

For less than 3yrs
 - best print test available
 - Spanish version to be developed by — 1999

Σ
 - HbA1c
 - Sp
 - Pw/Ph

bi-lingual
 → paper reading in English
 - ready in
 - English
 - not read
 - possible

Jans = English

- ① Eng
- ② LCP

published program



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

September 3, 1997

Honorable Xavier Becerra
Chairman
Congressional Hispanic Caucus
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing to respond to your letter to President Clinton of July 21, 1997, regarding the educational needs of limited English proficient (LEP) children in the context of the Administration's national standards and voluntary national tests initiative. I appreciate the recent meeting I had with the Hispanic Caucus to discuss the recommendations in your letter. The President and I strongly believe that we must have national standards and tests in the basic skills if we are to provide all of our students with the world-class education they deserve.

As you know, members of the White House staff, and members of my staff in the Department of Education, have been meeting with your staff and others in the Hispanic and education communities who share your concerns. The issues you have raised have been the topic of ongoing discussions within the Administration and, as a result, a number of the recommendations you have made are already being included in the plans for development and implementation of the voluntary national tests.

Let me share with you the steps that we are taking in response to your recommendations.

Testing in native languages. The purpose of the fourth grade test is to test student proficiency in reading *in English*, not general reading comprehension. Therefore, the voluntary national test itself will not be developed in other languages. However, we will be making appropriate accommodations for LEP students, as discussed below.

Nevertheless, I recognize the importance of measuring general reading comprehension in native languages when determining the reading skills of students who have not had sufficient time to learn English. In fact, Title I requires that all students be tested in the languages that will best enable them to demonstrate subject matter mastery. Therefore, local school systems participating in Title I, including those participating in the national assessments, must include LEP students in assessments of reading comprehension.

In order to implement this Title I requirement for testing of LEP students, the Department has recently formed an internal committee. This committee is comprised of staff from the Office of

Elementary and Secondary Education, the Office of Bilingual Education and Minority Languages Affairs, the Office of Educational Research and Improvement, and the National Center for Education Statistics. The Department intends to work with school districts serving large numbers of LEP students, and with commercial test publishers, to provide technical assistance on these assessment requirements and to identify existing high-quality native language reading comprehension tests that are consistent with high national standards. The Department will also be conducting Title I assessment workshops, focused on LEP issues, as part of its widely-attended annual Improving America's Schools Act conferences held across the country this fall.

Allowing appropriate accommodations. The Department of Education and the voluntary national tests development contractor, in consultation with an advisory committee that is developing specifications for the tests, as well as other testing and language experts, are developing a set of accommodations for testing LEP students taking the reading and math tests in English. Accommodations might include giving LEP students extra time for completing the tests, or making the tests "untimed tests" in which all students are given the time they need to complete them. Moreover, the development contract specifically provides funds for research on the validity of the tests for special populations, such as LEP and disabled students. The development of accommodations will also be informed by NAEP research on the most effective types of accommodations for LEP students.

Final decisions on the type and format of accommodations for LEP students will be made with broad participation in an open public forum. We welcome your and your constituents' participation in this process. We intend to require test publishers that market the tests to incorporate the accommodations into test administration procedures.

Reporting to parents. I agree that we must make every effort to communicate to the parents of LEP students the purpose and use of the voluntary national tests. To a large extent, the effectiveness of these tests rests on the ability of parents to fully understand the standards their children are expected to meet and to use the test results to secure extra help for their children when it is needed, and as a catalyst for school improvement. Therefore, the test results and other appropriate information will be provided to parents in languages they understand. In addition, the Department of Education's Office of Bilingual Education and Minority Languages Affairs will be working with a group of urban districts that enroll large numbers of LEP students to provide them with strategies and materials to help inform parents about the purposes of the tests, and to help prepare students to meet the standards.

Monitoring the implementation of the tests. The Department of Education will contract with the National Academy of Sciences to evaluate the implementation of the tests. This evaluation will include random spot checks to determine the extent to which test administration procedures cover the inclusion of students, including students with diverse backgrounds, in the testing program and the use of appropriate accommodations.

Page 3 - Honorable Xavier Becerra

In addition, the Administration strongly supports the use of school district and school report cards that not only aggregate school and district test results, but also include the disaggregated reporting of test results. Because Title I requires that test results be disaggregated, a growing number of states and local school districts have already adopted this practice. I fully expect that this trend will continue, and that the voluntary national test results will be reported in this fashion. The Department of Education will continue to monitor and encourage this process at the state and local levels. If necessary, we will provide appropriate assistance to strengthen these trends.

Legislation is being transmitted to establish the National Assessment Governing Board (NAGB) as the oversight body for the voluntary national tests. NAGB will review issues such as test administration, inclusion of LEP students and use of the tests, and will ensure that all items selected for use in the tests are free from any racial, cultural or gender bias.

I am committed to working with you, key local education leaders, and with others who support raising academic standards in the basic skills for all students, to continue to find constructive ways of addressing the needs of LEP students as we proceed with the development and implementation of national tests in the basic skills.

Yours sincerely,


Richard W. Riley



UNITED STATES DEPARTMENT OF EDUCATION
THE SECRETARY

September 3, 1997

Honorable Rubén Hinojosa
House of Representatives
Washington, DC 20515

Dear Rubén:

I am writing to respond to your letter to President Clinton of July 21, 1997, regarding the educational needs of limited English proficient (LEP) children in the context of the Administration's national standards and voluntary national tests initiative. I appreciate the recent meeting I had with the Hispanic Caucus to discuss the recommendations in your letter. The President and I strongly believe that we must have national standards and tests in the basic skills if we are to provide all of our students with the world-class education they deserve.

As you know, members of the White House staff, and members of my staff in the Department of Education, have been meeting with your staff and others in the Hispanic and education communities who share your concerns. The issues you have raised have been the topic of ongoing discussions within the Administration and, as a result, a number of the recommendations you have made are already being included in the plans for development and implementation of the voluntary national tests.

Let me share with you the steps that we are taking in response to your recommendations.

Testing in native languages. The purpose of the fourth grade test is to test student proficiency in reading *in English*, not general reading comprehension. Therefore, the voluntary national test itself will not be developed in other languages. However, we will be making appropriate accommodations for LEP students, as discussed below.

Nevertheless, I recognize the importance of measuring general reading comprehension in native languages when determining the reading skills of students who have not had sufficient time to learn English. In fact, Title I requires that all students be tested in the languages that will best enable them to demonstrate subject matter mastery. Therefore, local school systems participating in Title I, including those participating in the national assessments, must include LEP students in assessments of reading comprehension.

In order to implement this Title I requirement for testing of LEP students, the Department has recently formed an internal committee. This committee is comprised of staff from the Office of Elementary and Secondary Education, the Office of Bilingual Education and Minority

Page 2

Languages Affairs, the Office of Educational Research and Improvement, and the National Center for Education Statistics. The Department intends to work with school districts serving large numbers of LEP students, and with commercial test publishers, to provide technical assistance on these assessment requirements and to identify existing high-quality native language reading comprehension tests that are consistent with high national standards. The Department will also be conducting Title I assessment workshops, focused on LEP issues, as part of its widely-attended annual Improving America's Schools Act conferences held across the country this fall.

Allowing appropriate accommodations. The Department of Education and the voluntary national tests development contractor, in consultation with an advisory committee that is developing specifications for the tests, as well as other testing and language experts, are developing a set of accommodations for testing LEP students taking the reading and math tests in English. Accommodations might include giving LEP students extra time for completing the tests, or making the tests "untimed tests" in which all students are given the time they need to complete them. Moreover, the development contract specifically provides funds for research on the validity of the tests for special populations, such as LEP and disabled students. The development of accommodations will also be informed by NAEP research on the most effective types of accommodations for LEP students.

Final decisions on the type and format of accommodations for LEP students will be made with broad participation in an open public forum. We welcome your and your constituents' participation in this process. We intend to require test publishers that market the tests to incorporate the accommodations into test administration procedures.

Reporting to parents. I agree that we must make every effort to communicate to the parents of LEP students the purpose and use of the voluntary national tests. To a large extent, the effectiveness of these tests rests on the ability of parents to fully understand the standards their children are expected to meet and to use the test results to secure extra help for their children when it is needed, and as a catalyst for school improvement. Therefore, the test results and other appropriate information will be provided to parents in languages they understand. In addition, the Department of Education's Office of Bilingual Education and Minority Languages Affairs will be working with a group of urban districts that enroll large numbers of LEP students to provide them with strategies and materials to help inform parents about the purposes of the tests, and to help prepare students to meet the standards.

Monitoring the implementation of the tests. The Department of Education will contract with the National Academy of Sciences to evaluate the implementation of the tests. This evaluation will include random spot checks to determine the extent to which test administration procedures cover the inclusion of students, including students with diverse backgrounds, in the testing program and the use of appropriate accommodations.

Page 3

In addition, the Administration strongly supports the use of school district and school report cards that not only aggregate school and district test results, but also include the disaggregated reporting of test results. Because Title I requires that test results be disaggregated, a growing number of states and local school districts have already adopted this practice. I fully expect that this trend will continue, and that the voluntary national test results will be reported in this fashion. The Department of Education will continue to monitor and encourage this process at the state and local levels. If necessary, we will provide appropriate assistance to strengthen these trends.

Legislation is being transmitted to establish the National Assessment Governing Board (NAGB) as the oversight body for the voluntary national tests. NAGB will review issues such as test administration, inclusion of LEP students and use of the tests, and will ensure that all items selected for use in the tests are free from any racial, cultural or gender bias.

I am committed to working with you, key local education leaders, and with others who support raising academic standards in the basic skills for all students, to continue to find constructive ways of addressing the needs of LEP students as we proceed with the development and implementation of national tests in the basic skills.

Yours sincerely,



Richard W. Riley

Honorable Carlos Romero-Barceló
House of Representatives
Washington, DC 20515
Carlos

Honorable Xavier Becerra
House of Representatives
Washington, DC 20515
Xavier

Honorable Henry B. Gonzalez
House of Representatives
Washington, DC 20515
Congressman Gonzalez

Honorable Luis V. Gutierrez
House of Representatives
Washington, DC 20515
Luis

Honorable Rubén Hinojosa
House of Representatives
Washington, DC 20515
Rubén

Honorable Robert Menendez
House of Representatives
Washington, DC 20515
Bob

Honorable Solomon P. Ortiz
House of Representatives
Washington, DC 20515
Solomon

Honorable Ed Pastor
House of Representatives
Washington, DC 20515
Ed

Honorable Silvestre Reyes
House of Representatives
Washington, DC 20515
Congressman Reyes

Honorable Ciro D. Rodriguez
House of Representatives
Washington, DC 20515
Congressman Rodriguez

Honorable Lucille Roybal-Allard
House of Representatives
Washington, DC 20515
Lucille

Honorable Loretta Sanchez
House of Representatives
Washington, DC 20515
Loretta

Honorable José E. Serrano
House of Representatives
Washington, DC 20515
José

Honorable Esteban Edward Torres
House of Representatives
Washington, DC 20515
Esteban

Honorable Robert A. Underwood
House of Representatives
Washington, DC 20515
Bob

Honorable Nydia M. Velázquez
House of Representatives
Washington, DC 20515
Nydia

LEP Testing:

Propose the Use of Private Sector Developed Reading Tests in Spanish: Our goal is to assist and enable interested local school districts to administer high quality, privately developed reading tests in Spanish, which are consistent with the national reading test framework and performance standards. These tests would be administered at the same time as the national reading tests, and the results would be reported along with the national results. From the point of view of LEP students and parents, there would be no difference between taking the Spanish language version of the tests and taking the English version of the test.

- We are working with CGCS to identify and analyze existing tests to determine which are suitable for these purposes. Harcourt Brace has indicated that SUPERA, a Spanish-language version of Terra Nova, is based on the NAEP 4th grade reading framework, is linked to the NAEP performance standards, and is consistent with the draft specifications for the national test. The test is being analyzed to determine if this is in fact the case.
- Once suitable tests are identified, we will work with interested school districts, NAGB, and the test contractor to ensure that test administration and reporting can occur simultaneously with the national test.
- The Education Department will (work with local school districts) to develop and distribute sample Spanish reading questions and materials comparable to those that will be distributed each year when the national test items will be made public.
- The Education Department will seek ways to pay for test administration, and determine if it is possible to add \$ to existing grant programs for these purposes. [When we talk about this, we need to be a little equivocal right now]
- If no existing tests are suitable for these purposes, we anticipate that interested school districts will meet with test publishers and ask them to make necessary modifications to existing tests. We will provide the school districts with technical assistance in this effort if needed.

[This last one in particular is pretty lame, but its the best I can come up with. I'm still waiting to hear from Mike Casserly to see if he's got anything better]

**Mexican American
Legal Defense
and Educational Fund**

1518 "K" Street, N.W.
Suite 410
Washington, D.C. 20005
(202) 628-4074
FAX: (202) 393-4206



MALDEF

June 3, 1997

VIA FACSIMILE AND U.S. MAIL

Gene Sperling, Director of the National Economic Council
Robert Shireman, OMB Staff Specialist for the Department of Education
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Re: Voluntary National Test and Limited English Proficient Students

Dear Mr. Sperling and Mr. Shireman:

The Mexican American Legal Defense and Educational Fund (MALDEF) is concerned with proposals for a national test in reading and mathematics that fail to adequately include and address the needs of limited English proficient students ("LEP").

MALDEF is a national organization that protects and promotes the civil rights of the 27 million Latinos living in the United States. For the past twenty-nine years, MALDEF has sought to expand the opportunities for Latinos so that they may participate fully in our society and make a positive contribution toward its well-being. Headquartered in Los Angeles, California, MALDEF has regional offices in San Antonio, Texas; San Francisco, California; Chicago, Illinois; and Washington, DC. Across the country, MALDEF staff achieve the organization's goals through community education, advocacy, and litigation.

In accordance with the President's Education Initiative to provide national testing, the U.S. Department of Education's Statement of Work has defined methods proposed for a national test in reading and mathematics. Although the eighth grade math test will be developed in both English and Spanish, fourth graders will be tested for reading literacy only in English. Local school staff will have sole discretion to determine the English test-taking capacity of LEP fourth grade students, and may exclude LEP students that have not received English language instruction for more than three years. Local school staff do not have the option to exclude such students from the eighth grade math test, and eighth grade LEP students with more than three years of English instruction are prohibited from taking a bilingual or Spanish version of the math test.

National Office
634 South Spring Street
11th Floor
Los Angeles, CA 90014
(213) 629-2812
FAX: (213) 629-8018

Regional Offices
542 South Dearborn Street
Suite 750
Chicago, IL 60605
(312) 427-9383
FAX: (312) 427-9393

182 Second Street
2nd Floor
San Francisco, CA 94105
(415) 543-5598
FAX: (415) 543-8235

The Book Building
140 E. Houston Street
Suite 300
San Antonio, TX 78205
(512) 224-5476
FAX: (512) 224-5382

1518 "K" Street, N.W.
Suite 410
Washington, D.C. 20005
(202) 628-4074
FAX: (202) 393-4206

Gene Sperling and Robert Shireman
June 3, 1997
Page 2

The purpose of the national test is to provide parents and educators with reliable information on the performance of *all* students in the important and foundation subjects of reading at the fourth grade and mathematics at the eighth grade level. However, the test must provide valid and understandable results for *all* students and their parents.

These inconsistencies in access and administration stand to affect a large number of students across the country, including LEP students which account for over 3 million of the students in the United States. LEP students are concentrated in the West with California having more LEP students than any other State. (See attached). LEP students are more concentrated in lower grade levels than higher ones. The Spanish language group dominates the LEP population representing approximately 80% of LEP students. All LEP students are NOT immigrants or recent arrivals. Forty-one percent of LEP students in elementary school were born in the U.S.

- Evaluation Requires Appropriate and Valid Assessments For All Students, Including High Standards That Consider Language Acquisition Stages and Cultural Background

It is bad public and educational policy to exclude LEP students by failing to develop and provide a fourth grade reading test in Spanish. LEP students should participate in high standards assessments and where appropriate, participate in assessments in their primary language, to ensure a valid measurement of student performance. For the LEP student, the assessment of core content learning in reading and mathematics must be done within a context of linguistic and cultural validity. Without these considerations, the test does not assess the knowledge of the LEP student, but only English language proficiency.

A national reading test can be developed in Spanish. Five states currently provide psychometrically equivalent assessments programs in languages other than English: Texas, Arizona, Hawaii, New Mexico and New York. In fact, Texas already administers a psychometrically sound literacy test for fourth graders in Spanish and English. By developing the reading test in Spanish, 80% of LEP students will have the opportunity to participate in the national test. Developing such alternatives may add slightly to the cost of developing the reading test, but the benefits of including all students are far outweighed.

Public and educational policy require accommodations for LEP students who may be receiving instruction in the English language but who are not yet sufficiently proficient in the English language. Appropriate accommodations in testing instruments and testing procedures include: allowing extra time to complete the test, small group administration of the test, flexible scheduling, such as dividing administration of an assessment into shorter sessions, simplified directions, instructions in native language, and the use of dictionaries. Without these measures, any test results obtained ultimately shortchange and exclude thousands of LEP students.

Gene Sperling and Robert Shireman
June 3, 1997
Page 3

- **Failure to Provide Appropriate Accommodations for LEP Students Violates the Principles and Requirements of Title I**

Excluding LEP students from the proposed national testing stands completely contrary to the principles and legal requirements in Title I of the Improving America's Schools Act, as previously supported by the Clinton Administration¹. Under Title I, all students, *including LEP students* must stand in equal parity for all educational services provided by the Title. Further, LEP students must be held to the same high content and performance standards required of all Title I students and assessed to determine how well they are progressing toward these standards.²

Title I requires that assessments *must provide* for the following:

- (a) Participation of all students;
- (b) Reasonable adaptations and accommodations for students with diverse learning needs; and
- (c) Inclusion of LEP students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do, to determine such students' mastery of skills in subjects other than English.

The law further states that assessments shall be the same assessments used to measure the performance of all children; be aligned with challenging content and student performance standards and provide coherent information about student attainment.³

The President's initiative for the development of a national test to ensure high standards for all children should be consistent with the requirements of Title I as advanced by its own Administration.

- **Parents of Limited English Proficient Students Must Understand the Purpose and Use of the National Test**

In order to ensure that the test results are used to improve education for students, mechanisms must be developed to provide for effective reporting of the test results. For test results to serve as a loud and persistent wake up call to schools, educators, parents and

¹ Improving Americas Schools Act amended and reauthorized the Elementary and Secondary Schools Act of 1965

² Improving America's Schools Act, P.L. 103-382 Sec. 101 (3)

³ Improving America's Schools Act, P.L. 103-382 Sec. 101 (F) (i)-(iii).

Gene Sperling and Robert Shireman

June 3, 1997

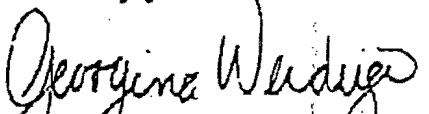
Page 4

communities, all test results must be communicated to the stakeholders in a manner that is useful. Parents who do not understand English should receive test results in the language the parent understands, regardless of the language in which the student was tested.

Current proposals leave test reporting strategies as state and local options. However, to ensure equity, it is vital that procedures for ensuring accurate reports on the number of students taking and not taking the test, be broken down by race, ethnicity, gender, disability, LEP status, and Title I status. This is critical to properly monitor the extent to which students are included and to appropriately evaluate the implementation of the national test. Because Title I assessment results are mandated to be disaggregated within each State, local educational agency, and school by gender, major racial and ethnic group, English proficiency status, migrant status and disability population, disaggregation of national testing data is not unduly burdensome. Rather than lose this valuable opportunity, the data will further serve to support the educational community and Administration's quest to improve education.

Thank you for the opportunity to share these preliminary views concerning the development of national test and its impact on LEP students. MALDEF remains committed to ensuring that all the President's educational initiatives truly improve education for Latinos and all students. The goal of quality education mandates accessibility and results to all students.

Sincerely yours,


GEORGINA C. VERDUGO
Regional Counsel

ENCLOSURE

cc: Richard Riley, Secretary of Education
Janet Murguia, Deputy Assistant to the President for Legislative Affairs
Representative Xavier Becerra, Chairman, Congressional Hispanic Caucus
Representative Rubén Hinojosa, Chairman Congressional Hispanic Caucus Education Task Force
Representative Loretta Sanchez, 2nd Vice Chair, Congressional Hispanic Caucus
Maria Echaveste, White House Office of Public Liaison

Fall Enrollment (1992-93)			
District	Total	LEP (1) Students	LEP as % of Total
Boston	62,407	13,744	22.02%
Chicago	411,582	46,600	11.32
Dade County	302,163	38,971	12.90
Dallas	142,833	30,118	21.09
Denver	62,935	13,329	21.18
El Paso	64,253	16,337	25.43
Fresno	77,388	22,503	29.08
Houston	198,209	47,076	23.75
Los Angeles	653,619	279,899	42.82
New York City	994,531	150,665	15.15
Newark	47,909	4,875	10.18
Oakland	51,234	13,470	26.29
Phoenix	19,693	2,255	11.45
Providence	22,031	4,022	18.26
Rochester	35,084	2,927	8.34
St. Paul	38,286	6,333	16.54
San Diego	128,569	29,159	22.68
San Francisco	64,986	17,988	27.68
Seattle	44,076	4,980	11.30
Tucson	58,729	10,304	17.54
Washington, D.C.	80,937	7,475	9.24

SOURCE: National Center for Education Statistics and the Council of the Great City Schools (1) U.S. Department of Education, OBEMLA States Education Agency Surveys, 1992-93

**Local Education Agencies with Highest
Limited English Proficient Student Enrollment (1993-94)**

Rank	District	No. LEPs	Total Enrollment	% LEP
1.	Los Angeles, CA	291,527	639,129	45.6%
2.	New York, NY	154,526	1,015,756	15.2
3.	Chicago, IL	57,964	409,499	14.2
4.	Dade County, FL	54,735	422,658	13.0
5.	Houston, TX	50,839	200,839	25.3
6.	Santa Ana, CA	33,540	48,407	69.3
7.	San Diego, CA	33,397	127,258	26.2
8.	Dallas, TX	31,522	142,810	22.1
9.	Long Beach, CA	26,042	76,783	33.9
10.	Fresno, CA	24,022	76,349	31.5
11.	Garden Grove, CA	17,856	41,664	42.9
12.	San Francisco, CA	17,673	61,631	28.7
13.	El Paso, TX	17,609	64,145	27.5
14.	Montebello, CA	14,988	32,321	46.4
15.	Glendale, CA	14,930	28,742	51.9
16.	Broward County, FL	14,622	236,885	6.2
17.	Boston, MA	14,518	59,613	24.4
18.	Oakland, CA	14,044	51,748	27.1
19.	Pomona, CA	13,381	29,880	44.8
20.	Sacramento, CA	12,290	49,997	24.6

OBEMLA FAX

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF BILINGUAL EDUCATION
AND MINORITY LANGUAGE AFFAIRS

To:

Allison Balderston / Mike Cohen

Fax
Number:

456-5581

From:

Delia Pompa

Phone
Number:

205-5463

Date:

August 8, 1997

Pages:
(Incl.
Cover)

6

Notes:

Allison,

This is the opinion paper Mike
is expecting. I have also sent it
via email. Thanks

Delia

Notice of Confidentiality

This transmission is intended for and restricted to the named addressee only. If you receive this transmission in error, you are prohibited from reading, copying, or disseminating the transmission. Please call (202) 205-5463 to arrange for return of any transmission sent in error. Thank you.

TO:

FROM:

SUBJECT: Resolution of Hispanic Caucus Concerns about Testing in Spanish

ISSUE

The Hispanic Congressional Caucus supports the development of a native language voluntary national test of reading at the fourth grade. Currently, the fourth grade test is a test of English reading.

BACKGROUND

*very important
only comp.
in English*

The Caucus has expressed concern that offering the fourth grade test in English only excludes limited English proficient students. The current policy would allow districts to exempt students from the test who have not been instructed in English at least three years. The Caucus agrees that children who do not have sufficient English proficiency should not be tested in English, however they want native language tests developed so that schools can be held accountable for the native language reading proficiency of limited English proficient students.

*Alan
your voice*

Although the Caucus states concerns about native language tests, this memorandum only addresses the issue of Spanish tests within the context of native language assessment. Addressing the use of native language tests other than Spanish creates a much more complex set of circumstances.

There are over 3.2 million limited English proficient students enrolled in U.S. public schools. Over 70% of them speak Spanish although well over 100 other languages are spoken by the limited English proficient population.

Federal policy supports the use of native language instruction through various laws. Programs that use the native language are among the acceptable remedies to violations under Title VI of the Civil Rights Act of 1964. Title VII of the Improving America's Schools Act supports the use of the native language while students are learning English, giving preference to programs that develop bilingual proficiency. Title I of the Improving America's School Act requires "limited English proficient students to be assessed, to the extent practicable, in the language and form most likely to yield accurate information on what such students know and can do, to determine such students mastery of skills in subjects other than English".

Thirteen states and many school districts offer reading tests in languages other than English. Some of these tests are developed by commercial test developers, some are developed by the districts, and some tests are developed by the states. There is great variability in the extent to which these tests are tied to local, state, or national standards.

The Caucus also raised concerns about appropriate accommodations for limited English proficient students, reporting to parents, and monitoring implementation of the test. The Department has taken steps to respond to these concerns. First, the Department, in consultation with an advisory committee that is developing test specifications as well as other language and testing experts, is developing a set of accommodations for limited English proficient students taking the reading and math tests in English. Of supreme importance are the strategies that the Department is developing to communicate with the parents of limited English proficient students regarding the purpose and use of the national tests. Test publishers that market the tests will be required to provide the test results and other appropriate information to parents in languages they understand. In addition, the Department's Office of Bilingual education will work with a group of urban districts which enroll large numbers of Hispanic students to support these districts with strategies and materials to help inform parents about the test, and to help prepare students to meet the standards. Having the information in their native language, parents may also elect to have their children participate in the English assessment even if the children have less than three years instruction in English. Regarding monitoring implementation of the tests, the Department will contract with the National Academy of Sciences to evaluate implementation of the tests. Additionally, the Administration strongly supports the use of school district and school report cards which include disaggregated reporting of test results.

OPTIONS

Decisions regarding time lines, the flexibility of implementation, and reporting requirements will have to be made for each of the options listed below.

Option 1: No change in current policy. The fourth grade test would be a test of reading in English.

For Title I purposes, limited English proficient students would be tested in the language most likely to yield accurate information about what they can do. Districts would choose any test that meets Title I criteria. The Department of Education will provide technical assistance to those states that require help in identifying or developing these tests.

Pros

Testing in English emphasizes the importance of acquiring English skills as a basis for succeeding in school and society. This approach also will allow us to meet our proposed time line.

Politically, this approach avoids backlash from groups who are concerned about the use of languages other than English in schools.

Handwritten notes:
 still
 new districts
 st reading
 implementation, LEP kids
 tested in nat. language
 Title I
 Decade still/last
 monitor + Title I
 tech/implementation

Cons

Adhering to this plan excludes limited English proficient students from the test and, therefore, from standards of accountability that would be useful to parents. Forcing school districts to test in English or not at all also has the potential effect of driving the curriculum toward the inappropriate exclusive use of English with students who are not yet ready to learn via conventional English-only approaches.]?

This approach is not responsive to the concerns of the Hispanic community and creates the risk of losing support for the test from advocacy organizations and from large urban districts.

Option 2: Continue the current policy, but permit limited English proficient students to take the test after they have had a specified amount of English instruction (e.g. 3 years) regardless of their grade level.

Sufficient English instruction could be specified in terms of a set number of years or in terms of a specified score on a test of English proficiency.

Let's help

Pros

Provides information on the English reading skills of a larger number of limited English proficient students and allows students time to acquire sufficient English skills before they are appropriately tested.

Cons

Allowing students to take the test after fourth grade has the effect of lowering standards. Since the test will be designed to reflect fourth grade level reading material, any student taking the test at later grades will not be demonstrating competence at the appropriate grade level. This approach creates significant logistical difficulties for states, districts, and schools in administering the reading test.

Option 3: Develop a voluntary national Spanish reading test. Spanish speaking limited English proficient students who had been instructed in English less than 3 years would take the English test as well as the Spanish test.

Districts would report both scores, English and Spanish, thereby providing information on how close students are to the standard of reading in English and on what reading skills students possess in their native language.

*reading in English
is required
ready - good*

Pros

Testing in both languages responds to the question of how well students are doing in English reading, as well as providing information on pure reading achievement for 70% of limited English proficient students. The approach creates a more inclusive policy, satisfying concerns that testing limited English proficient students only in English does not yield meaningful results. Developing the Spanish test at the national level gives it the same status as the English test and ensures adherence to the same standards. It would be possible to incorporate this effort with Puerto Rico's desire to have a Spanish test linked to NAEP.

By testing in Spanish, the Department would maximize the information that parents can use to hold schools accountable. The policy is also in keeping with other federal policies that support use of the native language.

This approach would be responsive to the concerns of the Hispanic Congressional Caucus and the Council of Great City Schools.

Cons

Developing a test in Spanish would require more resources than are currently available, and would require an extension of the current time line. This approach could cause backlash from English only supporters. It may also fuel a demand for assessments in languages other than Spanish. Also, there may be technical issues in linking a Spanish test to NAEP.

Option 4: This option is similar to Option 3, but in this case the Department would work with school systems or states to develop Spanish and other language versions of the fourth grade reading test. Development could be financed in part by the partner and with private funds. The school systems would decide how to use the test.

Option 5: States and schools systems would use existing Spanish tests. The Department would analyze the tests to determine which were most comparable to the national test. The Department would advise states and school systems to choose among the best options.

Pros (Options 4 & 5)

Working with states and school systems would reduce the cost to the Department.

Cons (Options 4 & 5)

Tests developed by any entity other than the Department would not have the same status as the national test. These tests would not be strictly comparable to the national test of reading in English.

Mexican American
Legal Defense
and Educational Fund

1618 "K" Street, N.W.
Suite 410
Washington, D.C. 20005
(202) 628-4074
FAX: (202) 393-4206



MALDEF

July 21, 1997

VIA FACSIMILE AND US MAIL

Gerald N. Tirozzi, Assistant Secretary
for Elementary and Secondary Education
U.S. Department of Education
600 Independence Avenue, S.W.
Washington, DC 20202

Re: Title I and the President's Proposed National Testing Initiative

Dear Mr. Tirozzi:

The Mexican American Legal Defense and Educational Fund ("MALDEF") is concerned that the proposal for a national test in reading fails to adequately include limited English proficient ("LEP") students as required by Title I of the Improving America's Schools Act¹. Because of your role in developing and enforcing Title I programs, we bring these concerns to your attention.

We have conferred with Assistant Secretary Ramon Cortines, Judith Winston, General Counsel and Delia Pompa, Director of the Office of Bilingual Education and Minority Language Affairs and apprised them of our preliminary concerns regarding the national test and its impact on LEP students. While our concerns regarding appropriate accommodations for LEP students in the administration of the national test have been largely addressed, we are still concerned that the Department has not committed to funding and developing the national test in reading in languages other than English.

Under Title I, all students, *including LEP students* must stand in equal parity for all educational services provided by the Title. Further, LEP students must be held to the same high content and performance standards required of all Title I students and assessed to determine how well they are progressing toward these standards.²

Title I requires that assessments *must provide* for the following:

- (a) Participation of *all* students;
- (b) Reasonable adaptations and accommodations for students with diverse learning needs; and

National Office
634 South Spring Street
11th Floor
Los Angeles, CA 90014
(213) 628-2512
FAX: (213) 629-8018

Regional Offices
542 South Dearborn Street
Suite 750
Chicago, IL 60605
(312) 427-9363
FAX: (312) 427-9393

182 Second Street
2nd Floor
San Francisco, CA 94105
(415) 543-5558
FAX: (415) 543-8236

The Book Building
140 E. Houston Street
Suite 300
San Antonio, TX 78205
(512) 224-5476
FAX: (512) 224-5382

1518 "K" Street, N.W.
Suite 410
Washington, D.C. 20005
(202) 628-4074
FAX: (202) 393-4206

Satellite Offices - Sacramento - Santa Ana - El Paso - Detroit - Fresno

- Contributions Are Tax Deductible

08/14/87 19:08

AUG 14 '97 05:49PM ED/OESE/OAS

P. 5/6

Gerald Tirozzi, Assistant Secretary
July 21, 1997
Page 2

- (c) Inclusion of LEP students who shall be assessed, to the extent practicable, *in the language and form* most likely to yield accurate and reliable information on what such students know and can do, to determine such students' mastery of skills in subjects other than English.

The law further states that assessments shall be the same assessments used to measure the performance of all children; be aligned with challenging content and student performance standards and provide coherent information about student attainment.³ Title I also allows States to request technical assistance in developing challenging assessments from the Department of Education.

In accordance with the President's Education Initiative to provide national testing, the U.S. Department of Education's Statement of Work has defined methods proposed for a national test in reading and mathematics. Although the eighth grade math test will be developed in both English and Spanish, fourth graders will be tested for reading literacy *only in English*. Local school staff will have sole discretion to determine the English test-taking capacity of LEP fourth grade students, and may exclude LEP students that have not received English language instruction for more than three years.

These inconsistencies in access and administration stand to affect a large number of students across the country, including LEP students which account for over 3 million of the students in the United States. LEP students should participate in high standards assessments and where appropriate, participate in assessments in their primary language, to ensure a valid measurement of student performance. For the LEP student, the assessment of core content learning in reading must be done within a context of linguistic and cultural validity. Without these considerations, the test does not assess the knowledge of the LEP student, but only English language proficiency.

A national reading test can be developed in languages other than English. Five states currently provide psychometrically equivalent assessments programs in languages other than English: Texas, Arizona, Hawaii, New Mexico and New York. In fact, Texas already administers a psychometrically sound literacy test for fourth graders in Spanish and English. Developing such alternatives may add slightly to the cost of developing the reading test, but the benefits of including all students are far outweighed.

The President's initiative for the development of a national test to ensure high standards for all children must be consistent with the requirements of Title I as advanced by its own Administration. To maximize inclusion of LEP students in the President's proposal for national testing, the Department of Education must develop and fund the national reading test in languages other than English.

08/14/97 19:09

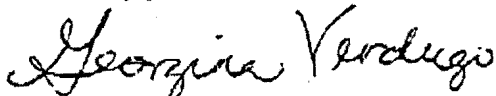
AUG 14 '97 05:50PM ED/OESE/OAS

P.6/6

Gerald Tirozzi, Assistant Secretary
July 21, 1997
Page 3

Thank you for the opportunity to share our concerns regarding Title I requirements and the development of the national testing proposal. Please feel free to contact me or my education staff attorney, Patricia Loera, with any questions or concerns you may have.

Sincerely yours,



GEORGINA C. VERDUGO
Regional Counsel

cc: Representative Xavier Becerra, Chairman, Congressional Hispanic Caucus

1. Improving America's Schools Act, P.L. 103-382
2. Improving America's Schools Act, P.L. 103-382 Sec. 101 (3)
3. Improving America's Schools Act, P.L. 103-382-Sec. 101 (F) (i)-(iii).

August 15, 1997

The Honorable William Clinton
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

ATTN: Mike Cohen, Special Assistant to the President

Dear Mr. President:

The Council of the Great City Schools of 15 and its member urban school districts were pleased to stand with you on July 25 to announce our participation in the Voluntary National Tests in reading and mathematics. It was a moment of singular pride for the nation's big city public school systems.

We believe that it was particularly important for urban schools to stand up first to make it clear to the nation that we are committed to the highest academic standards for our children, and that we were willing to put that commitment on the line with the tests. Second, we believed that it was critical to state that with an adequate opportunity our urban children can compete with any kids anywhere. We know that many Americans think urban children cannot compete and mistakenly believe that urban educators think the same. Our standing with you in such numbers allowed us to underscore that high standards are for all children.

A set of issues has emerged over the last several months that will test that critical notion that high standards were meant for all. Those issues involve how the nation will accommodate children who might be unintentionally excluded from the benefits of participating in the Voluntary National Tests. We are referring specifically to children in the process of learning to speak, read and write in English.

The 4th grade reading test, as is currently being discussed, would be administered in English and the 8th grade math test would be offered in English, Spanish and possibly other languages. The Council of the Great City Schools believes strongly that teaching our children to read, speak and write in English is our highest priority and that the ability of our graduates to do so is imperative to ensuring full participation in the American dream.

On the way to attaining high content standards, however, some of our children are still learning to read, speak and write in English. We believe that some accommodations for these children who are in the process of learning English are warranted.

REASONS FOR READING TEST ACCOMMODATIONS

The purpose for our writing is to urge you to decide that such accommodations are justified as children are learning English and to suggest the nature of some of those accommodations. Our reasons for thinking them appropriate include:

1. *High Standards Include All Children.* The Voluntary National Tests, especially the 4th grade reading test, should be available to all children--in the same way that high standards benefit all children. Excluding some because they do not yet speak the language or because they are disabled does violence to the notion that high standards lift all boats. Unfortunately, many of these children face being excluded should accommodations not be made. Upwards of 60% of the children, in the case of Los Angeles, could be exempt from the reading test if it were available only in English. In this instance; the child, the teachers, parents and the schools lose valuable information about how students are doing--and the second largest city in the nation might as well not have volunteered for the tests.
2. *High Standards Are Preserved, Not Lowered.* Accommodating children who are in the process of learning English rather than excluding them actually retains high standards rather than lowering them, as some might claim. Few people could claim, for instance, that reading the original versions or the English translations of such children's classics as Aesop's *The Hare and the Tortoise*, or Hans Christian Anderson's *The Ugly Duckling*, or Antoine St. Ex's *The Little Prince* constituted a lowering of standards. Reading either version, knowing their meaning and answering questions about them, in fact, represents the highest standard in children's literature.

The business world makes the same assumption when it makes its services or products available in other languages. AT&T, for instance, does not charge one rate for individuals who speak English over the telephone and another for those who speak Russian. And no one would claim that when Sears Roebuck puts its instructions for assembling bicycles in Spanish that they are undercutting English as America's dominant language. In both instances, corporate America is simply broadening its market share by adopting the principle of inclusion.

3. *Including Everyone in High Standards Is the Law.* Regulations developed by the Department of Education to guide the implementation of Title VI of the 1964 Civil Rights Act and the Equal Education Opportunity Act state that it is a violation "if students are excluded from effective participation in school because of the inability to speak and understand the language of instruction." If students cannot participate in an English-only environment, then they are eligible for special services or accommodations. A national reading test only in English would exclude large numbers of children from participation in an educational activity described nationally as intending to boost academic standards and offered by school districts that have now volunteered for the exam. Exempting children in large numbers from the exam could subject school systems wanting to participate in the tests to legal challenges.
4. *Test Measures Reading Skills, Not English Proficiency.* The Voluntary National Tests are either assessments of English proficiency or tests of reading skills, two very different concepts. Research in reading is very clear about the difference and clear about what is effective in learning to read in another language. The studies show convincingly that the most effective way to learn how to read well is by building on the communications patterns and skills that one has in their native language, i.e., learning to read well in another language is dependent on one's skills in reading in one's home language. One does not interfere with or slow progress on the other because the cognitive process of constructing and deriving meaning while reading is transferable from one language to another. English speaking students learning a foreign language in school or studying abroad, for instance, do not have to learn how to read again. They simply transfer reading skills from one language to another.

If the goal of the test is assessing English proficiency, then it is largely a waste of time and money given the fact that over 90% of America's children speak English as their native language. If the goal is to assess reading proficiency, then the test should do that. The nation has already agreed not to mix the issues of math achievement and English proficiency when it was agreed to provide the 8th grade math test in Spanish as well as English. We should not mix the issues of reading achievement and English proficiency either, particularly when all agree that teaching English skills is the goal.

5. *Results Are Interim Measures.* Should the Voluntary National Tests ever evolve into exit exams from high school, then the measurement of skills only in English are most appropriate. But the current Voluntary National Tests are interim measures of progress as children are learning. No student at the end of their 4th grade year will be seeking employment where English is a requisite for survival. As long as the goal of schools is to teach children to function in English at the highest standards when they are ready to join the world of work, then we should be flexible—and not absolute—about our testing.

At last year's summit meeting with the Governors and CEO's of major corporations, the age-old question by students "Does it count?" captured everyone's imagination. The question is asked about the results of a test, but the same question could be asked about whom is being tested: "Do I count?" The truth is that the kids who get tested are the ones that count. And all kids should count.

CURRENTLY PROPOSED ACCOMMODATIONS IN READING TEST

In the process of discussing how limited English proficient students could best be accommodated in the Voluntary National Tests, a number of possibilities have been considered. They include:

- Bilingual dictionaries
- Questions read aloud in English
- Frequent breaks
- Small group testing
- Directions read aloud in English
- Extended time for testing
- One-on-one testing

The Council of Great City Schools agrees with these suggestions and believes that they would be helpful. The only concerns we have encountered are over the costs of doing small group or one-on-one testing and over comparability of results.

We would suggest three additions to the current list. They include:

- Directions read aloud in one's native language.
- Provision of multi-lingual test proctors.
- Permission for students to answer open-ended questions in their native language.

From the research that the Council has done on the issues of testing limited English proficient children, it is clear that there is enormous variation in practice and policy that ought to be considered. Annotations of how some districts handle these issues are included as Attachment A.

OPTIONS AND RECOMMENDATIONS

The Council of Great City Schools convened a series of conference calls and meetings over the last ten days asking for the advice and recommendations of the city school districts that have volunteered for the national Tests. We also included other experts in the field. A list of participants is attached as Attachment B. We have only presented options here that were viable to the participants. Other options being considered are discussed in the next section.

① OPTION A. Permit development of and option for local use of translated versions of the 4th grade reading test.

- The Department of Education, an independent entity, consortia of participating districts or some combination of these would develop translations of the test with the assistance of recognized experts.
- The Department of Education would authorize the licensing agent to score and report results of the translated and the English versions of the test for local use.
- Local participating school districts would use their own criteria for assessing which version of the test was administered to which students.
- The pilot phase of the testing in Spring 1998 would be used to conduct empirical research on the programmatic and other variables that should be included in the test results.
- The translated versions of the test serve as "transition exams" until such time that authentic tests in other languages are developed.
- Costs for translations could be born by the Department of Education, consortia of participating districts, foundations, states or outside entities as feasible.
- Variation of this option might include providing English and native language versions side-by-side in the same test booklets.

② OPTION B. Develop and implement authentic native language versions of the Voluntary National Reading Test for some specified year after 1999, say 2004.

- Develop authentic tests, rather than translated versions, of the reading exam in three to five predominant languages at some point after 1999.
- Purpose of the test would be for limited English proficient students, defined and applied as uniformly as possible.
- Costs of test development to be born by the federal government.

- Strong guidance or accommodations for limited English proficient students developed in the interim.

CONCERNS WITH OTHER POSSIBLE OPTIONS

In addition to developing these recommendations, the participants on the conference calls reviewed other possible options and voiced their concerns:

- It is unrealistic to administer both English and Spanish versions of the reading tests to the same students. These students, particularly at Grade 4, are already taking local and state exams. Administering both would take additional time from students' instructional program.

- Districts should report individual student scores to parents and teachers but should have the flexibility to choose to aggregate data at the school and district levels.

- District representatives questioned the feasibility of scoring and reporting the tests within a three-week window. These very seasoned and experienced individuals had serious doubts about the ability of the administration to keep this commitment.

- Districts utilize very different methods to determine if LEP students are "ready" to take state and local exams. If these tests are being developed for local use then some flexibility in when a student is "ready" and determining how those results may be reported must be granted. The department of education should work with districts to identify a list of activities that would indicate if a student were "ready", but would not dictate the exact specifics of what a district must do.

We need to deal with this

- Districts must be given the opportunity to define student categories for coding on the answer sheet.
- Administering an English only version of the reading exam would be educationally unsound, put districts at-risk legally, and would exclude unacceptably large numbers of children from the benefits of the exam.

The Council of Great City Schools hopes that some of these thoughts, options and recommendations will be useful to the Administration. As always, we stand ready to discuss these and other possibilities and options at any time your staff may wish.

Thank you for the opportunity to comment. And thank you for the leadership you have shown on this important set of issues.

Sincerely,

Michael Casserly
Michael Casserly
Executive Director

Attachment A

Testing Accommodations

Certain test administration procedures that do not cause test results to be invalid may be used. Information about testing accommodations should be communicated to administrators and other interested individuals. A list of test accommodations has also been included in the test administrator manual.

The decision to use a particular accommodation with a student should be made on an individual basis and should take into consideration a) the needs of the student, and b) whether the student routinely receives the modification in classroom instruction.

Allowable Accommodations

- ☐ Instructions given orally before or after the test may be signed to an examinee with a hearing impairment or translated into the native language of an examinee with limited English proficiency.
- ☐ The writing prompt may be signed to an examinee with a hearing impairment, ensuring that no additional information or explanation is provided to the student.
- ☐ An examinee may place a colored transparency over the test or may use a place marker with the test and the answer document.
- ☐ An examinee may receive an individual administration. In this setting, the examinee may read aloud while working or may read into a tape recorder the mathematics and reading tests during testing and play the tests back while working. A test administrator must be present in the test room at all times. All tape recordings should be returned in the scorable shipment with any voided materials.
- ☐ An examinee may use a braille or large-print version of the test (see Appendix F for instructions and additional accommodations for testing students with visual impairments).
- ☐ If an examinee has a disabling condition that interferes with his or her ability to record machine-readable responses, the examinee may respond orally to test items, mark responses in the test booklet, or type responses. The test administrator must record these responses verbatim on a standard answer document. Administrators should write "Transcribed by (NAME) because (REASON)" at the top of the answer document. Test responses cannot be scored unless they appear on the answer document.
- ☐ If an examinee has a disabling condition that interferes with his or her ability to write the composition, an examinee may dictate a composition by a) dictating it directly to a test administrator, spelling out all words and indicating all capital letters and punctuation marks as the essay is composed, or b) tape-recording the essay while composing it, then playing it back for the test administrator, spelling, capitalizing, and punctuating it. Afterward, the examinee must be allowed to read over the composition and indicate where he or she would like to make corrections. The test administrator must record these responses verbatim on a standard answer document. Administrators should write "Transcribed by

(NAME) because (REASON)" at the top of the written composition page. Test responses cannot be scored unless they appear on the answer document. All tape recordings should be returned in the scorable shipment with any voided materials.

- ❑ The examinee may type the TAAS written composition on a typewriter or on a computer but may not use the computer's "spell check" feature or save the document. The composition must be transcribed onto a regular answer document for scoring. Administrators should write "Transcribed by (NAME) because (REASON)" at the top of the written composition.

Nonallowable Accommodations

- ❑ The examinee may not receive any reading assistance on the writing or reading tests. Students who are identified as having dyslexia or a related disorder may qualify for an oral administration of the mathematics, Grade 8 social studies, and/or Grade 8 science tests.
- ❑ The examinee may not use a calculator.
- ❑ The examinee may not use a slide rule.
- ❑ The examinee may not use English-language or foreign-language reference materials.
- ❑ Test items must not be translated.
- ❑ Other accommodations that would make the test invalid are prohibited.

Oral Administration

A test administrator may read aloud the test questions and answer choices for the mathematics, Grade 8 social studies, and/or Grade 8 science tests to those eligible TAAS examinees who are identified as having dyslexia or a related disorder and who regularly receive this accommodation in the classroom. The oral administration is available only for the mathematics, social studies, and science sections of the TAAS test. It is not available for the TEAMS test. Hearing impaired students whose individual educational plans require the signing of daily instruction may also qualify to have the mathematics, social studies, and science sections of the TAAS test signed to them.

The decision to provide an oral administration to students receiving special education services should be made by the student's admission, review, and dismissal committee. For students not in special education, this determination rests with the committee that is required by Section 504 of the Rehabilitation Act of 1973 for making the student's placement decisions. Directions for reading aloud the mathematics, social studies, and science tests are in Appendix B.

If you have questions about accommodations that are not listed in this manual, please call the Student Assessment Division at (512) 463-9136.

Test Security and Confidential Integrity

The Texas Assessment of Academic Skills (TAAS) and the Texas Educational Assessment of Minimum Skills (TEAMS) are secure testing programs. All testing materials must be handled in strict accordance with the instructions contained in this manual and in the test administrator manuals. Each person with access to test materials shall maintain and preserve the security and confidential integrity of the TAAS and TEAMS tests.

Test security involves the ability to account for all secure materials before, during, and after test administration. Each test booklet has a unique security number printed on it. Test booklets are assigned to each campus by these unique security numbers. After testing is completed, all test materials assigned to a particular campus must be returned to the district coordinator, who then ships them to the testing headquarters.

To achieve test security, it is necessary to keep test materials in locked storage (for example, a locked closet) when not in use. No unauthorized person may have access to any secure test materials.

Confidential integrity involves protecting the contents of each test booklet and answer document. Secure testing materials may not be duplicated. No person may view the contents of the test booklets or answer documents before, during, or after test administration unless specifically instructed to do so by the procedures outlined in the TAAS test manuals. Each subject area in a test booklet is sealed, and this seal may be broken only during each test session by persons authorized by the instructions contained in the administration materials. All tests must be administered according to the instructions contained in this administration manual. No person may reveal the contents of an assessment instrument, nor may a person answer, verbally or nonverbally, any question that relates to the contents of a test during test administration. No person may review student responses during test administration without specific permission to transcribe the contents of an original answer document (see "Transcribing," page 73), nor may a person change any response or instruct a student to do so.

It shall be the direct responsibility of each person participating in the testing program to report immediately in writing to the district coordinator any violation or suspected violation of test security or confidential integrity. It shall be the direct responsibility of the district coordinator to report immediately in writing to the Texas Education Agency all violations or suspected violations of test security or confidential integrity.

In accordance with 19 TAC §101.4 (see Appendix D), any person who violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidential integrity, and any person who fails to report such a violation are exposed to the following penalties:

- a permanent reprimand affixed to the face of all Texas Teacher Certificates and other education credentials;

- a one-year suspension of all Texas Teacher Certificates and other education credentials;
- a permanent cancellation of all Texas Teacher Certificates and other education credentials.

OATH	PURPOSE
Test Administrator	To be signed by all test administrators before handling secure materials; if the test administrator participates in more than one spring administration, he or she must sign an oath for each administration; signed oath(s) must be kept on file in the district for one year after testing; located in test administrator manual
Campus Coordinator	To be signed by the individual responsible for coordinating testing on each campus before handling secure test materials; signed oath must be kept on file in the district for one year after testing; located in Appendix C of this manual
Campus Principal	To be signed by principals before test administration; signed oath must be kept on file in the district for one year after testing; located in Appendix C of this manual
District Coordinator	To be signed by the district coordinator before handling secure test materials; located in district coordinator packet
District Superintendent/ Chief Executive Officer	To be signed by the superintendent or chief executive officer after all testing has been completed and all test materials have been returned to the test contractor; located in district coordinator packet

Any irregularities in test security or confidential integrity may also result in the invalidation of student results.

Any person who has more than one testing role (e.g., a principal who serves as campus coordinator) must sign the security oath for each role.

School District of Philadelphia

♦ SAT-9 Overview

Test Administration Guidelines for Culturally and Linguistically Diverse (CLD) Students and Students With Disabilities

A. Culturally and Linguistically Diverse (CLD) Students* Instructed in the Bilingual Program:

ESOL Level	Reading	Mathematics	Science
Level 2, & 3 (Beginner 2 and Intermediate Students)	Appendix 2	Appendix 2	Translated SAT-9 Open-Ended Test.
Level 1 Advanced Students	SAT-9 with appropriate accommodation	SAT-9 with appropriate accommodation	SAT-9 with appropriate accommodation

B. All other CLD students:

ESOL Level	Reading	Mathematics	Science
Level 1 - Beginner 1	Excluded	Excluded	Excluded
Level 2 - Beginner 2 There may be cases where teachers determine, either in advance or during testing, that certain Level 2 students should not be tested due to English language ability.**	SAT-9 with appropriate accommodation	SAT-9 with appropriate accommodation	SAT-9 with appropriate accommodation
Level 3 & 4 Intermediate & Advanced Students	SAT-9 with appropriate accommodation	SAT-9 with appropriate accommodation	SAT-9 with appropriate accommodation

* In addition, CLD students who waived ESOL service may be tested with accommodation.

**These Level 2 students will be categorized as untested in the school's Performance Index.

School District of Philadelphia

◆ SAT-9 Overview

Students With Disabilities Who Have Individual Education Plans (IEP'S):

Students receiving emotional support (ES) or learning support (LS) in either a special education or regular class, in the content areas to be assessed (Reading Comprehension, Mathematics, and Science) must be included with appropriate accommodations unless the IEP specifically excludes them.

Students who receive instruction in the Life Skills (Life Skills Support-LSS, Multi-Handicapped LSS, or Autistic Support) Curriculum may be included if they also receive instruction in one or more of the content areas to be assessed (Reading Comprehension, Mathematics, and/or Science).

Grade Level Determination

ALL students will be tested at grade level (if ungraded, determine grade based on student's age) unless the student's IEP requires all assessments to be on instructional level. In this case, only those students whose instructional level is one of the grades targeted for participation in the City-Wide Testing Program will be tested. (Note: students tested off level will be counted as untested in the school's performance index).

Test Administration (Standard Versus Accommodated Assessment Conditions)

Definition of Terms:

Standard Test Administration - Standard test administration is achieved when the test publisher's procedures for administering the test are followed with no modifications.

Accommodated Test Administration - Accommodated test administration occurs when an accommodation (see list of strategies on page 10.) is used to ensure that Culturally and/or Linguistically Diverse (CLD) students and students with disabilities experience testing conditions that will provide them equal access to a fair assessment of their achievement.

The conditions of testing and procedures followed to administer standardized tests must be evaluated to determine whether or not each student was tested under standard or accommodated procedures. The purpose for this is to ensure that we will be able make comparisons with the national standardization sample. Therefore, space will be provided on student answer documents to code individual subtests that are administered under modified conditions.

♦ SAT-9 Overview

Accommodation

Accommodation decisions are made carefully and consistently in order that accommodated test administration does not give CLD students and students with disabilities a competitive edge, but rather ensures equal opportunity to demonstrate what they know and are able to do.

Some students with disabilities and Culturally and Linguistically Diverse Students may require testing accommodation. The following guidelines must be followed:

- The testing situation should not be the first time the student encounters an accommodated/mediated strategy.
- For students with disabilities, the testing accommodation should parallel the instructional accommodation as described in the IEP.
- For CLD students, accommodation strategies should mirror ESOL instructional methodology and sheltered class techniques.

There are 15 accommodation strategies listed on page 12. These are the only accommodations which should be used in the Spring 1997 testing program. The Office of Assessment needs to know which students receive accommodated test administration procedures. In order to accomplish this, a space has been provided on each student's answer document. The space is labeled Box H and is reprinted below. Notice that teachers can indicate multiple codes for each SAT-9 subtest according to the specific conditions applicable to each child. For example, CLD students tested in a small group with the ESOL teacher using modified directions would be coded as follows:

H	CATEGORIES	MULTIPLE CHOICE				OPEN-ENDED		
		READING COMP.	MATH PROB. SOLV.	MATH PROB. SOLV.	SCIENCE	READING	MATH	SCIENCE
	1. Absent for Test and Make-up	☐	☐	☐	☐	☐	☐	☐
	2. Special Education with Accommodations	☐	☐	☐	☐	☐	☐	☐
	3. ESOL Accommodated or Mediated	☒	☒	☒	☒	☒	☒	☒
	4. ESOL Level 2 - Excluded or Incomplete Testing	☐	☐	☐	☐	☐	☐	☐
	5. All Other Students - Incomplete Testing	☐	☐	☐	☐	☐	☐	☐
	6. Home Schooled	☐	☐	☐	☐	☐	☐	☐

School District of Philadelphia

♦ SAT-9 Overview

A student with disabilities tested with simplified directions and with the teacher recording the responses would be coded as follows:

H	CATEGORIES	MULTIPLE CHOICE				OPEN-ENDED		
		READING COMP.	MATH PROBLEM SOLV.	MATH PROB. SOLV.	SCIENCE	READING	MATH	SCIENCE
	1. Absent for Test and Make-up	☐	☐	☐	☐	☐	☐	☐
	2. Special Education with Accommodations	☒	☒	☒	☒	☒	☒	☒
	3. ESOL Accommodated or Mediated	☐	☐	☐	☐	☐	☐	☐
	4. ESOL Level 2 - Excluded or Incomplete Testing	☐	☐	☐	☐	☐	☐	☐
	5. All Other Students - Incomplete Testing	☐	☐	☐	☐	☐	☐	☐
	6. Home Schooled	☐	☐	☐	☐	☐	☐	☐

If the modified assessment procedures applied to one or two specific subtests then only those bubbles should be darkened.

Why does the school District need to know which students received standard versus modified test administration?

The School District will use test results to determine how well our students perform as compared to students nationally. Only students who are tested following the publishers standard test administration procedures are counted for this purpose.

The School District is equally interested in determining the progress of all students toward achieving the SAT-9 Performance Levels (Advanced, Proficient, Basic, and Below Basic 1, 2, & 3) within each school. All students who are tested are counted for this purpose.

ACCOMMODATION STRATEGIES - 1996-1997

SD:

SD: Special Education Test Administration Accommodations: All Accommodations listed below are appropriate for students with disabilities. However, only those prescribed in student's IEP are to be used in a accommodated test administration.

CLD: Test Administration Accommodations for 1996/1997: Appropriate Accommodations are indicated by a bullet in the column beneath the CLD heading.

Y = YES: the Accommodation is appropriate for this SAT-9 subtest.

N = NO: the Accommodation is NOT appropriate for this SAT-9 subtest.

SD	CLD	Accommodation	Reading	Math	Science	Notes
•	•	1. Extension of allotted time per subtest.	Y	Y	Y	Especially for Reading test.
•	•	2. Use of Multiple shortened test periods.	Y	Y	Y	
•	•	3. Simplification of directions.	Y	Y	Y	Simplified directions will be provided.
•	•	4. Reading of questions (Math and Science only).	N	Y	Y	In Spanish for bilingual classes and in English for all others.
•	•	5. Translation (words or phrases) on the spot Math and/or Science Only.	N	Y	Y	Piloted at 3 bilingual program schools this year (deBurgess, Potter-Thomas, Edison).
•	•	6. Decoding of words upon request.	N	Y	Y	English/Spanish and English/English, except for Reading tests.
•	•	7. Use of calculator.	N	Y	N	If used in the Procedures subtest it is considered an accommodation.
•	•	8. Gestures and nonverbal expressions.	Y	Y	Y	As a form of decoding or translation.
•	•	9. Allowing student to mark answers in test booklet including drawings and graphics.	Y	Y	Y	
•	•	10. Allow student to point to response.	Y	Y	Y	
•	•	11. Allow student to answer orally.	Y	Y	Y	
•	•	12. Allowing student to respond on audio tape.	Y	Y	Y	
•	•	13. Use of typewriter or personal computer.	Y	Y	Y	
•	•	14. Use of graphic organizers and art work.	Y	Y	Y	
•	•	15. Use of large print edition or magnification device.	Y	Y	Y	

Districtwide Testing Handbook

SECTION H**Limited English Proficient Students**

This section will describe the assessment measures for Limited English Proficient (LEP) students. Measures include the Stanford Achievement Test, Eighth Edition (SAT-8), the Metropolitan Achievement Test, Seventh Edition (MAT-7), the High School Competency Test (HSCT), the Florida Writing Assessment Program, and the Florida Comprehensive Assessment Test (FCAT). The MAT-7 will be used to comply with the META Consent Decree and the district LEP plan for those students who meet the selection criteria outlined in this section. Specific modification procedures for the HSCT are presented, also.

Definition

A Limited English Proficient student is a student who:

- was not born in the United States and whose native language is other than English; or
- was born in the United States but who comes from a home in which a language other than English is most relied upon for communication; or
- is an American Indian or Alaskan native and comes from a home in which a language other than English has had a significant impact on his/her level of English language proficiency; and
- who, as a result of the above, has sufficient difficulty speaking, reading, writing, or understanding the English language to deny him/her the opportunity to learn successfully in classrooms in which the language of instruction is English.

Classifications

The following language classifications are used to identify LEP students:

- A1: No English or minimal language; functions in English in a very limited way
- A2: Receptive English; functions in English with difficulty; communicates in English with one-word responses
- B1: Survival English; communicates in English mostly with

LEP H-1

Revised 8/96

Districtwide Testing Handbook

- phrases and/or sentence responses; speaks mostly the home language
- B2: Intermediate English; communicates in English independently with little difficulty; speaks in English with almost native fluency
 - C1: Bilingual oral proficiency; understands and speaks the native language and English with equal proficiency; may not read and write English at a comparable level with native English-speaking counterparts
 - C2: Bilingual oral proficiency; understands and speaks the native language and English with equal proficiency; reads and writes English at a comparable level with native English-speaking counterparts; may read and write the native language with variant degrees of proficiency
 - D: Speaks English fluently; understands primary language; may speak the native language with limited proficiency. Reads and writes English at a comparable level with English-speaking counterparts
 - E: Monolingual English-speaker

LULAC et al., v. Florida Department of Education Consent Decree

As a result of an official complaint filed by Multicultural Training and Advocacy, Inc. (META) with the Florida Department of Education under the terms of the State Board of Education vs. LULAC et al., Consent Decree, an agreement was reached in 1990 which gives more specificity to the identification, placement, screening and classification of LEP students. The Consent Decree is to ensure that LEP students are given adequate and appropriate instruction enabling them to pass the State required graduation examination and to meet other requirements for a diploma. Districts and schools are responsible for properly identifying LEP students and providing accurate academic assessment of students' need and abilities. The Consent Decree states that any student who meets the LEP definition and who scores at or below the 32nd percentile on the reading and writing subtests of a norm-referenced test shall be provided appropriate services.

H-2 LEP

Revised 8/94

Districtwide Testing Handbook**Testing**

To facilitate discussion of the testing issues, the following abbreviations will be used:

LEP program - a program required by Section 233.058(4)(a), F.S., conducted by the district in accordance with an LEP plan approved by the Florida Department of Education.

LY - LEP students receiving services in a program operated in accordance with an approved LEP Plan.

LN - an LEP student not receiving LEP services (not used in Broward County because all students must receive services).

LP - The student is in Grades 4 through 12, tested fully English proficient in an Aural/Oral Test, and is Limited English Proficient pending the Reading and Writing Assessment.

or

- The student is in Kindergarten through Grade 12 and must be administered an aural/oral assessment because responses on the Home Language Survey indicated a language other than English was spoken in the home.

LF - a former LEP student who has exited from an LEP program and is being monitored for two years.

LZ - A student whose two year monitoring period has ended (former LF).

When testing students in the above classifications use the following guidelines:

1. Students who are classified as LY and have been in an English-speaking school less than two years may be exempted from the district norm-referenced testing programs (SAT-8), as well as the Florida Writing Assessment and the Florida Comprehensive Assessment Test (FCAT).

2. Students who currently are classified as LF or LZ may not be exempted from participating in the district norm-referenced testing

LEP H-3
Revised 5/95

Districtwide Testing Handbook

programs, (SAT-8), as well as on the Florida Writing Assessment and FCAT, by virtue of such classification alone.

3. The MAT-7 will be used to assess the achievement of LEP students:

- In Grades 2-12 who have been in an English speaking school for less than two years and need norm-referenced reading and language scores to determine eligibility for appropriate services
- In Grades 2-12 who are coded Language Pending (LP) and need a standardized Language and Reading assessment to meet the entry criteria for the ESOL program
- In Grades 4 and 5 who will take the SAT-8 for Reading and Mathematics but need the MAT-7 Language subtest to meet the exit criteria from the ESOL program

4. Students who have been classified as LY and who have been in an approved LEP program for fewer than two years may be temporarily exempted from taking the High School Competency Test at the discretion of local school personnel, but such students cannot be awarded a standard high school diploma until the test is passed. Students currently classified as LN or LF may not be temporarily exempted from taking the HSCT.

Parents of students currently classified as LY are to be informed of the district's/school's decision to include or exclude a student from any specific testing program, particularly the HSCT. Sample letters for school use are provided in Appendix C.

Metropolitan Achievement Tests, Seventh Edition

The Metropolitan Achievement Tests (MAT-7) were first administered to Broward County Limited English Proficient students in 1986. Grades 2 through 5 are tested with only those subtests necessary to provide totals in Reading, Mathematics, and Language (when appropriate for students described in number 3 above). The Basic Battery is administered to students in Grades 6, 7, and 8. The Basic Battery subtests include Reading, Mathematics, and Language. The Complete Battery, which includes Science and Social Science, is administered to Grade 8 students. Students in Grades 5, 6, 7, 8, and

Districtwide Testing Handbook

programs, (SAT-8), as well as on the Florida Writing Assessment and FCAT, by virtue of such classification alone.

3. The MAT-7 will be used to assess the achievement of LEP students:

- In Grades 2-12 who have been in an English speaking school for less than two years and need norm-referenced reading and language scores to determine eligibility for appropriate services
- In Grades 2-12 who are coded Language Pending (LP) and need a standardized Language and Reading assessment to meet the entry criteria for the ESOL program
- In Grades 4 and 5 who will take the SAT-8 for Reading and Mathematics but need the MAT-7 Language subtest to meet the exit criteria from the ESOL program

4. Students who have been classified as LY and who have been in an approved LEP program for fewer than two years may be temporarily exempted from taking the High School Competency Test at the discretion of local school personnel, but such students cannot be awarded a standard high school diploma until the test is passed. Students currently classified as LN or LF may not be temporarily exempted from taking the HSCT.

Parents of students currently classified as LY are to be informed of the district's/school's decision to include or exclude a student from any specific testing program, particularly the HSCT. Sample letters for school use are provided in Appendix C.

Metropolitan Achievement Tests, Seventh Edition

The Metropolitan Achievement Tests (MAT-7) were first administered to Broward County Limited English Proficient students in 1988. Grades 2 through 5 are tested with only those subtests necessary to provide totals in Reading, Mathematics, and Language (when appropriate for students described in number 3 above). The Basic Battery is administered to students in Grades 6, 7, and 8. The Basic Battery subtests include Reading, Mathematics, and Language. The Complete Battery, which includes Science and Social Science, is administered to Grade 8 students. Students in Grades 5, 6, 7, 8, and

H-4 LEP

Revised 8/96

Districtwide Testing Handbook

9 use calculators with the Mathematics section of the MAT-7. Students in Grades 10 through 12 are administered the Reading and Language subjects only.

Modifications for High School Competency Test

Provisions under Florida Statue 220.57 (3)(c)5, allow for test adaptations and modifications of procedures as necessary for students who are Limited English Proficient (LEP). The Department of Education has authorized certain modifications effective as of January 1995:

1. LEP students may be given extra time to complete both sections, mathematics and communication, of the HSCT. However, they cannot continue working on the same section from one day to the next.
2. LEP students may utilize a heritage (native) language translation dictionary that provides them with the word in their native language but not with a definition. The dictionaries may be used in both sections, mathematics and communications.
3. LEP students may take the test in a separate room with the English for Speakers of Other Languages (ESOL) or home language teacher administering the test.
4. During the mathematics section, the ESOL or home language teacher may provide *limited* assistance in translating the directions of the test or clarifying a word or phrase that is confusing to the student because of limited English proficiency. The teacher may not provide any assistance that will assist the student in solving the mathematics questions or which will unmistakably lead the student to infer the correct answer.
5. During the communications section, the ESOL or home language teacher may provide limited assistance in translating the test directions. The teacher may not answer inquiries from students about reading passages, question stems, and the answer alternatives in English.
6. The school districts must provide training on the procedures

LEP H-5
Revised 6/98

Districtwide Testing Handbook

outlined above to those ESOL and home language teachers who will be administering the HSCT to LEP students. The ESOL coordinators or other qualified personnel will monitor modified HSCT administrations to ensure that appropriate testing procedures are being followed.

H-6 LEP
Revised 8/98

Aug 15 '97 11:34 P.15

TESTING AND ASSESSMENT Fax: 954-765-6729

Attachment B

ATTACHMENT B

**CONFERENCE CALL PARTICIPANTS
DISCUSSION OF ACCOMMODATIONS FOR
LANGUAGE MINORITY STUDENTS**

August 13 & August 14, 1997

DISTRICT/AFFILIATION	NAME	TITLE
Atlanta Public Schools	LaMarian Hayes-Wallace	Assist. Superintendent, Student Information Services
Broward County Public Schools	Katherine Blasik	Director of Research & Evaluation
Chicago Public Schools	Carole Perlman	Director of Assessment
Cincinnati	Jack Lewis	Director of Research
Detroit Public Schools	Linda Leddick	Director of Research & Evaluation
	Aaron Hedgepeth	Assist. Director, Testing
	Felix Balbuena	Director of Bilingual Education
El Paso Independent School District	Rodolfo Rincones	Director of Research
Fresno Unified School District	Robert Grobe	Director of Research
Houston Independent Schools	Kathryn Sanchez	Assistant Superintendent for Research
Los Angeles Unified School District	Barbara Smith	Assist. Superintendent, Program Evaluation
	Carmen Schroeder	Bilingual Education Director
New York City Public Schools	Robert Tobias	Director of Educational Research
Philadelphia	Thomas Clark	Office of Accountability and Assessment
San Antonio Public Schools	John Cadena	Director of Research
San Francisco Unified School District	Pat Anderson	Director of Testing
Seattle Public Schools	Michael O'Connell	Manager of Student Information Services
St. Paul Public Schools	Irene McAfee	Director of Evaluation, Information
Educational Testing Service	Luis M. Laosa, Ph.D.	Principal Research Scientist
University of California, Santa Barbara	Richard Duran, Ph.D.	Researcher
School of Education		
NAS- Board of Testing & Assessment		
Native Language Assessment	Ed de Avila, Ph.D.	Researcher, Consultant
Independent Consultant		
University of California, Berkeley	Eugene Garcia, Ph.D.	Researcher
School of Education		Dean, School of Education

TO:

FROM:

SUBJECT: Resolution of Hispanic Caucus Concerns about Testing in Spanish

ISSUE

The Hispanic Congressional Caucus supports the development of a native language voluntary national test of reading at the fourth grade. Currently, the fourth grade test is a test of English reading.

This memorandum presents options only for resolving the issue of whether to develop a native language reading test. However, the Caucus also raised three other issues regarding the voluntary national test. In a letter addressed to President Clinton, the Caucus also addressed concerns about appropriate accommodations for limited English proficient students, providing information about purpose and use the national test for parents of limited English proficient students, and about procedures for monitoring the extent to which students are included in the test and how the test is implemented.

BACKGROUND

The Department has taken several steps to respond to the concerns about accommodations, communication to parents, and monitoring implementation. First, the Department, in consultation with an advisory committee that is developing test specifications as well as other language and testing experts, is developing a set of accommodations for limited English proficient students taking the reading and math tests in English.

Several approaches will be used to ensure that parents have appropriate information. Of supreme importance are the strategies that the Department is developing to communicate with the parents of limited English proficient students regarding the purpose and use of the national tests. Test publishers that market the tests will be required to provide the test results and other appropriate information to parents in languages they understand. In addition, the Department's Office of Bilingual education will work with a group of urban districts which enroll large numbers of Hispanic students to support these districts with strategies and materials to help inform parents about the test, and to help prepare students to meet the standards. Having the information in their native language, parents may also elect to have their children participate in the English assessment even if the children have less than three years instruction in English.

Regarding monitoring implementation of the tests, the Department will contract with the National Academy of Sciences to evaluate implementation of the tests. Additionally, the Administration strongly supports the use of school district and school report cards which include disaggregated reporting of test results.

The concern addressed through five options in this memorandum is whether a native language assessment should be developed for fourth grade reading. The Caucus is concerned that offering the fourth grade test in English only excludes limited English proficient students. The current policy would allow districts to exempt students from the test who have not been instructed in English at least three years. The policy also states that parents who want their child tested on the English reading test may do so even if their child has not had three years of English instruction. The Caucus believes that children who do not have sufficient English proficiency should not be tested in English, and they want native language tests developed so that schools can be held accountable for the native language reading proficiency of limited English proficient students.

Although the Caucus states concerns about native language tests, this memorandum only addresses the issue of Spanish tests within the context of native language assessment. Addressing the use of native language tests other than Spanish creates a much more complex set of circumstances.

There are over 3.2 million limited English proficient students enrolled in U.S. public schools. Over 70% of them speak Spanish although well over 100 other languages are spoken by the limited English proficient population.

Federal policy supports the use of native language instruction through various laws. Programs that use the native language are among the acceptable remedies to violations under Title VI of the Civil Rights Act of 1964. Title VII of the Improving America's Schools Act supports the use of the native language while students are learning English, giving preference to programs that develop bilingual proficiency. Title I of the Improving America's School Act requires "limited English proficient students to be assessed, to the extent practicable, in the language and form most likely to yield accurate information on what such students know and can do, to determine such students mastery of skills in subjects other than English".

Thirteen states and many school districts offer reading tests in languages other than English. Some of these tests are developed by commercial test developers, some are developed by the districts, and some tests are developed by the states. There is great variability in the extent to which these tests are tied to local, state, or national standards.

OPTIONS FOR ADDRESSING THE ISSUE OF WHETHER THE TEST SHOULD BE IN ENGLISH

Decisions regarding time lines, the flexibility of implementation, and reporting requirements will have to be made for each of the options listed below.

Option 1: No change in current policy. The fourth grade test would be a test of reading in English.

For Title I purposes, limited English proficient students would be tested in the language most likely to yield accurate information about what they can do. Districts would choose any test that meets Title I criteria. The Department of Education will provide technical assistance to those states that require help in identifying or developing these tests.

Pros

Testing in English emphasizes the importance of acquiring English skills as a basis for succeeding in school and society. This approach also will allow us to meet our proposed time line.

Politically, this approach avoids backlash from groups who are concerned about the use of languages other than English in schools.

Cons

Adhering to this plan excludes limited English proficient students from the test and, therefore, from standards of accountability that would be useful to parents. Forcing school districts to test in English or not at all also has the potential effect of driving the curriculum toward the inappropriate exclusive use of English with students who are not yet ready to learn via conventional English-only approaches.

This approach is not responsive to the concerns of the Hispanic community and creates the risk of losing support for the test from advocacy organizations and from large urban districts.

Option 2: Continue the current policy, but permit limited English proficient students to take the test after they have had a specified amount of English instruction (e.g. 3 years) regardless of their grade level.

Sufficient English instruction could be specified in terms of a set number of years or in terms of a specified score on a test of English proficiency.

Pros

Provides information on the English reading skills of a larger number of limited English proficient students and allows students time to acquire sufficient English skills before they are appropriately tested.

Cons

Allowing students to take the test after fourth grade has the effect of lowering standards. Since the test will be designed to reflect fourth grade level reading material, any student taking the test at later grades will not be demonstrating competence at the appropriate grade level. This approach creates significant logistical difficulties for states, districts, and schools in administering the reading test.

Option 3: Develop a voluntary national Spanish reading test. Spanish speaking limited English proficient students who had been instructed in English less than 3 years would take the English test as well as the Spanish test.

Districts would report both scores, English and Spanish, thereby providing information on how close students are to the standard of reading in English and on what reading skills students possess in their native language.

Pros

Testing in both languages responds to the question of how well students are doing in English reading, as well as providing information on pure reading achievement for 70% of limited English proficient students. The approach creates a more inclusive policy, satisfying concerns that testing limited English proficient students only in English does not yield meaningful results. Developing the Spanish test at the national level gives it the same status as the English test and ensures adherence to the same standards. It would be possible to incorporate this effort with Puerto Rico's desire to have a Spanish test linked to NAEP.

By testing in Spanish, the Department would maximize the information that parents can use to hold schools accountable. The policy is also in keeping with other federal policies that support use of the native language.

This approach would be responsive to the concerns of the Hispanic Congressional Caucus and the Council of Great City Schools.

Cons

Developing a test in Spanish would require more resources than are currently available, and would require an extension of the current time line. The earliest a Spanish test could be ready without a problem would be 2000. Development of a Spanish test could cause backlash from English only supporters. It may also fuel a demand for assessments in languages other than Spanish. There may be technical issues in linking a Spanish test to NAEP depending on the amount of similarity we require. A reasonable test could be developed and roughly equated.

Option 4: This option is similar to Option 3, but in this case the Department would work with school systems or states to develop Spanish and other language versions of the fourth grade reading test. Development could be financed in part by the partner, foundations, or with other private funds. The school systems would decide how to use the test.

Option 5: States and schools systems would use existing Spanish tests. The Department would analyze the tests to determine which were most comparable to the national test. The Department would advise states and school systems to choose among the best options.

Pros (Options 4 & 5)

Working with states and school systems would reduce the cost to the Department.

Cons (Options 4 & 5)

Tests developed by any entity other than the Department would not have the same status as the national test. These tests would not be strictly comparable to the national test of reading in English.

4th Grade Reading Test and LEP Students

There are over 3.2 million limited English proficient students in U.S. public schools (approximately x%) who are recent immigrants or who come from families in which a language other than English is the primary language spoken at home. Over 70% of these students speak Spanish, although well over 100 languages are spoken by the limited English proficient population.

Approximately 300,000 LEP students are 4th graders, many in local school districts or states that will participate in the national testing program in 4th grade reading. Local, state and federal (Title 1) testing policies generally indicate that students who are not yet proficient in English should not be tested in English. The outline below indicates how the national testing initiative will address the needs of LEP students.

1. The purpose of the 4th grade test is to promote reading proficiency in English, and to measure how well students read in English.

- o All students in participating states and school districts who have been in U.S. schools since the first grade, including LEP students, will participate in the test.
- o LEP students who have been in U.S. schools for less than three years may take the test, if requested by the parents.
- o Appropriate accommodations will be made for LEP students taking the test. These accommodations include: [to be filled in].

2. Schools cannot be held accountable for students who are not tested at all. [For LEP students, reading proficiency in the primary language is predictive of future reading proficiency in English. check this] Further, LEP students who are excluded from the national reading test and separated from their peers while the test is being administered may feel stigmatized. Therefore, to the extent practical, the Education Department will support the use of reading tests in the primary language for those students excluded from the national reading test.

- o For Spanish-speaking students (70% of the LEP population), the Education Department will work with local school districts to identify high quality 4th grade reading tests in Spanish, available from commercial publishers that currently provide tests to school districts, which reflect standards comparable to those incorporated in the national reading test. The Education Department will reimburse school districts for the cost of administering these tests to LEP students at the same time that English-proficient students take the national reading test. Because the cost of administering the national test is comparable to the cost of administering most commercially-available tests,

reimbursement will be at the same rate as for the national tests.

Fall-back position if necessary:

- o The Education Department will develop a Spanish-language version of the national reading test, which will be available for administration in (200? [need to settle on date]). When available, this version will substitute for the commercially developed tests described above.*
- o For students whose first language is neither English nor Spanish, the Education Department will provide the same support when commercial test publishers have made such tests available in the appropriate language. At present, we are only aware of commercial tests being developed for students in San Francisco whose primary language is Cantonese.*

3. The Education Department will strengthen its R&D efforts regarding instruction and assessment of LEP students. This R&D program will address issues such as:

- o Effective instructional practices for LEP students*
- o Sound assessment methods for LEP students*
- o The identification of markers that show a student is on track for becoming proficient in English and the development of related diagnostic measures.*

LEP Testing Options

1. No Change in Current Policy

- Districts could test LEP kids in primary language at their own discretion and with tests of their choice
- Title 1 requirements will require/encourage reading testing of LEP kids in native language

2. Support Primary Language Testing for LEP Kids at Local Option

Options below apply to LEP students who have not been in U.S. school since 1st grade. Local districts can opt to test in the primary language or not, at their discretion

- Approach One: Pay for local districts to test LEP kids with the test of their choice
- Approach Two: ED helps identify best available commercial tests and pays for LEA's to administer those
- Approach Three: ED develops Spanish language-version of test and pays for its administration

3. Testing in Two Languages

Options below apply to LEP students who have not been in U.S. school since 1st grade

- Approach One: LEP kids take Spanish reading test (from any of 3 approaches described above) and English test at same time¹.
- Approach Two: LEP kids take Spanish reading test (from any of 3 approaches described above) and district pledge to give an English reading/proficiency test within specified time frame (e.g., 4th grader takes Spanish reading test, and LEA promises to test student in English proficiency by end of 6th grade)

4. Delayed Testing in English Only

Options below apply to LEP students who have not been in U.S. school since 1st grade, and assume that they are excluded from 4th grade reading test (unless parents request that they take it)

- Approach One: LEP kids take 4th grade reading test whenever they become sufficiently proficient in English to take the test
- Approach Two: LEP kids take locally selected test of reading in English whenever they become sufficiently proficient in English to take the test
- Approach Three: We develop an 8th grade reading test, to be taken by LEP kids who were excluded from 4th grade test

¹LEA's have discretion to waive English test for kids plainly not ready to take it (e.g., student who immigrated within past 6 months).