

From: Communications
Sent: Tuesday, July 9, 2019 9:26 AM
To: Communications <Communications@azed.gov>
Subject: EL's with Disabilities



Arizona Department of Education

Office of English Language Acquisition Services

Dear Superintendent / Title III Coordinator / EL Coordinator / EL Main Contact:

Per ESEA, as reauthorized by ESSA, EL students may only be exited from EL services using the State's standardized statewide exit procedures. Please see below for guidance provided by the U.S. Department of Education in September 2018.

An EL must be exited from EL status for ESEA purposes (*i.e.*, for purposes of Title I and Title III requirements) when the student satisfies the State's standardized statewide exit procedures. Because section 3113(b)(2) of the ESEA requires a State to implement statewide exit procedures, a student who meets the exit procedures is no longer an EL for ESEA purposes, and the State may no longer use Title III funds for services for that student. **Title VI's implementing regulations have been interpreted by case law to require that a student demonstrate proficiency on a valid and reliable ELP assessment in order to be exited from EL status.** Under the ESEA, in a State that adopts additional exit procedures, a student who scores proficient on the ELP assessment is not exited until the student meets those additional objective procedures. In such a State, for example, if a student scored proficient on the ELP assessment but a statewide teacher rubric that is a part of the exit procedures indicated that the student should not be exited, then that student would remain an EL for all ESEA purposes, until she meets all the exit procedures.

The requirement that an EL be exited from EL status for ESEA purposes when the student satisfies the criteria included in the State's standardized statewide exit procedures applies to an EL with a disability as well.

Arizona's standardized statewide exit procedures require that an EL student demonstrate proficiency on the AZELLA. There are currently no additional exit procedures. Therefore, all ELs, including ELs with disabilities, must demonstrate proficiency on the AZELLA in order to be exited from EL services. Starting in School Year 2019-2020, IEP teams will no longer have the capacity to make the determination to withdraw an EL student from EL services due to SPED criteria.

This fall, ADE will be convening an EL/Special Education Task Force to discuss the IEP process for ELs with disabilities and Arizona's standardized statewide exit procedures.

For questions regarding ELs with disabilities, please contact Kate Wright at kate.wright@azed.gov or 602-542-9689.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kate Wright", in a dark grey or black ink.

Kate Wright, Deputy Associate Superintendent
Office of English Language Acquisition Services
Arizona Department of Education