



U.S. DEPARTMENT OF EDUCATION



New *No Child Left Behind* Regulations: Flexibility And Accountability For Limited English Proficient Students

September 11, 2006

"Our schools must be prepared to measure what English language learners know and to teach them effectively."

-- Secretary Margaret Spellings

The *No Child Left Behind Act [NCLB]* calls for all students to read and do math at grade level or better by 2014. To reach this goal, **the education of Limited English Proficient [LEP] students must be made a top priority.**

Some of these children and their families are recent arrivals to this country. States are working hard to teach these students English while maintaining steady progress toward their overall academic goals. States and school districts **deserve flexibility** as they factor in the performance of LEP students when calculating their Adequate Yearly Progress [AYP] totals. At the same time, they need to be **held accountable** for ensuring that LEP students are given the quality education they deserve.

The U.S. Department of Education is announcing a **new Title I regulation** that will help recently arrived LEP students learn English and other subjects while giving States and local school districts flexibility on assessment and accountability under *NCLB*.

The final regulations relate to LEP students who are recent arrivals to the United States:

- Defines a recently arrived LEP student as an LEP student who has attended schools in the United States for 12 months or less.
- Permits a State to exempt recently arrived LEP students from one administration of the State's reading/language arts assessment.
- Requires a State to include recently arrived LEP students in State mathematics assessments and, beginning in 2007-2008, State science assessments; however—
- —it permits the State to not count in Adequate Yearly Progress (AYP) determinations the scores of recently arrived LEP students on State mathematics and/or reading/language arts (if taken) assessments.
- Requires a State that exempts recently arrived LEP students from the reading/language arts assessment to publicly report the number of students exempted for this reason.
- Makes clear that States and Local Education Agencies [LEAs] remain responsible for providing appropriate and adequate instruction to recently arrived LEP students so they will gain English language skills and be able to master content knowledge in reading/language arts and other subjects.

The new regulations also address the concern that States, districts, and schools get credit for the progress of LEP students in AYP determinations. Since LEP is a classification of students that changes as a student gains language proficiency—students who master English are no longer considered LEP—it can be difficult for States, districts, and schools to demonstrate the academic gains these students achieve on State assessments.

In response, the new rule includes the following policy options for States:

- Permits a State to include “former LEP” students within the LEP category in making AYP determinations for up to two years after they no longer meet the State’s definition for Limited English Proficient student.
- Clarifies reporting requirements concerning former Limited English Proficient students on State or LEA report cards. A State or LEA may only include the achievement of former LEP students as part of the current LEP subgroup for the purposes of reporting AYP. Former LEP students may not be included in the LEP subgroup for any other purpose on current State or LEA report cards.

Other Support For LEP Students:

Financial Support

Through Title I and Title III, the No Child Left Behind Act provides **more than \$13 billion** a year for LEP students, also known as English-Language Learners [ELLs], for English language acquisition and academic achievement. Currently, there are 5.5 million LEP students who attend U.S. public schools and who speak more than 440 different native languages.

LEP Partnership

In August 2006, the Department of Education initiated an **LEP Partnership** to provide States with technical assistance and resources to make content assessments more accessible and appropriate for LEP students. The Department is bringing together experts from around the country to help States develop high-quality English and native language assessments in reading and math, and has invited selected States to participate in intensive work sessions toward the development of a Plan for Improvement for LEP students.

Improving Academic Achievement And Closing The Achievement Gap

The *No Child Left Behind Act* has made closing the “achievement gap,” including the one between Hispanic and LEP students and their peers, an urgent national priority. As part of this effort, all students in grades 3-8 (and at least once in high school) must take annual assessments, with scores disaggregated by student group so no child is allowed to fall through the cracks. As a result:

- Reading scores for LEP fourth-graders increased by 20 points over the last five years, more than triple the average progress of their peers; and
- Reading and math scores for Hispanic nine-year-olds, and math scores for Hispanic 13-year-olds, have reached all-time highs.

Help For Families

NCLB gives new information and options to parents so they may make the best educational decisions for their children. Student assessment results are made public through detailed, easy-to-read annual report cards. Families with children in chronically underperforming Title I schools must be given new options, including free tutoring or transfer to another public or public charter school.