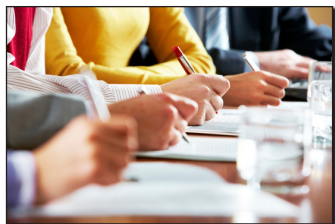




U.S. Department of Education Posts Proposed ESSA Regulations for Comment

The USED officially posted proposed regulations for the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA). These proposed regulations address accountability systems and the plans that States must develop to receive grants under the ESSA (see page 2).



U.S. Department of Education Publishes Newcomer Tool Kit

The U.S. Department of Education (USED) announced the publication of its Newcomer Tool Kit. This tool kit provides information and resources for educators and others who work directly with immigrant students and their families (see page 4).



Take the Mystery Out of Funding Parent Notices and Translations with TransACT® for English Learners

The new TransACT for English Learners collection aligns with the new USED-DOJ guidance for serving English Learners. This collection is available in 10 languages (see page 5).

In this Edition

U.S. Department of Education Posts Proposed ESSA Regulations for Comment

U.S. Department of Education Publishes Newcomer Tool Kit

TransACT® for English Learners

TransACT Communications, LLC
5105 200th Street SW, Ste 200
Lynnwood, WA 98036
Phone: 425.977.2100
Fax: 425.776.3377
Online: www.transact.com

Customer Support:
M-F, 7am-4pm PST
425.977.2100, Option 3
support@transact.com
Live Help

Sales Support:
M-F, 8am-5pm PST
425.977.2100, Option 1
sales@transact.com

TransACT® and Confidence in Action® are registered trademarks of TransACT Communications, LLC. All Rights Reserved.

U.S. Department of Education Posts Proposed ESSA Regulations for Comment

By Dr. David Holbrook

On May 31st the U.S. Department of Education (USED) officially posted proposed regulations for the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA). These proposed regulations address accountability systems and the plans that States must develop to receive grants under the ESSA.

The USED is accepting comments on the proposed regulation until the end of July (check here for information on how to submit comments, <http://www2.ed.gov/policy/elsec/leg/essa/nprmacountabilitystateplans52016.pdf>). Finalization of regulations will happen some time after the comment period closes, but it is important to see what is in these proposed regulations because the final regulations usually don't differ much from what is originally proposed.

Here are some highlights of important items in the proposed regulations:

- There must be a single summative school rating for accountability purposes;
- The accountability indicator and the long-term & interim goals for "progress in achieving English language proficiency" must include measures of both progress toward and attainment of English proficiency;
- The factors of grade level, age, native language proficiency level, and limited or interrupted formal education may be taken into account when making measures of progress toward English proficiency;
- Measures of English proficiency for ELs with disabilities may be made using fewer than four language domains (listening, speaking, reading, and writing) if a student's disability is such that there are no appropriate accommodations that would allow for participation in one or more domains; and
- The Title III required standardized entrance and exit procedures for English learners must include valid and reliable, objective criteria. This eliminates the "local option" as well as the use of content assessments in exit criteria, which USED reports are not valid measures of English proficiency.

Accountability Systems

The proposed regulations provide details related to the new accountability systems that States must develop under the ESSA. It includes discussion of the need for a single summative school rating. This is somewhat controversial and was included in discussions in a recent congressional hearing.

ESSA also removed accountability for ELs progress toward and attainment of English proficiency from Title III and placed it in the Title I accountability system. This provision in ESSA says that a State's accountability system must include long-term and interim goals related to and an indicator of "progress in achieving English language proficiency". The proposed regulations clarify that this indicator and the long-term and interim goals for "progress in achieving English language proficiency" must include measures of both progress toward and attainment of English proficiency.

The proposed regulations go on to provide details on two issues that are significant because they are issues with which EL advocates have been promoting for a number of years. The first issue relates to the heterogeneous nature of the EL population. All ELs are not created equal and the characteristics of ELs need to be taken into consideration when determining an appropriate progression toward attainment of English proficiency. The proposed regulations clarify that it would be allowable to take factors other than English proficiency levels, which must be included, into account when making measures of progress toward English proficiency. The allowable factors that may be considered are grade level, age, native language proficiency level, and limited or interrupted formal education.

The second issue relates to ELs with disabilities. Educators working with ELs with disabilities have often been frustrated by the requirement that a measure of English proficiency must include an assessment of all four domains of listening, speaking, reading, and writing. This can be problematic when it comes to ELs with disabilities, where due to the nature of the disability, there are no appropriate accommodations that would allow the EL to validly participate in one or more of these language domains. The example that is used in the

Continued on Next Page

TransACT Communications, LLC
5105 200th Street SW, Ste 200
Lynnwood, WA 98036
Phone: 425.977.2100
Fax: 425.776.3377
Online: www.transact.com

Customer Support:
M-F, 7am-4pm PST
425.977.2100, Option 3
support@transact.com
Live Help

Sales Support:
M-F, 8am-5pm PST
425.977.2100, Option 1
sales@transact.com

Continued from Page 2

proposed regulations relates to measuring the speaking proficiency of an EL with a disability when the EL's disability is that he/she is non-verbal and unable to communicate through oral speech. While there may be other ways for such a student to communicate, demonstrating a proficiency in speaking is not one of them. The proposed regulations now allow for a measure of proficiency based on fewer than four domains in this type of situation.

Eligibility for this English language proficiency assessment domain exemption is to be "determined by the student's individualized education program (IEP) team or 504 team on an individualized basis" (see proposed regulations 200.16(b)(2)). Many EL advocates see this as a positive step. Advocates of ELs with disabilities, however, have expressed concern that special education laws are designed to make sure that students are included in all aspects of education. Asking an IEP team or 504 team to make a determination on where a student with a disability should be excluded from an educational activity may run counter to the purpose of special education laws.

Parent Notifications

The parental notifications discussed in these proposed regulations relate to the schools identified for either comprehensive support and improvement or targeted support and improvement (the two school improvement categories that have replaced Adequate Yearly Progress (AYP), the previous system for school improvement under the ESEA as amended by the No Child Left Behind (NCLB) Act). Parents must be notified if their child's school has been identified for either of these two new categories of schools. In addition, School Report Cards are required for each school. School Report Cards must include an overview of the school's performance that must be distributed to parents on a single sheet of paper.

English Learners and State Plans

The proposed regulations also provide details related to the plans that States must develop in order to receive ESSA funding. Included in this are some interesting details for requirements related to English Learners (ELs).

ESSA has a new provision under Title III that State plans must include standardized entrance and exit procedures for English learners (ELs). The proposed regulations outline details related to the standardized entrance and exit procedures under Title III.

USED clarified that the standardized entrance and exit procedures required in State plans under Title III must include criteria, and that it must be "valid and reliable, objective criteria". The proposed regulations go on to say that objective criteria prohibit a "local option" which cannot be standardized (think teacher observations). Further, the proposed regulations include that the use of a content assessment in a State's exit criteria is not allowed and explains that content assessments are not considered valid and reliable measures of English proficiency.

TransACT is monitoring new guidance and regulations and we will continue to provide you with important information as the transition to ESSA continues. If you have any questions or would like more information, please contact us at 425.977.2100, Option 3 or email at support@transact.com.

TransACT Communications, LLC
5105 200th Street SW, Ste 200
Lynnwood, WA 98036
Phone: 425.977.2100
Fax: 425.776.3377
Online: www.transact.com

Customer Support:
M-F, 7am-4pm PST
425.977.2100, Option 3
support@transact.com
Live Help

Sales Support:
M-F, 8am-5pm PST
425.977.2100, Option 1
sales@transact.com

U.S. Department of Education Publishes Newcomer Tool Kit

The U.S. Department of Education (USED) announced the publication of its Newcomer Tool Kit, which can be found on USED's Office of English Language Acquisition's (OELA) web page at <http://www2.ed.gov/about/offices/list/oela/new-comer-toolkit/ncomertoolkit.pdf>. This tool kit provides information and resources for educators and others who work directly with immigrant students and their families.

Here's what you need to know:

1. The Newcomer Tool Kit has five chapters.
2. The chapters identify who newcomers are, as well as place an emphasis on providing a welcoming school environment, high quality instruction, social emotional support, and family engagement.
3. Good news! TransACT's Title III Collection and ESSA Compliance Collection include notifications related to newcomer students.

Newcomer Tool Kit

The Newcomer Tool Kit was published in June and was prepared by the National Center for English Language Acquisition (NCELA) with the assistance of WestEd. The five chapters are:

- Chapter 1: Who Are Our Newcomers?
- Chapter 2: Welcoming Newcomers to a Safe and Thriving School Environment.
- Chapter 3: Providing High-Quality Instruction for Newcomer Students.
- Chapter 4: Supporting Newcomers' Social Emotional Needs.
- Chapter 5: Establishing Partnerships With Families.

Each chapter provides a discussion of newcomer topics that help educators understand, support, and engage newcomer students and their families. Each chapter also includes one to three tools and a guidance section for professional reflection and discussion activities.

The introduction to the Newcomer Tool Kit states that it is "designed to help elementary and secondary teachers, principals, and other school staff achieve the following":

- Expand and strengthen opportunities for cultural and linguistic integration and education
- Understand some basics about their legal obligations to newcomers
- Provide welcoming schools and classrooms for newcomers and their families
- Provide newcomers with the academic support to attain English language proficiency (if needed) and to meet college and career readiness standards
- Support and develop newcomers' social emotional skills

This tool kit follows on the heels of the English Learner Tool Kit, which is also found on OELA's web page. This new tool kit is designed to address issues related to newcomer students, many of whom are also English learners. Over the past couple years we have seen a significant increase in newly arrived, unaccompanied children and youth that have crossed the border from Mexico. The U.S. Department of Education's Office for Civil Rights and the Department of Justice issued a joint Dear Colleague Letter and two question and answer documents related to this issue about a year and a half ago (<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201101.html>).

Immigrant Parent Notices

Many newcomer students are English Learners (ELs) and most fit the educational definition of an immigrant student (as defined by the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act, see ESSA section 3201(5)). TransACT's Title III Collection and the ESSA Compliance Collection have parent notices that provide districts with the required parental notifications for both EL students as well as those that qualify for the Title III Immigrant grant.

If you have any questions or would like more information about TransACT's parent notifications, please contact us at 425.977.2100, Option 3 or email at support@transact.com.

TransACT Communications, LLC
5105 200th Street SW, Ste 200
Lynnwood, WA 98036
Phone: 425.977.2100
Fax: 425.776.3377
Online: www.transact.com

Customer Support:
M-F, 7am-4pm PST
425.977.2100, Option 3
support@transact.com
Live Help

Sales Support:
M-F, 8am-5pm PST
425.977.2100, Option 1
sales@transact.com

TransACT® for English Learners

Take the mystery out of funding parent notices and translations!

TransACT has released a new parent notices collection that aligns with the new USED-DOJ guidance for serving English Learners that will equip you with:

- Compliance - English learner program notices and translations
- Communication - Title I & Title III communication to improve parent involvement
- Documentation - Provide evidence of program implementation

Three options available, aligned to your funding sources:

1. Combined Title III & General English Learners Collection
2. General English Learners Only Collection
3. Title III Only Collection

This collection is available in the following 10 languages: Arabic, Chinese, French, Haitian Creole, Hmong, Korean, Russian, Somali, Spanish, and Vietnamese.

For more information, go to www.transact.com/EL.



TransACT Communications, LLC
5105 200th Street SW, Ste 200
Lynnwood, WA 98036
Phone: 425.977.2100
Fax: 425.776.3377
Online: www.transact.com

Customer Support:
M-F, 7am-4pm PST
425.977.2100, Option 3
support@transact.com
Live Help

Sales Support:
M-F, 8am-5pm PST
425.977.2100, Option 1
sales@transact.com

TransACT Family of Services



USED/DOJ Webinar Series

Webinar series focusing on the recent guidance issued by USED and DOJ for serving English Learners. Presented by Dr. David Holbrook. [Register here](#).