

overall level  
accountability WIDA MODEL  
formerly ELs dually identified testing  
academic achievement EL committee  
English language proficiency  
Virginia Assessment Program  
English Learners  
Standards of Learning  
WIDA indirect linguistic  
exemption  
appropriate classroom instruction assessment  
exit criteria direct linguistic literacy  
WIDA Screener ACCESS for ELLs  
accommodations  
participation  
documentation

# English Learners

Guidelines for Participation in the  
Virginia Assessment Program

Virginia Department of Education

Updated August 22, 2018

## Contents

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Purpose.....	2
Section I: Definition of an English Learner .....	2
Section II: Determining EL Participation in the Virginia Assessment Program .....	3
Table 1: Overview of Available Exemptions from SOL Assessments .....	4
Section III: Determining How an EL Will Be Assessed.....	5
Section IV: Providing Appropriate Testing Accommodations to ELs .....	6
Section V: Students Dually Identified as an English Learner with a Disability.....	9
Section VI: Students Formerly Identified as English Learners .....	10
Appendix A: Standards of Learning Assessments by Content Area .....	11
Appendix B: Direct and Indirect Testing Accommodations for ELs .....	12
Appendix C: Sample EL Assessment Participation Plan.....	14
ELP Assessment Resources .....	15

## **Purpose**

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This document provides information about the participation of English Learners (EL) in the Virginia Assessment Program and includes the following:

- the definition of an EL;
- the procedures for determining the EL's participation in the Virginia Assessment Program, including how the student will be assessed in each content area;
- the procedures for providing testing accommodations; and
- the guidelines for assessing ELs with disabilities.

## **Section I: Definition of an English Learner**

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According to the federal definition as described in Section 8101(20) of the *Elementary and Secondary Education Act of 1965 (ESEA)*, as amended by the *Every Student Succeeds Act of 2015 (ESSA)*, an EL in the Commonwealth of Virginia is a student:

1. who is aged 3 through 21;
2. who is enrolled or preparing to enroll in an elementary school or secondary school;
  - a. who was not born in the United States or whose native language is a language other than English; and who comes from an environment where a language other than English is dominant;

**OR**

- i. who is a Native American or Alaska Native, or a native resident of 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**

3. 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**

4. whose difficulties speaking, reading, writing, or understanding the English language may be sufficient to deny the individual-
  - a. the ability to meet the State's proficient level of achievement on the State assessments described in section 1111 (b) (3) of the ESEA;
  - b. the ability to achieve successfully in the classrooms where the language of instruction is English; or
  - c. the opportunity to participate fully in society.

[\[Title IX, Part A, Sec. 901, \(25\)\]](#)

## **Section II: Determining EL Participation in the Virginia Assessment Program**

Section 1111 (3) (C) (v) of the ESEA requires that ELs participate in state content assessments. The ESEA also states in Section 1111 (3) (C) (v) (ix) (III) that ELs “shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments...to yield accurate data on what such students know and can do in academic content areas until such students have achieved English language proficiency.” Accordingly, as with all students enrolled in Virginia public schools, all ELs participate in the Virginia Assessment Program. Refer to Appendix A for a list of Standards of Learning (SOL) assessments.

As required by Section 8 VAC 20-131-30 G of the Regulations Establishing Standards for Accrediting Public Schools in Virginia, amended January 11, 2018, “Any student identified as an English Learner (EL) shall participate in the Virginia Assessment Program. A school-based committee shall convene and make determinations regarding the participation level of EL students in the Virginia Assessment Program.” (Virginia Board of Education, 2018)

Therefore, a school-based EL Committee should be formed to determine how the student will participate in the Virginia Assessment Program and which, if any, testing accommodations and/or exemptions are appropriate. The EL Committee should determine each EL’s participation in each statewide assessment individually based on data collected from the student’s educational record.

Members of the EL Committee should include:

- the EL’s English as a Second Language teacher;
- the EL’s course content teacher(s);
- an administrator or designee (e.g. guidance counselor or reading specialist);
- the Title III coordinator;
- the EL’s parent or guardian; and
- the EL, if appropriate.

The EL Committee should specify each EL’s participation in the Virginia Assessment Program for each content area using one of the following options:

- SOL test without testing accommodations;
- SOL test with testing accommodations (listing specific testing accommodations); or
- Exemption from testing where permitted with an explanation for the exemption (refer to [Table 1](#) for available exemptions).

Exemptions from testing must be documented in the student’s EL Assessment Participation Plan and conveyed to the student’s parent(s) or guardian(s). Refer to [Table 1](#) for an overview of the exemptions from SOL assessments available to ELs.

**Table 1: Overview of Available Exemptions from Standards of Learning (SOL) Assessments**

Content Area	Available Exemptions on SOL Assessments
<b>Reading</b>	ELs who have attended school in the United States for less than 12 cumulative months may receive a one-time exemption for the SOL <i>Reading</i> test in grades 3 through 8. This guideline also applies to students arriving from Puerto Rico. No exemption is available for the End-of-Course SOL <i>Reading</i> test.
<b>Mathematics</b>	ELs may not be exempted from the SOL <i>Mathematics</i> tests.
<b>Science</b>	ELs may not be exempted from the SOL <i>Science</i> tests.
<b>History/ Social Science</b>	ELs in grades 3 through 8 may exercise a one-time exemption from the SOL <i>Virginia Studies</i> or <i>Civics &amp; Economics</i> tests. No exemption is available for the End-of-Course SOL <i>History/Social Science</i> tests.
<b>Writing</b>	ELs may exercise a one-time exemption from the Grade 8 SOL <i>Writing</i> test. No exemption is available for the End-of-Course SOL <i>Writing</i> test.

### **Section III: Determining How an EL Will Be Assessed**

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The EL committee will determine an EL's participation in SOL assessments for each content area. Consideration should be given to the EL's level of English proficiency, level of previous schooling in the native country or home language, and level of schooling in the United States.

When determining how the EL will be tested in each assessed content area, the EL Committee should consider the following questions:

1. Is this the EL's first year of enrollment in a United States school (applicable for the SOL Reading tests)?
2. Should the EL be exempted from the SOL Reading test in grades 3 through 8, recognizing that this student is in the first year of enrollment in a United States school? Refer to [Table 1](#) for details regarding the one-time exemption from the SOL Reading test in grades 3 through 8.
3. Is the EL eligible for exemption from the SOL History/Social Science or Writing tests? Refer to [Table 1](#) for information regarding exemptions from SOL assessments available to ELs.
4. Does the EL receive accommodations on a routine basis during classroom instruction and classroom assessment in the content area covered by the SOL assessment?
5. If an EL is also identified as having a disability under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or is identified as an "otherwise qualified handicapped" student under Section 504 of the Rehabilitation Act of 1973?

Determinations about the student's assessment participation must be made by the Individualized Education Program (IEP) Team or 504 Committee in collaboration with the EL Committee and documented in the student's IEP or 504 Plan as well as the student's EL Assessment Participation Plan. For detailed information on assessment participation of students with disabilities, refer to [Students with Disabilities: Guidelines for Assessment Participation](#). Additionally, [Section V: Students Dually Identified as an English Learner with a Disability](#) of this document provides information on students dually identified as an English Learner with a disability.

## **Section IV: Providing Appropriate Testing Accommodations to ELs**

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Testing accommodations involve changes to testing procedures, testing materials, or the testing situation in order to allow students meaningful participation in an assessment. However, testing accommodations must not alter the test construct or the test content being measured.

Testing accommodations for an EL are designed to address unique linguistic needs during the normal process of English language acquisition. When appropriately assigned, testing accommodations offer an EL the opportunity to demonstrate knowledge in a subject, regardless of his/her English language proficiency level, therefore providing schools and divisions an accurate picture of the EL's content area achievement. Testing accommodations must not provide the EL an unfair advantage. Likewise, testing accommodations must not disadvantage the EL.

Testing accommodations for an EL on the SOL assessments should be selected from those accommodations the student uses on a routine basis during classroom instruction and classroom assessments. However, some accommodations used during classroom instruction and classroom assessments may not be available or appropriate for the SOL assessments. Furthermore, use of an unfamiliar testing accommodation during SOL testing may negatively impact the EL's performance. The EL Committee should determine the appropriate testing accommodations for each EL for each SOL assessment. When selecting Testing Accommodations for ELs, it is helpful to utilize the following steps:

### ***1. Determine the EL's Level of English Language Proficiency***

In Virginia, to determine an EL's English language proficiency level, refer to the student's Overall Proficiency Level on the ACCESS for ELLs 2.0 score report. Students at Virginia English Language Proficiency Levels 1.0 through 4.3 are considered English Learners and may be eligible for testing accommodations on SOL assessments. Students in their first or second year of being considered Formerly EL are also eligible for testing accommodations available to ELs on SOL assessments. A Formerly EL student with a disability in year 3 or 4 may receive testing accommodations on SOL assessments based upon his/her current IEP or 504 Plan. More information about Formerly EL test participation is located [Section VI](#) of this document.

To determine the English language proficiency level of an EL with a hearing or visual impairment that prevents meaningful participation in ACCESS for ELLs testing, the Virginia English Language Proficiency (ELP) Checklist for English Learner (EL) Students in Kindergarten through Grade 12 with Hearing and Visual Impairments may be administered. Contact the Division Director of Testing for information regarding this checklist.

If an EL does not have a score from the ACCESS for ELLs 2.0 test or the Virginia ELP Checklist for ELs in K-12 with Hearing and Visual Impairments from the previous spring, the WIDA Screener or WIDA MODEL assessment may be administered to determine the student's level of English proficiency.

## **2. Consider Student Characteristics When Selecting Accommodations**

The EL Committee is responsible for developing a plan for each EL to document the EL's participation in SOL assessments. This plan should be developed using a team approach, rather than being developed by one educator at the school. Additionally, testing accommodation determinations should be based on the evidence collected from the EL's educational record, such as:

- demographic information, including grade, age, number of years in U.S., prior schooling;
- standardized testing scores, English language proficiency assessment scores, and other academic testing achievements;
- current academic achievement, including general education achievement and comments from general education teachers; and,
- English Language Proficiency Level as reported on the ACCESS for ELLs 2.0 score report.

## **3. Assign Accommodations that are Available for ELs & Formerly ELs**

Testing accommodations are available to ELs and Formerly EL students (in monitor status Years 1 and 2 only). The testing accommodations available to ELs for the SOL assessments fall into one of two categories: direct linguistic and indirect linguistic.

Direct linguistic testing accommodations involve adjustments to the language of the test. The following direct linguistic testing accommodations are available to ELs on the SOL assessments:

- Test Directions Delivery
- Read-Aloud Test
- Audio Test
- Bilingual Dictionary
- Dictation to a Scribe (Writing, short-paper component only)
- English Dictionary
- Plain English Mathematics Test (Available for Mathematics tests assessing the 2009 *Mathematics Standards of Learning* only.)

Indirect linguistic testing accommodations involve adjustments to the conditions under which ELs take SOL tests. The following indirect linguistic testing accommodations are available to ELs on the SOL assessments:

- Multiple Test Sessions (Paper Only)
- Visual Aids
- Examiner Records Response
- Flexible schedule



While all direct and indirect linguistic testing accommodations are available to all ELs, as deemed appropriate, certain testing accommodations may be more appropriate for ELs at particular English language proficiency levels and for certain SOL assessments as determined by the EL Committee. Refer to Appendix B in the [Examiner's Manuals](#) for SOL assessments and [Appendix B: Direct and Indirect Testing Accommodations for ELs](#) of this document for detailed information on direct and indirect linguistic testing accommodations.

## **Section V: Students Dually Identified as English Learners with a Disability**

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ELs who are also students with disabilities are frequently referred to as “dually identified.” All students, including dually identified students, must participate in the state’s accountability system (Virginia Department of Education, 2017). Special testing accommodations are available to the dually identified student based on the student’s disability and must be documented in the student’s IEP/504 Management Plan. Additionally, a dually identified student may participate in alternate assessments if eligibility requirements are met. For detailed information on assessment participation of students with disabilities, refer to the [Students with Disabilities: Guidelines for Assessment Participation](#).

The IEP/504 teams and EL committees must work collaboratively to determine the assessment participation of dually identified students following these guidelines:

- The IEP/504 team and EL committee jointly determine the statewide assessment participation based on the dually identified student’s disability and EL status.
- The IEP/504 team and EL committee jointly determine testing accommodations based on the student’s disability and EL status.
- Statewide assessment participation and testing accommodations must be documented in the student’s IEP/504 Management Plan and EL Assessment Participation Plan.

The following Frequently Asked Questions are provided for clarification on assessment participation of Dually Identified Students.

1. *Is the dually identified student eligible for direct and indirect linguistic testing accommodations?*

Yes. Direct and indirect linguistic testing accommodations are available to the dually identified student based on the student’s EL status as documented in the student’s EL Assessment Participation Plan.

2. *Is the dually identified student eligible for the same special testing accommodations as students with disabilities?*

Yes. Special testing accommodations are available to the dually identified student based on the student’s disability as documented in the student’s IEP/504 Management Plan. For example, a dually identified student who is eligible for the Bilingual Dictionary accommodation based on his/her EL status may also be eligible for the read-aloud or audio accommodation based on his/her disability status.

3. *Are EL test exemptions available to the dually identified student?*

Yes. EL test exemptions are available to the dually identified student based on the student’s EL status. EL test exemptions resulting from the student’s EL status must be documented in the student’s IEP/504 Management Plan and the EL Assessment Participation Plan.

## Section VI: Students Formerly Identified as English Learners

[Superintendent’s Memo #168-17: English Proficiency Criteria for ACCESS for ELLS® 2.0 English Language Proficiency \(ELP\) Assessment - 2016-2017 Assessment Year](#) introduced the revised exit criteria for determining the monitored status of students no longer to be considered as English Learners. Aligning with WIDA score scale changes, Virginia determines an overall proficiency score of 4.4 as the ACCESS for ELLs® English proficiency criterion determining transition from English learner to monitored status (Virginia Department of Education, 2017).

Students meeting this criterion are referred to as Formerly EL and as mandated by ESEA must be monitored academically for at least two years and reported for four years on the number and percentage of former ELs meeting state academic standards. Virginia allows students that are Monitor Status Years 1 and 2 to be eligible to receive testing accommodations (not exemptions). Students in Monitor Status Years 3 and 4 are not eligible for direct or indirect accommodations on SOL assessments. [Appendix B](#) provides information and descriptions of available testing accommodations.

Clarification for monitor status definitions is provided below.

Monitor Year	Description of Status
<b>Formerly EL Year 1</b>	Students who earned an Overall Proficiency Level of 4.4 or greater on the WIDA ACCESS for ELLs 2.0 in Spring 2018 OR Students who were assessed with the Proficiency Level 5 checklist from the Virginia ELP Checklist K-12* in Spring 2018.
<b>Formerly EL Year 2</b>	Students who earned an Overall Proficiency Level of 4.4 or greater on the WIDA ACCESS for ELLs 2.0 in Spring 2017 OR Students who were assessed with the Proficiency Level 5 checklist from the Virginia ELP Checklist K-12 in Spring 2017.
<b>Formerly EL Year 3</b>	Students who tested on Tiers B or C of the WIDA ACCESS for ELLs 2.0 test and earned an Overall Proficiency Level of 5.0 or greater and a Literacy Proficiency Level of 5.0 or greater in Spring 2016 OR Students who were assessed with the Proficiency Level 5 checklist from the Virginia ELP Checklist K-12 in Spring 2016.
<b>Formerly EL Year 4</b>	Students who tested on Tier C of the WIDA ACCESS for ELLs test and earned a Composite Proficiency Level of 5.0 or greater and a Literacy Proficiency Level of 5.0 or greater in Spring 2015 OR Students who were assessed with the Proficiency Level 5 checklist from the Virginia ELP Checklist K-12 in Spring 2015.

\* Virginia ELP Checklist for EL Students in Kindergarten through Grade 12 with Hearing and Visual Impairments

## Appendix A: Standards of Learning Assessments by Content Area

Content Area	SOL Assessments
<b>Reading</b>	<ul style="list-style-type: none"> <li>• Grade 3</li> <li>• Grade 4</li> <li>• Grade 5</li> <li>• Grade 6</li> <li>• Grade 7</li> <li>• Grade 8</li> <li>• End-of Course (EOC)</li> </ul>
<b>Mathematics</b>	<ul style="list-style-type: none"> <li>• Grade 3</li> <li>• Grade 4</li> <li>• Grade 5</li> <li>• Grade 6*</li> <li>• Grade 7*</li> <li>• Grade 8*</li> <li>• EOC Algebra I*</li> <li>• EOC Geometry</li> <li>• EOC Algebra II</li> </ul>
<b>Science</b>	<ul style="list-style-type: none"> <li>• Grade 5</li> <li>• Grade 8</li> <li>• EOC Earth Science</li> <li>• EOC Biology</li> <li>• EOC Chemistry</li> </ul>
<b>History/ Social Science</b>	<ul style="list-style-type: none"> <li>• Virginia Studies</li> <li>• Civics &amp; Economics</li> <li>• EOC Virginia and US History</li> <li>• EOC World History I</li> <li>• EOC World History II</li> <li>• EOC World Geography</li> </ul>
<b>Writing</b>	<ul style="list-style-type: none"> <li>• Grade 8</li> <li>• EOC</li> </ul>

\* Plain English versions of these tests are available only for Mathematics tests assessing the 2009 *Mathematics Standards of Learning* for ELs who meet the eligibility criteria. Refer to [Appendix B](#) for details.

## Appendix B: Direct and Indirect Testing Accommodations for ELs

Content Area						Code	Testing Accommodation and Description (Refer to Appendix B: <i>Selection of Testing Accommodations for English Learners (ELs)</i> in the <a href="#">Examiner's Manuals</a> for additional details and specific criteria regarding these accommodations.)
<b>Direct Linguistic Testing Accommodations</b>							
H	M	R	S	W	7	<b>Test Directions Delivery</b>	<ul style="list-style-type: none"> <li>Written directions (in English only) to accompany oral test directions.</li> </ul>
H	M		S	W	10	<b>Read-Aloud Test</b>	<ul style="list-style-type: none"> <li>Tests are read (in English only) to the student. Must be recorded or proctored.</li> </ul>
H	M		S	W	11	<b>Audio Test</b>	<ul style="list-style-type: none"> <li>A pre-recorded (in English only) version of the test items.</li> </ul>
		R			14	<b>Read-Aloud Reading Test</b>	<ul style="list-style-type: none"> <li><i>Reading</i> test is read (in English only) to the student. Must be recorded or proctored. Student must meet specific criteria.<sup>1 2</sup></li> </ul>
		R			15	<b>Audio Reading Test</b>	<ul style="list-style-type: none"> <li>A pre-recorded (in English only) version of the <i>Reading</i> test items. Student must meet specific criteria.<sup>1 2</sup></li> </ul>
H	M	R	S	W	17	<b>Bilingual Dictionary</b>	<ul style="list-style-type: none"> <li>ELs may use a word-to-word bilingual dictionary.</li> </ul>
				W – SP	25	<b>Dictation to a Scribe</b>	<ul style="list-style-type: none"> <li>Dictation (in English only) to a scribe (short-paper component only). Must be recorded or proctored. Requires transcription.</li> </ul>
H	M	R	S	W - SP	29	<b>English Dictionary</b>	<ul style="list-style-type: none"> <li><b>Non-Writing Tests:</b> ELs may use a general English dictionary.</li> <li><b>Writing Tests:</b> Only permitted on short-paper component for Grade 8 and EOC Writing test (2010 SOL)</li> </ul>
	M				A	<b>Plain English Mathematics Test<sup>3 4</sup></b>	<ul style="list-style-type: none"> <li>Applicable for tests assessing the <i>2009 Mathematics Standards of Learning</i> only.</li> <li>EL overall proficiency level must be between<sup>5</sup>:               <ul style="list-style-type: none"> <li>Grades 6-8 - 1.0 through 3.3</li> <li>Grades 9-12 – 1.0 through 3.5 on Algebra I only</li> </ul> </li> </ul>

Indirect Linguistic Testing Accommodations						
H	M	R	S	W	1	<b>Multiple Test Sessions</b> <ul style="list-style-type: none"> <li>Testing over two or more school days. Some instances require a paper test. <u>Multiple test sessions are not permitted on the short-paper component of the <i>Writing</i> test.</u></li> </ul>
H	M	R	S	W	4	<b>Visual Aids</b> <ul style="list-style-type: none"> <li>Visual templates showing one word, sentence, line, or test item at a time. Code test accommodation 4 only when used on a paper test.</li> </ul>
H	M	R	S	W	18	<b>Examiner Records Responses</b> <ul style="list-style-type: none"> <li>Student marks in test booklet, responds verbally, points, or otherwise indicates a response. May need to be recorded or proctored. Requires transcription.</li> </ul>
H	M	R	S	W	31	<b>Flexible Schedule</b> <ul style="list-style-type: none"> <li>Testing with breaks requires the test to be completed within one school day.</li> </ul>

	Key
H	The testing accommodation is available for the <i>History/Social Studies</i> test.
M	The testing accommodation is available for the <i>Mathematics</i> test.
R	The testing accommodation is available for the <i>Reading</i> test.
S	The testing accommodation is available for the <i>Science</i> test.
W	The testing accommodation is available for the <i>Writing</i> test. (MC: multiple-choice/technology enhanced item (TEI) component. SP: short-paper component. Note: Paper/pencil <i>Writing</i> tests do not include TEI.)
	The testing accommodation is <u>not</u> available for the content area.

<sup>1</sup> Available for the Grades 3-8 and EOC Reading test if the EL student is dually identified as a student with a disability and the accommodation is noted in the student's 504 or IEP plan.

<sup>2</sup> Available for EOC Reading test if the EL student receives the accommodation on another SOL assessment, receives the accommodation on a regular basis in the classroom, and failed the first test attempt.

<sup>3</sup> ELs may participate in the Plain English *Mathematics* SOL tests for no more than three consecutive years if they continue to meet the requirements described in Table 1.

<sup>4</sup> Eligibility is based on ACCESS for ELLs® 2.0 scores; however, the WIDA Screener, or the WIDA MODEL™ score may be used for ELs without ACCESS for ELLs 2.0 scores. Information about WIDA assessments is available at [the WIDA website](#).

<sup>5</sup> Students in U.S. Schools for less than 12 months in Grades 6-8 and for Algebra I are eligible for Plain English *Mathematics* test participation regardless of overall proficiency level.

## Appendix C: Sample EL Assessment Participation Plan

Student Name: _____	Date of Birth: _____
School Name: _____	Entry Date in VA Schools: ___ - ___ - ____
Current Grade Level: _____	Entry Date in U.S. Schools: ___ - ___ - ____
State Testing Identifier: _____	Does the student have (circle): IEP 504

### English Language Proficiency Assessment History

Overall Proficiency Level: \_\_\_\_\_

ASSESSMENT GIVEN (CIRCLE ONE):

ACCESS FOR ELLS 2.0    SCREENER    MODEL    OTHER (complete below)

Name of ELP Assessment: \_\_\_\_\_

Date Administered: \_\_\_\_\_ Score (s): \_\_\_\_\_

SOL Content Area	Participation in the Assessment Without Testing Accommodations	Participation in the Assessment With Testing Accommodation(s) (List for each test)	Exempted from Participation in the SOL Assessment
<b>Reading</b>			<b>Reason:</b> EL has attended school in the U.S for less than 12 months
<b>Writing</b>			<b>Reason:</b> One-time exemption in grade 8
<b>Mathematics</b>			
<b>History/ Social Science</b>			<b>Reason:</b> One-time exemption in <i>Virginia Studies or Civics &amp; Economics</i>
<b>Science</b>			

### EL Committee Signatures

ESL Teacher/Title III Coordinator: \_\_\_\_\_ **Date:** \_\_\_\_\_

Course Content Teachers: \_\_\_\_\_ **Date:** \_\_\_\_\_

Building Administrator or Designee: \_\_\_\_\_ **Date:** \_\_\_\_\_

Parent/Guardian\*: \_\_\_\_\_ **Date:** \_\_\_\_\_

\* (Parent/Guardian must be informed of EL Committee decision, if not a member.)

## ELP Assessment Resources

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- Virginia Board of Education. (2018). *8VAC20-131-30. Student Achievement Expectations*. Retrieved from Administrative Code:  
<https://law.lis.virginia.gov/admincode/title8/agency20/chapter131/section30/>
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[http://www.doe.virginia.gov/federal\\_programs/esea/title3/guidance/definitions/definition\\_lep.pdf](http://www.doe.virginia.gov/federal_programs/esea/title3/guidance/definitions/definition_lep.pdf)
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[http://www.doe.virginia.gov/administrators/superintendents\\_memos/2017/168-17.shtml](http://www.doe.virginia.gov/administrators/superintendents_memos/2017/168-17.shtml)
- Virginia Department of Education. (2018, February 26). *Examiner's Manuals*. Retrieved from SOL Test Administration & Development:  
[http://www.doe.virginia.gov/testing/test\\_administration/index.shtml#examiners\\_manuals](http://www.doe.virginia.gov/testing/test_administration/index.shtml#examiners_manuals)