

# ESOL Procedures & Safeguards

2020-2021

The District's ELL Plan and ESOL Strategies Checklist may be accessed on SCSD's website at: <http://www.suwannee.k12.fl.us/title-iii-esol>. This document is not all-inclusive, but is meant as a general guide to assist school personnel with ESOL/ELL compliance. Please review the following guidelines and contact the Coordinator of Student & Family Support at 386-647-4648 or the Director of Student Services at 386-647-4630 if you need additional information or assistance.

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## ESOL Compliance Timeline 2020-2021

### □ August

- **Pre-planning: 1)** Provide teachers with ESOL Strategies for their lesson plans. Ensure each ELL student has been placed with an ESOL Endorsed teacher. (*School Administrator*) **2)** Verify that each ELL student has been placed appropriately with ESOL endorsed teachers (or required hours for ESOL Categories II and III). The certification liaison at the District Office can verify ESOL hours earned and advise regarding the number of hours required for certain subjects. (*School Administrator*) **3)** Annual LAS Links LLK training for anyone administering the screening test. (*Coordinator of Student & Family Support*)
- Begin to screen newly enrolled students with “Yes” response on the Home Language Survey with the grade appropriate LAS Links LLK. Code students as pending “LP” in FOCUS. This will continue throughout the school year as new students enroll and mark “Yes” on the HLS. Complete appropriate documents for qualification based on screening results. (*Guidance Counselor*) Tests may be administered by trained paras, trained teachers, Coordinator of Student & Family Support, etc. as needed. Tests scored by Coordinator of Student & Family Support.
- Provide WIDA ACCESS for ELLs Score Reports to parents/guardians. May be provided during parent meeting.
- Review ELL LY Students in FOCUS. (*Designated School Admin & Guidance Counselor(s)*). *Coordinator of Student & Family Support will assist in providing FOCUS reports for each school.*
  - Review ACCESS for ELLs and FSA scores to determine qualification for ESOL program exit. **See Exit Procedures to complete exits for those students that have tested out.** (*Guidance Counselor*)
  - Begin to schedule re-evaluation ELL Committee Meetings with parents and teachers for students who have been in the ESOL/ELL program for 4 or more years as of the beginning of the school year based on their DEUSS date. **See Re-evaluation Procedures to complete re-evaluations for those students that are in program year 4 or beyond.** (*Guidance Counselor*)
  - Begin to update ELL Student Plans for all LY students. The ELL Plan is a requirement that should provide testing and instructional accommodations for eligible students. This plan may be provided to parents during the annual ELL Committee Meeting. (*Guidance Counselor*)

### □ September

- **September 8: Deadline** for all students who began school on August 10 with a “Yes” on their HLS to be screened with the grade appropriate LAS Links LLK. If testing is not completed by this date, the “**Notification of Late ESOL Screening**” must be sent home to parents. (*Guidance Counselor*)
- **September 21: Deadline** for updating ELL 130 and instructional codes in FOCUS in preparation for FTE. (*Registrar/Data Clerk*)
- **September 30: Deadline** for updating “ELL Student Plan.” Copies placed in FOCUS, Green ELL Folder, parents, and teachers. Parent copy may be provided during parent meeting. (*Guidance Counselor*)

### □ October

- **October 1: Deadline** for annual ELL Committee Meetings for Re-evaluation of ELLs who have been in the ELL program beyond 3 years of their DEUSS date and their DEUSS date is within the first 2 weeks of school. (*Guidance Counselor based on FOCUS report provided by Coordinator of Student and Family Support.*)
- **October 1: Deadline** for WIDA Tiers to be updated in FOCUS. (*Coordinator of Student & Family Support will provide Data Clerk/Registrar with updated tiers to enter into FOCUS.*)
- **October 5-9: Survey 2**
- **October 16: Survey 2-Deadline** for updating FTE 130 and instructional codes in FOCUS for Survey 2. (*Registrar/Data Clerk*)
- **October 16: LF Monitor Date-**Monitor report cards for LF students based on their ELL Program Exit date. Update “Former ELL Student (LF)-2 Year Follow-Up” form in Green ELL Folder, attach a copy of their report card, and update “MIS Form”/FOCUS. (*Guidance Counselor & Registrar/Data Clerk*)

### □ November

- **Hold ELL Committee meetings for re-evaluations for ELLs in ESOL program 4 or more years based on DEUSS dates which did not fall within the first two weeks of school. Must be held no earlier than 30 days prior to the DEUSS anniversary date.**
- **November 20: Deadline** for remainder of annual ELL Committee meetings for non-re-evaluation students. Our ELL Plan states that we will meet annually for each ELL student. This may be counted a parent conference. (*Guidance Counselor*)
- School Assessment Coordinator(s) attend virtual ACCESS for ELLs training from FLDOE.
- Check for LY schedule changes. Attach updated schedules to the ELL Plan in the green folder. (*Guidance Counselor*)

### □ December

- **Hold ELL Committee meetings for re-evaluations for ELLs in ESOL program 4 or more years based on DEUSS dates which did not fall within the first two weeks of school. Must be held no earlier than 30 days prior to the DEUSS anniversary date.**

- **December 1:** Inventory language dictionaries needed for FSA/EOC testing grades 3-12. Submit orders for additional dictionaries to the Coordinator of Student & Family Support. (*Guidance Counselor/School Assessment Coordinator*)
- **December 11: Deadline** to submit request for WIDA Test Administration assistance from Coordinator of Student & Family Support including requests for WIDA Secure Portal Accounts. (*School Assessment Coordinator*)
- **January**
  - **Hold ELL Committee meetings for re-evaluations for ELLs in ESOL program 4 or more years based on DEUSS dates which did not fall within the first two weeks of school. Must be held no earlier than 30 days prior to the DEUSS anniversary date.**
  - **January 5:** Verify ELL Roster for ACCESS for ELLs testing. (*Guidance Counselor*)
  - **January 8: LF Monitor Date-** Monitor report cards for LF students based on their ELL Program Exit date. Update “Former ELL Student (LF)-2 Year Follow-Up” form in Green ELL Folder, attach a copy of their report card, and update “MIS Form”/FOCUS. (*Guidance Counselor & Registrar/Data Clerk*)
  - **January 12: Deadline** to send home ACCESS for ELLs Parent Notification Letters. (*School Assessment Coordinator*)
  - **January 20: Deadline** for ACCESS for ELLs test materials to be delivered to schools and School Assessment Coordinator to attend a district ACCESS for ELLs training. (*Coordinator of Student & Family Support*)
  - **January 22: Deadline** to complete a school level face-to-face training for ACCESS for ELLs school test administrators. Submit online training certificates and face-to-face sign-in sheets to the Coordinator of Student Support. Each test administrator must have completed the online and face-to-face training before administering the test. (*School Assessment Coordinator*)
  - **January 25-March 19:** ACCESS for ELLs testing window. All LY students enrolled on January 25<sup>th</sup>, 2021 must be tested. (*School Assessment Coordinator*)
- **February**
  - **Hold ELL Committee meetings for re-evaluations for ELLs in ESOL program 4 or more years based on DEUSS dates which did not fall within the first two weeks of school. Must be held no earlier than 30 days prior to the DEUSS anniversary date.**
  - **February 1: Deadline** for updating ELL 130 and instructional codes in FOCUS in preparation for FTE. (*Registrar/Data Clerk*)
  - **February 8: Deadline** for submitting additional ACCESS for ELLs materials order to the Coordinator of Student & Family Support by email. (*School Assessment Coordinator*)
  - **February 8-12: Survey 3**
  - **February 19: Survey 3-Deadline** for updating FTE 130 and instructional codes in FOCUS for Survey 3. (*Registrar/Data Clerk*)
- **March**
  - **Hold ELL Committee meetings for re-evaluations for ELLs in ESOL program 4 or more years based on DEUSS dates which did not fall within the first two weeks of school. Must be held no earlier than 30 days prior to the DEUSS anniversary date.**
  - **March 18:** ACCESS for ELLs testing window closes. All LY students enrolled on January 25<sup>th</sup>, 2021 must have been tested. (*School Assessment Coordinator*)
  - **March 19: Deadline** for ACCESS for ELLs Materials to be returned to the Coordinator of Student & Family Support. (*School Assessment Coordinator*)
  - **March 26: LF Monitor Date-** Monitor report cards for LF students based on their ELL Program Exit date. Update “Former ELL Student (LF)-2 Year Follow-Up” form in Green ELL Folder, attach a copy of their report card, and update “MIS Form”/FOCUS. (*Guidance Counselor & Registrar/Data Clerk*)
- **April-May**
  - **Hold ELL Committee meetings for re-evaluations for ELLs in ESOL program 4 or more years based on DEUSS dates which did not fall within the first two weeks of school. Must be held no earlier than 30 days prior to the DEUSS anniversary date.**
  - **May 1:** Begin to screen pre-kindergarten students with “Yes” response on the Home Language Survey with the Pre-LAS Links LLK. (*Organized by Guidance Counselor. Tests may be administered by trained paras, trained teachers, Coordinator of Student & Family Support, etc. as needed. Tests submitted to Coordinator of Student & Family Support for scoring.*)
  - **May 27: LF Monitor Date-** Monitor report cards for LF students as appropriate based on their ELL Program Exit date. Update Former ELL Student (LF)-2 Year Follow-Up form in Green ELL Folder, attach copy of report card, and update MIS Form/FOCUS. (*Guidance Counselor & Registrar/Data Clerk*)
- **June-July**
  - Review ACCESS for ELLs and FSA scores to determine qualification for ESOL program exit. **See Exit Procedures to complete exits for those students that have tested out.** (*Guidance Counselor-Coordinator of Student & Family Support will provide score reports.*)

## Procedures

### Grades K-12 Registration Steps

At the time of student registration, if the Home Language Survey (HLS) has an affirmative response, the school has 20 days to determine ESOL eligibility.

The ELL Committee convenes to make placement decisions following entry testing and completion of “Programmatic Assessment” by the Guidance Counselor. The Committee, headed by the Guidance Counselor, reviews the scores received by the student on the entry test, the extent and nature of prior educational, academic, and/or social experience, mastery of basic competencies or skills in English, grades from the current or previous years, and other test results to come to a decision for best placement of the student. If the student does not test proficient on the entry test, the student is placed with an ESOL Endorsed Teacher in the appropriate grade according to the student’s age and/or transfer records. The time in the ESOL Program begins with the DEUSS date.

The procedure outlined below must be followed to ensure compliance with this requirement:

<b>ELL Transfer Student From Another Florida Public School with ELL Documentation in Transcripts:</b>	<b>All Other Students With @ Least 1 “Yes” on the HLS (new to the state, country or first time in school):</b>
Scan “Immigrant & HLS” to Coordinator of Student & Family Support. Record Immigrant status & DEUSS in FOCUS.	Scan “Immigrant & HLS” to Coordinator of Student & Family Support. Record Immigrant status & DEUSS in FOCUS.
Code student as “LP” until ELL records are received or student is tested. Gather the following records & information from previous school: <ul style="list-style-type: none"> <li>• Date of original HLS</li> <li>• Name, Date, &amp; Score of Entry Test</li> <li>• ESOL Classification Date</li> <li>• ESOL Program Entry Date</li> <li>• Basis of Entry</li> <li>• Exit Date from ESOL program (if applicable)</li> <li>• ACCESS for ELLs scores and tier placement</li> </ul> *If complete ELL records are not received within 2 weeks of enrollment, student must be tested. Use the SCSD HLS date, Classification Date, & Plan Date.	Code student as “LP” and record HLS responses in FOCUS. Notify appropriate staff to complete the LAS Links LLK eligibility test. The eligibility test must be completed within 20 days of enrollment. Completed tests are submitted to the Coordinator of Student & Family Support to be scored.  *All students coming from another state or country with at least 1 “YES” on the HLS MUST be administered the eligibility test no matter what their previous student records indicate for ESOL/ELL.
Complete a “Programmatic Assessment” to determine placement.	Complete a “Programmatic Assessment” to determine placement.
Use the gathered information to complete the Initial or Continuing Placement Packet. You will use the other district’s information, including the original HLS date, but update the Student ELL Plan with current dates, accommodations, etc.	<ul style="list-style-type: none"> <li>• If student is ineligible for ELL, Code ZZ in FOCUS and place eligibility test, “Letter of Ineligibility”, and “Programmatic Assessment” in CUM folder. Provide “Letter of Ineligibility” to parent. Stop here.</li> <li>• If student is eligible for ELL, Code LY in FOCUS and complete Initial or Continuing Placement Packet. Provide parents with a copy of the “Student ELL Plan” and “Letter of Initial/Continuing Placement.”</li> </ul>
Completed forms & documentation are placed in green ELL folder inside CUM folder. Copies of “ELL Student Plan”, “ELL Committee Meeting” (if applicable), and appropriate parent letters are provided to parents. Upload ELL Student Plan into FOCUS.	Completed HLS, forms, and documentation are placed in green ELL folder inside CUM folder for “LY” -OR- CUM folder for “ZZ.” Copies of “ELL Student Plan,” “ELL Committee Meeting” (if applicable), and appropriate parent letters are provided to parents. Upload ELL Student Plan into FOCUS.
<ul style="list-style-type: none"> <li>• <b>NEVER change the student’s DEUSS date.</b></li> <li>• <b>Guidance Counselor prepares documentation, arranges and/or administers test, schedules meetings, and provides documents to parents.</b></li> <li>• <b>Registrar/Data Clerk enters information into FOCUS &amp; scans “Immigrant &amp; HLS” to Coordinator of Student &amp; Family Support.</b></li> </ul>	

### ESOL Compliance Reminders During Registration:

- Extend welcome and be respectful to non-English speakers throughout the registration process.
- Provide forms in parent's native language, if necessary, for their understanding when feasible. SCSD's enrollment forms are available in English and Spanish.
- Maintain the oldest HLS in the cumulative folders for all students.
- Report LY students for appropriate FTE funding based on DEUSS date.
- If a birth certificate is unavailable or not obtainable, use other documents to verify proof of age, but DO NOT make or keep copies of such verification documentation.
- DO NOT place a student in a lower grade level or less challenging classes solely based on the student's English Language Proficiency.
- DO NOT collect information regarding student or family immigration status and/or make copies of documents such as green cards, passports, or birth certificates.
- DO NOT ask immigration status.

### ESOL Eligibility Testing

- **Who takes the test?** Any student with one or more YES responses on the Home Language Survey (HLS) must be administered the grade level appropriate LAS Links LLK within 20 days of enrollment. This includes students that may have already been receiving ESOL services in another state. The only exception to this rule is for students entering from another Florida school district and that school district has forwarded complete ELL documentation within two weeks of enrollment.
- **Who may administer the test?** Any paraprofessional, guidance counselor, teacher, etc. that has been trained by the Coordinator of Student & Family Support for the LAS Links LLK may administer the test. The Coordinator of Student & Family Support will be available by appointment to assist schools with screening during the first 20 days of school and in May for the Pre-K students transitioning to Kindergarten. The screening tests will be submitted to the Coordinator of Student & Family Support for scoring.
- **Which tests do students take?**
  - **Grade K:** Administer the Pre-LAS no later than 20 school days after the student's enrollment.
  - **Grade 1 & 2:** Administer the appropriate grade level LAS Links Listening and Speaking tests only no later than 20 school days after the student's enrollment. **If student qualifies, the entry code is A = Aural/Oral.**
  - **Grade 3 & up:** Administer the appropriate grade level LAS Links Listening and Speaking tests.
    - If it is obvious the student is not English proficient, submit the test to the Coordinator of Student and Family Support to be scored. **If student qualifies, the entry code is A = Aural/Oral.** If the student does not qualify based on the Listening and Speaking sections, the test will be returned to the school to administer the Reading and Writing sections. **If student now qualifies, the entry code is R = Reading /Writing.**
    - If the student exhibits some English proficiency, proceed with the Reading and Writing sections before submitting to the Coordinator of Student & Family Support. **If student qualifies, the Coordinator of Student and Family Support will notify you of the correct entry code A = Aural/Oral OR R = Reading/Writing.**
  - **ELL Committee Entrance:** If a student is being placed into ESOL based on an ELL Committee recommendation, the appropriate LAS Links must be administered.

### Delay in ESOL Eligibility Testing

If there is a delay in testing preventing a student from being tested within the 20 day timeline, the Parent Notification of Late ESOL Screening letter signed by the principal must be sent home with the reason for the delay. Place a copy of the letter in the student's ELL folder or the CUM folder.

## ESOL Eligibility

If student does not qualify, complete Ineligible Packet. Send letter to the parents and place a copy, along with HLS and the test and score sheet in the CUM folder. On the ELL FOCUS Date Entry Form, code the student as ZZ and record the test results. Update FOCUS.

If the student is eligible, complete the Initial or Continuing Placement Packet. Use the appropriate ESOL Folder Compliance Checklist according to the student's DEUSS date. Contact the Coordinator of Student and Family Support for assistance in determining year in ESOL.

## Eligibility for Exit-Testing Out or Committee Exit

Standards for Student Exit from the ESOL Program (6A-6.0903)

(a) An ELL shall be determined English language proficient and exited from the ESOL program upon obtaining:

1. Scores of "Proficient" at the applicable grade level on each statewide English Language Proficiency Assessment subtest administered annually pursuant to rule 6A-6.09021, F.A.C.; and (*ACCESS for ELLs Overall 4.0 & Reading 4.0 or higher*)
2. Scores on applicable FSA in ELA or FSAA, as follows:
  - a. For students in grades K-2, the statewide English Language Proficiency Assessment is the only assessment required.
  - b. For students in grades 3-9, earning a passing score on the grade level FSA in ELA or the FSAA, pursuant to rule 6A-1.09430, F.A.C.; or
  - c. For students in grades 10-12, a score on the 10th grade FSA in ELA, or a score on the FSAA, pursuant to rule 6A-1.09430, F.A.C., or a score on the 10th grade FCAT in Reading, pursuant to rule 6A-1.09422, F.A.C., sufficient to meet applicable graduation requirements, or an equivalent concordant score pursuant to section 1008.22, F.S.

(b) Upon receipt of the statewide English Language Proficiency Assessment and FSA in ELA scores, schools shall exit students no later than the last school day of the school year. If the statewide English Language Proficiency Assessment or FSA in ELA scores are received after the end of the school year, schools shall exit students within two (2) weeks after the beginning of the next school year and shall use the last day of the school year in which the FSA in ELA examination was administered as the exit date.

(c) Notwithstanding a student's statewide English Language Proficiency Assessment scores, upon the request of a student's teacher, counselor, administrator, or parent, a student who has been classified as an ELL and enrolled in an English for Speakers of Other Languages (ESOL) program may be re-evaluated for English language proficiency by convening an ELL Committee at any time, according to the following procedures:

1. Any student being considered for exit by an ELL Committee shall be assessed on at least one (1) Department-approved assessment instrument, which shall be administered no earlier than thirty (30) school days prior to the ELL Committee's determination regarding exit. The assessment must cover all four (4) domains, including listening, speaking, reading, and writing. For any student with a disability being considered for exit, an ELL Committee shall include the Individual Education Plan (IEP) Team pursuant to rule 6A-6.03028, F.A.C.
2. The ELL Committee shall review the student's academic record holistically and shall consider the assessment results from the assessment administered under paragraph (2)(a) of this rule, and the following criteria to determine whether the student is English language proficient:
  - a. Extent and nature of prior educational or academic experience, social experience, and a student interview;
  - b. Written recommendation and observation by current and previous instructional and supportive services staff;
  - c. Level of mastery of basic competencies or skills in English and/or heritage language according to state or national criterion-referenced standards, if any;
  - d. Grades from the current or previous years; and,
  - e. Test results from tests other than the assessment according to paragraph (2)(a) of this rule.

3. If a majority of the ELL Committee determines that the student is English language proficient, the student shall be exited from the program. If a majority of the ELL Committee determines that the student is not English language proficient, the student shall remain enrolled in the program. For a student with a disability, the Committee shall consider the impact of the student's disability in its decision. The parents' preference as to whether a student is determined English language proficient or not English language proficient shall be considered in the final decision.

4. The ELL Committee shall document the records reviewed by the Committee, which must include each of the criteria in subparagraph (2)(c)2. of this rule. The Committee's decision shall be supported by at least two of the criteria established in subparagraph (2)(c)2. of this rule, and the supporting criteria shall be documented in the student's file.

### Extension of Services

If a student is classified as an English Language Learner (ELL) for three years, an ELL Committee shall be convened annually to re-evaluate the student's progress towards English language proficiency. The ELL Committee shall be convened no more than 30 days prior to the third anniversary of the DEUSS date. However, if the student's anniversary date falls within the first two weeks of the school year, the ELL committee may convene no later than October 1 to provide sufficient time to re-evaluate student progress and analyze assessment results. This process shall be completed annually thereafter. Any student being considered for extension of services shall be assessed with the LAS Links LLK no more than 30 days prior to the DEUSS anniversary date. The ACCESS for ELLs and FSA scores from the spring administration may be used if the DEUSS falls at the beginning of the year and the ELL committee meeting will convene by October 1. The ELL Committee shall review the student's academic record holistically and shall consider the assessment results. The following five criteria are used to determine whether the student is English language proficient:

- o Extent and nature of prior educational or academic experience, social experience, and a student interview;
- o Written recommendation and observation by current and previous instructional and supportive services staff;
- o Level of mastery of basic competencies or skills in English and/or heritage language according to state or national criterion-referenced standards, if any;
- o Grades from current or previous years; and
- o Test results from tests other than the assessments listed above.

If a majority of the ELL Committee determines the student is NOT English language proficient, ESOL services shall be extended. If a majority of the ELL Committee determines that the student is English language proficient as supported by at least 2 of the 5 criteria above, the student shall be exited from the ESOL program. The parents' preference as to whether the student is determined English language proficient or not English language proficient shall be considered in the final decision. If an ELL Committee extends services, the Committee shall refer the student as necessary for appropriate remedial compensatory, special and supportive service evaluations, and programs. The basis and nature of the ELL Committee's decision on whether to extend or not extend ESOL services shall be documented and maintained in the student's green ELL folder.

### Schedule Changes

Student schedule changes require the Guidance Counselor to attach a printed schedule to the ELL Student Plan.

### ELL Committee

ELL Committee meetings can meet at any time to discuss needs of ELL (LY and LF) students. The ELL Committee is made up of administrator, guidance counselor, teacher, parent, bilingual personnel, and student, if applicable. The Coordinator of Student & Family Support may attend these meetings at the request of the guidance counselor, administrator, parent, teacher, or student. Notification of ELL Committee meetings should be mailed 10 days prior to the scheduled meeting. Bilingual personnel should assist with a phone call reminder 3 days prior to the scheduled meeting.

### Testing

All ELL students MUST participate in appropriate state assessments and be provided with appropriate accommodations as described in the ELL Student Plan. The same test accommodations must be provided on classrooms assessments. ELL students will not receive ELL test accommodations on the ACCESS for ELLs test.

### Considerations for Re-Classification as ELL

If the student is classified as LF and their progress is in question, an ELL Committee Meeting can be held to determine if the student's academic deficiencies are due to lack of English proficiency. The ELL Committee may determine the LF student should be re-classified as an ELL student (parent invitation and notification required.) The school must notify the Coordinator of Student and Family Support for assistance with re-entry. Students classified as LA or LZ are no longer candidates for re-classification. Students re-classified as ELL may only be re-exited by ELL Committee.

## ESOL Folder Compliance Checklist

### First Year in ESOL

- **Home Language Survey (HLS)**-See your school's Registrar/Data Clerk. The original should be filed in the green ELL folder. Student status should be coded LP if at least one YES answer is provided on the HLS. This will be updated upon determination of eligibility (LY) or ineligibility (ZZ).
- **LAS Links Test/Score Profile Sheet**-Administer eligibility test within 20 school days of enrollment for the students with at least one YES on the HLS and:
  - SCSD is first US school of enrollment **OR**
  - Transferred from a Florida district school without eligibility testing data or with testing data older than 1 year **OR**
  - Out of State Transfer (even if they were ELL and have records)File answer booklet and score sheet in green ELL folder.
- **Parent Notification of Late ESOL Screening**-Only required if eligibility test is not administered within 20 school days of enrollment. Send to parents and file a copy in the green ELL folder.
- **Ineligibility Notification-Parent Notification of Program Ineligibility**-If student is ineligible, complete Ineligible Packet. Send letter to the parents and place a copy along with HLS, the test, and score sheet in the CUM folder. On the ELL FOCUS Data Entry Form, code the student as ZZ and record the test results. Update FOCUS.  
**STOP HERE.**
- **Parent Notification of Teacher Out-of-Field in ESOL**-If applicable, see School Administrator.
- **Eligible-Complete Initial Placement Packet & Create Green ELL Folder**
  - **ELL FOCUS Data Entry Form**-Complete: Today's Date; School; Student Name; Student ID Grade; Home Language Survey Date; English Language Learner [LY]; ELL Program Participant [E]; Basis of Entry [A] or [R] based on score report; Student Plan Date; Classification Date; ELL Entry Date; ELL Fund Source [E]; "Will Student Participate in Standardized State Assessment?" [Yes] unless IEP states otherwise; Native Parent Language; Primary Home Language; Student Language; DEUSS; Extension of Instruction [Z]; Tier Placement; DOE Test Accommodations Field [Y]; ELL Test Accommodations; ELL Information for Testing Information-enter LAS Links eligibility test information; LEP Information [1] Entry; Test Parts from score report; Data Entry Form Completed By?.
  - **Programmatic Assessment**-Ensure age appropriate grade level and course placement. Ensure Equal Access to Appropriate Instruction for English Language Learners (6A.6.0904, F.A.C.).
  - **ESOL/ELL Student Plan for Mainstream-Inclusion Program**-Verify accuracy of pre-populated information. Complete: Other Programs; Accommodations & Goals; Notes. Print student schedule after verifying "Show Florida Fields" is checked and the FEP number is 130-English for Speakers of Other Languages (as appropriate) and ELL Instructional Model is I Mainstream/Incl (as appropriate). Printed schedule should be stapled to the Student Plan. Copy must be provided to the parent. Upload Student Plan into FOCUS.
  - **Initial Placement Parent Notification**-Send to parent with the Student Plan. Place a copy in the green ELL folder. There is a parent signature line, but this is only required if the parent is refusing Title III Services. Please note, even if a parent refuses Title III Services, the student will still be part of the ESOL program.
  - **ELL Committee Conference Report & Parent Notification of ELL Committee Meeting**-Only required if student was placed in ESOL by ELL Committee.
- **ACCESS for ELLs Score Report**-The Coordinator of Student & Family Support will provide copies to schools. File a copy in the green ELL folder and send a copy to parents.

## ESOL Folder Compliance Checklist

### Second Year in ESOL

- Parent Notification of Teacher Out-of-Field in ESOL**-If applicable, see School Administrator.
- Complete Continuing Placement Packet**
  - **ELL FOCUS Data Entry Form**-Complete: Today's Date; School; Student Name; Student ID; Grade; Student Plan Date; LEP Review Date; ELL Entry Date; "Will Student Participate in Standardized State Assessment?" [Yes] unless IEP states otherwise; DEUSS; Extension of Instruction [Z]; Tier Placement; DOE Test Accommodations Field [Y]; ELL Test Accommodations; LEP Information [5] Annual Progress; Data Entry Form Completed By?.
  - **ESOL/ELL Student Plan for Mainstream-Inclusion Program**-Verify accuracy of pre-populated information. Complete: Other Programs; Accommodations & Goals; Notes. Print student schedule after verifying "Show Florida Fields" is checked and the FEFP number is 130-English for Speakers of Other Languages (as appropriate) and ELL Instructional Model is I Mainstream/Incl (as appropriate). Printed schedule should be stapled to the Student Plan. Copy must be provided to the parent. Upload Student Plan into FOCUS. Must be completed by September 30 of each school year.
  - **Continuing Placement Parent Notification**-Send to parent with the Student Plan. Place a copy in the green ELL folder. There is a parent signature line, but this is only required if the parent is refusing Title III Services. Please note, even if a parent refuses Title III Services, the student will still be part of the ESOL program.
  - **ELL Committee Conference Report & Parent Notification of ELL Committee Meeting**-Complete Parent Notification Letter with meeting date and time. Send with Continuing Placement Parent Notification 10 days prior to the scheduled meeting. Bilingual paraprofessionals should call 3 days before the meeting to verify parent attendance. Contact the Coordinator of Student & Family Support if parent needs transportation. Meeting should take place before November 20 and may be counted a parent conference. ELL Committee Conference Report should be completed during the meeting.
- ACCESS for ELLs Score Report**-The Coordinator of Student & Family Support will provide copies to schools. File a copy in the green ELL folder and send a copy to parents.

## ESOL Folder Compliance Checklist

### Third Year in ESOL

- Parent Notification of Teacher Out-of-Field in ESOL**-If applicable, see School Administrator.
- Complete Continuing Placement Packet**
  - **ELL FOCUS Data Entry Form**-Complete: Today's Date; School; Student Name; Student ID; Grade; Student Plan Date; LEP Review Date; ELL Entry Date; "Will Student Participate in Standardized State Assessment?" [Yes] unless IEP states otherwise; DEUSS; Extension of Instruction [Z]; Tier Placement; DOE Test Accommodations Field [Y]; ELL Test Accommodations; LEP Information [5] Annual Progress; Data Entry Form Completed By?.
  - **ESOL/ELL Student Plan for Mainstream-Inclusion Program**-Verify accuracy of pre-populated information. Complete: Other Programs; Accommodations & Goals; Notes. Print student schedule after verifying "Show Florida Fields" is checked and the FEFP number is "130-English for Speakers of Other Languages" (as appropriate) and ELL Instructional Model is "I-Mainstream/Incl" (as appropriate). Printed schedule should be stapled to the Student Plan. Copy must be provided to the parent. Upload Student Plan into FOCUS. Must be completed by September 30 of each school year.
  - **Continuing Placement Parent Notification**-Send to parent with the Student Plan. Place a copy in the green ELL folder. There is a parent signature line, but this is only required if the parent is refusing Title III Services. Please note, even if a parent refuses Title III Services, the student will still be part of the ESOL program.
  - **ELL Committee Conference Report & Parent Notification of ELL Committee Meeting**-Complete Parent Notification Letter with meeting date and time. Send with Continuing Placement Parent Notification 10 days prior to the scheduled meeting. Bilingual paraprofessionals should call 3 days before the meeting to verify parent attendance. Contact the Coordinator of Student & Family Support if parent needs transportation. Meeting should take place before November 20 and may be counted a parent conference. ELL Committee Conference Report should be completed during the meeting.

**\*\*\*REQUIRED ELL COMMITTEE MEETING\*\*\***

Check DEUSS DATE and schedule an ELL Committee Meeting no earlier than 30 school days prior to the student's fourth year in ESOL based on the DEUSS anniversary. If the DEUSS Date falls within the first two weeks of school, the deadline is October 1 and the ACCESS for ELLs scores may be used to determine continued eligibility. If the DEUSS anniversary falls between October 1 and April 30, a new eligibility test must be administered no earlier than 30 days prior to the anniversary date to determine continued eligibility and extension of services.

**ACCESS for ELLs Score Report**-The Coordinator of Student & Family Support will provide copies to schools. File a copy in the green ELL folder and send a copy to parents.

## ESOL Folder Compliance Checklist

### Four or More Years in ESOL

#### **REQUIRED ELL COMMITTEE MEETING FOR CONTINUING PLACEMENT**

- **Parent Notification of Teacher Out-of-Field in ESOL**-If applicable, see School Administrator.
- **Complete Continuing Placement Packet**
  - **ELL FOCUS Data Entry Form**-Complete: Today's Date; School; Student Name; Student ID; Grade; Student Plan Date; LEP Review Date; Re-Evaluation Date; ELL Entry Date; ELL Fund Source [Z]; "Will Student Participate in Standardized State Assessment?" [Yes] unless IEP states otherwise; DEUSS; Extension of Instruction [Y]; Tier Placement; DOE Test Accommodations Field [Y]; ELL Test Accommodations; LEP Information [5] Annual Progress; Data Entry Form Completed By?.
  - **ESOL/ELL Student Plan for Mainstream-Inclusion Program**-Verify accuracy of pre-populated information. Complete: Other Programs; Accommodations & Goals; Notes. Print student schedule after verifying "Show Florida Fields" is checked and
    - **For students in Year 4-6:** the FEFP number is 130-English for Speakers of Other Languages (as appropriate) and ELL Instructional Model is I Mainstream/Incl (as appropriate).
    - **For students beyond Year 6:** the FEFP number is NOT 130-English for Speakers of Other Languages. Failure to remove FTE 130 for students who have been in ESOL more than 6 years based on the DEUSS Date will result in compliance violations for the school and district.

Printed schedule should be stapled to the Student Plan. Copy must be provided to the parent. Upload Student Plan into FOCUS. Must be completed by September 30 of each school year.

#### **\*\*\*REQUIRED ELL COMMITTEE MEETING\*\*\***

Complete Parent Notification Letter with meeting date and time. Check DEUSS DATE and schedule an ELL Committee Meeting no earlier than 30 school days prior to the DEUSS anniversary. If the DEUSS Date falls within the first two weeks of school, the deadline is October 1 and the ACCESS for ELLs scores may be used to determine continued eligibility. If the DEUSS anniversary falls between October 1 and April 30, a new eligibility test must be administered no earlier than 30 days prior to the anniversary date to determine continued eligibility and extension of services. Send with Continuing Placement Parent Notification 10 days prior to the scheduled meeting. Bilingual paraprofessionals should call 3 days before the meeting to verify parent attendance. Contact the Coordinator of Student & Family Support if parent needs transportation. ELL Committee Conference Report should be completed during the meeting.

**ACCESS for ELLs Score Report**-The Coordinator of Student & Family Support will provide copies to schools. File a copy in the green ELL folder and send a copy to parents.

## ESOL Folder Compliance Checklist

### Exit ESOL-LF Monitoring

#### If the student meets “testing out” exit criteria or is being exited by ELL Committee:

- **Complete Exit Packet**
  - **ELL FOCUS Data Entry Form**-Complete: Today’s Date; School; Student Name; Student ID; Grade; English Language Learner [LF]; ELL Program Participant [Z]; First Basis of Exit; ELL Exit Date; ELL Fund Source [Z]; Extension of Instruction [Z]; Tier Placement [Z]; DOE Test Accommodations Field; ELL Test Accommodations; ELL Information for Testing Information if eligibility test was necessary; LEP Information [2] Exit; Data Entry Form Completed By?.
  - **Parent Notification of Program Exit**-Complete and send to parents with ACCESS for ELLs scores for students that meet the qualifications for “testing out.”
  - **ELL Committee Conference Report & Parent Notification of ELL Committee Meeting**-Complete Parent Notification Letter with meeting date and time. Bilingual paraprofessionals should call 3 days before the meeting to verify parent attendance. Contact the Coordinator of Student & Family Support if parent needs transportation. This only needs to be completed if exiting by ELL Committee. If exiting by committee, all documentation including recently administered English proficiency test reviewed by committee must be filed in the green ELL folder.
  - **ESOL/ELL Former ELL Student (LF)**-Complete with tentative Monitor Dates. The Guidance Counselor is responsible for monitoring the recently exited ELL student according to these dates and providing the data to the Data Entry Clerk for FOCUS updates.
- **LA**-Students who have reached their 2 year anniversary of exiting ELL should be reclassified as “LA” in FOCUS. The Coordinator of Student and Family Support will provide a spreadsheet to the School Guidance Counselor at the beginning of each school year. The School Guidance Counselor will work with the Data Clerk to update the status.
- **LZ**-Students who have reached their 4 year anniversary of exiting ELL should be reclassified as “LZ” in FOCUS. The Coordinator of Student and Family Support will provide a spreadsheet to the School Guidance Counselor at the beginning of each school year. The School Guidance Counselor will work with the Data Clerk to update the status.

## **ESOL Rules & Regulations**

### **[Consent Decree-Modified September 2003](#)**

(<http://www.fldoe.org/core/fileparse.php/7582/urlt/0064484-stipulation.pdf>)

**The Consent Decree is the state of Florida's framework for compliance with the following federal and state laws and jurisprudence regarding the education of English Language Learner (ELL) students:**

- Title VI and VII Civil Rights Act of 1964
- Office of Civil Rights Memorandum (Standards for Title VI Compliance) of May 25, 1970
- Requirements based on the Supreme Court decision in Lau v. Nichols, 1974
- Equal Education Opportunities Act of 1974
- Requirements of the Vocational Education Guidelines, 1979
- Requirements based on the Fifth Circuit court decision in Castañeda v. Pickard, 1981
- Requirements based on the Supreme Court decision in Plyler v. Doe, 1982
- Americans with Disabilities Act (PL 94-142)
- Florida Education Equity Act, 1984
- Section 504 of the Rehabilitation Act of 1973

**The Consent Decree addresses the civil rights of ELL students, foremost among those their right to equal access to all education programs. In addressing these rights, the Consent Decree provides a structure that ensures the delivery of the comprehensible instruction to which ELL students are entitled.**

#### **Section I: Identification and Assessment**

**Synopsis: All students with limited English proficiency must be properly identified and assessed to ensure the provision of appropriate services. The Consent Decree details the procedures for placement of students in the English for Speakers of Other Languages (ESOL) program, their exit from the program, and the monitoring of students who have been exited.**

#### **Section II: Equal Access to Appropriate Programming**

**Synopsis: All ELL students enrolled in Florida public schools are entitled to programming, which is appropriate to their level of English proficiency, their level of academic achievement, and any special needs they may have. ELL students shall have equal access to appropriate English language instruction, as well as instruction in basic subject areas, which is understandable to the students given their level of English proficiency, and equal and comparable in amount, scope, sequence and quality to that provided to English language learner (or non-ELL) students.**

#### **Section III: Equal Access to Appropriate Categorical and Other Programs for ELL Students**

**Synopsis: ELL students are entitled to equal access to all programs appropriate to their academic needs, such as compensatory, exceptional, adult, vocational or early childhood education, as well as dropout prevention and other support services, without regard to their level of English proficiency.**

#### **Section IV: Personnel**

**Synopsis: This section details the certificate coverage and inservice training teachers must have in order to be qualified to instruct ESOL students. Teachers may obtain the necessary training through university course work or through school district provided inservice training. The Consent Decree details specific**

requirements for ESOL certification and inservice training and sets standards for personnel delivering ESOL instruction.

### **Section V: Monitoring Issues**

**Synopsis:** The Florida Department of Education is charged with the monitoring of local school districts to ensure compliance with the provisions of the Consent Decree pursuant to federal and state law and regulations including Section 229.565, Florida Statutes (Educational Evaluation Procedures) and Section 228.2001, Florida Statutes (Florida Educational Equity Act). This monitoring is carried out by the Bureau of Student Achievement through Language Acquisition (SALA), Division of Public Schools, Florida Department of Education.

### **Section VI: Outcome Measures**

**Synopsis:** The Florida Department of Education is required to develop an evaluation system to address equal access and program effectiveness. This evaluation system is to collect and analyze data regarding the progress of ELL students and include comparisons between the LEP population and the non-ELL population regarding retention rates, graduation rates, dropout rates, grade point averages and state assessment scores.

## **State Board of Education Rules**

### **6A-6.0902 Requirements for Identification, Eligibility, and Programmatic Assessments of English Language Learners.**

(1) Requirements for identification. Each student shall be surveyed upon initial registration in a Florida public school. 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 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 subsection (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.

(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. 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) and shall receive appropriate instruction and funding as specified in sections 1003.56 and 1011.62, F.S.

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 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 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.

Prospective kindergarten students may be assessed prior to enrollment during a kindergarten roundup evaluation so long as the assessment is given no earlier than May 1 of the calendar year the student will enroll.

2. Any student in grade 3 or above, who scores at or below 32nd percentile on reading comprehension and writing or language usage subtests 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 classified as an English Language Learner and provided appropriate services. The assessment in reading and writing shall be completed as soon as possible after initial enrollment, but not later than thirty (30) days after enrollment.

3. Upon request of a parent or teacher, a student who is determined not to be an English Language Learner or any student determined to be an English Language Learner based solely on one reading or writing assessment may be referred to an ELL Committee. The parents' preference as to whether a student is determined to be an ELL or not to be an ELL shall be considered in the final decision. The ELL Committee may determine a student to be an English Language Learner or not to be an English Language Learner according to consideration of at least two (2) of the following

criteria in addition to the test results from subparagraphs (2)(a)1. or 2. of this rule:

- a. Extent and nature of prior educational or academic experience, social experience, and a student interview,
- b. Written recommendation and observation by current and previous instructional and supportive services staff,
- c. Level of mastery of basic competencies or skills in English and heritage language according to local, state or national criterion-referenced standards,
- d. Grades from the current or previous years, or
- e. Test results other than subparagraph (2)(a)1. or 2. of this rule.

(b) Any determinations by the ELL Committee shall be contained in a written evaluation with a narrative description of the basis for the decision, which shall be placed in the ELL Student Plan. Such evaluations shall further set forth a plan, which will be implemented, to address the student's English language needs. The basis and nature of the ELL Committee's recommendations shall be documented and maintained in the student's file.

(c) An ELL 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 for such student.

(d) An eligible student shall be reported for ESOL funding as specified in section 1011.62, F.S.

(e) Notice. Each school or school district shall provide notice to parents of an ELL identified for participation or participating in a language instruction educational program, within thirty (30) days after the beginning of the school year or, for students who were not identified prior to the beginning of the school year, but were identified during the school year, within the first two (2) weeks of the student being placed in a language instruction educational program. The notice shall inform the parent of the following:

1. The reasons for the identification of their child as an ELL and the need for the child's placement in a language instruction educational program,
2. The child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement,
3. The methods of instruction used in the program in which their child is, or will be, participating and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction,
4. How the program in which their child is, or will be, participating will meet the educational strengths and needs of their child,
5. How such program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation,
6. The specific exit requirements for the program, including the expected rate of transition from such program into classrooms that are not tailored for ELLs, and the expected rate of graduation from high school (for students in high schools),
7. In the case of a student with a disability, how such program meets the objectives of the individualized education program of the student; and,
8. Information pertaining to parental rights that includes written guidance –
  - a. Detailing the right that parents have to have their child immediately removed from such program upon their request,
  - b. Detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and,
  - c. Assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered.

(3) Programmatic Assessment.

(a) Each student determined to be an ELL shall be further assessed in academic 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 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 teacher, administrator, parent or parent's designee may request the convening of an ELL Committee to review the student's progress in attaining necessary subject area competencies or in overcoming persistent deficiencies in overall student performance. The ELL Committee may be reconvened at any time after a student has been served for a semester. The ELL 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.

(d) Parents have the right to have their child immediately removed from a language instruction educational program and to decline to enroll the student in such a program or choose other instructional options, if available. For purposes of this subparagraph, a "language instruction educational program" means an instruction course in which an ELL is placed for the purpose of developing and attaining English proficiency and which may make instructional use of both English and a child's heritage language. Nothing herein shall alter the duty of the district to provide qualified, duly certified or endorsed ESOL instructors in accordance with rule 6A-1.09441, F.A.C., and the Course Code Directory and Instructional Personnel Assignments that is incorporated by reference therein. If any parent or guardian of an ELL communicates a refusal to have his or her child enrolled in an ELL program,

the District shall have the student's principal or another representative of the school meet with the parent to:

1. Describe the range of programs and services that the child could receive if the parent does not refuse, including the methodology the District plans to employ to address the student's educational needs and the training and qualifications of teachers and any others who would be employed in teaching the student,
2. Discuss the benefits their child is likely to gain by being enrolled in an ELL program and receiving ELL services; and,
3. Explain that, notwithstanding any past practice, the District shall not require students to be assigned to programs specifically designated for ELLs, or schools containing such programs, in order to receive ELL services.

*Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56, 1011.62 FS. History--New 10-30-90, Amended 5-19-08, 10-26-11, 5-30-17.*

#### **6A-1.09432 Assessment of Limited English Proficient Students.**

(1) All students classified as limited English proficient (LEP) must participate in the statewide assessment program, prescribed in Section 229.57, Florida Statutes. There is no categorical exemption from participation in the statewide assessment program for LEP students.

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

(a) The 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 LEP committee shall exempt a 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.

(3) The use of LEP assessment data for school grading purposes shall be as stated in Rule 6A-1.09981, F.A.C.

(4) LEP assessment data shall be used by school districts and schools to evaluate the effectiveness of their instructional programs for LEP students and to follow-up such evaluations with appropriate adjustments, modifications, and improvements of the district's and the school's LEP programs. The district's LEP plan, pursuant to Section 233.058, Florida Statutes, and Rule 6A-6.0905, F.A.C., shall be revised whenever substantive changes in the district's 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 LEP student plan, pursuant to Rules 6A-6.0901, 6A-6.0902, and 6A-6.0903, F.A.C. A LEP committee shall be convened whenever substantive changes in an individual LEP student plan are required.

(6) No promotion or retention decision may be made for any individual student classified as 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 a LEP student may be made through action of a LEP committee.

*Specific Authority 232.245(2)(b) FS. Law Implemented 232.245 FS. History--New 4-29-02.*

#### **6A-6.0901 Definitions Which Apply to Programs for English Language Learners.**

(1) English Language Learner means "Limited English Proficient Student," as defined in section 1003.56, F.S.

(2) ELL means English Language Learner.

(3) ESOL means English for Speakers of Other Languages.

(4) Home or native language, when used with reference to a student of limited English proficiency, means the language normally used by such students, or the language normally used by the parents of the student.

(5) ELL Committee means a group composed of ESOL teachers and home language teachers, and an administrator or designee plus guidance counselors, social workers, school psychologists or other educators as appropriate for the situation. The parent/guardian will be invited to serve on the ELL Committee for his/her child.

(6) ELL student plan means a written document or an electronic file, which contains the student's name, the date the plan was completed, instruction by program, including programs other than the ESOL provided, amount of instructional time or the instructional schedule, the date the student's limited English proficiency is identified, and assessment data used to classify or reclassify the student as an English Language Learner, date of exit and assessment data used to exit students from the ESOL program. Whether hard copy written document or an electronic file, each ELL Plan must be readily identifiable as the ELL Plan. Each completed plan must be maintained as a separate student record, and not replaced or over-written by subsequent data entries.

(7) Basic ESOL means the teaching of English to students whose native language is other than English using the English language as the medium of instruction.

(8) In accordance with section 1003.56(3)(d), F.S., basic subject areas means instruction in reading, computer literacy, mathematics, science and

social studies.

(9) Other subject areas means instruction in courses other than basic ESOL and basic subject areas, such as music, physical education and vocational courses.

(10) Student supportive services means services provided by guidance counselors, psychologists, social workers, visiting teachers, occupational placement specialists, health service providers, school administrators, district level program coordinators, teachers as advisors, or parents.

*Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56 FS. History—New 10-30-90, Amended 5-7-09, 10-22-13.*

**6A-6.0903 Requirements for Exiting English Language Learners from the English for Speakers of Other Languages Program.**

(1) Each student identified as an English Language Learner (ELL) shall continue to receive appropriate instruction until such time as the student is reclassified as English proficient and exited from the English for Speakers of Other Languages (ESOL) Program. English proficiency shall be determined by assessing the student utilizing the statewide English Language Proficiency Assessment and Florida Standards Assessment in English Language Arts (FSA in ELA) or Florida Standards Alternate Assessment (FSAA), or by ELL Committee determination, in accordance with this rule.

(2) Standards for Student Exit from the ESOL Program.

(a) An ELL shall be determined English language proficient and exited from the ESOL program upon obtaining:

1. Scores of "Proficient" at the applicable grade level on each statewide English Language Proficiency Assessment subtest administered annually pursuant to rule 6A-6.09021, F.A.C.; and,

2. Scores on applicable FSA in ELA or FSAA, as follows:

a. For students in grades K-2, the statewide English Language Proficiency Assessment is the only assessment required;

b. For students in grades 3-9, earning a passing score on the grade level FSA in ELA or the FSAA, pursuant to rule 6A-1.09430, F.A.C.; or

c. For students in grades 10-12, a score on the 10th grade FSA in ELA, or a score on the FSAA, pursuant to rule 6A-1.09430, F.A.C., or a score on the 10th grade FCAT in Reading, pursuant to rule 6A-1.09422, F.A.C., sufficient to meet applicable graduation requirements, or an equivalent concordant score pursuant to section 1008.22, F.S.

(b) Upon receipt of the statewide English Language Proficiency Assessment and FSA in ELA scores, schools shall exit students no later than the last school day of the school year. If the statewide English Language Proficiency Assessment or FSA in ELA scores are received after the end of the school year, schools shall exit students within two (2) weeks after the beginning of the next school year and shall use the last day of the school year in which the FSA in ELA examination was administered as the exit date.

(c) Notwithstanding a student's statewide English Language Proficiency Assessment scores, upon the request of a student's teacher, counselor, administrator, or parent, a student who has been classified as an ELL and enrolled in an English for Speakers of Other Languages (ESOL) program may be re-evaluated for English language proficiency by convening an ELL Committee at any time, according to the following procedures:

1. Any student being considered for exit by an ELL Committee shall be assessed on at least one (1) Department-approved assessment instrument, which shall be administered no earlier than thirty (30) school days prior to the ELL Committee's determination regarding exit. The assessment must cover all four (4) domains, including listening, speaking, reading, and writing. An ELL Committee, for any student with a disability being considered for exit, shall include the Individual Education Plan (IEP) Team pursuant to rule 6A-6.03028, F.A.C.

2. The ELL Committee shall review the student's academic record holistically and shall consider the assessment results from the assessment administered under paragraph (2)(a) of this rule, and the following criteria to determine whether the student is English language proficient:

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

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

c. Level of mastery of basic competencies or skills in English and/or heritage language according to state or national criterion-referenced standards, if any;

d. Grades from the current or previous years; and,

e. Test results from tests other than the assessment according to paragraph (2)(a) of this rule.

3. If a majority of the ELL Committee determines that the student is English language proficient, the student shall be exited from the program. If a majority of the ELL Committee determines that the student is not English language proficient, the student shall remain enrolled in the program. For a student with a disability, the Committee shall consider the impact of the student's disability in its decision. The parents' preference as to whether a student is determined English language proficient or not English language proficient shall be considered in the final decision.

4. The ELL Committee shall document the records reviewed by the Committee, which must include each of the criteria in subparagraph (2)(c)2. of this rule. The Committee's decision shall be supported by at least two of the criteria established in subparagraph (2)(c)2. of this rule, and the supporting criteria shall be documented in the student's file.

*Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56, 1011.62 FS. History—New 10-30-90, Amended 5-19-08, 10-26-11, 5-19-15, 6-23-16.*

**6A-6.0904 Equal Access to Appropriate Instruction for English Language Learners.**

(1) Each English Language Learner shall be enrolled in programming appropriate for his or her level of English proficiency and academic potential.

Appropriate programming includes enrollment in programs other than ESOL funded programs as provided in rule 6A-6.0908, F.A.C. Such programs shall seek to develop each student's English language proficiency and academic potential.

(a) English Language Learners shall have equal access to appropriate programs which shall include state funded English for Speakers of Other Languages (ESOL) instruction and instruction in basic subject areas which are understandable to English Language Learners and equal and comparable in amount, scope, sequence and quality to that provided to English proficient students. Instructional services shall be documented in the form of an English Language Learner Student Plan.

(b) English Language Learners with special needs and in need of additional services shall be provided equal and comparable services to those provided to English proficient students on a timely basis and appropriate to their level of English proficiency.

(c) English Language Learners who, by the end of grade 12 fail to meet the 10th grade statewide assessment, shall be provided appropriate programming as specified in rule 6A-6.0909, F.A.C.

(d) English Language Learners shall be given credit toward fulfilling graduation requirements in English for each basic ESOL course completed satisfactorily. Credit shall be given toward fulfilling graduation requirements for each basic subject area course completed satisfactorily through ESOL or home language.

(2) Basic ESOL instruction.

(a) Basic ESOL programs shall include instruction to develop sufficient skills in speaking, listening, reading and writing English to enable the student to be English proficient.

(b) English Language Learners shall be classified according to their levels of English language proficiency, academic achievement, and special needs, and shall be placed in appropriate instructional services for these levels. Basic ESOL instruction may be provided in heterogeneous classroom settings, such as multiple language groups.

(c) An English Language Learner shall be provided basic ESOL programming for the minimum number of hours per day or week, as specified in the individual ELL student plan. Such plans shall specify that each student receive, at minimum, the amount of basic ESOL instruction which may include special or alternative language arts necessary to attain parity of participation with English proficient students in language arts. The English Language Learner shall not receive less than the total amount of instruction received by an English proficient student at the same grade level.

(d) Basic ESOL services shall seek to prepare students for reclassification as soon as the student has attained a sufficient level of English language proficiency and academic achievement according to the entry and exit standards set forth in rules 6A-6.0902 and 6A-6.0903, F.A.C.

(e) An English Language Learner's teacher, parent or parent's designee, or other school personnel may request the convening of an ELL Committee at any time after the end of the student's first semester in the program to identify any special problems which may be hindering a student's progress in ESOL. An ELL Committee shall make appropriate recommendations, as necessary, for the modification of the student's ELL Student Plan. The nature and basis of such modification, if any, shall be documented in each student's ELL Student Plan.

(f) The Commissioner of Education shall develop and implement standards and criteria for evaluating the appropriateness of basic ESOL instruction in each district. These standards shall be consistent with state-required curriculum frameworks and student performance standards.

(g) Basic ESOL instruction shall be provided by appropriately qualified personnel.

(3) ESOL instructional and home language instructional strategies in basic subject areas.

(a) School districts shall provide appropriate home language instruction or ESOL content instruction or a combination of the two in basic subject areas in addition to basic ESOL instruction.

(b) School districts are encouraged to use grouping, clustering, and transporting of students where practical and feasible within and between districts to achieve compliance with these standards.

(4) ESOL instruction in basic subject areas.

(a) A district that provides instruction, in whole or in part, through ESOL strategies shall assure and be able to document that:

1. Each course has been structured in conformity with ESOL strategies for teaching English Language Learners basic subject matter;
2. Each course is taught by qualified personnel and that appropriate instructional materials are available to such personnel; and,
3. English Language Learners are learning and progressing towards completion of requirements as specified in the school district's Student Progression Plan.

(b) The focus of instruction shall be substantive subject matter knowledge parallel and comparable to that provided to English proficient students in basic subject areas, consistent with the Sunshine State Standards as incorporated by reference in rule 6A-1.09401, F.A.C., and English Language Proficiency Standards consistent with rule 6A-6.0903, F.A.C.

(c) English Language Learners in ESOL basic subject area classrooms shall have access to an individual proficient in their languages in addition to a trained ESOL subject area teacher. Schools with at least fifteen students speaking the same home language shall provide at least one aide or teacher who is proficient in the same home language and who is trained to assist in ESOL basic subject area instruction.

(d) The Commissioner of Education shall develop or identify standards and criteria for evaluating the appropriateness of the ESOL instruction in basic subject areas.

(5) Home language instruction in basic subject areas.

(a) A district that provides instruction, in whole or in part, through home language instruction shall assure and be able to document that:

1. Each course has been structured in conformity with bilingual strategies for teaching English Language Learners basic subject matter;
2. Each course is taught by qualified personnel and that appropriate instructional materials are available to such personnel; and,
3. English Language Learners are learning and progressing towards completion of requirements as specified in the district's Student Progression Plan.

(b) The focus of instruction shall be substantive subject matter knowledge parallel and comparable to that provided to English proficient students in basic subjects, consistent with Sunshine State Standards and English Language Proficiency Standards. Such instruction shall incorporate appropriate instructional materials and comparable home language texts when available.

(c) The Commissioner of Education shall develop or identify standards and criteria for evaluating the appropriateness of the home language instruction in basic subject areas.

(6) Interim measures.

(a) English Language Learners shall receive an instructional program which includes basic ESOL instruction and understandable instruction in basic subject areas.

(b) In recognition that appropriately trained personnel might not be available to each student to provide each component, an action plan shall be developed at each school and for each district setting forth the following:

1. The number of students by language group who are denied any one or more of the programming required herein;
2. The documentation of the district's efforts and lack of success in recruiting, hiring, or training appropriately qualified staff for such programs;
3. Specific activities and timelines for recruiting, hiring and training needed staff; and,
4. A plan of interim measures which must include inservice training programs, utilization of native speaking aides, native language materials and other elements designed to assure that each student's English language barrier is addressed in an instructionally sound manner.

(7) Parental involvement.

(a) Parental involvement and participation in limited English Language Learners' educational programming and academic achievement shall be promoted, among other ways, by establishing parent leadership councils at each school, or at the district level, composed in the majority of parents of English Language Learners.

1. Parent leadership council should be promoted.
2. Parents shall be provided training and orientation regarding program monitoring procedures and involvement procedures available to parents of English Language Learners.

(b) Parents shall be informed of the opportunity to be represented on existing school and district advisory committees.

(c) Parents shall be notified in writing of the student's initial membership in an assigned program. Notification shall be in language that the parent understands, unless clearly not feasible.

*Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56 FS. History--New 10-30-90, Amended 5-7-09.*

#### **6A-6.0905 Requirements for the District English Language Learners Plan.**

(1) Each school district shall submit a school district English Language Learner (ELL) plan to the Department of Education describing the district's proposed procedures and methodologies for serving ELLs and must receive the Commissioner of Education's approval prior to program implementation.

(2) Councils representing parents of ELLs shall be consulted prior to the submission of the school district ELL plans to the Department of Education. The Department of Education shall consider any councils' objections to any district ELL plan approval in its review.

(3) The Department of Education shall review the school district ELL plan and approve, disapprove, or return for clarification or further elaboration within sixty (60) days of submission.

(4) A school district ELL plan shall be updated and resubmitted every three (3) years. Interim changes in the plans shall be submitted as amendments to the Department of Education and must be approved by the Commissioner prior to implementation.

(5) School district ELL plan format.

(a) A district's ELL plan shall include: standards for entry, exit and post-reclassification monitoring; a description of instructional, categorical and student services; provisions for and plans to employ qualified staff; and evidence of consultation with the district's Parent Leadership Council or other parent advisory body representative of parents of ELL students.

(b) The school district ELL plan shall be submitted to the Department utilizing the Department's Form ESOL 100 entitled, "District English Language Learners (ELL) Plan (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08181>)," (May 2017) which is hereby incorporated by reference to become a part of this rule. Copies of this form may be obtained from the Bureau of Student Achievement through Language Acquisition, K-12 Public Schools, Department of Education, 325 West Gaines Street, Room 501, Tallahassee, Florida 32399-0400.

*Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56 FS. History--New 10-30-90, Amended 5-28-09, 8-23-12, 12-23-14, 6-23-16, 5-30-17.*

#### **6A-6.0906 Monitoring of Programs for English Language Learners.**

The Florida Department of Education shall monitor districts to ensure compliance with rules 6A-6.0900 through 6A-6.09091 and 6A-1.09432, F.A.C., and all applicable federal and state laws and regulations including sections 1000.05, 1001.03, 1002.20, 1003.56 and 1010.305, F.S. Monitoring shall include periodic reviews of the following areas:

(1) Program compliance.

(a) Monitoring shall be in conjunction with and reports shall be consistent with the comprehensive monitoring system of the Division of Public Schools in accordance with rule 6A-1.0453, F.A.C.

(b) Compliance shall be determined and documented in the following areas:

1. Identification, assessment and programmatic assessment of English Language Learners as defined in rule 6A-6.0902, F.A.C.;

2. Provision for and implementation of basic ESOL instruction, ESOL instruction in basic subject areas, or home language instruction in basic subject areas as defined in rule 6A-6.0904, F.A.C.;

3. Employment of qualified personnel as defined or addressed in rules 6A-1.0503, 6A-4.0244, 6A-4.0245, 6A-6.0907 and 6A-1.09441, F.A.C.; and,

4. Parental involvement as defined or addressed in rule 6A-6.0904, F.A.C.

(c) When applicable, compliance with the following categorical program and supportive service area requirements as provided in law and rule:

1. Compensatory or remedial education;

2. Exceptional student education;

3. Dropout prevention;

4. Pre-kindergarten;

5. Pre-first grade classes;

6. Career and Technical Education;

7. Adult;

8. Student services; and,

9. Extended day.

(d) Periodic reviews of local district compliance with the Florida Educational Equity Act shall include a review of requirements in chapter 6A-19, F.A.C., with regard to equal access to categorical programming for eligible national minority students. Reviews will be conducted in accordance with rules 6A-19.010 and 6A-1.0453, F.A.C.

(e) Data shall be collected annually for all students by the school district and the Department of Education in the following areas:

1. Student's home language;

2. Student's national origin; and,

3. Student classified as English Language Learner.

(f) Data shall be collected annually for English Language Learners by the school district and the Department of Education in the following areas:

1. Student classified as English proficient;

2. Student reclassified as English Language Learner;

3. Student reclassified as English Language Learner but not receiving programming as required in rule 6A-6.0904, F.A.C.;

4. Student in Title I Programs or other federal programs;

5. Student passing the statewide assessment;

6. Student not passing the statewide assessment;

7. Student in compensatory or remedial education programs;

8. Student in exceptional student education program;

9. Student in dropout prevention program; and,

10. Student in prekindergarten program.

(2) Program effectiveness evaluation.

(a) The Department of Education shall design and implement an evaluation system containing output measures.

(b) The goals of program effectiveness evaluations are to more effectively measure outcomes and to substitute, where appropriate, outcome measures for measures contained elsewhere in rules.

#### **6A-6.0907 Inservice Requirements for Personnel of Limited English Proficient Students.**

(1) Inservice standards for teachers of math, science, social studies, or computer literacy using ESOL instructional strategies who do not hold a valid certificate with ESOL endorsement or coverage:

(a) Any teacher using ESOL strategies to teach math, science, social studies, or computer literacy assigned to instruct limited English proficient students on September 15, 1990, or for the first time in any given school year thereafter shall complete at least sixty points of inservice training or three semester hours of college credit in methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding, or testing and evaluation of ESOL by September 15 of the following year; or

(b) Teachers who had appropriate certification as specified in the 1989-90 Course Code Directory as adopted by reference in rule 6A-1.09441, F.A.C., for the subjects and grades taught and have completed prior to the 1990-91 school year, at least two years of successful teaching using ESOL strategies to teach math, science, social studies or computer literacy to limited English proficient students as verified in writing by the superintendent, shall complete sixty points of inservice training or three semester hours in methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding or testing and evaluation of ESOL. The sixty points of inservice training or the three semester hours of college credit shall be completed for the first certificate renewal after July 1, 1990. The school district shall maintain records on how the teacher was evaluated as successful. The experience in a basic subject area ESOL class, acceptable as provided herein, shall have been taught using ESOL strategies.

(c) Inservice points or credit earned in fulfillment of this subsection may be used toward meeting three of the six semester hours renewal requirements for that validity period.

(2) Inservice standards for teachers of math, science, social studies, or computer literacy using home language instructional strategies who do not hold a valid certificate with ESOL endorsement or coverage:

(a) Any teachers using home language strategies to teach math, science, social studies or computer literacy assigned to instruct limited English proficient students on September 15, 1990, or for the first time in any given school year thereafter shall complete at least sixty points of inservice training or three semester hours of college credit in methods of teaching home language, home language curriculum and materials development, or testing and evaluation in the home language by September 15 of the following year; or

(b) Teachers who had appropriate certification as specified in the 1989-90 Course Code Directory as adopted by reference in rule 6A-1.09411, F.A.C., for the subject and grades taught and have completed, prior to the 1990-91 school year, at least two years of successful teaching of math, science, social studies or computer literacy through the home language strategies, as verified in writing by the superintendent, shall complete sixty points of inservice training or three semester hours of college credit in methods of teaching home language, home language curriculum and materials development, or testing and evaluation in the home language. The sixty points of inservice training or three semester hours of college credit shall be completed for the first certificate renewal after July 1, 1990. The school district shall maintain records on how the teacher was evaluated as being successful. The experience in a basic subject area class acceptable as provided herein shall have been taught using home language strategies.

(c) Inservice points or credit earned in fulfillment of this subsection may be used toward meeting three of the six semester hours renewal requirements for that validity period.

(d) Teachers who are instructing limited English proficient students in math, science, social studies, or computer literacy in the student's home language on September 15 of any given school year shall have met by September 15 of the subsequent year the following:

1. A passing grade on a language examination designed to determine whether a person has a language proficiency necessary to teach elementary or secondary students in that language. The Florida Department of Education shall develop by October 1, 1990, a list of approved tests. A district which wishes to use an alternative examination shall submit it to the Florida Department of Education for approval prior to its utilization; or

2. A Florida foreign language certification coverage in the language which the teacher will utilize to instruct limited English proficient students.

(3) Inservice standards for teachers of limited English proficient students in subjects other than English, math, science, social studies or computer literacy who did not hold a valid certificate with ESOL endorsement or coverage:

(a) Any teacher assigned to instruct limited English proficient students in subjects other than English, math, science, social studies or computer literacy on September 15, 1990, or for the first time in any given school year thereafter shall complete at least eighteen points of inservice training or three semester hours of college credit methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding, or testing and evaluation of ESOL by September 15 of the following year. Inservice training shall be provided during three full planning days or by other means approved in the district's LEP plan; or

(b) Teachers who had appropriate certification as specified in the 1989-90 Course Code Directory as adopted by reference in rule 6A-1.09441, F.A.C., for the subject(s) and grades taught and have completed, prior to the 1990-91 school year, at least one year of successful teaching of other subject areas, to limited English proficient students, as verified in writing by the superintendent, shall complete sixty hours of inservice training or three semester hours of college credit in methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding, or testing and evaluation of ESOL. The sixty hours of inservice training or three semester hours of college credit shall be completed for the first certificate renewal after July 1, 1990. The school district shall maintain records on how the teacher was evaluated as being successful.

(c) Inservice points or credit earned in fulfillment of this subsection may be used toward meeting three of six semester hours renewal requirement for that validity period.

(4) Implementation schedule for this rule.

(a) Principles of Implementation.

1. Except as set forth in this subsection, any teacher required to have an endorsement or training pursuant to this rule shall complete such training within one year of his or her initial assignment.

2. Exceptions to subsection (4) of this rule.

a. A beginning teacher shall complete the inservice requirements within two years of initial assignment.

b. A teacher required to have an ESOL endorsement on a certificate pursuant to this rule shall complete course work required for such endorsement within three calendar years of his or her initial assignment.

(b) Interim measures. In recognition that this rule will require large numbers of teachers to be trained for the first time and that this poses a burden for school districts, the following interim measures will be in effect until 1993-94, except as specified herein:

1. During the 1990-91 school year, the following steps shall be taken to provide for a phase-in of the requirements of this rule.

a. Each school district shall conduct a survey of its limited English proficient students and based on the survey shall determine the number of teachers by school who need to be trained under this rule. Such survey will be completed by February, 1991.

b. Each school district shall establish a program to assure that all ESOL basic teachers needing training shall initiate training by the beginning of the 1991-92 school year and shall complete such training by the beginning of the 1994-95 school year.

c. Each school district shall project the number of ESOL subject matter teachers and home language basic subject matter teachers needed by the district and shall initiate a program which will assure that the grouping of teachers with the largest number shall begin training by the beginning of the 1991-92 school year and complete such training by the beginning of the 1993-94 school year and that the grouping of teachers with the lesser number shall begin training by the beginning of the 1991-92 school year and complete such training by the beginning of the 1994-95 school year.

d. Each school district shall also develop and implement a training and informational program for administrators, including principals, concerning this rule and the educational needs of limited English proficient students.

2. Beginning in the 1991-92 school year those teachers requiring inservice training pursuant to rule shall complete such training within a school year. Each year thereafter those teachers who have not already completed the training shall complete the requisite training.

3. Those teachers who must complete specified credit or inservice points for certification renewal pursuant to this rule shall complete such training by the following time periods: Those whose validity period ends prior to July 1, 1993, shall complete requirements by June 1992; those whose validity period ends July 1, 1994, shall complete requirements by June 1993; those whose validity period ends July 1, 1995, shall complete requirements by June 1994.

(5) Inservice training program standards. Programs set forth herein which enable teachers to meet requirements through inservice points shall meet the following standards:

(a) The inservice time shall be divided between contact time and supervised practicum;

(b) The inservice training time allotted for methods of teaching English to speakers of other languages, ESOL curriculum and materials development, cross-cultural communications and understanding, and testing and evaluation of ESOL as set forth in subsections (1) and (3) of this rule, shall be appropriately divided; or

(c) The inservice training time allotted for methods of teaching home language, home language curriculum and materials development, and testing and evaluation in the home language as set forth in subsection (2) of this rule, shall be appropriately divided.

(d) A set of performance competencies with post-tests shall be developed by each district in their master inservice plan for all the inservice training provided in fulfillment of this rule.

(e) Trainers of home language teachers, where possible, shall be persons who speak the targeted home language.

(f) Each inservice program developed to meet the requirements of this rule shall be approved by the Florida Department of Education and shall be monitored at least once every three years to assure that the standards set forth herein are met.

(g) Up to sixty inservice points or three semester hours earned in meeting the requirements as specified in subsections (1), (2) or (3), F.A.C. of this rule may be used by a teacher for certificate renewal.

(h) Each district shall retain records for each teacher and aide that successfully completed the inservice requirements.

(6) Each school district shall develop and implement an inservice program for teacher aides who work with limited English proficient students.

(7) Each school district shall develop and implement the inservice requirements contained in this rule in the district's master inservice plan.

(8) Each district shall develop and implement training components, in addition to the requirements in this rule, needed to increase the effectiveness and efficiency of the program(s) provided to limited English proficient students.

(9) The Department of Education shall provide technical assistance, including technological assistance where feasible, to school districts in the implementation of the inservice training.

(10) During the 1992-93 school year, the Department of Education shall conduct an evaluation of the system of inservice provided in this rule, and shall make recommendations for revising the system based on analysis of student outcome measures.

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

#### **6A-6.0908 Equal Access for English Language Learners to Programs Other Than English for Speakers of Other Languages (ESOL).**

(1) English Language Learners (ELL), including refugees and other immigrants, racial and national origin minority students, shall be entitled to equal access to programs and services other than ESOL, such as, but not limited to compensatory, exceptional, early childhood, pre-first grade, vocational, adult education, dropout prevention, extended day, and supportive services regardless of the funding sources.

(2) School-to-Home Communication. All written and oral communication between a school district's personnel and parents of current or former

English Language Learners shall be in the parents' primary language or other mode of communication commonly used by the parents unless clearly not feasible.

(3) National origin minority or English Language Learners shall not be subjected to any disciplinary action because of their use of a language other than English.

(4) Any person or organization may file a complaint alleging violation of rules 6A-6.0900 through 6A-6.0909, F.A.C., with the Florida Department of Education.

(a) Complaints shall be specific and in writing.

(b) Findings shall be reported to the district and complainant within sixty days after receipt of the complaint.

(c) Corrective actions shall be required for any confirmed violation.

(d) The complaint process is independent of an individual's rights under state and federal laws.

(5) Exceptional student education referral. The school district shall ensure that an exceptional student referred for placement into programs for English Language Learners shall have an individual educational plan (IEP) review prior to that placement. A staff representative of the ELL Committee shall be invited to participate in that review.

*Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56 FS. History—New 10-30-90, Amended 5-5-09.*

#### **6A-6.0909 Exemptions Provided to English Language Learners.**

(1) English Language Learners shall be assessed for academic progress using guidelines established under section 1008.22, F.S. 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 English Language Arts and shall undertake the annual statewide English Language proficiency assessment in accordance with rule 6A-6.0902, F.A.C.

(2) Each school district shall administer the statewide English Language proficiency assessment to English Language Learners exempted from statewide assessment in accordance with subsection (1) of this rule.

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

(3) English Language Learners who have completed the credits required for graduation and who have failed to meet the 10th grade standards as measured by the statewide standardized assessment shall be eligible for compensatory education for "a thirteenth year" as provided in section 1003.4282, F.S.

(a) Alternative methods of meeting the standards of the statewide standardized assessment shall be used, where feasible, for English Language Learners who are unable to demonstrate mastery of the standards due to deficiencies in English language proficiency.

(b) English Language Learners 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 subsection (3) of this rule.

(5) If the number of English Language Learners in a district is fewer than ten (10) within a radius of twenty (20) 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 teacher certified in ESOL. Exemptions shall be granted on a one (1) 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) 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.

*Rulemaking Authority 1001.02, 1003.56, 1008.22 FS. Law Implemented 1003.56, 1008.22 FS. History—New 10-30-90, Amended 5-5-09, 12-23-14.*

#### **6A-6.09091 Accommodations of the Statewide Assessment Program Instruments and Procedures for English Language Learners.**

(1) The Department of Education shall provide accommodations for English Language Learners (ELLs) to enable them to fully participate in the statewide standardized assessment program as defined in Section 1008.22, F.S.

(2) Each school board shall utilize appropriate and allowable accommodations for statewide standardized assessments within the limits prescribed herein. Accommodations are defined as adjustments to settings for administration of statewide standardized assessments, adjustments to scheduling for the administration of statewide standardized assessments to include amount of time for administration, assistance in heritage language during the administration of statewide standardized assessments, and the use of an approved translation dictionary or glossary to facilitate the student's participation in statewide standardized assessments. Accommodations that negate the validity of statewide standardized assessments are not allowable.

Accommodations shall include:

(a) Flexible Setting. ELLs may be offered the opportunity to be tested in a separate room with the English for Speakers of Other Languages (ESOL) or heritage language teacher serving as test administrator. Parents must be informed of this option for students not of legal age and shall be given the opportunity to select the preferred method of test administration.

(b) Flexible Scheduling. ELLs may take a test session during several brief periods within one (1) school day; however, each test session must be completed within one (1) school day. ELLs may be provided additional time to complete a test session; however, each test session must be completed within one (1) school day.

(c) Assistance in the Heritage Language. ELLs may be provided limited assistance by an ESOL or heritage language teacher using the student's heritage language for directions, prompts, items, and answer choices. This should not be interpreted as permission to provide oral presentation of prompts, items, and answer choices in English or in the student's heritage language. Assistance may not be provided for passages in Reading and Writing tests. Assistance in the heritage language shall be limited to the following:

1. The ESOL or heritage language teacher or other trained individual familiar with the student may answer questions about the general test directions in the student's heritage language. If the test is administered to a group of students, the teacher may answer questions about directions for the benefit of the group. Questions of clarification from individual students must be answered on an individual basis without disturbing other students.

2. The ESOL or heritage language teacher or other trained individual familiar with the student may answer specific questions about a word or phrase in a prompt, item, or answer choice that is confusing the student because of limited English proficiency but is prohibited from giving assistance that will help the student produce, correct, or edit responses. Assistance may not be provided for words or phrases in Reading and Writing passages.

(d) Approved Dictionary and Glossary. ELLs must have access to English-to-heritage language/heritage language-to-English dictionaries or glossaries or both, such as those made available to ELLs in an instructional setting. The dictionary or glossary must provide word-to-word translations only and may not contain definitions or other information. A dictionary or glossary written exclusively in the heritage language or in English shall not be provided. Electronic translation dictionaries or glossaries that meet the same requirements without accessing the Internet may be used.

(3)(a) The accommodations described in subsection (2) of this rule, shall be offered to any student who has been identified as limited English proficient pursuant to Section 1003.56(2)(a), F.S., and is currently receiving services in a program operated in accordance with an approved ELL district plan and any student who has exited from the ESOL program and is in the two-year follow-up period per Rule 6A-6.09031, F.A.C., Post Reclassification of English Language Learners.

(b) The statewide standardized assessments may be administered with any one (1) or a combination of the accommodations authorized herein that are determined to be appropriate for the individual student.

(4) District personnel are required to implement the accommodations in a manner that ensures that the test responses are the independent work of the student. Personnel are prohibited from assisting a student in determining how the student will respond or directing or leading the student to a particular response. In no case shall the accommodations authorized herein be interpreted or construed as an authorization to provide a student with assistance in determining the answer to any test item.

(5) Each school board shall establish procedures whereby training shall be provided to the ESOL or heritage language teacher who is administering any of the statewide standardized assessments. The training shall be designed to train the teacher how to administer the statewide standardized assessments within the limits prescribed in this rule.

(6) ELLs who otherwise are classified as students with disabilities as defined by Section 1003.01(3)(a), F.S., or who have been determined eligible and have a plan developed in accordance with Section 504 of the Rehabilitation Act exceptional education or handicapped students shall be afforded the additional test accommodations specified in Rule 6A-1.0943, F.A.C.

(7) Students who are not currently enrolled in public schools or receiving services through public school programs and require accommodations in order to participate in the statewide standardized assessment program shall have access to accommodations identified in subsection (2) of this rule, if the student was classified as limited English proficient pursuant to section 1003.56(2)(a), F.S., at the time of exit from the public school or public school program.

*Rulemaking Authority 1001.02, 1008.22 FS. Law Implemented 1008.22 FS. History—New 10-17-00, Amended 5-5-09, 10-26-15, 5-30-17, 12-22-19.*

## **English Language Development Standards**

Teachers are required to provide listening, speaking, reading and writing instruction that allows English language learners (ELL) to communicate information, ideas and concepts for academic success in the content area of Language Arts. For the given level of English language proficiency and with visual, graphic, or interactive support, students will interact with grade level words, expressions, sentences and discourse to process or produce language necessary for academic success. The ELD standard should specify a relevant content area concept or topic of study chosen by curriculum developers and teachers which maximizes an ELL's need for communication and social skills. To access an ELL supporting document which delineates performance definitions and descriptors, please visit the following link: <http://www.cpalms.org/uploads/docs/standards/eld/la.pdf>. Document ELD standards in lesson plans.

<b>Name</b>	<b>Description</b>
<a href="#">ELD.K12.ELL.LA.1:</a>	English language learners communicate information, ideas and concepts necessary for academic success in the content area of Language Arts.
<a href="#">ELD.K12.ELL.MA.1:</a>	English language learners communicate information, ideas and concepts necessary for academic success in the content area of Mathematics.
<a href="#">ELD.K12.ELL.SC.1:</a>	English language learners communicate information, ideas and concepts necessary for academic success in the content area of Science.
<a href="#">ELD.K12.ELL.SI.1:</a>	English language learners communicate for social and instructional purposes within the school setting.
<a href="#">ELD.K12.ELL.SS.1:</a>	English language learners communicate information, ideas and concepts necessary for academic success in the content area of Social Studies.

CPALMS.org. *English Language Development (#1002380) 2018-And Beyond (current)*.

## **Online Resources**

2020-2021 English Language Learners Information (Student Info System):

<http://www.fldoe.org/accountability/data-sys/database-manuals-updates/2020-21-student-info-system/eng-language-learners-info.stml>

Automated Student Information System 2020-2021:

<http://www.fldoe.org/accountability/data-sys/database-manuals-updates/2020-21-student-info-system/>

English Language Learners Bureau of Student Achievement through Language Acquisition:

<http://www.fldoe.org/academics/eng-language-learners/>

WIDA Consortium-Florida Assessment :

<https://wida.wisc.edu/memberships/consortium/fl>

WIDA Secure Portal Login:

<https://wida.wisc.edu/login>

WIDA Resource Library:

[https://wida.wisc.edu/resources?keys=&field\\_category\\_target\\_id%5B12%5D=12](https://wida.wisc.edu/resources?keys=&field_category_target_id%5B12%5D=12)

SCSD English Language Learner Program (ELL Plan & Strategies)

<http://www.suwannee.k12.fl.us/title-iii-esol>