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UNITED STATES DEPARTMENT OF EDUCATION

TO: State Assessment Directors
State Title I Directors

FROM: Patrick Rooney
Deputy Director, Office of State Support
Office of Elementary and Secondary Education

DATE: June 28, 2017

SUBJECT: Update on English Language Proficiency Assessments

The purpose of this memorandum is to provide information to States about the implementation of provisions regarding English language proficiency (ELP) standards and assessments in Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)^[1]. On December 8, 2016, the U.S. Department of Education (the Department) published final regulations implementing these new provisions^[2]. These provisions take effect beginning in the 2017–2018 school year, including the requirement that each State submit evidence regarding its ELP assessments for peer review (34 C.F.R. 200.2(d)). While information about the process, criteria, and timeline for the peer review of ELP assessments will be provided in the future, we want to share some essential elements for States to consider about the requirements for ELP assessments.

ELP Assessments for all English Learners

Under ESEA section 1111(b)(2)(G), all English learners (ELs) must participate in an annual ELP assessment that is aligned with the State's ELP standards. The ESEA requires those ELP standards be derived from the domains of speaking, listening, reading, and writing; address the different proficiency levels of ELs; and be aligned with the challenging State academic standards (ESEA 1111(b)(1)(F)). The annual ELP assessment requirement applies to all grades K-12 in which there are ELs in schools served by the State (34 CFR § 200.5(a)(2)). The ESEA requires that the annual ELP assessment be uniform, valid, reliable, and statewide, and provide coherent and timely information to parents about each student's attainment of the State's ELP standards (34 CFR §200.6(h)(1)-(2)). The ESEA requires that a State provide appropriate accommodations for ELs with disabilities and, if an EL has a disability that precludes assessment in one or more domains of the ELP assessment such that there are no appropriate accommodations for the affected domain, assess the student's ELP based on the remaining domains in which it is possible to assess the student (34 CFR § 200.6(h)(4)).

^[1] See www2.ed.gov/documents/essa-act-of-1965.pdf, sections 1111(b)(1)(F) and 1111(b)(2)(G)

^[2] 34 Fed.Reg.88886 (Dec. 8, 2016). Add link. These regulations took effect on January 9, 2017.

Alternate ELP Assessments and Alternate ELP Achievement Standards

In addition, 34 CFR § 200.6(h)(5) requires that a State administers an alternate ELP assessment for ELs with the most significant cognitive disabilities who cannot participate in the ELP assessment even with appropriate accommodations. A State may develop alternate ELP achievement standards for the alternate ELP assessment.

Peer Review for ELP Assessments

The ESEA requires that each State submits evidence for peer review that its ELP assessment provides valid and reliable results, is aligned with the State's ELP standards, and is consistent with nationally recognized professional and technical testing standards (ESEA Section 1111(a)(4)), 34 CFR § 200.2(d)). The ELP assessments that are subject to peer review requirements are those required in section 1111 (b)(2)(G) and 34 CFR § 200.6 (h), which are used to establish the annual ELP for ELs. In other words, this would include the annual ELP assessment and the State's alternate ELP assessment.

If you have questions about these provisions, please contact your Office of State Support contacts at OSS.[State]@ed.gov (e.g., OSS.NewHampshire@ed.gov). Thank you for your continued commitment to our nation's students.