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December 17, 2020

Commissioner Richard Corcoran
Florida Department of Education
Turlington Building, Suite 1514
325 West Gaines Street
Tallahassee, Florida 32399

Re: ACCESS for ELLs

Dear Commissioner Corcoran:

The undersigned are a diverse set of community organizations and individuals concerned with public education in Florida schools. The purpose of this letter is to request that you direct all Florida public schools to inform parents of students classified as English Learners who are receiving their education remotely that taking the 2020-2021 ACCESS for ELLs tests is voluntary and those students who elect not to take the tests will not be disciplined, punished, or otherwise sanctioned for opting out of the tests.

As reported by the Florida Department of Education (FLDOE), the tests require in-person administration to all English Learners during the period that begins on January 25, 2021 and ends on March 19, 2021. In addition, WIDA, the publisher, has indicated that it will not administer the test remotely. ACCESS for ELLs tests are administered only to English Learners to measure progress in learning the English language.

Floridians expect the state to use common sense. That means waiving testing requirements as needed to ensure a safe environment for all students – including its more than a quarter million English Learners. Compelling reasons for our request follow below.

Disproportionate Impact

Parents of English Learners who have chosen to have their children take classes remotely have shown a genuine concern for their children’s health and their family’s risk of COVID-19 infection. Expecting this particular group of students to participate in in-person testing beginning in January 2021 will produce a disproportionate impact and imminent harm to English Learners, a group primarily comprised of students of color and immigrant students. According to FLDOE’s 2019-20 Final Survey 2, English Language Learners by District by Race, 91% of Florida’s English Learners are Asian, Black, or Hispanic. English Learners are the only Florida students opting for remote learning who are expected to leave the safety of their homes during the height of the expected post-holiday spike in the disease.

Health Risks

As the White House Corona Virus Task Force has indicated regarding the state of Florida in its November 22nd report: “Florida has seen an increase in new cases, elevated test positivity, and now week over week increasing hospitalizations. Florida must increase its mitigation as hospitalizations rise and LTCF are again under full threat.” ...” 85% of all counties in Florida have moderate or high levels of community transmission (yellow, orange, or red zones), with 22% having high levels of community transmission (red zone).” This data is extremely concerning and, as public health officials have publicly acknowledged, a spike in the disease numbers is expected during this winter and after the holidays.

Validity and Comparability of Results

The COVID-19 pandemic has affected Afro-American, Afro-Caribbean, Hispanic and immigrant communities, including low-income families, disproportionately in comparison to the rest of the

population. To compensate for these factors, their children need all the instructional time possible. As is established in your Order No. 20-EO-07, “disproportionate numbers of students who are already educationally disadvantaged are learning off-campus or not attending school at all, and certain achievement gaps are widening, such that additional supports and interventions are needed to reach children who are not enrolled in school and to help students who are enrolled but experiencing academic losses during the pandemic.” This undeniable reality frames our request in this letter.

We recognize the importance of annually assessing the acquisition of English of these students as required by state and federal law, but the results of these tests, obtained under extreme circumstances, with low attendance, impacted by the educational disadvantages of the digital divide, and under the threat of possible contagion, will be of questionable validity and this assessment will not constitute an effective tool for the purposes and educational objectives to which it is designed.

English Learners have experienced a number of stressors during this academic year including lockdowns, a variety of learning modes, family illness and educators under stress and a whole variety of conditions that have limited their learning. Any standardized tests administered under these conditions, including the ACCESS for ELLs, will incur measurement error because the unique testing conditions for the students taking the tests starting in January 2021 are different from the conditions that prevailed for the norming group students to whom they are compared.

Alternatives

As is well recognized in your Order No. 20-EO-07, schools have alternate mechanisms to evaluate the progress of English Learners without having to put them, their families and the school personnel involved in the administration of this test at risk. Additionally, Rule 6A-6.09021 specifically gives authority to the Commissioner to promulgate the necessary provisions and directions to school districts for those students who are absent during the testing dates.

The current testing window for administration of the ACCESS for ELLs entails health risks for vulnerable students, teachers and their families, and loss of instructional time, all for results of limited utility.

English Learners studying in brick and mortar schools are entitled to consideration also. It is likely that testing site arrangements will intrude on cohort bubbles and could result in overcrowding indoor testing sites. We urge the Commissioner to insist on social distancing as recommended by health authorities, and to require every child and adult participating in the many hours over multiple days of ACCESS for ELLs testing to be also tested for COVID-19 each morning with the results documented.

Request

We respectfully request that you direct all Florida schools to inform, in the language of parents of students classified as English Learners who are receiving their education remotely, that taking the ACCESS tests is voluntary, and those students who elect not to take the tests will not be disciplined, punished, or otherwise sanctioned for opting out of the tests during this health emergency or, in the alternative, postpone the administration of the ACCESS for ELLs tests for the duration of the health emergency related to COVID-19.

We appreciate your attention to this matter and reiterate our commitment to cooperate and work with the Florida Department of Education in achieving an education of excellence for all students. Please feel free to contact us at any time to discuss this urgent matter.

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