

## DEPARTMENT OF EDUCATION

### Colorado State Board of Education

## RULES FOR THE ADMINISTRATION AND THE ASSESSMENT OF STUDENTS WHOSE DOMINANT LANGUAGE IS NOT ENGLISH

### 1 CCR 301-62

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### 2224-R-1.00 STATEMENT OF BASIS AND PURPOSE

The statutory basis for these rules is found in Colorado Revised Statutes 22-24-106 (1) (a); and 22-24-103 (4) (a)(b) of the English Language Proficiency Act and in the H.R. 1 federal legislation: No Child Left Behind Law 107-110, Title I, Part A, and Title III.

These rules establish standards and criteria for the development of assessments, accommodations and reporting mechanisms for the achievement of students whose dominant language is not English.

The State Board of Education will determine accommodations which may be allowed for the assessment of students whose dominant language is not English.

#### 1.01 PURPOSE

- 1.02 To provide a process for the State Board of Education to fulfill the constitutional responsibility for supervising the educational opportunities of limited English proficient students in the public schools of the state.
- 1.03 Support efforts to improve the educational opportunities of students whose dominant language is not English.
- 1.04 Provide clarity and uniformity in the selection, development, and administration of assessments.
- 1.05 Provide a reporting mechanism that is easily understood by educators and the public.

#### 2224-r 2.00 DEFINITIONS

- 2.01 A student whose dominant language is not English is a public school student whose academic achievement and English language proficiency has been determined by his or her local school district, using instruments and tests approved by the State Board of Education, and found to be unable to comprehend or speak English adequately, due to the influence of a language other than English.
- 2.02 The term "limited English proficient child" refers to an individual who is between the ages of 3 and 21; may or may not have been born in the United States, including a Native American, Alaskan native, or migratory, and comes from an environment where a language other than English is dominant and has documented difficulty speaking, reading, writing, and understanding the English language.

- 2.03 The term “all students” refers to students fitting the definition of limited English proficient (LEP), who are dominant in a language other than English, regardless of nationality; gender; socio-economic level; disadvantaged status; racial, ethnic, or cultural background; exceptional abilities, or disabilities.
- 2.04 The term “immigrant child” means an individual who is ages 3 through 21; was not born in any of the United States has not been attending one or more schools in any one or more states, for more than 3 full academic years.
- 2.05 A non-English proficient (NEP) student speaks and comprehends a language other than English and does not speak, read, write, or comprehend English.
- 2.06 A limited English proficient (LEP) student is a student who may comprehend, speak, read, or write English partially, but whose predominant comprehension or speech is in a language other than English.
- 2.07 A fluent English proficient student (FEP) speaks, read, or writes a language other than English, and is able to comprehend, speak, read, and write English on a level comparable to his or her monolingual English- speaking peers.
- 2.08 A redesignated student is one that has achieved a level of “fluent” on a reliable, valid language proficiency assessment and has achieved a level of partially proficient or proficient on the CSAP.
- 2.08.1 An exited student is a student that has been redesignated as fluent, has completed two consecutive monitoring years and is ready for formal exit into the mainstream.

#### **2224-r3.00 DEPARTMENT POWERS AND DUTIES**

- 3.01 The Colorado Department of Education shall provide oversight to school districts in their requirement to assess the language proficiency of students whose dominant language is one other than English.
- 3.02 Districts shall be required to assess and identify the numbers and percentages of students whose dominant language is not English, and to track student progress toward English language acquisition; meeting language arts content standards; and to report progress and achievement data for students, in grades k-5, 6-8 and 9-12, to the department, annually.
- 3.03 The Department is required by annually to report district progress in meeting annual measurable achievement objectives for English proficiency to state and federal agencies.
- 3.04 The Department is charged with overseeing that assessment accommodations are planned and applied in the administration of the Colorado Student Assessment Program (CSAP) to students whose language is one other than English in the categories of time/scheduling, timing/scheduling, and setting/environment.
- 3.05 All accommodations extended to these students must be part of the language instruction educational plan (LIEP) for three months prior to the administration of the assessment.
- 3.06 The accommodations shall be reviewed annually to determine if students are receiving appropriate, adequate, and consistent assistance, prior to and during the administration of formal student achievement and language assessments.
- 3.07 The Department shall establish criteria for the development of a trained interpreters corps, which shall include, but not be limited to instruction in the implementation of guidelines for the use of translated materials; CSAP administration practices; and evaluation of existing accommodations.

- 3.08 The Department shall collect data to track all elements related to the acquisition of language proficiency and academic progress.
- 3.09 Districts will be required to assess students using a single language proficiency assessment instrument, for the purpose of measuring language proficiency and the computation of measurable achievement objectives.
- 3.10 Presently sanctioned language proficiency assessment instruments may be used for screening purposes and initial placement.
- 3.11 The Department shall collect data to track all elements related to the acquisition of language proficiency and academic progress.

**2224-r-4.00 ADVISORY COMMISSIONS**

- 4.01 A six-member advisory commission, established by the Colorado State Board of Education, is charged with assisting the ELA and assessment units with the alignment of federal and state legislative - mandates pertaining to the assessment of limited English proficient students. The board will continue to define and support the development of future structures.

**2224-r-5.00 ASSESSMENT**

- 5.01 School districts shall assess students, whose dominant language is one other than English, to determine annual measurable achievement objectives, as required by state and federal legislation.
- 5.02 School districts shall be required to:
  - 5.02 (a) Administer the state language proficiency assessment
  - 5.02 (b) Report Annual Measurable Achievement Objectives for students in grades K-12, by grade level, school and district
  - 5.02 (c) Report the number and percentage of students in each of the language proficiency categories
  - 5.02 (d) Report the number and percentage of students attaining English language proficiency.
  - 5.02 (e) Report the number and percentage of students meeting academic content standards, for each of the two years after they have left language instruction educational programs and moved into general classroom instruction.
  - 5.02 (f) Report the type of language instruction educational program provided by district.
- 5.03 The Department will implement one single language accountability measure by 2004-2005 and shall certify annually to the Colorado State Board of Education, and to relevant federal and state agencies, the total number and percent of students whose dominant language is not English, and include the number of languages reported, the number of students in the non-English proficient, limited English proficient, fluent English proficient, redesignated and exited categories, and the progress of individual students in each category.
- 5.04 The performance of limited English proficient students is to be reported by school districts under the following categories:
  - 5.04 (a) Non-English proficient or pre-emergent and emergent

- 5.04 (b) Limited English proficient - post emergent and intermediate
- 5.04 (c) Fluent English proficiency or fluent/advanced
- 5.04 (d) Redesignated (no longer in need of services in a language instruction educational program)
- 5.04 (e) Monitored (years 1 and 2)
- 5.04 (f) Exited - number and percentage of students who exit, each year
- 5.05 School districts shall prepare annual reports relaying language category information in accordance with department-designated formats to meet state and federal reporting requirements.
- 5.06 The language proficiency assessment shall track progress towards meeting academic standards; shall be conducted on an annual basis; and each district shall submit results annually to the department, for inclusion in required reporting.
- 5.07 The department, in collaboration with school districts, will annually track the performance of students whose dominant language is other than English, through the following accountability measures:
  - 5.07 (a) Adequate yearly progress (AYP)
  - 5.07 (b) Annual Measurable Achievement Objectives for language proficiency . (AMAO)
  - 5.07 (c) Accreditation indicators
  - 5.07 (d) Accountability reports
  - 5.07 (e) Biannual reports to United States Department of Education

**2224-r-6.00 ACCREDITATION INDICATORS**

- 6.01 The Board of Education will continue to require a report on the progress of students whose dominant language is one other than English as an indicator on the accreditation report.
- 6.02 Districts shall report language proficiency assessment scores for the numbers and percentages of students who are in the non-English proficient (NEP), limited English proficient (LEP), fluent English proficient (FEP), reclassified/monitored y1, y2, and exited categories.

**2224-r-7.00 ACCOUNTIBILATY REPORTS**

- 7.01 The district accountability report shall provide information pertaining to the following indicators.
  - 7.01 (a) Annual measurable achievement objectives for language proficiency
  - 7.02 (b) Adequate Yearly Progress
  - 7.03 Districts shall by June 30, annually submit data reports that include the number of students certified; number of languages reported; progress on annual measurable achievement objectives; and AYP, as part of the ELPA certification report and consolidated application.
- 7.04 Districts shall submit the accountability reports prescribed in the accountability report rules and regulations guidance document.

7.05 The accountability report shall include relevant information regarding the indicators listed in this document under section (5.04) as aggregate data on numbers and percentages of students in elementary, middle and high school and shall provide accurate information on students' language proficiency, by proficiency level, grade level, and include relevant data and information pertaining to the annual measurable objectives and targets.

#### **2224 r-8.00 SCHOOL ACCOUNTABILITY REPORTS-FORMAT**

8.01 The Colorado State Board of Education shall approve the accountability report format to ensure that it meets state and federal reporting requirements.

#### **2224-r-9.00 and r-10.00 REVISED SUBSECTIONS**

9.01 The new language proficiency assessment is to be aligned and linked with state language arts content standards pursuant to section C.R.S. 22-7-406.

9.02 The Department shall select and maintain a task force which shall meet, as needed, to ensure that English language development (ELD) standards are aligned with language arts standards and are updated when necessary.

9.03 The language proficiency assessment is to be conducted annually, between the second Monday in March and the third Monday in April.

10.01 The Department shall provide annual reports to the Colorado State Board of Education, school districts, and state and federal agencies, regarding the disaggregated results of the language proficiency assessment and shall disseminate such data via electronic means to state and federal agencies, and to school districts, and will post them on the English language acquisition unit (ELA) web site as public information.

10.02 The ELA unit will compile and submit an annual report regarding individual district data and is to include performance and measurable objectives prepared according to state and federal regulatory guidance.

10.03 The Colorado State Board of Education, in collaboration with Title I and the ELA units, will identify schools in need of improvement and corrective action and will support the administration of prescribed sanction measures.

10.04 The Department shall provide language proficiency and achievement data to districts of students enrolled in schools receiving an academic performance rating of unsatisfactory.

10.05 Colorado State Board of Education shall disseminate language proficiency assessment results to school districts in order to provide teachers with diagnostic information, in support of improvement plans, improving academic performance and closing the learning gap.

10.06 Per section C.R.S. 22-7-409, the department shall require that all students identified as limited English proficient, receiving services in a language instruction educational program, be assessed annually and progress tracked through language proficiency and/or CSAP assessment scores.

10.07 School districts shall report assessment results by June 30, annually to comply with state and federal reporting timelines.

10.08 The Department shall include language proficiency scores in the calculation of participation and performance indicators as part of an integrated AYP model.

10.09 The Colorado State Board of Education shall continue to develop and refresh Spanish writing assessments for students enrolled in the third and fourth grade.

10.10 The Colorado State Board of Education will continue to support and encourage the development and adoption of additional assessments to measure the development of skills in the language and mathematics content areas.

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**Editor's Notes**

**History**