By Senator Taddeo

A bill to be entitled
An act relating to native language assessment in
public schools; amending s. 1002.69, F.S.; requiring
the Department of Education to adopt native language
versions of the school readiness screener, the school
readiness assessment, the Florida Voluntary
Prekindergarten Assessment, and the Florida
Kindergarten Readiness Screener; requiring school
districts to administer such screeners and assessments
to certain students; providing for the determination
of when it is appropriate to administer native
language versions of the screeners and assessments;
amending s. 1003.435, F.S.; requiring that a high
school equivalency examination administered in any
language other than English be given the same weight
as a high school equivalency examination administered
in English; amending s. 1008.22, F.S.; revising
requirements of the statewide, standardized assessment
program to include native language versions of related
assessments; requiring school districts to administer
native language versions of such assessments to
English language learners and other students for whom
it is appropriate; providing for the determination of
when it is appropriate to administer native language
versions of such assessments; requiring the department
to create a timetable and action plan for the
development and adoption of native language versions
of the assessments; requiring the state to accept
results on the high school equivalency examination
from any language version of the examination;  
providing for the administration of language  
proficiency assessments; defining terms; requiring the  
department to develop or identify content assessments  
in target languages; providing for the administration  
of content assessments in target languages in certain  
education programs; requiring the department to create  
a timetable and an action plan for the development and  
adoptions of native language examinations; requiring  
the state board to adopt standards for heritage  
language courses; requiring the state board to develop  
a timeline for phasing in standards for additional  
languages; requiring the Commissioner of Education to  
identify alternative assessments and passing scores  
for a specified purpose; requiring the State Board of  
Education to approve by rule passing scores on  
alternative assessments; requiring the department to  
provide funding for instructional materials for  
heritage language courses, subject to legislative  
appropriation; amending s. 1008.30, F.S.; requiring  
the state board, in conjunction with the Board of  
Governors, to develop and implement native language  
versions of the common placement test for public  
postsecondary education, beginning with certain  
languages; requiring the state board and the board to  
develop a timeline for phasing in additional  
languages; providing an effective date.

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

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

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

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

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

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

THEREFORE,

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

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

1002.69 Statewide kindergarten screening; kindergarten
readiness rates; state-approved prekindergarten enrollment screening; good cause exemption.—

(1)(a) The department shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. 1002.67(1) for the Voluntary Prekindergarten Education Program. The department shall require that each school district administer the statewide kindergarten screening to each kindergarten student in the school district within the first 30 school days of each school year. Nonpublic schools may administer the statewide kindergarten screening to each kindergarten student in a nonpublic school who was enrolled in the Voluntary Prekindergarten Education Program.

(b) The department shall adopt native language versions of the school readiness screener, the school readiness assessment, the Florida Voluntary Prekindergarten Assessment, and the Florida Kindergarten Readiness Screener beginning with the two most prevalent languages represented in the English language learner population within this state. For students who are English language learners and for whom it is appropriate, each school district shall administer, as appropriate, a native language version of the school readiness screener, the school readiness assessment, the Florida Voluntary Prekindergarten Assessment, and the Florida Kindergarten Readiness Screener. A parent of a prekindergarten dual language learner or a kindergarten dual language learner must be given the opportunity to determine whether the administration of a native language version screening or assessment is appropriate for his or her student. If a parent does not exercise his or her right, the
decision to determine the appropriateness of the administration of a native language version screening or assessment may be based on teacher judgment.

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

1003.435 High school equivalency diploma program.—
(5) Each district school board shall develop, in cooperation with the area Florida College System institution board of trustees, a plan for the provision of advanced instruction for those students who attain satisfactory performance on the high school equivalency examination or the subject area examinations or who demonstrate through other means a readiness to engage in postsecondary-level academic work. The plan shall include provisions for the equitable distribution of generated funds to cover personnel, maintenance, and other costs of offering the advanced instruction. Priority shall be given to programs of advanced instruction offered in high school facilities. A high school equivalency examination administered in any language other than English must be given the same weight as a high school equivalency examination administered in English.

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

1008.22 Student assessment program for public schools.—
(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards.

Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law.

If a student does not participate in the assessment program, the school district must notify the student’s parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(a) **Statewide, standardized comprehensive assessments.**—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through 10. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized
assessments in Reading or Writing. Reading passages and writing prompts for ELA assessments shall incorporate grade-level core curricula content from social studies. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (10) subsection (9).

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

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

2. A student with a disability, as defined in s. 1007.02, for whom the individual education plan (IEP) team determines that the statewide, standardized assessments under this section cannot accurately measure the student’s abilities, taking into consideration all allowable accommodations, shall have assessment results waived for the purpose of receiving a course grade and a standard high school diploma. Such waiver shall be designated on the student’s transcript. The statement of waiver shall be limited to a statement that performance on an
3. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of assessment accommodations for students with disabilities and for students who have limited English proficiency.

   a. Accommodations that negate the validity of a statewide, standardized assessment are not allowed during the administration of the assessment. However, instructional accommodations are allowed in the classroom if identified in a student’s IEP. Students using instructional accommodations in the classroom that are not allowed on a statewide, standardized assessment may have assessment results waived if the IEP team determines that the assessment cannot accurately measure the student’s abilities.

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

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

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

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

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

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

4. For students with significant cognitive disabilities, the Department of Education shall provide for implementation of the Florida Alternate Assessment to accurately measure the core curricular content established in the Next Generation Sunshine
(h) Language proficiency assessments and content assessments in the target language of instruction.—

1. Language proficiency assessments in the target language identified or developed by the department must be administered annually for the target language in dual language programs, bilingual education programs, and heritage language programs to all participating students, including, but not limited to, English language learners. For purposes of this paragraph, the term “heritage language program” means a program for heritage language speakers and the term “heritage language speakers” means individuals who are exposed to a language other than English at home, but educated primarily in English. Content assessments in the target language must be identified or developed by the department and administered annually in dual language and bilingual education programs for content knowledge taught in a language other than English to all participating students, including, but not limited to, English language learners.

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

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

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

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

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

1008.30 Common placement testing for public postsecondary education.—

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

Section 6. This act shall take effect July 1, 2020.