language Arts under s.  
 242 1008.22(3).

243 b. The percentage of eligible students passing statewide,  
 244 standardized assessments in mathematics under s. 1008.22(3).

245 c. The percentage of eligible students passing statewide,  
 246 standardized assessments in science under s. 1008.22(3).

247 d. The percentage of eligible students passing statewide,  
 248 standardized assessments in social studies under s. 1008.22(3).

249 e. The percentage of eligible students who make Learning  
 250 Gains in English Language Arts as measured by statewide,  
 251 standardized assessments administered under s. 1008.22(3).

252 f. The percentage of eligible students who make Learning  
 253 Gains in mathematics as measured by statewide, standardized  
 254 assessments administered under s. 1008.22(3).

255 g. The percentage of eligible students in the lowest 25  
 256 percent in English Language Arts, as identified by prior year  
 257 performance on statewide, standardized assessments, who make  
 258 Learning Gains as measured by statewide, standardized English  
 259 Language Arts assessments administered under s. 1008.22(3).

260 h. The percentage of eligible students in the lowest 25

261 | percent in mathematics, as identified by prior year performance  
 262 | on statewide, standardized assessments, who make Learning Gains  
 263 | as measured by statewide, standardized mathematics assessments  
 264 | administered under s. 1008.22(3).

265 |       i. The percentage of English language learners who make  
 266 | Learning Gains in English language proficiency as measured by  
 267 | the statewide English language proficiency assessment.

268 |       ~~j.i.~~ For schools comprised of middle grades 6 through 8 or  
 269 | grades 7 and 8, the percentage of eligible students passing high  
 270 | school level statewide, standardized end-of-course assessments  
 271 | or attaining national industry certifications identified in the  
 272 | Industry Certification Funding List pursuant to rules adopted by  
 273 | the State Board of Education.

274 |  
 275 | In calculating Learning Gains for the components listed in sub-  
 276 | subparagraphs e.-h., the State Board of Education shall require  
 277 | that learning growth toward achievement levels 3, 4, and 5 is  
 278 | demonstrated by students who scored below each of those levels  
 279 | in the prior year. In calculating the components in sub-  
 280 | subparagraphs a.-d., the state board shall include the  
 281 | performance of English language learners only if they have been  
 282 | enrolled in a school in the United States for more than 2 years.

283 |       2. For a school comprised of grades 9, 10, 11, and 12, or  
 284 | grades 10, 11, and 12, the school's grade shall also be based on  
 285 | the following components, each worth 100 points:

286 |       a. The 4-year high school graduation rate of the school as

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287 defined by state board rule.

288       b. The percentage of students who were eligible to earn  
289 college and career credit through College Board Advanced  
290 Placement examinations, International Baccalaureate  
291 examinations, dual enrollment courses, or Advanced International  
292 Certificate of Education examinations; or who, at any time  
293 during high school, earned national industry certification  
294 identified in the Industry Certification Funding List, pursuant  
295 to rules adopted by the state board.

296       Section 5. This act shall take effect July 1, 2015.