

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Appropriations Committee

BILL: SB 286

INTRODUCER: Senator Wise

SUBJECT: English for Speakers of Other Languages/Educator Inservice Requirements

DATE: January 9, 2008

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Matthews	ED	<b>Favorable</b>
2.	Armstrong	Hamon	EA	<b>Favorable</b>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill establishes in-service requirements for teachers of English for Speakers of Other Languages (ESOL). The bill specifies that a teacher providing ESOL instruction must comply with the following in-service requirements:

- Primary English instructor (Basic ESOL) who is an English/Language Arts teacher: 300 in-service hours or the equivalent;
- Instructor teaching the basic subject areas of reading, mathematics, science, social studies or computer literacy: 60 in-service hours or the equivalent;
- Instructor teaching subject areas other than basic ESOL or the above basic subject areas: 18 in-service hours or the equivalent; and
- School administrator or guidance counselor: 60 in-service hours or the equivalent.

**II. Present Situation:**

Federal law requires the Department of Education (DOE) to adopt challenging academic content standards and challenging student academic achievement standards.<sup>1</sup> The state is required to apply the same academic standards to all schools and children in the state. Subjects to be covered by these standards must include at least mathematics, reading or language arts, and science.<sup>2</sup> The law also sets forth specific testing requirements for public school students.<sup>3</sup> States must also

<sup>1</sup> 20 U.S.C. s. 6311.

<sup>2</sup> *Id.*

<sup>3</sup> Part A of Title I of the Elementary and Secondary Education Act (Title I), as reauthorized by the No Child Left Behind Act of 2001 (NCLB), P.L. 107-110. To receive federal funds under Part A, states must comply with these requirements.

implement student academic assessments in mathematics, reading/language arts, and, beginning in 2007-2008, science. The tests must be aligned with the state's academic content standards.<sup>4</sup> For Florida, this means that the testing instrument must be aligned with the Sunshine State Standards, which include reading.

School districts must provide Limited English Proficient (LEP) students with ESOL instruction in English, and ESOL or home-language instruction in the basic subject areas of reading, mathematics, science, social studies, and computer literacy.<sup>5</sup> In 2005, the DOE provided recommendations for placement of LEP students who are not reading on grade level.<sup>6</sup>

### **ESOL Certification and Endorsement**

The Multicultural Education, Training, and Advocacy, Inc. (META), and the Florida DOE negotiated a settlement agreement, which on August 14, 1990, was approved by a federal district court judge in a consent decree.<sup>7</sup> Section IV of the consent decree sets forth training and in-service requirements for personnel assigned to teach English language learners.<sup>8</sup> Under the consent decree, the United States District Court for the Southern District of Florida retains jurisdiction to oversee the implementation of the consent decree.

The requirements for obtaining ESOL certification and endorsement are established in administrative rule and the modified consent decree:

- Earning a bachelor's or higher degree in ESOL and passing the ESOL subject area examination required for certification pursuant to s. 1012.56, F.S.;<sup>9</sup>
- Earning a passing score on the state ESOL subject area certification examination and obtaining 120 hours of in-service training or continuing education in ESOL approved courses within three years of receiving ESOL certification;<sup>10</sup> or
- Obtaining ESOL endorsement through completing 15 semester hours in ESOL.<sup>11</sup>

---

<sup>4</sup> 20 U.S.C. s. 6311.

<sup>5</sup> s. 1003.56(3)(d), F.S.

<sup>6</sup> Florida Department of Education, Memorandum of Jim Warford and Mary Laura Openshaw to District School Superintendents, No. 2005-82 (June 23, 2005), *Enrollment of Limited English Proficient Students in Required Intensive Reading Courses* See, [http://info.fldoe.org/docushare/dsweb/Get/Document-3062/k12\\_05-82.pdf](http://info.fldoe.org/docushare/dsweb/Get/Document-3062/k12_05-82.pdf), last checked December 4, 2007.

<sup>7</sup> *League of United Latin American Citizens (LULAC) et al. vs. Florida Board of Education et al.*, No. 90-1913 (S.D. Fla. Aug. 13, 1990).

<sup>8</sup> Department of Education See <http://www.fldoe.org/aala/lulac.asp>, last checked December 4, 2007.

<sup>9</sup> Rule 6A-4.0245, F.A.C., last amended in 1990.

<sup>10</sup> In September 2003, the DOE and META approved a joint stipulation modifying the 1990 consent decree. The stipulation provided an additional means for a certified teacher to obtain ESOL subject area coverage. See <http://www.fldoe.org/aala/pdf/stipulation.pdf>, last checked December 4, 2007.

<sup>11</sup> Rule 6A-4.0244, F.A.C., last amended in 1997. Current administrative rule provides that the endorsement will be retained on the professional certificate when the person completes three semester hours of college credit or 60 in-service points that are part of the district's master plan.

## Requirements for Reading Teachers and ESOL Teachers

In 2002, the State Board of Education (SBE) established specialization requirements for a reading endorsement.<sup>12</sup> The reading endorsement requires 15 semester hours in reading coursework based upon scientifically-based reading research with a focus on both the prevention and remediation of reading difficulties.<sup>13</sup> The DOE established a deadline of June 30, 2006, for reading teachers to have a reading certification or endorsement.<sup>14</sup> The DOE's current policy requires that teachers who are assigned to teach reading or intensive reading to English language learners must obtain either the reading endorsement or the reading certification and the ESOL endorsement or ESOL certification.<sup>15</sup>

In 2001, the DOE advised districts that 300 in-service hours<sup>16</sup> were required for reading if the reading teacher provides the primary language instruction. Otherwise, 18 clock hours were required. In the last three years, through memorandums and technical assistance documents, the DOE has attempted to interpret how the in-service hours in administrative rule apply to ESOL teachers.

In 2004, the DOE recommended in-service credit based on correlations between ESOL and reading endorsement competencies.<sup>17</sup> The DOE has developed strategies for teachers to meet the requirements for 300 hours of in-service for the reading endorsement and 300 hours for ESOL endorsement, including:

- REESOL, which gives credit toward the reading endorsement requirements for teachers who have completed 300 hours for ESOL endorsement;<sup>18</sup> and
- ESOL for Reading Teachers, which provides credit toward the ESOL endorsement for teachers who have completed the 300 hours for reading endorsement.<sup>19</sup>

Under either option, a teacher will need to earn more hours, 220 additional in-service hours to complete the reading endorsement and 180 hours to complete the ESOL endorsement.<sup>20</sup>

---

<sup>12</sup> Rule 6A-4.0292, F.A.C.

<sup>13</sup> *Id.*

<sup>14</sup> Florida Department of Education, Memorandum from Jim Warford and Mary Laura Openshaw to District School Superintendents, No. 2005-82 (June 23, 2005), See [http://info.fldoe.org/docushare/dsweb/Get/Document-3062/k12\\_05-82.pdf](http://info.fldoe.org/docushare/dsweb/Get/Document-3062/k12_05-82.pdf), last checked December 4, 2007.

<sup>15</sup> Florida Department of Education, March 8, 2007.

<sup>16</sup> Florida Department of Education, *Preparing Florida Teachers to Work with Limited English Proficient Students*, September 2001. The DOE uses the terms "in-service hours" and "in-service points" interchangeably in memorandums and technical assistance documents. See [http://www.fldoe.org/profdev/pdf/final\\_esol.pdf](http://www.fldoe.org/profdev/pdf/final_esol.pdf), last checked December 4, 2007.

<sup>17</sup> See [http://info.fldoe.org/docushare/dsweb/Get/Document-3063/k12\\_05-82a.pdf](http://info.fldoe.org/docushare/dsweb/Get/Document-3063/k12_05-82a.pdf), last checked December 4, 2007.

<sup>18</sup> *Id.* See also Florida Department of Education, Memorandum from Jim Warford and Mary Laura Openshaw to District School Superintendents, No. 2005-26 (March 4, 2005), See <http://www.justreadflorida.org/endorsement/files/reesol.pdf>, last checked December 4, 2007.

<sup>19</sup> Florida Department of Education, Memorandum of Cheri Pierson Yecke, Ph.D., to District Superintendents, No. 2007-24 (March 30, 2007), See <http://info.fldoe.org/docushare/dsweb/Get/Document-4337/k12-07-24memo.pdf>, last checked December 4, 2007.

<sup>20</sup> The DOE requirements for 300 in-service hours for reading and ESOL endorsement are provided for in memorandums to district school superintendents. See also Florida Department of Education, *Preparing Florida Teachers to Work with Limited English Proficient Students*, September 2001. See [http://www.fldoe.org/profdev/pdf/final\\_esol.pdf](http://www.fldoe.org/profdev/pdf/final_esol.pdf), last checked December 4, 2007.

In 2006, there were 49,085 teachers with either an ESOL certification or endorsement, 7,837 teachers with a reading certification or endorsement, and 7,132 teachers who have certification or endorsement in both ESOL and reading.

### **Veto of CS/SB 2512**

The 2007 Legislature enacted identical legislation (CS/SB 2512, 2007) to address the inservice requirements. The bill was vetoed. The Governor cited the following reason for his veto:

“This bill will reduce the required professional development from 300 to 60 hours for reading teachers who teach students who speak English as a second language. I am concerned that this reduction may impede these students’ academic, social, and cultural progress.

Florida holds high academic standards for its students. Reading is the cornerstone of learning, and reading teachers are the foundation through which students achieve these standards. It is imperative that our students learn to read English from the highest-quality instructors so that they can succeed more readily in other subjects. Accordingly, I cannot justify lower standards for these teachers.”

The veto message also noted that the Florida Hispanic Legislative Caucus unanimously expressed similar concerns about the bill in a letter to the Governor.<sup>21</sup> The Caucus’ letter requested a veto of the measure so that the issue may be re-examined in further detail in the 2008 legislative session.

### **III. Effect of Proposed Changes:**

The bill establishes in-service requirements for ESOL teachers. The bill specifies that teachers providing ESOL instruction must comply with the following in-service requirements:

- Primary English instructor (Basic ESOL) who is an English/Language Arts teacher: 300 in-service hours or the equivalent;
- Instructor teaching the basic subject areas of reading, mathematics, science, social studies or computer literacy: 60 in-service hours or the equivalent;
- Instructor teaching subject areas other than basic ESOL or the above basic subject areas: 18 in-service hours or the equivalent; and
- School administrator or guidance counselor: 60 in-service hours or the equivalent.

According to the DOE, the addition of reading to the basic subject areas of the bill conflicts with the definitions in the consent decree.<sup>22</sup> The consent decree addresses in-service requirements for English/language arts by requiring 15 semester hours or the equivalent.<sup>23</sup> It also addresses basic subject areas such as mathematics, science, social studies, and computer literacy by requiring 60

---

<sup>21</sup> Letter from Rene Garcia, Chairman, Florida Hispanic Legislative Caucus, to Governor Charlie Crist, June 27, 2007.

<sup>22</sup> See *League of United Latin American Citizens (LULAC) et al. vs. Florida Board of Education et al.*, No. 90-1913 (S.D. Fla. Aug. 13, 1990); consent decree IV A. provided at <http://www.fldoe.org/aala/lulac.asp>, last checked December 4, 2007.

<sup>23</sup> *Id.* at IV A. 1.

in-service points or the equivalent.<sup>24</sup> Finally, the consent decree addresses subjects other than basic ESOL and basic subject areas by requiring 18 in-service points.<sup>25</sup> Reading is not explicitly referenced in any of the in-service requirement categories. However, s. 1003.56(3)(d), F.S., defines reading for purposes of English language instruction for limited English proficient students as a basic subject area.

The Joint Administrative Procedures Committee is currently examining whether the DOE has properly implemented memorandums and department policy in administrative rule.

The effective date of the bill is July 1, 2008.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If enacted, this bill may result in reduced in-service hours and costs for reading teachers who teach students who speak English as a second language.

C. Government Sector Impact:

The DOE estimates that it will cost \$100,000 to implement changes to the online programs and training facilitators in each school district.

This bill may result in reduced district training costs for reading teachers who teach students who speak English as a second language.

---

<sup>24</sup> *Id.* at IV A. 3.

<sup>25</sup> *Id.* at IV A. 4.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

---