

Rule 6A-6.0902 is amended to read:

6A-6.0902 Requirements for Identification, Eligibility Assessment and Programmatic and Annual Assessments of English Language Learners Limited English Proficient Students.

(1) Requirements for identification. ~~Beginning with the 1990-91 school year, each student shall be surveyed upon initial enrollment in a school district, with questions specified in this rule. Each student~~ Students whose initial enrollment in the school district was prior to the 1990-91 school year shall be surveyed upon initial enrollment unless he or she has ~~they have~~ been surveyed previously with the questions provided in this rule. The survey shall contain the following questions:

- (a) Is a language other than English used in the home?
- (b) Did the student have a first language other than English?
- (c) Does the student most frequently speak a language other than English?

The questions may appear on a school's ~~the~~ registration form or a separate survey form. The home language and the national origin of each student shall also be collected and retained in the district's data system. Affirmative responses to question (b) or (c), or both requires that the student be placed in the English for Speakers of Other Languages (ESOL) program until completion of the eligibility assessment. A student for whom the only affirmative response to the survey is question (a) does not need to be placed in the ESOL program pending assessment. These student not placed in the ESOL program shall be given the aural and oral or listening and speaking assessment and if in grades 3 through 12, the reading and writing assessment shall be completed within the timelines described below.

(2) Assessment to determine eligibility for appropriate services and funding.

(a) Each student who responded “yes” to any question on the home language survey shall be assessed to determine if the student is limited English proficient based on one of the standards set forth in this subsection (2) of this rule. Any student identified by the home language survey who also meets one of the standards in subparagraphs (2)(a)1., 2. and 3. of this rule shall be classified as an English Language Learner (ELL) determined to be limited English proficient and shall receive appropriate instruction and funding as specified in Sections 1003.56 and 1011.62, Florida Statutes, as amended by Chapter 2002.387, Laws of Florida.

1. Any student in grades K through 12 who scores within the limited English proficient range as determined by the publisher’s standards on a Department of Education approved da aural and oral language proficiency test or scores below the English proficient level on a Department of Education approved assessment in listening and speaking, shall be classified as an English Language Learner determined limited English proficient and shall be provided appropriate services. Assessment of each student’s aural and oral proficiency or listening and speaking should be completed as soon as possible after the student’s initial enrollment but not later than twenty (20) school days after the student’s enrollment unless documented in the following manner:

a. The documentation shall include the reason for the delay, evidence that the student is accorded the programming required for ELLs pending the delay, and a specific timetable for completing the assessment.

b. This documentation shall be mailed to the parents in the language they understand, unless clearly not feasible no later than eight (8) weeks after initial enrollment.

c. A copy shall be retained in the student’s files for a minimum of one (1) year.

2. Any student in grade 3 4 or above, who scores at or below 32nd percentile on reading comprehension and writing or language usage subtests subparts of a nationally norm referenced test or scores below the English proficient level on a Department of Education approved assessment in reading and writing shall be determined to be limited English proficient and shall be classified as an English Language Learner and provided appropriate services. The assessment in reading and writing shall be completed within one (1) year after the student's enrollment.

3. Any student in grades 3 through 12 who scores English proficient on the aural and oral assessment but whose reading and writing assessment has not been completed within twenty (20) school days shall be referred to an ELL Committee for a placement determination. The ELL Committee shall be convened within twenty (20) school days after the aural and oral assessment or listening and speaking assessment, and shall use the procedures described below to determine whether the student should be placed in the ESOL program pending the reading and writing assessment. The ELL Committee must make a written determination, signed by a majority of the members that in their opinion the student's reading and writing skills exceed the skills equivalent to the 32nd percentile on both the reading and writing subparts of a nationally norm referenced test. No ELL Committee meeting is required if the student is enrolled in the ESOL program pending the reading and writing assessment.

4.3. Any student who is determined not to be an English Language Learner as described in subparagraph (2)(a)1. or 2. of this rule limited English proficient or any student determined to be an English Language Learner limited English proficient based solely on one reading or writing assessment as described standards in subparagraph (2)(a)2. of this rule may be referred to an ELL LEP Committee to determine eligibility for appropriate services as a limited English proficient student based upon a parent's or a teacher's request. The ELLLEP Committee may

determine a student to be an English Language Learner ~~limited English proficient~~ or not to be an English Language Learner ~~limited English proficient~~ according to consideration of at least two (2) of the following criteria in addition to the test results from subparagraph (2)(a)1. or 2. of this rule:

a. Extent and nature of prior educational or academic experience, ~~and~~ social experience, and a student interview;

b. Grade level mastery of basic competencies or skills in English in listening, speaking, reading and writing according to applicable local, state, or national criterion-referenced standards;

~~c.~~ Written recommendation and observation by current and previous instructional and supportive services staff;

~~d.~~ Level of mastery of basic competencies or skills in English and heritage ~~home~~ language according to appropriate local, state or ~~and~~ national criterion-referenced standards;

~~e.~~ Grades from the current or previous years; or

~~f.~~ Test results other than subparagraph (2)(a)1. or 2. of this rule.

(b) Any determinations by the ELLLEP ~~Ce~~committee shall be contained in a written evaluation which shall be placed in the ELL Student Plan ~~limited English proficient student's plan~~. Such evaluations shall further set forth a plan, which will be implemented, to address the student's English language needs.

(c) In lieu of the standards in subparagraph (2)(a)1., ~~and~~ 2. and 3. of this rule, a school district may use either a district assessment or the test form of the Comprehensive English Language Learner Assessment (CELLA) approved for use as placement test ~~a district-developed or adapted test procedure~~ to assess a student's level of ~~limited~~ English proficiency. The

alternative standards for assessing students for placement procedure must be submitted as part of the District ELL Plan and approved by the Department of Education prior to implementation. In reviewing the district's submission of the assessment and procedure in lieu of subparagraphs (2)(a)1. and 2. of this rule, the Department shall make including an affirmative determination that the instruments and standards proposed to be utilized by the school district are valid and reliable measures of whether or not a student's level of English language proficiency is limited English proficient.

~~(d) Assessment of each student's aural and oral proficiency should be completed as soon as possible after the student's initial enrollment and shall be completed within four weeks unless documented in the following manner:~~

~~1. The reason for the delay, evidence that the child is accorded the programming required for limited English proficient students pending the delay, and a specific timetable for completing the assessment.~~

~~2. This documentation shall be mailed to the parents in their primary language no later than eight weeks after initial enrollment.~~

~~3. A copy shall be retained in the student's files for a minimum of one year.~~

(d)(e) For each student in grade 3 or above who scored within the English proficient range on the aural and oral language proficiency test scored at or above the English proficient level on a listening and speaking assessment in accordance with subparagraph (2)(a)1. of this rule, but was enrolled in the ESOL program under the provisions of subparagraph (2)(a)3. of this rule, the assessment of reading and writing proficiency shall be completed within one (1) year after the date of enrollment. Assessment of each student's reading and writing proficiency shall be completed within one year after the date of enrollment for those students who are not identified

~~as limited English proficient.~~ For students transferring into the school district, assessments completed within one year prior to the date of the student's transfer may be used. ~~For students enrolled in the district prior to 1990-91 who responded "yes" on the home language survey, assessments, completed within one year of the date the district administered the home language survey may be used.~~

~~(e)(f)~~ Assessment of a student's English proficiency as specified in subparagraphs (2)(a)1. and 2. of this rule shall be completed as rapidly as possible. The student shall receive services until assessment is completed. In the interim, from enrollment to eight weeks, the student shall be eligible for ESOL ~~English for Speakers of Other Languages~~ funded services based on a school district interim assessment procedure which shall be described in the District ELL ~~school district LEP~~ Plan approved by the Department of Education.

~~(f)(g)~~ An ELL ~~A LEP~~ Committee, after notification to the parent of the opportunity to participate in the meeting, shall conduct assessments referred to in subsections (2) and (3) of this rule and recommend an ELL Student Plan ~~limited English proficient student plan~~ for such student.

~~(g)(h)~~ An eligible student shall be reported for ESOL funding as specified in Section 1011.62 ~~1003.56~~, Florida Statutes, ~~as amended by Chapter 90-288, Laws of Florida.~~

(3) Programmatic Assessment.

(a) Each student determined to be an ELL ~~limited English proficient~~ shall be further assessed in academic areas ~~basic subject areas~~ so as to aid the student's teacher in developing an appropriate instructional program.

(b) Each school district shall seek to document the prior schooling experience of ELLs ~~limited English proficient students~~ by means of school records, transcripts and other evidence of

educational experiences, and take such experiences into account in planning and providing appropriate instruction to such students. The school district shall award equal credit for courses taken in another country or a language other than English as they would the same courses taken in the United States or taken in English. For foreign-born students, the same district adopted policies regarding age appropriate placement shall be followed as are followed for students born in the United States. Should a school district use a placement test for determining appropriate grade or course placement, such assessment may not be based in whole or in part on the student's English language proficiency. Students classified as ELLs shall be placed in the appropriate English for Speakers of Other Language or Language Arts through ESOL course and core subject area courses based on their assigned grade level.

(c) Any ~~limited English proficient student's~~ teacher, administrator, parent or parent's designee may request the convening of an ELL a LEP Committee to review the student's progress in attaining necessary subject area competencies or in overcoming persistent deficiencies in overall student performance. The ~~ELL LEP~~ Committee may be reconvened at any time after a student has been served for a semester. The ~~ELL LEP~~ Committee shall make recommendations for appropriate modifications in the student's programming to address problems identified and shall document such modifications in the student's ELL Student Plan.

(4) Annual assessment to determine progress towards English language proficiency.

(a) All students classified as ELLs and former ELLs who were exited from the ESOL program based on another assessment and were not tested on CELLA in the prior year's assessment shall be assessed annually on the CELLA.

(b) The CELLA shall be administered in accordance with standard written instructions appropriate for the examination. The written instructions will be issued by the Commissioner in

the form of directions for administration and other written communications, and provided to school districts in sufficient time prior to each test.

(c) Provisions shall be made by school districts to administer the test to students who are absent on the designated testing dates according to directions specified by the Commissioner. The directions will be issued in the form of test administration manuals and other written communications, and provided to school districts in sufficient time prior to each test.

(d) Beginning with the effective date of this rule, the English language proficiency levels for Oral Skills, Reading, and Writing shall be as shown in the following tables:

<u>Oral Skills (listening and Speaking) grade cluster scale scores by English Language Proficiency Level</u>				
<u>Grade</u>	<u>Beginning</u>	<u>Low Intermediate</u>	<u>High Intermediate</u>	<u>Proficient</u>
<u>Clusters</u>				
<u>K-2</u>	<u>495-632</u>	<u>633-649</u>	<u>650-672</u>	<u>673-755</u>
<u>3-5</u>	<u>560-675</u>	<u>676-697</u>	<u>698-719</u>	<u>720-805</u>
<u>6-8</u>	<u>565-680</u>	<u>681-712</u>	<u>713-732</u>	<u>733-830</u>
<u>9-12</u>	<u>580-681</u>	<u>682-713</u>	<u>714-738</u>	<u>739-835</u>

<u>Writing grade cluster scale scores by English Language Proficiency Level</u>				
<u>Grade</u>	<u>Beginning</u>	<u>Low Intermediate</u>	<u>High Intermediate</u>	<u>Proficient</u>
<u>Clusters</u>				
<u>K-2</u>	<u>515-636</u>	<u>637-657</u>	<u>658-689</u>	<u>690-775</u>

<u>3-5</u>	<u>575-674</u>	<u>675-702</u>	<u>703-726</u>	<u>727-825</u>
<u>6-8</u>	<u>580-687</u>	<u>688-719</u>	<u>720-745</u>	<u>746-845</u>
<u>9-12</u>	<u>600-689</u>	<u>690-720</u>	<u>721-745</u>	<u>746-850</u>

<u>Reading grade cluster scale scores by English Language Proficiency Level</u>				
<u>Grade</u>	<u>Beginning</u>	<u>Low Intermediate</u>	<u>High Intermediate</u>	<u>Proficient</u>
<u>Clusters</u>				
<u>K-2</u>	<u>345-545</u>	<u>546-628</u>	<u>629-689</u>	<u>690-800</u>
<u>3-5</u>	<u>590-689</u>	<u>690-714</u>	<u>715-733</u>	<u>734-810</u>
<u>6-8</u>	<u>600-713</u>	<u>714-741</u>	<u>742-758</u>	<u>759-815</u>
<u>9-12</u>	<u>605-743</u>	<u>744-761</u>	<u>762-777</u>	<u>778-820</u>

(e) The Commissioner shall annually review the CELLA performance data, the CELLA cut scores and the CELLA English proficiency levels. After consulting with experts in the fields of second language acquisition and assessment, and other stakeholder groups, the Commissioner shall recommend to the State Board of Education whether to maintain the existing cut scores and proficiency levels or make changes as may be necessary to the scores, proficiency levels or other requirements of this rule.

Specific Authority 1001.02 FS. Law Implemented 1003.56, 1011.62 FS., ~~as amended by Section 150, Chapter 2002-387, Laws of Florida.~~ History—New 10-30-90, Amended_____.