

Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Negotiated Rulemaking Committee

Issue Paper #5a

Issue: Inclusion of English learners in academic assessments

Statutory Cite(s): 1111(b)(2)(B) and (F) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)

Regulatory Cite: n/a

Background:

Section 1111(b)(2)(B)(vii)(III) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), maintains the requirement that each State’s annual academic assessments must provide for the inclusion of English learners (ELs), who must be assessed in a valid and reliable manner and provided appropriate accommodations. This includes, to the extent practicable, assessments in the language and form most likely to yield accurate data on what ELs know and can do in academic content areas (*i.e.*, mathematics, reading/language arts, and science) until students have achieved English language proficiency. Section 1111(b)(2)(B)(ix) requires that a State use reading/language arts assessments in English for any student enrolled in U.S. schools for more than three consecutive school years, with a possible two-year delay of this timeline, on a case-by-case basis, if a student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on reading/language arts assessments written in English. Section 1111(b)(2)(F) requires that each State identify in its State plan languages other than English present to a “significant extent” in its participating student population and indicate the languages for which assessments are not available and are needed. A State must make “every effort” to develop such assessments and may request assistance from the Secretary.

In recent years, a number of States have developed or provided content assessments in the native languages of ELs. For example, in the past, Washington state provided translated versions of math and science assessments for all grades in Chinese, Korean, Russian, Somali, Spanish, and Vietnamese; Michigan provided math and science assessments for all grades in Spanish and Arabic. In school year 2013-2014, 13 States offered reading/language arts, mathematics, or science assessments in languages other than English. Two consortia of States, the Partnership for Assessment of Readiness for College and Careers (PARCC) and the Smarter Balanced Assessment Consortium (Smarter Balanced), offered native language options during their first year of administration in school year 2014-2015. Twenty-one States, the District of Columbia, the U.S. Virgin Islands, and the Department of Defense Education Activity (DoDEA) are in one of these assessment consortia. Smarter Balanced offers a full “stacked” Spanish translation of its math assessments (*i.e.*, the complete Spanish and English versions are both provided to the student), pop-up glossaries in the ten most common languages across the States in the consortium, and word-to-word dictionaries in other languages. PARCC provides a Spanish translation of its math assessments at the discretion of a State and offers translated directions and parent reports in the most common languages, with word-to-word dictionaries available for other languages.

Discussion Questions:

While these statutory provisions promote the purpose of Title I – to provide a fair, equitable, and high quality education for all students, including ELs – they also raise questions. For example:

- The statute specifies that a State must make every effort to develop assessments in languages (other than English) present “to a significant extent” in the student population of the State. What must a State do to demonstrate it has met the requirement to “make every effort?” What constitutes a language present to a “significant extent?”
- How does the need to ensure *all* ELs are assessed in the language and form most likely to yield accurate data on their knowledge and abilities interact with potential challenges a State may face in developing assessments in languages other than English?