

Rule 6A-6.0909 is amended to read:

6A-6.0909 Exemptions Provided to English Language Learners ~~Limited English Proficient Students~~.

(1) English Language Learners shall be assessed for academic progress using guidelines established under Section 1008.22, Florida Statutes. English Language Learners who have been enrolled in school in the United States for less than twelve (12) months may be exempted from the statewide assessment in reading and shall undertake the annual CELLA assessment in accordance with Rule 6A-6.0902, FAC. ~~Students in grades 4 and 7, who have been in an ESOL program for two or fewer years may be exempted from participation in the statewide assessment program.~~

(2) Each school district shall administer CELLA to English Language Learners exempted from statewide assessment in accordance with subsection (1) of this rule ~~offer alternatives to the statewide assessment program for the measurement of minimum standards in grades 4 and 7.~~

~~(a) The alternatives shall measure the same minimum standards as those measured by the statewide assessment program provided, however, that methods appropriate for the limited English proficient student are used.~~

~~(b) Remedial programming shall be provided to those students who do not meet the performance standards of the statewide assessment program.~~

(3) English Language Learners ~~Limited English proficient students~~ who have completed the credits required for graduation and who have failed to meet the 10th grade standards as measured by the Florida Comprehensive Assessment Test (FCAT) SSAT I and II or alternative statewide assessment program shall be eligible for compensatory education for “a thirteenth year” as provided in Section 1003.43, F.S.

(a) Alternative methods of meeting the standards of the FCAT SSAT-I or alternative statewide assessment program standards shall be used, where feasible, for English Language Learners ~~limited English proficient students~~ who are unable to demonstrate mastery of the standards due to deficiencies in English language proficiency.

(b) English Language Learners ~~Limited English proficient students~~ who failed to meet the standards after completing the “thirteenth year” may be eligible to be reported for FTE funding in the appropriate courses in the adult education program of the Florida Education Finance Program.

(4) The Department of Education shall assist the district in identifying or developing the alternative methods referenced in subsections ~~(2) and~~ (3) of this rule.

(5) If the number of English Language Learners ~~limited English proficient students~~ in a district is fewer than ten within a radius of twenty miles of a given school or within the school attendance zone, whichever is larger, a district may apply to the Florida Department of Education for an exemption from the delivery of basic ESOL ~~through an ESOL~~ teacher certified in ESOL ~~for this group of students~~. Exemptions shall be granted on a one year basis, are renewable, and may be granted only if the district documents specific efforts to address the English language needs of its students.

(6) The Florida Department of Education shall review annually the personnel utilized in teaching English Language Learners ~~limited English proficient students~~ by program for the purpose of identifying the areas of need as “critical teacher shortage” areas. The State Board of Education shall take all necessary steps to assure that the benefits set forth in Section 1009.58, F.S., shall be made available to teachers in critical teacher shortage areas.

(7) Upon verification by a superintendent that the district has been unsuccessful in recruiting

ESOL basic, ESOL subject matter, or home language instructors, and that certain positions at given schools cannot be filled during any school year with a person who meets the certification requirements in the Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C., or the inservice requirements as specified in Rule 6A-6.0907, F.A.C., a teacher who does not meet the requirements may be assigned to such a classroom on conditions that meet the terms of Rule 6A-1.0503, F.A.C.

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