

Rule 6A-1.09432 is amended to read:

6A-1.09432 Assessment of ~~Limited English~~ Language Learners ~~Proficient Students~~.

(1) All students classified as English Language Learners (ELLs) ~~limited English proficient (LEP)~~ must participate in the statewide assessment program, prescribed in Section 1008.22 229.57, Florida Statutes. There is no categorical exemption from participation in the statewide assessment program for ELLs ~~LEP students~~. except as provided in Rule 6A-6.0909, FAC.

(2) An exemption from participation in any component of the statewide assessment program for an individual English Language Learner ~~LEP student~~ may only be made by specific action of an ELL ~~LEP~~ committee as defined in subsection 6A-6.0901(5), F.A.C., and only for a student whose date of classification as an English Language Learner ~~LEP~~ falls within one (1) year prior to the assessment date.

(a) The ELL ~~LEP~~ committee, in making its decision, shall consider the following factors:

1. Level of mastery of basic competencies or skills in English and home language according to appropriate local, state, and national criterion-referenced standards;
2. Grades from the current or previous years; or
3. Other test results.

(b) The ELL ~~LEP~~ committee shall exempt an English Language Learner ~~LEP student~~ from participation in a component of the statewide assessment program if it determines that the student's participation would have an unsound instructional effect on the student. Students exempted from a component of the statewide assessment program may be counted as non-participants for that component and may reduce the participation rate of assessed students in the school, district, and state and federal accountability reports.

(3) The use of ELL ~~LEP~~ assessment data for school grading purposes shall be as stated in

Rule 6A-1.09981, F.A.C.

(4) ELL ~~LEP~~ assessment data shall be used by school districts and schools to evaluate the effectiveness of their instructional programs for English Language Learners ~~LEP students~~ and to follow-up such evaluations with appropriate adjustments, modifications, and improvements of the district's and the school's English for Speakers of Other Languages (ESOL) ~~LEP~~ programs. The district's ELL ~~LEP~~ plan submitted to the Department, pursuant to Sections 1003.56 and 1011.62, 233.058, Florida Statutes, and Rule 6A-6.0905, F.A.C., shall be revised whenever substantive changes in the district's ESOL ~~LEP~~ program are required.

(5) Assessment results of individual students shall be used by schools to evaluate the progress of individual students. When indicated, such evaluations shall result in appropriate adjustments, modifications, and improvements of each individual ELL ~~LEP~~ student plan, pursuant to Rules 6A-6.0901, 6A-6.0902, and 6A-6.0903, F.A.C. The ELL ~~A-LEP~~ committee shall be convened whenever substantive changes in an individual ELL ~~LEP~~ student plan are required.

(6) No promotion or retention decision may be made for any individual student classified as an English Language Learner ~~LEP~~ based solely on a score on any single assessment instrument, whether such assessment instrument is part of the statewide assessment program or of a particular district's formal assessment process. A formal retention recommendation regarding an English Language Learner ~~LEP student~~ may be made through action of an ELL ~~LEP~~ committee.

Specific Authority 1008.22, 232.245(2)(b)–F.S. Law Implemented 1003.56, 1008.22, 1008.25, 1008.34, 1011.62, 232.245–F.S. History–New 4-29-02, Amended