

# Chapter 1: Project Background and Context

When studying the appropriateness of any test or assessment system, it is important for the evaluator to understand the purpose for which the assessments are used. When statewide testing began in Texas some 20 years ago, the primary purpose of testing was to provide diagnostic information about a student's academic strengths and weaknesses. Today, the purpose of testing has evolved, and tests not only measure student learning but also assist in judging the quality of education provided by schools, school districts, and states themselves as they strive to make needed educational reform.

## Current Texas Assessment Program

The TAAS program currently assesses the state-mandated curriculum, the Texas Essential Knowledge and Skills (TEKS), at Grades 3 through 8 and the exit level. The exit level tests are administered for the first time to students in Grade 10. Reading and mathematics are assessed at each grade, writing is assessed at Grades 4, 8, and the exit level, and science and social studies are assessed at Grade 8. Spanish versions of TAAS are developed for Grades 3 through 6 and assess the same subjects as TAAS in English. Recently implemented Reading Proficiency Tests in English (RPTE) are administered to LEP students in Grades 3 through 12. Beginning in the spring of 2001, new tests called the State-Developed Alternative Assessments (SDAA) will be administered to special education students in Grades 3 through 8 who are receiving instruction in the TEKS but for whom the TAAS tests are not appropriate.

## Upcoming Changes in the Student Assessment Program

In 1999 the 76th Texas Legislature enacted legislation that will raise both the rigor of the student assessment program and the stakes regarding the use of the test scores. Senate Bill 103 raised expectations for student performance by requiring the development of a new testing program, which will be known as TAAS II. These tests will be implemented in the spring of 2003 and will reflect more fully the breadth and rigor of the TEKS. The initial administration of the new exit level tests will be in Grade 11 rather than Grade 10, and the exit level tests will assess science and social studies in addition to the current areas of reading, writing, and mathematics. By law, the exit level tests will assess more advanced course content:

- ◆ The mathematics test will include at least Algebra I and geometry.
- ◆ The English language arts test will include at least English III and writing.
- ◆ The social studies test will include early American and U.S. history.
- ◆ The science test will include at least biology and integrated chemistry and physics.

Among other changes, TAAS II will add annual assessment of students in Grade 9 in reading and mathematics. Additionally, students in Grade 10 will take an annual assessment in the same subject areas that will be assessed on the new Grade 11 exit level test.

Further legislation, Senate Bill 4, has raised the stakes of the statewide tests at lower grades by requiring that TAAS II test scores be used in making student promotion decisions. Under this mandate, students in Grades 3, 5, and 8 who do not pass certain subject area tests will be retained unless a grade placement committee makes a unanimous decision that the student is likely to perform satisfactorily at the next grade level if

promoted and given accelerated instruction. These promotion requirements will be phased in gradually and apply to students who take the TAAS tests in either English or Spanish.

- ◆ Beginning in the spring of 2003, Grade 3 students must pass the reading section of TAAS II.
- ◆ Beginning in the spring of 2005, Grade 5 students must pass the reading and mathematics sections of TAAS II.
- ◆ Beginning in the spring of 2008, Grade 8 students must pass the reading and mathematics sections of TAAS II.

## **The National Context**

Federal law now requires the inclusion of all students in standards-based reform efforts. With regard to limited English proficient students, states must find ways to assess them that do not confound their knowledge of English with their mastery of academic subject matter. Historically, test exemptions were viewed as a means to ensure that students were not required to take tests that would generate inaccurate information about their academic skills. Now, however, test results are used in Texas and many other states to determine whether schools are providing students with a quality education. This use of test scores has made it essential for states to reconsider their exemption policies. The inclusion of all students in appropriate state assessments will allow more accurate determinations to be made about school effectiveness, and it will also ensure that all students benefit from the associated educational reforms.

In January of 2000, an important Texas court ruling provided an additional national context for this study. In a closely watched case, the United States District Court Judge Edward Prado of San Antonio ruled in support of standardized, statewide testing in Texas public schools. The Mexican American Legal Defense and Educational Fund (MALDEF) brought the lawsuit against the state on behalf of a group of students who had not passed the exit level TAAS, arguing that the test was discriminatory and a violation of

constitutional and civil rights. Judge Prado ruled in favor of TAAS, stating that the test meets currently accepted standards for curricular validity. Prado stated, “In other words, the test measures what it purports to measure, and it does so with a sufficient degree of reliability. In addition, all students in Texas have had a reasonable opportunity to learn the subject matter covered in the exam.” This nationally significant ruling affirms a state’s right to establish educational policies with the goal of creating a better educational system for its students. More importantly, it sets the constitutional and legal standards that states must meet in developing and implementing high-stakes tests that are valid and reliable, and educational policies that are fair and reasonable.

## **Instruction of LEP Students in Texas**

More than 10 percent of Texas public school students are identified as limited English proficient. According to data collected through the TEA Public Education Information Management System (PEIMS) in the 1999–2000 school year, 555,470 LEP students were enrolled in public schools. In the nation Texas ranks second to California in terms of number of LEP students enrolled.

Texas schools offer special language programs to LEP students. When a student is identified as limited English proficient, the student is instructed in either a bilingual education program or a program of English as a second language (ESL). Bilingual education programs are designed to teach students the English language while providing academic instruction in their primary language until they have learned enough English to transition to academic learning in English. ESL programs are designed to teach students the English language and provide academic instruction in English using teaching methodologies that are designed specifically for second language learners. Texas law mandates that schools offer bilingual education programs in the elementary grades when the enrollment of students of one language group is at least 20 in a grade. Beyond the elementary grades, bilingual education programs are not mandated. On all

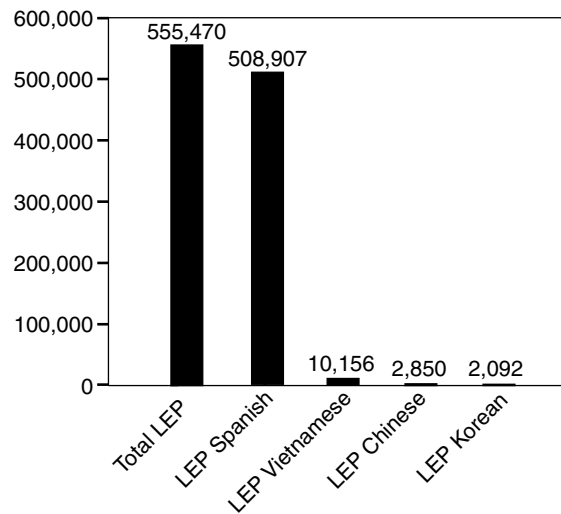
elementary, middle school, or high school campuses with any LEP students, an ESL program is required if bilingual education is not offered. According to PEIMS data for the 1999–2000 school year, the number of LEP students in bilingual education programs was 276,157, and the number in ESL programs was 220,794.

LEP students are served through bilingual education or ESL programs until they are identified as English proficient based on state-determined criteria. Once they have met the criteria, they exit these special language programs and are no longer identified as limited English proficient. Schools who have LEP students are required to establish a language proficiency assessment committee (LPAC) to identify LEP students and ensure proper program placement and exit for effective transition to mainstream English instruction. This committee is also responsible for determining whether students meet the criteria for a LEP exemption from TAAS and whether they should take TAAS in English or Spanish.

### Language Groups Represented in Texas LEP Student Population

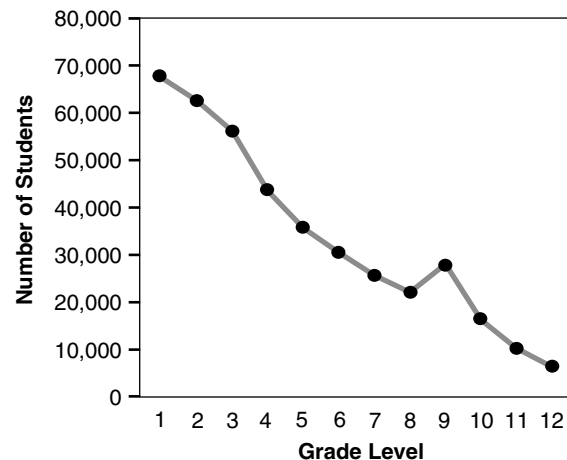
According to PEIMS data for the 1999–2000 school year, more than 90 percent of Texas LEP students speak Spanish as their primary language. A small but significant number of LEP students speak a variety of other languages, with Vietnamese, Chinese, and Korean being the most prevalent. Responses to teacher surveys administered during the development of the RPTE suggest that there are more than 100 different home languages represented in the Texas LEP student population.

**EXHIBIT 1**  
LEP students by home language for school year 1999–2000



The number of LEP students in each school district varies widely. In some districts few if any LEP students are enrolled, while in others roughly half of the students enrolled are identified as limited English proficient. The following graph shows the number of Spanish-speaking LEP students identified in Grades 1 through 12 in Texas public schools.

**EXHIBIT 2**  
Number of Spanish-speaking LEP students by grade: 1999–2000



There are two home languages for which Texas LEP student enrollment exceeds 1,000 at a grade level: Spanish and Vietnamese. The grade levels in which the number of students exceeds 1,000 are

shown in Exhibit 3. Participation of these students in bilingual or ESL programs is also shown.

**Spanish-speaking LEP students.** Large numbers of Spanish-speaking students are served in bilingual programs in elementary grades, in which districts offer bilingual education if a grade level's enrollment of students in a particular language group is 20 or more. The number of bilingual education participants drops from 21,189 in Grade 5 to 4,797 in Grade 6. Participation drops to 518 in Grade 7 and continues to decline in subsequent grades. The number of Spanish-speaking students in ESL programs is fairly substantial in all grades.

**Vietnamese LEP students.** The number of Vietnamese students statewide does not exceed 1,000 in any grade after Grade 2, and very small numbers of these students are identified as participating in a bilingual program. Vietnamese LEP students are generally served in ESL rather than bilingual programs, as are LEP students in any language group when a district's grade-level enrollment for the language group is under 20.

### EXHIBIT 3

**Grades with 1,000 or More Spanish-Speaking LEP Students**  
1999–2000 School Year

Grade Level	-----Program Participation-----			Grade Level Total
	ESL	Bilingual	Neither	
PK	7,162	34,039	1,341	42,542
KG	10,837	47,318	3,213	61,368
1	12,876	50,066	4,495	67,437
2	12,118	45,816	4,636	62,570
3	11,506	40,116	4,508	56,130
4	11,706	27,780	4,012	43,498
5	10,765	21,189	3,702	35,656
6	21,615	4,797	4,071	30,483
7	21,124	518	4,035	25,677
8	18,000	290	3,821	22,111
9	22,869	27	5,160	28,056
10	12,793	10	3,488	16,291
11	7,772	4	2,492	10,268
12	4,494	5	1,861	6,360

**Grades with 1,000 or More Vietnamese LEP Students**  
1999–2000 School Year

Grade Level	-----Program Participation-----			Grade Level Total
	ESL	Bilingual	Neither	
PK	1,015	47	29	1,091
KG	1,245	80	76	1,401
1	1,286	88	75	1,449
2	1,134	63	116	1,313

## Assessment of LEP Students in Texas

In the last decade, Texas has taken several steps to expand the inclusion of LEP students in statewide assessments, and all LEP students now participate in the assessment program.

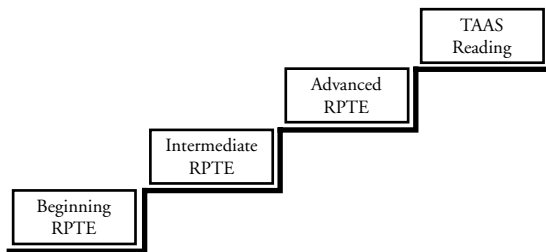
**Development of TAAS in Spanish at Grades 3 through 6.** In 1994, Texas adopted a plan to develop Spanish versions of TAAS in Grades 3 through 6. These tests allow schools to measure the academic progress of students for whom language proficiency assessment committees deem Spanish-version tests appropriate. Schools administer the TAAS tests in Spanish primarily to students in bilingual programs who receive academic instruction in Spanish while they learn English. Since passing rates began to be reported in 1997, each year TAAS in Spanish has been administered to about 40,000 LEP students who would otherwise have been eligible for exemption. The exemption rates for LEP students decreased from about 30 percent to 20 percent following the implementation of TAAS in Spanish.

**Development of the Reading Proficiency Tests in English (RPTE).** In 1995, state legislation required the commissioner of education to propose a system for evaluating the progress of those LEP students who were eligible for exemption. Following input and advice from national and state experts and stakeholders, the commissioner recommended adding English reading proficiency tests to the existing assessment system. State legislation in 1999 mandated administration of the RPTE to all LEP students, and the first statewide administration occurred in the spring of 2000. Appendix E shows student performance from the first RPTE administration.

The RPTE has been designed specifically for LEP students by taking into account the way they learn to read in a second language. Following are some of the characteristics of this test:

- ◆ The RPTE measures the reading skills of the Texas Essential Knowledge and Skills (TEKS) for English language arts and reading and for English as a second language.

- ◆ The test is based on the same reading objectives as the TAAS tests. The difference is that reading passages and test items for the RPTE are developed at the three levels of proficiency identified in the TEKS for LEP students: beginning, intermediate, and advanced. Just as LEP students are required to be taught the TEKS at their level of English language proficiency, the RPTE assesses skills from the TEKS at these levels of proficiency.
- ◆ The RPTE results are reported as a measure of progress along a proficiency continuum to show LEP students' current English reading levels and annual growth.
- ◆ The illustration below shows how the RPTE and TAAS reading tests form a cohesive assessment system for LEP students. The RPTE allows for assessment of language proficiency levels that precede the level of proficiency needed to read and understand TAAS in English.



- ◆ LEP students who achieve a proficiency rating of advanced on the RPTE will not be required to take the RPTE in the following school year. Performance at the advanced level on the RPTE indicates that the effect of the acquisition of English as a second language on a student's ability to read and understand grade-level texts in English is now minimal. With another year of instruction, assessment with TAAS will be considered appropriate.
- ◆ Test data from the RPTE will allow Texas to use one statewide, standardized measure that is linked directly to the state curriculum to ensure that LEP students are making the steady annual progress they need to become successful readers of English in academic settings.

## Recent Changes to LEP Exemption Policy

### 1999–2000 State Board Rule Regarding Exemption.

In the 1999–2000 school year, the State Board of Education took a step to include more LEP students in the assessment system by changing its rule on exemptions. For several years prior to the 1999–2000 school year, schools were permitted to grant students in Grades 3 through 8 a LEP exemption from TAAS for up to three years beginning with Grade 3, the first year TAAS is administered. For students who entered U.S. schools after Grade 3, the first exemption period began with their first year in the country. This meant that a LEP student in Texas schools since the first grade could theoretically be excluded from statewide assessment until Grade 6. The rule approved for the 1999–2000 school year disallowed LEP exemptions for *nonimmigrant* LEP students and linked the three years of exemption for *immigrants* to the first three years of enrollment in U.S. schools. This meant that nonimmigrant LEP students would take TAAS in English or Spanish by Grade 3 and that immigrant LEP students enrolled in U.S. schools since Grade 1 would take TAAS in English or Spanish by Grade 4. Exhibit 4 on page 9 displays the number and percent of LEP students in the spring 2000 TAAS administration who tested in English or Spanish, received a LEP exemption, or did not test for other reasons. Under the new rule, the LEP exemption rate dropped from 20 percent to about 10 percent, or 27,402 students statewide.

**New Law Concerning LEP Exemptions.** Senate Bill 103 has further narrowed the possibility for LEP exemptions. This legislation mandates that the exemption period for Spanish-speaking LEP students be reduced to one year and only apply to recent unschooled immigrants. As the State Board of Education met to amend its rules to comply with the new law, many educators voiced concerns that the one-year period was too short and applied only to Spanish speakers. At Grades 7 and 8 there was particular concern because there are no Spanish versions of TAAS available. At other grades, concerns were raised that the one-year period will require Spanish-speaking students in

ESL programs to either take TAAS in English before they are ready or TAAS in Spanish, which does not measure them in their language of instruction. After much testimony and careful consideration, the State Board of Education adopted an exemption rule that applies equally to students regardless of their primary language. Under this new rule, which is effective beginning with the 2000–2001 school year, all LEP students will be required to take TAAS in English or Spanish unless they are recent unschooled immigrants enrolled in U.S. schools for less than one calendar year.

In conducting this study, BETA was asked to examine the need to expand or modify the assessment system for LEP students not only in view of the current assessment requirements, but also in light of the upcoming, more rigorous requirements of Senate Bill 103 and Senate Bill 4. All students will need to demonstrate higher levels of achievement under these requirements. It will be especially important when considering the assessment system for LEP students to make sure that the system measures their skill levels appropriately and allows decisions about their promotion to be based on reliable and equitable assessment information. Since TAAS II will include annual assessments of students in Grades 9 and 10, questions as to the exemption policies and whether to develop Spanish-version tests for these grades will need to be addressed.

## EXHIBIT 4

### TAAS PARTICIPATION OF LEP STUDENTS

TESTED IN ENGLISH, SPANISH, LEP-EXEMPT, ARD-EXEMPT, ABSENT, OTHER  
(Including Year-Round Education Results)

#### Spring 2000

Includes Students Taking the Spanish Version Test at Grades 3, 4, 5, and 6  
(Percentages are based on total number of answer documents-ENG/SPN)

ALL STUDENTS	TOTAL ANSWER DOCUMENTS		NOT TESTED IN ALL TESTS											
	ENG/SPN	ABSENT	Absent / Total AD	ARD-EXEMPT	ARD-Exempt/ Total AD	OTHER	OTHER NOT TESTED	Other Not Test/ Total AD	TOTAL TESTED ENGLISH	TOTAL TESTED / Total AD	TOTAL TESTED SPANISH	TOTAL TESTED / Total AD	ENG/SPN TOTAL TESTED	Tested / Total AD
Grade 3	60,757	211	0.3%	3,793	6.2%	193	193	0.3%	31,838	52.4%	19,609	32.3%	51,447	84.7%
Grade 4	49,945	11	0.0%	3,982	8.0%	1,605	1,605	3.2%	28,439	56.9%	12,396	24.8%	40,835	81.8%
Grade 5	39,999	137	0.3%	5,017	12.5%	385	385	1.0%	24,740	61.9%	5,609	14.0%	30,349	75.9%
Grade 6	33,717	188	0.6%	4,254	12.6%	255	255	0.8%	23,431	69.5%	1,273	3.8%	24,704	73.3%
Grade 7	28,234	271	1.0%	3,681	13.0%	109	109	0.4%	18,421	65.2%	N/A	N/A	18,421	65.2%
Grade 8 *	25,151	49	0.2%	2,543	10.1%	1,254	1,254	5.0%	16,707	66.4%	N/A	N/A	16,707	66.4%
Grade 10	17,168	566	3.3%	1,625	9.5%	915	915	5.3%	14,062	81.9%	N/A	N/A	14,062	81.9%
<b>Grades 3-8,10</b>	<b>254,971</b>	<b>1,433</b>	<b>0.6%</b>	<b>24,895</b>	<b>9.8%</b>	<b>4,716</b>	<b>4,716</b>	<b>1.8%</b>	<b>157,638</b>	<b>61.8%</b>	<b>38,887</b>	<b>15.3%</b>	<b>196,525</b>	<b>77.1%</b>
<b>Grades 3-6</b>	<b>184,418</b>	<b>547</b>	<b>0.3%</b>	<b>17,046</b>	<b>9.2%</b>	<b>2,438</b>	<b>2,438</b>	<b>1.3%</b>	<b>108,448</b>	<b>58.8%</b>	<b>38,887</b>	<b>21.1%</b>	<b>147,335</b>	<b>79.9%</b>

\* Grade 8 includes science and social studies data.