

1 A bill to be entitled
2 An act relating to native language assessments;
3 amending s. 1008.22, F.S.; requiring the Commissioner
4 of Education, upon request by a school district, to
5 provide statewide, standardized assessments in any
6 language to be administered to students with limited
7 English proficiency; authorizing such students to
8 choose to be administered the statewide, standardized
9 assessments in their native language or in English;
10 authorizing such students to choose to be administered
11 end-of-course (EOC) assessments in their native
12 language or in English; requiring the Department of
13 Education, upon request by a school district, to
14 develop and provide EOC assessments in any language to
15 be administered to students with limited English
16 proficiency; reenacting ss. 120.81(1)(c),
17 1002.395(10)(b), 1002.421(2)(a), 1003.433(1) and (3),
18 1003.4996(5)(b), 1008.34(1)(a) and (c), 1008.345(7),
19 and 1012.34(7)(a), F.S., relating to exceptions,
20 special requirements, and general areas of the
21 Administrative Procedure Act; the Florida Tax Credit
22 Scholarship Program; state school choice scholarship
23 program accountability and oversight; learning
24 opportunities for out-of-state and out-of-country
25 transfer students and students needing additional

26 instruction to meet high school graduation
27 requirements; the Competency-Based Education Pilot
28 Program; the school grading system, school report
29 cards, and district grade; implementation of a state
30 system of school improvement and education
31 accountability and personnel evaluation procedures and
32 criteria, respectively, to incorporate the amendments
33 made to s. 1008.22, F.S., in references thereto;
34 providing an effective date.

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

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38 Section 1. Paragraphs (a) and (b) of subsection (3) of
39 section 1008.22, Florida Statutes, are amended, to read:

40 1008.22 Student assessment program for public schools.—

41 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
42 Commissioner of Education shall design and implement a
43 statewide, standardized assessment program aligned to the core
44 curricular content established in the Next Generation Sunshine
45 State Standards. The commissioner also must develop or select
46 and implement a common battery of assessment tools that will be
47 used in all juvenile justice education programs in the state.
48 These tools must accurately measure the core curricular content
49 established in the Next Generation Sunshine State Standards.
50 Participation in the assessment program is mandatory for all

51 school districts and all students attending public schools,
52 including adult students seeking a standard high school diploma
53 under s. 1003.4282 and students in Department of Juvenile
54 Justice education programs, except as otherwise provided by law.
55 If a student does not participate in the assessment program, the
56 school district must notify the student's parent and provide the
57 parent with information regarding the implications of such
58 nonparticipation. The statewide, standardized assessment program
59 shall be designed and implemented as follows:

60 (a) *Statewide, standardized comprehensive assessments.*—The
61 statewide, standardized Reading assessment shall be administered
62 annually in grades 3 through 10. The statewide, standardized
63 Writing assessment shall be administered annually at least once
64 at the elementary, middle, and high school levels. When the
65 Reading and Writing assessments are replaced by English Language
66 Arts (ELA) assessments, ELA assessments shall be administered to
67 students in grades 3 through 10. Retake opportunities for the
68 grade 10 Reading assessment or, upon implementation, the grade
69 10 ELA assessment must be provided. Students taking the ELA
70 assessments shall not take the statewide, standardized
71 assessments in Reading or Writing. Reading passages and writing
72 prompts for ELA assessments shall incorporate grade-level core
73 curricula content from social studies. The statewide,
74 standardized Mathematics assessments shall be administered
75 annually in grades 3 through 8. Students taking a revised

76 Mathematics assessment shall not take the discontinued
77 assessment. The statewide, standardized Science assessment shall
78 be administered annually at least once at the elementary and
79 middle grades levels. In order to earn a standard high school
80 diploma, a student who has not earned a passing score on the
81 grade 10 Reading assessment or, upon implementation, the grade
82 10 ELA assessment must earn a passing score on the assessment
83 retake or earn a concordant score as authorized under subsection
84 (9). Upon request by a school district, the commissioner shall
85 provide any statewide, standardized assessment in any language
86 to be administered in the native language of a student with
87 limited English proficiency. A student with limited English
88 proficiency is entitled to choose to be administered the
89 statewide, standardized assessments in his or her native
90 language or in English.

91 (b) *End-of-course (EOC) assessments.*—EOC assessments must
92 be statewide, standardized, and developed or approved by the
93 Department of Education as follows:

94 1. EOC assessments for Algebra I, Geometry, Biology I,
95 United States History, and Civics shall be administered to
96 students enrolled in such courses as specified in the course
97 code directory.

98 2. Students enrolled in a course, as specified in the
99 course code directory, with an associated statewide,
100 standardized EOC assessment must take the EOC assessment for

101 such course and may not take the corresponding subject or grade-
102 level statewide, standardized assessment pursuant to paragraph
103 (a). Sections 1003.4156 and 1003.4282 govern the use of
104 statewide, standardized EOC assessment results for students.

105 3. The commissioner may select one or more nationally
106 developed comprehensive examinations, which may include
107 examinations for a College Board Advanced Placement course,
108 International Baccalaureate course, or Advanced International
109 Certificate of Education course, or industry-approved
110 examinations to earn national industry certifications identified
111 in the CAPE Industry Certification Funding List, for use as EOC
112 assessments under this paragraph if the commissioner determines
113 that the content knowledge and skills assessed by the
114 examinations meet or exceed the grade-level expectations for the
115 core curricular content established for the course in the Next
116 Generation Sunshine State Standards. Use of any such examination
117 as an EOC assessment must be approved by the state board in
118 rule.

119 4. Contingent upon funding provided in the General
120 Appropriations Act, including the appropriation of funds
121 received through federal grants, the commissioner may establish
122 an implementation schedule for the development and
123 administration of additional statewide, standardized EOC
124 assessments that must be approved by the state board in rule. If
125 approved by the state board, student performance on such

126 assessments constitutes 30 percent of a student's final course
127 grade.

128 5. All statewide, standardized EOC assessments must be
129 administered online except as otherwise provided in paragraph
130 (c).

131 6. A student enrolled in an Advanced Placement (AP),
132 International Baccalaureate (IB), or Advanced International
133 Certificate of Education (AICE) course who takes the respective
134 AP, IB, or AICE assessment and earns the minimum score necessary
135 to earn college credit, as identified in s. 1007.27(2), meets
136 the requirements of this paragraph and does not have to take the
137 EOC assessment for the corresponding course.

138 7. A student with limited English proficiency is entitled
139 to choose to be administered any EOC assessment in English or in
140 his or her native language. Upon request by a school district,
141 the department must develop and provide any EOC assessment in
142 any language to the school district
143 to be administered to the student in his or her native language.

144 Section 2. For the purpose of incorporating the amendment
145 made by this act to section 1008.22, Florida Statutes, in a
146 reference thereto, paragraph (c) of subsection (1) of section
147 120.81, Florida Statutes, is reenacted to read:

148 120.81 Exceptions and special requirements; general
149 areas.—

150 (1) EDUCATIONAL UNITS.—

151 (c) Notwithstanding s. 120.52(16), any tests, test scoring
152 criteria, or testing procedures relating to student assessment
153 which are developed or administered by the Department of
154 Education pursuant to s. 1003.4282, s. 1008.22, or s. 1008.25,
155 or any other statewide educational tests required by law, are
156 not rules.

157 Section 3. For the purpose of incorporating the amendment
158 made by this act to section 1008.22, Florida Statutes, in a
159 reference thereto, paragraph (b) of subsection (10) of section
160 1002.395, Florida Statutes, is reenacted to read:

161 1002.395 Florida Tax Credit Scholarship Program.—

162 (10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

163 (b) Upon the request of the Department of Education, a
164 school district shall coordinate with the department to provide
165 to a participating private school the statewide assessments
166 administered under s. 1008.22 and any related materials for
167 administering the assessments. A school district is responsible
168 for implementing test administrations at a participating private
169 school, including the:

170 1. Provision of training for private school staff on test
171 security and assessment administration procedures;

172 2. Distribution of testing materials to a private school;

173 3. Retrieval of testing materials from a private school;

174 4. Provision of the required format for a private school
175 to submit information to the district for test administration

176 and enrollment purposes; and

177 5. Provision of any required assistance, monitoring, or
178 investigation at a private school.

179 Section 4. For the purpose of incorporating the amendment
180 made by this act to section 1008.22, Florida Statutes, in a
181 reference thereto, paragraph (a) of subsection (2) of section
182 1002.421, Florida Statutes, is reenacted to read:

183 1002.421 State school choice scholarship program
184 accountability and oversight.—

185 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.—

186 (a) The Department of Education shall:

187 1. Annually verify the eligibility of private schools that
188 meet the requirements of this section, specific requirements
189 identified within respective scholarship program laws, and other
190 provisions of state law that apply to private schools.

191 2. Establish a toll-free hotline that provides parents and
192 private schools with information on participation in the
193 scholarship programs.

194 3. Establish a process by which individuals may notify the
195 department of any violation by a parent, private school, or
196 school district of state laws relating to program participation.
197 If the department has reasonable cause to believe that a
198 violation of this section or any rule adopted by the State Board
199 of Education has occurred, it shall conduct an inquiry or make a
200 referral to the appropriate agency for an investigation. A

201 department inquiry is not subject to the requirements of chapter
202 120.

203 4. Require an annual, notarized, sworn compliance
204 statement from participating private schools certifying
205 compliance with state laws, and retain such records.

206 5. Coordinate with the entities conducting the health
207 inspection for a private school to obtain copies of the
208 inspection reports.

209 6. Conduct site visits to private schools entering a
210 scholarship program for the first time. Beginning with the 2019-
211 2020 school year, a private school is not eligible to receive
212 scholarship payments until a satisfactory site visit has been
213 conducted and the school is in compliance with all other
214 requirements of this section.

215 7. Coordinate with the State Fire Marshal to obtain access
216 to fire inspection reports for private schools. The authority
217 conducting the fire safety inspection shall certify to the State
218 Fire Marshal that the annual inspection has been completed and
219 that the school is in full compliance. The certification shall
220 be made electronically or by such other means as directed by the
221 State Fire Marshal.

222 8. Upon the request of a participating private school
223 authorized to administer statewide assessments, provide at no
224 cost to the school the statewide assessments administered under
225 s. 1008.22 and any related materials for administering the

226 assessments. Students at a private school may be assessed using
227 the statewide assessments if the addition of those students and
228 the school does not cause the state to exceed its contractual
229 caps for the number of students tested and the number of testing
230 sites. The state shall provide the same materials and support to
231 a private school that it provides to a public school. A private
232 school that chooses to administer statewide assessments under s.
233 1008.22 shall follow the requirements set forth in ss. 1008.22
234 and 1008.24, rules adopted by the State Board of Education to
235 implement those sections, and district-level testing policies
236 established by the district school board.

237 Section 5. For the purpose of incorporating the amendment
238 made by this act to section 1008.22, Florida Statutes, in
239 references thereto, subsections (1) and (3) of section 1003.433,
240 Florida Statutes, are reenacted to read:

241 1003.433 Learning opportunities for out-of-state and out-
242 of-country transfer students and students needing additional
243 instruction to meet high school graduation requirements.-

244 (1) Students who enter a Florida public school at the 11th
245 or 12th grade from out of state or out of country shall not be
246 required to spend additional time in a Florida public school in
247 order to meet the high school course requirements if the student
248 has met all requirements of the school district, state, or
249 country from which he or she is transferring. Such students who
250 are not proficient in English should receive immediate and

251 intensive instruction in English language acquisition. However,
252 to receive a standard high school diploma, a transfer student
253 must earn a 2.0 grade point average and meet the requirements
254 under s. 1008.22.

255 (3) Students who have been enrolled in an ESOL program for
256 less than 2 school years and have met all requirements for the
257 standard high school diploma except for passage of any must-pass
258 assessment under s. 1003.4282 or s. 1008.22 or alternate
259 assessment may receive immersion English language instruction
260 during the summer following their senior year. Students
261 receiving such instruction are eligible to take the required
262 assessment or alternate assessment and receive a standard high
263 school diploma upon passage of the required assessment or
264 alternate assessment. This subsection shall be implemented to
265 the extent funding is provided in the General Appropriations
266 Act.

267 Section 6. For the purpose of incorporating the amendment
268 made by this act to section 1008.22, Florida Statutes, in a
269 reference thereto, paragraph (b) of subsection (5) of section
270 1003.4996, Florida Statutes, is reenacted to read:

271 1003.4996 Competency-Based Education Pilot Program.—
272 Beginning with the 2016-2017 school year, the Competency-Based
273 Education Pilot Program is created within the Department of
274 Education to be administered for a period of 5 years. The
275 purpose of the pilot program is to provide an educational

276 | environment that allows students to advance to higher levels of
277 | learning upon the mastery of concepts and skills through
278 | statutory exemptions relating to student progression and the
279 | awarding of credits.

280 | (5) DEPARTMENT DUTIES.—The department shall:

281 | (b) Provide participating schools with access to
282 | statewide, standardized assessments required under s. 1008.22.

283 | Section 7. For the purpose of incorporating the amendment
284 | made by this act to section 1008.22, Florida Statutes, in
285 | references thereto, paragraphs (a) and (c) of subsection (1) of
286 | section 1008.34, Florida Statutes, are reenacted to read:

287 | 1008.34 School grading system; school report cards;
288 | district grade.—

289 | (1) DEFINITIONS.—For purposes of the statewide,
290 | standardized assessment program and school grading system, the
291 | following terms are defined:

292 | (a) "Achievement level," "student achievement," or
293 | "achievement" describes the level of content mastery a student
294 | has acquired in a particular subject as measured by a statewide,
295 | standardized assessment administered pursuant to s.
296 | 1008.22(3)(a) and (b). There are five achievement levels. Level
297 | 1 is the lowest achievement level, level 5 is the highest
298 | achievement level, and level 3 indicates satisfactory
299 | performance. A student passes an assessment if the student
300 | achieves a level 3, level 4, or level 5. For purposes of the

301 Florida Alternate Assessment administered pursuant to s.
302 1008.22(3)(c), the state board shall provide, in rule, the
303 number of achievement levels and identify the achievement levels
304 that are considered passing.

305 (c) "Student performance," "student academic performance,"
306 or "academic performance" includes, but is not limited to,
307 student learning growth, achievement levels, and Learning Gains
308 on statewide, standardized assessments administered pursuant to
309 s. 1008.22.

310 Section 8. For the purpose of incorporating the amendment
311 made by this act to section 1008.22, Florida Statutes, in a
312 reference thereto, subsection (7) of section 1008.345, Florida
313 Statutes, is reenacted to read:

314 1008.345 Implementation of state system of school
315 improvement and education accountability.—

316 (7) As a part of the system of educational accountability,
317 the Department of Education shall:

318 (a) Develop minimum standards for various grades and
319 subject areas, as required in ss. 1001.03, 1008.22, and 1008.34.

320 (b) Administer the statewide assessment program created by
321 s. 1008.22.

322 (c) Review the school advisory councils of each district
323 as required by s. 1001.452.

324 (d) Conduct the program evaluations required by s.
325 1001.03.

326 (e) Maintain a listing of college-level communication and
327 mathematics skills associated with successful student
328 performance through the baccalaureate level and submit it to the
329 State Board of Education and the Board of Governors for
330 approval.

331 (f) Perform any other functions that may be involved in
332 educational planning, research, and evaluation or that may be
333 required by the commissioner, the State Board of Education, the
334 Board of Governors, or law.

335 Section 9. For the purpose of incorporating the amendment
336 made by this act to section 1008.22, Florida Statutes, in a
337 reference thereto, paragraph (a) of subsection (7) of section
338 1012.34, Florida Statutes, is reenacted to read:

339 1012.34 Personnel evaluation procedures and criteria.—

340 (7) MEASUREMENT OF STUDENT PERFORMANCE.—

341 (a) The Commissioner of Education shall approve a formula
342 to measure individual student learning growth on the statewide,
343 standardized assessments in English Language Arts and
344 mathematics administered under s. 1008.22. A third party,
345 independent of the assessment developer, must analyze student
346 learning growth data calculated using the formula and provide
347 access to a data visualization tool that enables teachers to
348 understand and evaluate the data and school administrators to
349 improve instruction, evaluate programs, allocate resources, plan
350 professional development, and communicate with stakeholders. The

351 formula must take into consideration each student's prior
352 academic performance. The formula must not set different
353 expectations for student learning growth based upon a student's
354 gender, race, ethnicity, or socioeconomic status. In the
355 development of the formula, the commissioner shall consider
356 other factors such as a student's attendance record, disability
357 status, or status as an English language learner. The
358 commissioner may select additional formulas to measure student
359 performance as appropriate for the remainder of the statewide,
360 standardized assessments included under s. 1008.22 and continue
361 to select formulas as new assessments are implemented in the
362 state system.

363 Section 10. This act shall take effect July 1, 2019.