

Indicator (c)(7)-Confirm whether the State provides native language versions of State assessments for limited English proficient students that are approved by the Department

Please see the following pages, excerpts from the:

**New Mexico
State Department of Education
Consolidated State Application
Accountability Workbook
for State Grants under Title IX, Part C, Section
9302 of the Elementary and
Secondary Education Act
(Public Law 107-110)
DUE: JANUARY 31, 2003
Updated July 23, 2008
U. S. Department of Education
Office of Elementary and Secondary Education
Washington, D.C. 20202**

CRITICAL ELEMENT	EXAMPLES FOR MEETING REQUIREMENTS	EXAMPLES OF NOT MEETING REQUIREMENTS
5.4 How are students with limited English proficiency included in the State's definition of adequate yearly progress?	<p>All LEP student participate in statewide assessments: general assessments with or without accommodations or a native language version of the general assessment based on grade level standards.</p> <p>State demonstrates that LEP students are fully included in the State Accountability System.</p>	LEP students are not fully included in the State Accountability System.
STATE RESPONSE AND STATE ACTIVITIES FOR MEETING REQUIREMENTS		

Effective July 1, 1999, schools and school districts shall annually administer a standards-based criterion-referenced assessment to all students enrolled in a public school [NMSA 22-1-6.B].

Beginning in 2004-2005, A Spanish language CRT will be used in calculating AYP. Policy in New Mexico stipulates that upon request and submission of appropriate documentation, an additional two years may be approved in which students may take the test in the Spanish language. Students from other backgrounds may not be able to take the Spanish language test, but may be able to take the English test with appropriate accommodations.

In order to comply with the requirements of Federal and State laws, the following procedures/guidelines apply:

- (a) The accommodations listed in the checklist are allowed for ELL students on all New Mexico state-mandated tests.
- (b) Each school district is responsible for determining the appropriate assessments and/or appropriate test accommodations from the checklist to be utilized for testing of English Language Learners.
- (c) The district must maintain documentation regarding:
 - Number of students provided with accommodations;
 - Number of students exited from requiring accommodations;
 - Kind(s) of accommodations provided; and
 - Student progress in English language proficiency and academic achievement.
- (d) Decisions about using accommodations must be based on:
 - Annual review of student's progress in English language proficiency and academic achievement;
 - Student's current English language proficiency level;
 - Student's expected date for exiting ELL accommodations;
 - Student's experience and time in the United States school system(s);
 - Student's familiarity with using accommodations under consideration;

- Student's age; and
 - Student's grade level
- (e) The district must ensure that students do not receive accommodations without current justification supported by data. *It is expected that accommodations will not be required for students, year after year.*
- (f) Each school must appoint knowledgeable school personnel to ensure that its testing procedures comply with Federal and State requirements. Schools must utilize a Student Assistance Team (SAT) for the purpose of reviewing student progress and determining needed interventions and/or accommodations. Personnel designated to determine appropriate accommodations may include:
- Student's Bilingual or ESL-endorsed teacher;
 - Bilingual Education Program coordinator;
 - Student's other classroom teacher(s);
 - Test administrators/coordinators;
 - Principal/counselor;
 - Parent (when appropriate);
 - Student (when appropriate).
- (g) The accommodations provided should be familiar to the student from his/her classroom experience. The test situation should not be the first time the student has utilized the specific accommodation(s). Students should already have sufficient experience in the use and application of the accommodation being considered.
- (h) Oral translation of the reading subtest passages into a student's home or native language is not allowed. Only the test directions or questions may be translated into student's home language if feasible. For other content areas, test directions, questions/items and response choice options may be translated into student's home language if feasible.
- (i) Out-of-level testing will not be acceptable in New Mexico public schools. That is, a student in one grade level will not be allowed to substitute a lower grade-level test for the test appropriate for his/her actual grade level.

ELL students included in the State's assessments are included in the New Mexico's Definition of Adequate Yearly Progress through State Statute and by their participation in the state assessment program. Data generated from the Student-Teacher Accountability Reporting System and from Assessment Data Files are used to ensure that ELL students are included in the New Mexico definition and application of AYP.

The New Mexico Public Education Department will allow ELL students who are not taking the SBA in Spanish, and only during their first year of enrollment in U.S. schools, to be assessed in English with NMELPA instead of the reading/language arts assessment.

The ELL students assessed by NMELPA can be counted toward meeting the 95 percent assessment participation requirement for AYP determinations for reading/language arts even if they did not take the reading/language arts assessment. Additionally, the first year that a student is identified as an ELL student will be counted as the first of the three years in which a student may take the reading/language arts assessment in his/her native language. Districts will be responsible for compiling and reporting data for tracking those students.

New Mexico will take advantage flexibility provide under NCLB and all former ELL students to be counted as ELL for AYP purposes for two additional years after exiting ELL programming and services.

New Mexico adopted the definition for English language learner (previously called Limited English Proficient – ELL/LEP) students from the NCLB Act Title IX-Part A:

“English Language Learner when used with respect to an individual, means an individual—

- (A) who is age 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)
 - (i) who was not born in the United States or whose native language is a language other than English;
 - (ii) (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or
 - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
 - (i) the ability to meet the State’s proficient level of achievement on State assessments described in section 1111(b)(3);
 - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
 - (iii) the opportunity to participate fully in society.