



PUBLIC SCHOOLS OF NORTH CAROLINA

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DEPARTMENT OF PUBLIC INSTRUCTION :: Michael E. Ward, *State Superintendent*

March 17, 2004

TO: LEA Superintendents
Charter School Directors

FROM: Louis M. Fabrizio, Director
Accountability Services

SUBJECT: Testing Students with Limited English Proficiency

The U.S. Secretary of Education, Rod Paige, recently issued a letter offering states some flexibility as it relates to testing limited English proficient (LEP) students in their first year in U.S. schools and how the scores can be used for determining adequate yearly progress (AYP). On March 4, 2004, the State Board of Education adopted a temporary rule, effective immediately for the 2003-04 school year, to make the following changes with respect to limited English proficient students during their first year in U.S. schools:

Schools shall:

- continue to administer state reading and mathematics tests for LEP students who score at or above Intermediate High on the reading section of the language proficiency test during their first year in U.S. schools. Results from these assessments will be included in the ABCs and AYP.
- not require LEP students (who score below Intermediate High on the reading section of the language proficiency test) in their first year in U.S. schools to be assessed on the reading End-of-Grade tests, High School Comprehensive Test in Reading or the NC Alternate Assessment Academic Inventory (NCAAAI) for reading.
- for purposes of determining the 95% tested rule in reading, use the language proficiency test from the spring administration for these students.
- not count mathematics results in determining AYP or ABCs performance composite scores for LEP students who score below Intermediate High on the reading section of the language proficiency test in their first year in U.S. schools.
- include students previously identified as LEP, who have exited LEP identification during the last two years, in the calculations for determining the status of the LEP subgroup for AYP only if that subgroup already met the minimum number of 40 students required for a subgroup.

Please see the attached questions and answers for more specific information. If you have any questions regarding this matter, please contact your Regional Accountability Coordinator (RAC).

In addition, please note that Title VI of the Civil Rights Act of 1964 is still in effect. Schools may not discriminate against students due to their lack of English language proficiency. As a result, students cannot be refused enrollment, retained, or suspended/expelled because they are limited English proficient. For further information, please contact Dr. Fran Hoch (fhoch@dpi.state.nc.us) or Alesha McCauley (amccaule@dpi.state.nc.us).

C: LEA Test Coordinators
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