

**STATE BOARD OF EDUCATION**

**Action Item**

November 18, 2014

**SUBJECT:** Approval of Amendments to Rules relating to English Language Learners: 6A-6.0900, Programs for English Language Learners; 6A-6.09022, Extension of Services in English for Speakers of Other Languages (ESOL) Program; 6A-6.0905, Requirements for the District English Language Learners Plan; and 6A-6.0909, Exemptions Provided to English Language Learners

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**PROPOSED BOARD ACTION**

For Approval

**AUTHORITY FOR STATE BOARD ACTION**

Sections 1001.02, 1003.56, Florida Statutes

**EXECUTIVE SUMMARY**

The proposed rulemaking is to update the list of rules applicable to ESOL programs, update how statewide standardized assessments are referenced; make changes in grammar; and clarify the Department's obligation to consider all school district parent leadership councils' objections to any District ELL Plan.

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**Supporting Documentation Included:** Proposed Rules 6A-6.0900, Programs for English Language Learners; 6A-6.09022, Extension of Services in English for Speakers of Other Languages (ESOL) Program; 6A-6.0905, Requirements for the District English Language Learners Plan; 6A-6.0909, Exemptions Provided to English Language Learners; and Form ESOL 100, District English Language Learner Plan

**Facilitator/Presenter:** Mary Jane Tappen, Executive Vice Chancellor, K-12 Public Schools

**6A-6.0900 Programs for English Language Learners.**

(1) No change.

(2) The education and related services as described above shall be provided in accordance with the rules listed below:

(a) Rule 6A-6.0901, F.A.C., Definitions Which Apply to Programs for English Language Learners.

(b) Rule 6A-6.0902, F.A.C., Requirements for Identification, Eligibility Programmatic and Annual Assessments of English Language Learners.

(c) Rule 6A-6.09021, F.A.C., Annual English Language Proficiency Assessment for English Language Learners (ELLs).

(d) Rule 6A-6.09022, F.A.C., Extension of Services in English for Speakers of Other Languages (ESOL) Program.

(e) ~~(e)~~ Rule 6A-6.0903, F.A.C., Requirements for Exiting English Language Learners from the English for Speakers of Other Languages Program Classification, Reclassification, and Post Reclassification of English Language Learners.

(f) Rule 6A-6.09031, F.A.C., Post Reclassification of English Language Learners (ELLs).

(g) ~~(d)~~ Rule 6A-6.0904, F.A.C., Equal Access to Appropriate Instruction for English Language Learners.

(h) ~~(e)~~ Rule 6A-6.0905, F.A.C., Requirements for the District English Language Learners Plan.

(i) ~~(f)~~ Rule 6A-6.0906, F.A.C., Monitoring of Programs for English Language Learners.

(j) ~~(g)~~ Rule 6A-6.0907, F.A.C., Inservice Requirements for Personnel of ~~Serving~~ English Language Learners.

(k) ~~(h)~~ Rule 6A-6.0908, F.A.C., Equal Access for English Language Learners to Programs Other Than English for Speakers of Other Languages (ESOL).

(l) ~~(i)~~ Rule 6A-6.0909, F.A.C., Exemptions Provided to English Language Learners.

(m) ~~(j)~~ Rule 6A-6.09091, F.A.C., Accommodations of the Statewide Assessment Program Instruments and Procedures for English Language Learners.

(n) ~~(k)~~ Rule 6A-4.0245, F.A.C., Specialization Requirements for Certification in English for Speakers of Other Languages (Grades K-12) – Academic Class.

(o) ~~(l)~~ Rule 6A-4.02451, F.A.C., Performance Standards, Skills, and Competencies for the Endorsement in English for Speakers of Other Languages.

(p) ~~(m)~~ Rule 6A-1.0503, F.A.C., Definition of Qualified Instructional Personnel.

(q) ~~(n)~~ Rule 6A-4.0244, F.A.C., Specialization Requirements for the Endorsement in English to Speakers of Other Languages – Academic Class.

(r) ~~(o)~~ Rule 6A-1.09441, F.A.C., Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

(s) ~~(p)~~ Rule 6A-1.09432, F.A.C., Assessment of English Language Learners.

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

**6A-6.09022 Extension of Services in English for Speakers of Other Languages (ESOL) Program.**

(1) Three (3) years after the date of an English Language Learner's (ELL's) initial enrollment in a school in the United States, 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 earlier than thirty (30) school days prior to the third anniversary of the student's initial enrollment date in a school in the United States, and no later than the anniversary date, unless ~~except if~~ the student's anniversary date falls within the first two (2) weeks of any school year, Then, the ELL committee may convene no later than October 1. This process shall be completed annually thereafter.

(2) Any student being considered for extension of services shall be assessed on at least one (1) Department-approved assessment instrument. The assessment shall be administered no earlier than thirty (30) school days prior to the student's anniversary date. The assessment may be any Department-approved assessment that covers all four (4) domains of listening, speaking, reading, and writing. If the student's anniversary date falls between the release of the statewide English Language Proficiency assessment ~~Comprehensive English Language Learning Assessment (CELLA)~~ and applicable ~~Florida~~ Statewide Standardized Assessment scores in a given school year and October 1 of the following school year, the student's statewide English Language Proficiency assessment ~~CELLA~~ and applicable ~~Florida~~ Statewide Standardized Assessment scores will suffice, and a more recent assessment is not required.

(3) through (6) No change.

Rulemaking Authority 1001.02, 1003.56 FS. Law Implemented 1003.56, 1011.62 FS. History—New 11-22-11, Amended 10-22-13.

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

(1) No change.

(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 ~~the~~ councils' objections to any district ELL plan approval in its review.

(3) through (4) No change.

(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 ~~online template~~ ESOL 100 entitled, "District English Language Learner Plan ([http://www.flrules.org/Gateway/reference.asp?No=Ref- 01497](http://www.flrules.org/Gateway/reference.asp?No=Ref-01497))," (December 2014) ~~(08/2012)~~ which is hereby incorporated by reference to become a part of this rule. Copies of this form ~~template~~ 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. ~~The online template available at <http://www.fldoe.org/aala/omspubpg.asp> must be completed in its entirety.~~

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

**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 reading and shall undertake the annual statewide English Language proficiency-CELLA assessment in accordance with Rule 6A-6.0902, F.A.C.

(2) Each school district shall administer the statewide English Language proficiency assessment CELLA 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 Florida Comprehensive Assessment Test (FCAT) shall be eligible for compensatory education for “a thirteenth year” as provided in Section 1003.4282 ~~1003.43~~, F.S.

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

~~(6) (7)~~ Upon verification by a superintendent that the district has been unsuccessful in recruiting ESOL basic, ESOL subject matter, or home language instructors, and that certain positions at given schools cannot be filled during any school year with a person who meets the certification requirements in the Course Code Directory as adopted by reference in Rule 6A-1.09441, F.A.C., or the inservice requirements as specified in Rule 6A-6.0907, F.A.C., a teacher who does not meet the requirements may be assigned to such a classroom on conditions that meet the terms of Rule 6A-1.0503, F.A.C.

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,

# DISTRICT ENGLISH LANGUAGE LEARNER PLAN

District: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Rule 6A-6.0905  
Form ESOL 100  
(December 2014)

## **SECTION 1: IDENTIFICATION [Rule [6A-6.0902](#), F.A.C.]**

### **Enrollment Procedures and Administration of the Home Language Survey**

***Describe the district procedures to register English Language Learners (ELLs) (including the following questions:***

(Max. length 2,000 words)

How do district procedures compare to those followed for non-ELLs?

Is the Home Language Survey translated into other languages? Yes/No

If answered “yes” list languages

How does the district assist parents and students who do not speak English? (Max. length 2,000 words)

## **SECTION 2: ENGLISH LANGUAGE PROFICIENCY ASSESSMENT (PLACEMENT) [Rule [6A-6.0902](#), F.A.C.]**

### **1. English Language Proficiency (ELP) Assessment**

What is the title of the person(s) responsible for administering the English language proficiency assessment of potential ELLs in the district? (Check all that apply.)

- Registrar
- ESOL Coordinator/Administrator
- Other (Specify)

### **2. Listening and Speaking Proficiency Assessment**

List the Listening and Speaking (Aural/Oral) assessment(s) used in the district to ascertain if a K-12 student is an ELL. Also, state the publisher’s cut-score that determines if the student is eligible for English for Speakers of Other Languages (ESOL) services.

*List the Listening and Speaking (Aural/Oral) assessment(s) used in the district to ascertain if a K-12 student is an ELL. Also, state the publisher's cut-score that determines if the student is eligible for ESOL services.*

At least one assessment must be entered.

Name of Listening and Speaking Assessment(s):	CUT SCORE USED FOR PLACEMENT (ENTRY) DETERMINATION BY TYPE OF SCORE			
	Grade Level	Raw Score <sup>(1)</sup>	Scale Score <sup>(2)</sup>	National Percentile <sup>(3)</sup>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

1. (A raw score represents the number of points a student received for correctly answering questions on a test.
2. A scale score is a raw score that has been converted to a scale. The conversion table provided by the test publisher should be used to report the scale score if the test results are not provided in terms of a scale score.
3. A national percentile is the percentile rank provided by a national norm-referenced test that indicates the percentage of a referenced group obtaining scores equal to or less than the score achieved by an individual.

Describe the procedures to ensure that the Listening and Speaking assessment(s) are administered within 20 school days of the student’s initial enrollment. Include the procedures the district follows if the Listening and Speaking assessment(s) are not given within the timeline.

Describe the assessment procedures for ELLs in grades 3-12 who scored English proficient on the Listening and Speaking assessment.

### 3. Reading and Writing

List the Reading and Writing assessment(s) used in the district to ascertain if a student is an ELL in grades 3-12.

*Note: A norm-referenced assessment may report a student's score as a percentile. A score at or below the 32nd percentile on the reading or writing portion of a norm-referenced assessment would qualify a student for entry into the ESOL program.*

### 4. Name of Reading and Writing Assessment(s):

Describe the procedures used to ensure that the Reading and Writing assessment(s) are administered to students in grades 3-12. Describe the procedures used when the Reading and Writing assessment(s) are not administered to students in grades 3-12 within 20 days from the Aural/Oral Assessment.

## **5. ELL Committee**

Describe the procedures used when the ELL Committee makes an entry (placement) decision.

Include links to form(s) used to document ELL Committee meetings or provide copies of form(s).

Note: Forms must include the decision making process in narrative format

## **SECTION 3: PROGRAMMATIC ASSESSMENT [Rule [6A-6.0902](#), F.A.C.]**

### **Academic/Programmatic Assessment**

Describe the procedures to determine the prior school experience of ELLs. Include links to procedural documents or provide copies of the documents.

Describe the procedures to address the placement of ELLs with limited or no prior school experience(s) or whose prior school records are incomplete or unobtainable. Include actions taken to obtain prior student records.

### **Grade Level and Course Placement Procedures – Grades K-8**

Describe the procedures to determine appropriate grade level placement for ELLs.

### **Grade Level and Course Placement Procedures – Grades 9-12**

Describe the procedures used to determine appropriate grade and course/class placement. Descriptions must include the process used for awarding credit to ELLs entering high school (in 9<sup>th</sup>-12<sup>th</sup> grades), who have completed credits in countries outside of the United States, but for which there is no documentation. Also, for students transferring from other countries, include the process for awarding credits for language arts courses taken in the student's native language and for world language courses (this may include English).

Please provide a link and page number if this information is explained in the Student Progression Plan.

### **Re-evaluation of ELLs that Previously Withdrew from the School/District**

Describe the procedures used for re-evaluating ELLs who have withdrawn from the district and are re-enrolling. Include the timeline between the ELL's withdrawal and re-enrollment when a new English language proficiency assessment is to be administered.

### **ELL Student Plan Development**

Describe the procedures for developing the Student ELL Plan. Include the teacher's role and/or title of the person responsible for developing the plan. Also, include a description of when and how the plan is updated to reflect the student's current services.

Describe the elements of the plan (e.g., home-school communication, student schedules and classes, progress monitoring, interventions, assessments and other evaluations).

Provide the link to the Student ELL Plan form, or email as appropriate.

## **SECTION 4: COMPREHENSIVE PROGRAM REQUIREMENTS AND STUDENT INSTRUCTION**

### **Instructional Models**

In addition to using required ESOL strategies by teachers who teach ELLs, what instructional model(s) or approach(es) are used to ensure comprehensible instruction? Descriptions of each model appear in the current FDOE [Database Manuals](#) (*Check all that apply*)

- Sheltered English Language Arts
- Sheltered Core/Basic Subject Areas
- Mainstream-Inclusion English Language Arts--Mainstream-Inclusion Core/Basic Subject Areas
- Maintenance and Developmental Bilingual Education
- Dual Language (two-way) Developmental Bilingual Education

Describe how the instructional models are used in the district. Include procedures to locally monitor fidelity for each instructional model at the school level.

**Email as an attachment a list of each school in the district and each school's instructional model(s)**

Check below if all schools use the same instructional model.

- All schools use the same instructional model

Describe the process to verify that instruction provided to ELLs is equal in amount, sequence, quality, and scope to that provided to non-ELLs.

Describe the method(s) used in the district by instructional personnel to document the use of ESOL instructional strategies and describe the school level monitoring process used to verify the delivery of comprehensible instruction.

How are ELLs assured equal access to all programs and F.A.C.ilities that are available to non-ELLs?

What is the title of person(s) responsible for ensuring that all ELLs are provided with comprehensible instruction in your district?

- Region Administrator(s)
- District Administrator(s)
- School Level Administrator(s)
- Other (Specify)

What progress monitoring tools are being used to ensure all ELLs are mastering the grade level academic content standards, benchmarks and the English Language Proficiency standards? *(Check all that apply)*

- Student Portfolios
- FCAT Practice Tests
- Other Criterion Referenced Test (Specify)
- Native Language Assessment (Specify)
- FCAT
- Other (Specify) \_\_\_\_\_

**Student Progression**

Have the district's standards and procedures for promotion, placement, and retention of ELLs been incorporated into the district's Student Progression Plan?

- Yes    No

If yes, provide a link and page number if this information is explained in the district's Student Progression Plan.

**SECTION 5: STATEWIDE ASSESSMENT [Rule [6A-6.09091](#), F.A.C.]**

**Statewide Assessment**

Describe the process to ensure that all ELLs participate in Florida statewide assessment programs (FCAT, CELLA, etc.), and are provided appropriate testing accommodations per test administration requirements. Description should include the title of the school-level person responsible for documenting that each eligible ELL is provided appropriate test accommodations.

**SECTION 6: ENGLISH LANGUAGE PROFICIENCY ANNUAL ASSESSMENT (EXIT) [Rule [6A-6.0903](#), F.A.C.]**

Describe the procedures to determine if ELLs are ready to exit the district's ESOL program. Description should include exiting procedures for all language domains (listening, speaking, reading and writing), grade-specific procedures, and required cut scores.

What is the title of person(s) responsible for conducting the exit assessments described above? (Check all that apply.)

- Registrar
- ESOL Teacher/Coordinator
- Other (Specify) \_\_\_\_\_

What are the district's policies for students who meet exit qualifications in the middle of a student grading period? (Max. length 2,000 words)

If the ELL Committee is involved in making exit decisions, what criteria are used by the Committee to determine English proficiency?

**SECTION 7: MONITORING PROCEDURES [Rule [6A-6.0903](#), F.A.C.]**

What is the title of person(s) responsible for conducting the required two-year monitoring follow-up of former ELLs (LFs)? \_\_\_\_\_ Explain how the ELL's progress is documented in the Student ELL Plan. \_\_\_\_\_ Include person responsible for data reporting (Max. length 2,000 words).

What documentation is used to monitor the student's progress?  
(Check all that apply)

- Report Cards
- Test Scores
- Classroom Performance
- Other (Specify) \_\_\_\_\_

What are the procedure(s), including reclassification, when the academic performance of former ELLs (LFs) is not on grade level?

How does the district ensure that schools are implementing the District ELL Plan?

## SECTION 8: PARENT/GUARDIAN/STUDENT NOTIFICATION AND RIGHTS

Describe the procedures used by school personnel to provide assistance to parents/guardians of ELLs in their home language.

Describe parent outreach activities that inform parents of how they can be involved in their children's education and how they can assist their children to learn English and meet State content and academic achievement standards.

Check the school-to-home communications that are sent by the district or school to parents/guardians of ELLs and that are in a language the parents/guardians understand or provide URLs: (Check all that apply.):

- Delay in language proficiency testing
- Results of language proficiency assessment
- Program placement
- Program delivery model option(s)
- State and/or district testing
- Accommodations for testing (flexible setting)
- Annual testing for language development
- Growth in language proficiency (Listening, Speaking, Reading, Writing)
- Exemptions from FCAT Reading for students classified as ELL for less than 12 months
- Retention/Remediation
- Transition to regular classes
- Extension of ESOL instruction
- Exit from ESOL program
- Post-reclassification of former ELLs (LFs) monitoring
- Reclassification of former ELLs (LFs)
- Invitation to participate in an ELL Committee Meeting
- Invitation to participate in the Parent Leadership Council (PLC)
- Special programs such as Gifted, ESE, dual enrollment, Pre-K, adult secondary courses, vocational education, magnet, charter schools, SES programs, and student support activities
- Free/reduced price lunch
- Parental choice options, school improvement status, and teacher out-of-field notices
- Registration forms and requirements
- Disciplinary forms
- Information about the Sunshine State Standards and the ELP Standards
- Information about community services available to parents
- Information about opportunities for parental involvement (volunteering, PTA/PTO, SAC)
- Report Cards
- Other (Specify)

## **SECTION 9: THE PARENT LEADERSHIP COUNCIL [Rule [6A-6.0904](#), F.A.C.]**

What type(s) of PLCs exist in the district? (Check all that apply.)

School Level

District Level

Describe the functions and composition of the PLC.

The PLC is "composed in the majority of parents of limited English proficient students." If the PLCs in the district do not meet this condition, explain why and when compliance with the rule is expected.

How does the district involve the PLC in other district/school committees?

How is the district PLC involved in the development of the District ELL Plan?

Does the district PLC approve of the District ELL Plan?  Yes  No

If no, upload explanation for PLC's non-approval.

## **SECTION 10: PERSONNEL TRAINING [Rule [6A-6.0907](#), F.A.C.]**

### **& Rule [6A-1.0503](#), F.A.C.)**

Describe how teachers who are required to obtain ESOL training or certification are notified of training requirements and opportunities. Include title of persons responsible for issuing the notifications and how the notification process is documented.

Describe the procedures used when teachers are reported out of field, including compliance procedures and claiming FTE.

Describe how the district provides the 60-hour ESOL training requirement for school-based administrators and the district's tracking system that will be implemented.

Describe how the district provides the 60-hour ESOL training requirements for Guidance Counselors, and the district's tracking system.

If instruction is provided in a language other than English, describe the procedures that are used to assess teachers' proficiency in the other language and in English.

A bilingual paraprofessional or teacher is required at schools having 15 or more ELLs who speak the same language. Describe the eligibility qualifications required by the district for bilingual paraprofessionals and describe in detail the job description and primary assignment.

Provide the link for the district's bilingual paraprofessional's job description, or provide copies of the job description.

Describe district procedures for training bilingual paraprofessionals in ESOL or home languages strategies. Include how documentation of training is maintained.

Describe the procedures to determine the bilingual paraprofessional's proficiency in the target language.

**SECTION 11: Extension of Services [Rule [6A-6.09022](#), F.A.C.]**

Describe district procedures used to determine extension of services

**Listening and Speaking Proficiency Assessment**

List the Listening and Speaking (Aural/Oral) assessments used in the district to determine if a student is English proficient for extension of services. Also, state the publisher's cut-score that determines if the student is proficient.

Name of Listening and Speaking Assessment(s):	CUT SCORE USED FOR EXIT DETERMINATION BY TYPE OF SCORE			
	Grade Level	Raw Score <sup>(1)</sup>	Scale Score <sup>(2)</sup>	National Percentile <sup>(3)</sup>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Reading and Writing Proficiency Assessment**

List the Reading and Writing assessment(s) used in the district to determine if a student is English proficient for extension of services.

**Name of Reading and Writing Assessments:**