

## English Language Learners and NCLB Testing Requirements

### **1. Which state assessments are English language learners (ELLs) required to take?**

ELLs must take the same state assessments required by NCLB of all other students:

- Reading/English language arts;
- Math; and
- Science (starting in school year 2007-08)

Like all other students, ELLs will be tested each year in each of these subjects in grades 3 through 8, and once in high school.

### **2. In addition to the state assessments, does the law require ELLs to take other assessments?**

Yes. Under Title I and Title III of the law, districts must also annually (in kindergarten through grade 12) assess ELLs in English language proficiency—covering reading, writing speaking and listening. Title III also requires that the assessment cover comprehension. The U.S. Department of Education has indicated that comprehension can be demonstrated through reading and listening, so the same assessment may be used to meet the requirements of both titles of the law.

### **3. Are states or districts allowed to exempt English language learners (ELLs) from taking the state assessments?**

No. ELLs must be included in the state assessment system. However, during their first year of enrollment in U.S. schools, ELLs

are not required by the law to take the reading/English language arts assessment. During this first year of enrollment in U.S. schools, they must take an English proficiency assessment and, if the state desires, will also participate in the reading/English language arts assessment.

### **4. Are ELLs required to take the math assessment during their first year of enrollment in U.S. schools?**

Yes, with accommodations as necessary.

### **5. What accommodations are allowable?**

As an accommodation, ELLs may take the reading/English language arts state assessment in their native language for three to five years. States are only required to develop and administer native language assessments “to the extent practicable.” Other accommodations include: small group administration, extra time or flexible scheduling, simplified instructions, dictionaries, recorded native language instructions, and letting students record responses in their native language.

### **6. How long are ELLs able to take the reading/English Language Arts assessment in their native language?**

Except for Puerto Rico, ELLs must take the reading/English Language Arts assessment in English after they have attended public school in the United States for three consecutive years. On a case-by-case basis, districts may continue to administer the assessment in the

student's native language for an additional two years.

**7. How long are ELLs able to take the math or science assessments in their native language?**

The law does not limit how long ELL students may take the math or science assessments in their native language. However, states may set a time limit for these assessments, so check with your state department of education.

**8. Are the test scores of ELLs counted toward AYP calculations during their first year of enrollment in U.S. schools?**

States may include results from the math and, if given, the reading/English language arts assessments in AYP calculations, but are not required to do so by the law.

However, the number of ELLs taking tests in math, and English language proficiency and/or reading/English language arts must count toward the required 95 percent assessment participation rate.

**9. How many ELLs does it take to have a subgroup for Adequate Yearly Progress (AYP) purposes?**

The state determines the exact minimum number. A state has the flexibility to define the ELL or LEP subgroup as only those students receiving direct, daily LEP services.

A state may also include the test scores of those who have exited the subgroup toward AYP calculations (see question 10).

States can also make an argument for needing a larger number of ELLs within a school to have a subgroup.

**10. Once students exit the ELL or limited English-proficient (LEP) subgroup, can their subsequent test results be counted toward the AYP calculations of the ELL or LEP subgroup?**

Yes. A state may include in the ELL or LEP subgroup a student who had previously been considered an ELL for up to two years after exiting the subgroup.

**11. Once students exit the ELL or LEP subgroup, do they continue taking the English language proficiency assessments?**

No.

**12. Once students exit the ELL or LEP subgroup, do they continue receiving language services?**

No.

**13. Does the allocation of Title III funds include the number of students who have exited the ELL or LEP subgroup but whose test scores are still counted toward AYP?**

No. Even if these students' test scores are counted toward AYP calculations, the students themselves should not be counted as recipients of Title III funds.