



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**Fact Sheet: Providing Services to English Learners During
the COVID-19 Outbreak**

ADDENDUM

January 18, 2021

This addendum to the U.S. Department of Education (Department) *Fact Sheet Providing Services to English Learners During the COVID-19 Outbreak* (EL Fact Sheet) (available at <https://www2.ed.gov/documents/coronavirus/covid-19-el-factsheet.pdf>) outlines State educational agencies' (SEAs') responsibilities regarding select topics related to English learners (ELs) during the national emergency caused by the novel Coronavirus disease 2019 (COVID-19) in the 2020-2021 school year. An SEA and its local educational agencies (LEAs) should collaborate with public health officials, as appropriate, in implementing the information provided below. Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Specifically, it is intended to provide additional information about requirements in the Elementary and Secondary Education Act of 1965 (ESEA) and other Federal laws related to ELs in light of COVID-19.

Questions

1. For the 2020-2021 school year, are SEAs required to comply with the Title I requirement to administer an annual English language proficiency (ELP) assessment?

Yes, the Department expects each SEA to administer its ELP assessment to all ELs for the 2020-2021 school year, though as noted in this document, an SEA has discretion in terms of how and when it conducts its statewide assessments.

In a letter to chief State school officers on September 3, 2020, the Department noted the importance of collecting data from statewide assessments, which includes the ELP assessments, noting that SEAs should not anticipate the Department waiving the assessment requirements for the 2020-2021 school year. As we noted in that letter,

“[S]tatewide assessments are at the very core of the bipartisan agreement that forged ESSA. They are among the most reliable tools available to help us understand how children are performing in school. The data from assessments can help inform personalized support to children based on their individual needs and provide transparency about their progress.”

<https://www2.ed.gov/policy/elsec/guid/secletter/200903.html>.

ELP assessments are used by LEAs to inform instruction and placement of ELs, in addition to decisions on exiting students from EL status. Furthermore, the letter states,

“Research shows that school closures this past spring disproportionately affected the most vulnerable students, widening disparities in achievement for low-income students, minority students, and students with disabilities. Almost every student experienced some level of disruption. Moving forward, meeting the needs of all students will require tremendous effort. To be successful, we must use data to guide our decision-making.”

The results of the ELP assessments will be an important component of this data and help gauge ELs’ progress.

2. What flexibilities does an SEA have under the ESEA in administering the ELP assessment?

The ESEA requires an annual statewide ELP assessment, but there are no prescribed Federal timelines for that annual assessment. Thus, an SEA may adjust its dates for administering the ELP assessment to address challenges due to the pandemic, e.g., by changing its testing window. However, the ELP assessment should be conducted as soon as safely possible in order to provide useful information for districts, teachers, and parents. Furthermore, an SEA has the discretion under the ESEA to administer the ELP assessment remotely or in person.

In making decisions regarding how and when to administer the ELP assessment, SEAs should consider the health and safety of their students and staff, following the guidance of local health officials.

3. May an SEA continue to implement modified temporary entrance procedures to identify ELs that do not require a screener assessment, as permitted in the EL Fact sheet?

The Department is extending the flexibility related to the standardized entrance procedures provided in question four of the EL Fact Sheet so that an LEA may continue to identify and provide ELs support as soon as possible. That is, an SEA may continue to implement its adjusted standardized statewide entrance procedures until its LEAs are able to administer their regular screener assessment. As noted in the EL Fact Sheet, the SEA “must ensure statewide communication of, and maintain documentation of, any temporary changes to the entrance procedures . . . due to the COVID-19 national emergency.” As explained in the EL Fact Sheet, relevant statutory requirements still apply, including the requirement that all students who may be ELs are assessed for EL status within 30 days of enrollment in a school in the State. The EL Fact Sheet further provides that, when schools physically reopen, the LEA would complete the full identification procedures to promptly ensure proper identification and placement for new ELs. Note that an SEA must treat a student identified as an EL through modified entrance procedures as an EL for all purposes (e.g., by including such students in its count of ELs for purposes of Title III subgrants to LEAs, providing appropriate language instruction services to such students, and administering the annual ELP assessment to such students).

4. May an SEA continue to implement modified exit procedures that include, at a minimum, an ELP assessment?

Yes. The Department is also extending the flexibility in the EL Fact Sheet with respect to an SEA that includes requirements, in addition to the statewide ELP assessment, as part of its standardized statewide exit procedures. The extended flexibility permits such an SEA, for the 2020-2021 school year, to base exit decisions solely on the ELP assessment. All SEAs must continue to meet the requirement that a score of proficient on the statewide ELP assessment be used in order to exit a student from EL status.

If an SEA has questions about the impact of the pandemic on ELP assessments this year, please email the Title III, Part A program office at oesse.titleiii-a@ed.gov.