

STATE BOARD OF EDUCATION

Action Item

March 17, 2009

SUBJECT: Approval of Amendments to Rules Relating to Limited English Proficient Students: 6A-1.09432, Assessment of English Language Learners; 6A-4.0244, Specialization Requirements for the Endorsement in English for Speakers of Other Languages – Academic Class; 6A-4.02451, Performance Standards, Skills, and Competencies for the Endorsement in English for Speakers of Other Languages; 6A-6.0900, Programs for English Language Learners; 6A-6.0901, Definitions Which Apply to Programs for English Language Learners; 6A-6.0904, Equal Access to Appropriate Instruction for English Language Learners; 6A-6.0905, Requirements for the District English Language Learners Plan; 6A-6.0906, Monitoring of Programs for English Language Learners; 6A-6.0907, Inservice Requirements for Personnel Serving English Language Learners; 6A-6.0908, Equal Access for English Language Learners to Programs Other Than English for Speakers of Other Languages (ESOL); 6A-6.0909, Exemptions Provided to English Language Learners; and 6A-6.09091, Accommodations of the Statewide Assessment Program Instruments and Procedures for English Language Learners

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

1003.56 and 1008.22(12), Florida Statutes

EXECUTIVE SUMMARY

The rules as presented all impact Limited English Proficient Students. There have been three rule development workshops throughout the state to ensure that all stakeholders are provided the opportunity to provide their input and raise concerns relating to the amendments to the rules. Specifically, the rules are amended as follow:

Rule 6A-1.09432 – amended to correct references to “limited English proficient students” to “English Language Learners.” In addition, the rule is amended to allow only students who have been enrolled in school in the United States for less than twelve months to be exempted from statewide assessment in reading, specify that such students must take the annual English language proficiency assessment, and clarify that students who are exempted may count against a school’s participation rate in various accountability reports.

Rule 6A-4.02451 – a new rule proposed to adopt existing competencies for endorsement in ESOL into rule.

Rule 6A-4.0244 – amended to delete outdated grandfathering provision as an alternative means to certification in ESOL.

Rule 6A-6.0900 – adds three rules to the list of rules applicable to ESOL programs; reference to “ESOL/Home language programming” is changed to “ESOL/Home language instruction;” and reference to “categorical programming” is changed to “categorical programs and services.”

Rule 6A-6.0901 – definition of “English Language Learner” or “Limited English Proficient Student” is changed to conform with statutory definition; references to “individual” or

“persons” are changed to “student” or “students,” where applicable.

Rule 6A-6.0904 – References to “programming” are changed to “instructional services;” where the Commissioner of Education was previously required to develop and identify standards for ESOL programs, the rule is amended to require the Commissioner to implement the standards. Examples of types of permissible ESOL instruction are deleted; references to “state curriculum frameworks and student performance standards” are updated to specify “Sunshine State Standards and English Language Proficiency Standards.”

Rule 6A-6.0905 – adopts a new template for District English Language Learners Plans, replacing the old format, but maintaining prior substantive requirements. Clarifies that the Department of Education must consider Parent Leadership Council’s objections to district plans in the Department’s review of the plans.

Rule 6A-6.0906 – updates or corrects rule and statutory citations. Eliminates references to statutes or programs no longer in existence. Deletes expired requirements relating to the state data system that occurred in 1991 and 1992.

Rule 6A-6.0907 – deletes transition or grandfathering provisions relating to ESOL inservice training that no longer apply; specifies that certain inservice requirements do not apply to reading teachers; adopts existing requirement that a teacher obtaining ESOL certification through a subject area examination must obtain 120 hours of inservice in ESOL within 3 years and providing that reading certified teachers who pass the ESOL subject area examination have met the inservice requirement; adopts existing requirement that school guidance counselors and school administrators must complete 60 hours of inservice training in ESOL; provides for use of ESOL inservice training as credit towards certificate renewal requirements.

Rule 6A-6.0909 – modifies existing rules to allow only students who have been enrolled in school in the United States for less than twelve months to be exempted from statewide assessment in reading, and specifies that such students must take the annual English language proficiency assessment; deletes provisions for alternative assessments; clarifies that students who are exempted may count against a school’s participation rate in various accountability reports.

Rule 6A-6.09091 – deletes outdated reference to “High School Competency Test.”

Supporting Documentation Included: Proposed Rules 6A-1.09432, Assessment of English Language Learners; 6A-4.0244, Specialization Requirements for the Endorsement in English for Speakers of Other Languages – Academic Class; 6A-4.02451, Performance Standards, Skills, and Competencies for the Endorsement in English for Speakers of Other Languages; 6A-6.0900, Programs for English Language Learners; 6A-6.0901, Definitions Which Apply to Programs for English Language Learners; 6A-6.0904 , Equal Access to Appropriate Instruction for English Language Learners; 6A-6.0905, Requirements for the District English Language Learners Plan; 6A-6.0906, Monitoring of Programs for English Language Learners; 6A-6.0907, Inservice Requirements for Personnel Serving English Language Learners; 6A-6.0908, Equal Access for English Language Learners to Programs Other Than English for Speakers of Other Languages (ESOL); 6A-6.0909, Exemptions Provided to English Language Learners; and 6A-6.09091, Accommodations of the Statewide Assessment Program Instruments and Procedures for English Language Learners and Transcripts from the Regional Rule Development Workshops (provided under separate cover).

Presenter: Dr. Frances Haitcock, Chancellor, K-12 Public Schools