

March 4, 2004

**ACTION REQUIRED**

TO THE ADMINISTRATOR/SUPERINTENDENT ADDRESSED:

SUBJECT: Update on NCLB Testing Requirements for Limited English Proficient (LEP) Students

- English Language Proficiency Observation Protocols
- Inclusion of LEP Students in AYP Measures

In response to the federal No Child Left Behind Act of 2001 (NCLB), the Texas Education Agency (TEA) is developing new policies and procedures to fulfill the federal assessment requirements for limited English proficient students. **The purpose of this letter is to provide an update on changes in the state assessment program that will be effective this spring.**

**NCLB English Language Proficiency Assessments: Critical Dates for Spring 2004**

As stated in the letter to districts dated January 14, 2004, NCLB under Title III requires states to conduct annual statewide English language proficiency assessments to show progress of LEP students in the domains of listening, speaking, reading, writing, and comprehension in Kindergarten through Grade 12. In response to this federal legislation, TEA has developed observation protocols that will allow teachers to holistically rate students' English language proficiency. The Reading Proficiency Tests in English (RPTE) will continue to be used to assess the domain of reading in Grades 3–12. Administration of the observation protocols will begin this spring to measure the other domains and grades, as follows:

	<u>Observation Protocols</u>
Grades K–2:	Listening, speaking, reading, and writing
Grades 3–12:	Listening, speaking, and writing

Specific calendar dates relative to the observation protocol implementation were not available at the time of the January 14 letter. Specific dates are available now and are provided below.

March 1, 2004	TEA conducts ESC training in Austin
March 19, 2004	TEA conducts a follow-up training through TETN
By April 2, 2004	District and campus personnel receive training
By April 16, 2004	Teachers who will administer the observation protocols receive training
April 12–May 14, 2004	Trained teachers administer the observation protocols
By May 21, 2004	Districts return observation protocol materials to Pearson Educational Measurement

## **Inclusion of LEP Students in Adequate Yearly Progress (AYP) Measures**

NCLB legislation under Title I requires states to include all LEP students in state assessment programs. The assessments used in AYP calculations must be aligned to the state curriculum standards. Our state's AYP calculations are applied to the Grades 3–8 and 10 TAKS tests (including the Spanish versions) in mathematics and reading/English language arts.

In response to the NCLB legislation, TEA is developing plans for the use of alternative assessment measures for students in Grades 3–8 and 10 who qualify for a LEP exemption from TAKS under our state policy. It is possible that these alternative assessment measures could be considered in the 2004 calculation of AYP. Please note, however, that these AYP decisions are pending review and approval by the United States Department of Education (USDE) and may not be known until after the spring 2004 test administrations.

### Mathematics

In spring 2004, districts will have the option of administering a released TAKS mathematics test with appropriate linguistic accommodations as an alternative assessment for students in Grades 3–8 and 10 who qualify for a LEP exemption from the live TAKS mathematics test. The released test must be administered at the student's enrolled grade, and Spanish-version released tests may be used. The use of released tests will enable districts to review the tests ahead of time to plan for the linguistic accommodations (e.g., translating assistance, linguistic simplification, oral administration, etc.) that individual students will need. The agency is exploring the possibility of using this alternative assessment measure in AYP participation calculations.

To be eligible for this alternative mathematics assessment, students must qualify for a LEP exemption from TAKS under state policy, as delineated in the manual titled *LPAC Decision-Making Process for the Texas Assessment Program (Grades 3–12): Procedural Manual for the 2003–2004 School Year*. This manual was shipped to districts in February and can also be accessed from the TEA website at [www.tea.state.tx.us/student.assessment](http://www.tea.state.tx.us/student.assessment). State criteria for granting LEP exemptions have not changed, and participation in this alternative mathematics assessment will not affect language proficiency assessment committee decisions concerning TAKS participation.

Administration of the released TAKS mathematics tests as an alternative assessment must occur by **April 30, 2004**. The spring 2004 TAKS answer document will be used to indicate the LEP student's participation in this alternative assessment option. LEP-exempt students administered a released TAKS mathematics test since January 1, 2004, may be included as participants.

Please note that the released TAKS mathematics tests are available to be administered to students online from the above website. Use of this electronic testing option may increase the efficiency of test administration.

More information about allowable linguistic accommodations and answer document coding will be communicated in writing to district test coordinators as soon as it is available.

Note that this alternative assessment will provide data to be considered for inclusion in the spring 2004 AYP mathematics *participation* measure, not the AYP *performance* measure. As such, performance data will not be collected. Although it is unknown at this time whether the USDE will allow this alternative mathematics assessment to count in AYP participation calculations, districts may wish to proceed with administration in the event that approval is granted. The AYP plan that is approved by the USDE will be

communicated in writing to districts. Regardless of whether participation of LEP-exempt students in alternative mathematics assessments is used in AYP calculations this spring, the data collected will help the agency in future planning for appropriate alternative assessment measures for this group of students.

### Reading/English Language Arts

The agency is exploring the possibility of using RPTE in AYP participation and/or performance measures for students in Grades 3–8 and 10 who qualify for a LEP exemption from the TAKS reading/English language arts (ELA) tests. Current state policy already requires all students who are LEP-exempt from the TAKS reading/ELA tests to take RPTE.

RPTE participants who are LEP-exempt from TAKS may possibly count as participants in the AYP measure. These students may possibly count as passers in the AYP performance calculation if they meet designated standards of performance. Proposals for standards of performance are still under discussion. The plan for using RPTE in AYP calculations will be communicated in writing to districts if it is approved by the USDE.

Plans for reporting RPTE performance necessitate a minor change in RPTE answer document coding. The details of this change will be communicated to district test coordinators in the letter containing additional information concerning the alternative mathematics assessments.

We apologize that these assessment changes are being implemented with such short notice. The requirements of NCLB continue to evolve and to be clarified by the USDE. We are making every effort to thoroughly evaluate changes made at the federal level so that we can develop the best methods to respond to the new policies. If you have questions about the assessment procedures that will be effective this spring, please contact the Student Assessment Division at (512) 463-9536.

Sincerely,

Susan Barnes  
Associate Commissioner for Standards and Programs

cc: District Test Coordinator