



Office of Elementary, Middle, Secondary and Continuing Education
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February 2004

TO: District Superintendents
Superintendents of Public and Nonpublic Schools
Principals of Public, Nonpublic, and Charter Schools

FROM: Steven E. Katz, Bureau Chief *SEK*

SUBJECT: Procedures for Ordering, Receiving, and Storing the New York State English as a Second Language Achievement Test (NYSESLAT) and the Language Assessment Battery–Revised (LAB–R)

IMPORTANT: Your school's order for NYSESLAT and LAB–R materials must be submitted on the enclosed machine-readable order form. Return the completed form to the Department **no later than March 1, 2004**. Be sure to retain a photocopy of the completed order form for your records.

This memorandum provides information concerning the ordering, shipping, and storing of test materials for the NYSESLAT and LAB–R. The Department is sending one copy each of this memorandum and the machine-readable order form to the principal of each public, nonpublic, and charter school. An informational copy of this memorandum will be sent to each district superintendent and to each public and nonpublic school superintendent.

This document and all information in subsequent mailings pertaining to the NYSESLAT and LAB–R will be posted on the Department's web site at <http://www.emsc.nysed.gov/osa/>. If you have any questions concerning the ordering of NYSESLAT or LAB–R materials or about any of the other information in this memorandum, call 518-474-8220 for assistance.

GENERAL INFORMATION ABOUT NYSESLAT

The federal *No Child Left Behind* (NCLB) Act requires that the English proficiency of all limited English proficient (LEP) students (as defined in Education Law §3204[2-a][3]) be measured annually. All LEP students enrolled in grades K–12 in all public and charter schools must take the NYSESLAT. LEP students enrolled in public and charter schools must take this assessment to evaluate their English proficiency even if they have taken or will be taking the Grade 4 or 8 English Language Arts (ELA) Test, the Regents Comprehensive Examination in English, or for certain LEP students with disabilities, a Regents Competency Test in Reading or Writing in 2004. Nonpublic schools are encouraged to administer the NYSESLAT to their LEP students.

NCLB also requires that the language-arts proficiency of LEP students be measured as part of the school accountability program. NYSESLAT is the required measure of proficiency in English language arts for LEP students in grades 4 and 8 who enrolled in a school in the United States (not including Puerto Rico) after January 2, 2001; that is, on January 3, 2004 the students had been enrolled in a United States school for no more than three full years. LEP students who enrolled between January 3, 1999 and January 2, 2001 (inclusive) may be eligible for an exemption as described in the next paragraph.

For LEP students who have attended school in the United States for four or five consecutive years, public school districts and nonpublic and charter schools may determine annually, on an individual basis, that the NYSESLAT, rather than the Grades 4 and 8 ELA Tests, would likely yield more accurate and reliable information about a particular student's achievement in English language arts. Districts and charter schools must ensure that records of such individual exemptions are maintained. LEP students beyond their fifth year are not eligible for this exemption and must take the Grade 4 or 8 ELA Test in addition to NYSESLAT. Further clarification on consecutive years of enrollment and on the exemption of LEP students from the Grade 4 and 8 ELA Tests can be found in the LEAP Manual. The 2004 edition of this manual will be available within the next one to two months and will be posted on the Department's web site at <http://www.emsc.nysed.gov/irts/>.

All schools were instructed to return all secure NYSESLAT materials at the conclusion of the testing period and were expressly prohibited from making any notes about any of the test questions since it is possible that items from the 2003 form may be used in subsequent forms. All schools that administered NYSESLAT last year should double-check at this time to ensure that no secure materials or notes pertaining to those materials from last year's administration were inadvertently retained. Schools finding any such materials should return them immediately to the Department at the address below.

Test Distribution Unit
Cultural Education Center
Room 167
Empire State Plaza
Albany, NY 12230

School personnel will be held strictly accountable should it be found that they engaged in any practice or review with students that derives directly from last year's NYSESLAT test materials.

GENERAL INFORMATION ABOUT LAB-R

Pursuant to Part 154 of the Regulations of the Commissioner of Education, public and charter schools must administer LAB-R to newly enrolled students who by reason of foreign birth or ancestry speak a language other than English to determine if the students are LEP. LAB-R was developed by the New York City Department of Education and has been adopted by the State Education Department for distribution to and use by all schools statewide. Nonpublic schools are encouraged to administer this test for the same purpose. The LAB-R materials schools will administer during the 2004-05 school year are the same as those provided to schools for the 2003-04 school year. Unused and reusable materials remaining from the current school year should be stored in a secure location and used as needed in the upcoming school year. Schools that do not expect to have sufficient quantities of LAB-R materials remaining for the upcoming school year should submit requests for additional materials using the enclosed order form.

ORDERING NYSESLAT AND LAB–R MATERIALS

Materials for the NYSESLAT and LAB–R must be ordered on the enclosed machine-readable order form. The **original** order form must be returned to this office by March 1, 2004. The Department cannot accept photocopies or facsimiles of the order form. Retain a photocopy for your records. The principal of each school ordering the NYSESLAT and/or LAB–R must complete the Storage Plan on the last page of the order form. The order will not be processed unless the Storage Plan portion of the form has been completed and the form has been signed and dated by the principal. After the Department has processed the order form, each school will be sent a confirmation notice indicating the number of examinations to be shipped. The principal should check the confirmation notice as soon as it is received to ensure that the correct quantities of materials will be shipped. All schools ordering test materials by March 1 should receive their confirmation notice by March 30.

Administrators who determine that additional test materials are needed after the order form has been submitted should fax a supplemental order to 518-474-2021. An updated confirmation notice will be sent. It should be checked immediately to ensure that the materials to be shipped include the supplemental quantities. Please make every effort to submit all supplemental orders for NYSESLAT no later than March 30 and for LAB–R no later than June 30. Requests for test materials that are received after these dates will be honored but may be delivered to schools substantially later than those received prior to these deadlines.

Information for ordering test materials is provided below. An order must be submitted for each school in which the tests will be administered. The orders for two or more schools in a district should **not** be combined into one order.

- *Regular Test Booklets*: Indicate on the order form the number of test booklets you will need for each of the five grade levels for each of the two tests. Your school will be sent the number of test booklets ordered, rounded up to the next multiple of 20.
- *Braille and Large-Type Test Materials*: Indicate on the order form the **exact number** of students who will need braille and large-type test materials at each grade level. Schools may not submit requests for these special editions of NYSESLAT or LAB–R unless they will be needed for actual administrations. Schools may request these special editions of LAB–R at any time in the future should the need arise.
- *Answer Sheets*: The Department will provide separate machine–scannable answer sheets for NYSESLAT to nonpublic schools ordering this test. Public and charter schools must obtain answer sheets for NYSESLAT from their Regional Information Center (RIC) or large–city school district scanning center. Templates for schools to use in photocopying hand–scorable answer sheets for the LAB–R are included in the Teacher’s Guides.
- *Teacher Guides and Teacher’s Directions*: The Department will send schools sufficient quantities of these materials based on the number of tests ordered.

SCHEDULING NYSESLAT

NYSESLAT has four sessions or parts entitled, *Listening, Reading, Speaking, and Writing*. The Listening, Reading, and Writing Sessions must be administered to classes or groups of LEP students during three separate sessions on three separate days of the school’s choosing between May 10 and May 21, 2004. Schools may administer the Speaking Session *only* between April 26 and May 21, 2004. Teachers must administer Session 4–Speaking to students individually in locations separate from other students.

Administering the Listening, Reading, and Writing Sessions to students in grades 2 and above requires approximately one hour per session. Approximately 30 minutes per session are required to administer the Listening and Reading Sessions to students in kindergarten and 1st grade and approximately 20 minutes are required to administer the Writing Session to students in these grades. For all grades, the Department suggests that schools administer Session 1–Listening, Session 2–Reading, and Session 3–Writing in that sequence. However, schools may administer these sessions in a different sequence for some or all students if doing so will facilitate the school’s completion of this testing.

SCHEDULING LAB-R

LAB-R should be administered within a short time following the student’s entry into the school. Such screening with LAB-R is not necessary if the student’s LEP status is available from his or her prior school and is based on an appropriate standardized test, such as the NYSESLAT, administered during a prior school year.

SHIPPING 2004 TEST MATERIALS

The materials for the Speaking section of NYSESLAT will be delivered on April 21 or 22. The materials for the Listening, Reading, and Writing sections of NYSESLAT will be delivered on May 5 or 6. The materials for LAB–R will be delivered on September 2 or 3. All test shipments will be delivered by UPS between the hours of 8:00 a.m. and 5:00 p.m.

STORING TEST MATERIALS

NYSESLAT and LAB–R materials must be stored in the secure location designated by the principal in the Storage Plan section (page 4) of the order form. All secure test materials must be placed in the storage location as soon as they are received, and access to the test materials must be restricted to ensure that test security is maintained. If the building where the tests will be administered does not have a secure location large enough to hold the test materials, arrangements must be made to store the test materials at an alternate location. Except for the purpose of taking inventory of the test materials when they are received, secure test materials for the Listening, Reading and Writing sections of NYSESLAT and LAB-R may not be removed from the secure storage location until the day scheduled for the administration of that section of the test. The sealed packages of secure test materials must not be opened during the inventory. Since the teachers score the speaking sessions of these tests as they are administering them individually to students, teachers must be given the opportunity to familiarize themselves with the materials for that part of the tests prior to beginning administrations. Principals must caution teachers to safeguard these materials whenever they are outside the secure storage location.

NYSESLAT and LAB–R are secure tests. No one may make notes of any of the questions from either test. School personnel may not make photocopies of any of the secure NYSESLAT materials. The school principal may authorize school personnel to make photocopies of secure **LAB–R** test materials should the school’s supply be insufficient, but the principal must ensure that all original and photocopied LAB–R materials are stored in the school’s designated secure location.

All secure **NYSESLAT** materials, including used and unused student test booklets and teacher’s guides, will remain secure after test administration and must be returned to the Department at the conclusion of scoring. Additional information about the return of test materials to the Department will be provided in a mailing sent to principals shortly before the test administration, in the Manual for Administrators and Teachers, and in the shipment of the secure test materials. The materials for LAB–R remain secure but should be retained in a secure location in the school for administration to new entrants who enroll in

the school later in the school year or in successive school years. LAB–R test materials should not be returned to the Department unless the school expects to have no further use for them.

OBTAINING ADDITIONAL LAB–R MATERIALS

As explained in the previous section of this memorandum, school principals who determine after the start of the upcoming school year that additional LAB–R test materials are needed may authorize the making of photocopies by school personnel for the administration of LAB-R or for training teachers in its administration. If reproducing sufficient quantities is not feasible, schools may obtain additional materials by sending the special request form available on the Department's web site via e-mail to emscassessinfo@mail.nysed.gov. The Internet address to obtain this special request form is at http://www.emsc.nysed.gov/deputy/_assessment/labr_form.htm. Processing such requests will take up to four weeks.

Enclosure