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Office of Standards, Assessment and Reporting

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

From: David Abrams

Subject: 2010 Testing Guidance for Recently Arrived Haitian Earthquake Refugee Students

Consistent with federal regulations concerning the education of recently arrived English language learners, and understanding the traumatic experience of the January 2010 earthquake, the New York State Education Department has reviewed the testing requirements for recently arrived Haitian earthquake refugee students. Federal and state regulations allow schools to offer a **one-time exemption** from the upcoming 2010 Grades 3-8 New York State Testing Program (NYSTP) English Language Arts (ELA) Tests for those recently arrived Haitian earthquake refugee students **who are identified as English language learners**. Such an exemption is permissible for those English language learners who have attended schools in the United States (not including Puerto Rico) for less than twelve months. The regulations on assessment and accountability for recently arrived English language learners can be found on the US Education Department's website at: <http://www.ed.gov/legislation/FedRegister/finrule/2006-3/091306a.html>.

Haitian earthquake refugee students who are eligible for the exemption must have a valid score on the New York State English as a Second Language Achievement Test (NYSESLAT) to be considered tested when elementary/middle-level ELA participation rates for accountability are determined. Haitian earthquake refugee students who are exempt from the NYSTP in ELA in 2009–10 must be reported in the Student Information Repository System (SIRS) with a Program Service Record code of 0242 — Eligible to take the NYSESLAT for Grades 3–8 ELA Accountability. For more information, see the SIRS Manual at <http://www.emsc.nysed.gov/irts/sirs/>.

The exemption referenced above for the Grades 3-8 English Language Arts Tests **does not include** the Grades 3-8 Mathematics Tests, the elementary- and intermediate-level tests in science and social studies, or the NYSESLAT. All English language learners, including those who are recently arrived Haitian earthquake refugee students, must take these assessments.

In accordance with Section 100.5(d) of the Regulations of the Commissioner of Education, the principal may exempt a student who enters a New York State high school for the first time in Grade 11 from the requirement for the Regents Examination in Global History and Geography. The principal may also exempt a student who enters a New York State high school for the first time in Grade 12 from the requirement for the Regents Examination in science and the Regents Examination in Global History and Geography. With these exceptions, recent Haitian earthquake refugee students must meet all of the Regents Examination requirements for graduation from high school.

Schools should provide appropriate testing accommodations when testing English language learners or students with disabilities. A list of approved testing accommodations may be found in the Department's test manuals, which can be accessed at: <http://www.emsc.nysed.gov/osa/>.

Please direct any questions that you may have in connection with the information provided above to the Office of State Assessment at emscaccessinfo@mail.nysed.gov.

Your continued support and collaboration are always welcome and appreciated.