



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

May 14, 2020

Ms. Laurie Smith
Past President
Carolina TESOL
Post Office Box 6912
Statesville, NC 28687

Dear Ms. Smith:

Thank you for writing the South Carolina Department of Education (SCDE), expressing your concerns regarding some of the ACCESS for ELLs test administration procedures. We have been collaborating with other offices to discuss these issues, and I apologize for this late response. I am pleased to provide you with additional information addressing your concerns.

Until 2014, the SCDE published a cut-off date each year for testing new students similar to the one you propose. The SCDE discontinued the practice in response to an on-site review of the state's Title III testing by the United States Department of Education in 2013. The subsequent enactment of the Every Student Succeeds Act (ESSA), in 2015, reiterates the requirement to assess all English Learners (ELs) annually, without establishing a "cut-off" date. Since there are no ESSA regulations for guidance, we are left only with the statute to interpret.

There is no expectation that a school would screen and test a student who enrolls on the last day of testing. As stated in your letter, students need to be screened within ten days of a later enrollment, which is probably the most important requirement to ensure that students who need services receive them. The ACCESS for ELLs test takes four days to administer. Students who have taken the screener and identified as EL must test *if* there is enough time after enrollment for testing before the end of the testing window. If you and your constituent members (or other practitioners) have determined that ten days before the end of testing is the last feasible day to screen and test an enrollee, the SCDE concurs with that position, and will not find that a district has failed to comply with ESSA's testing requirements.

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Also, I agree with your concern about students taking the same test in two states. If a student transfers to South Carolina from out-of-state during testing with *ample evidence* to show the student completed ACCESS for ELLs Online in another state, the new district can accept those results. The SCDE will provide guidelines for accepting out-of-state ACCESS for ELLs Online scores for the upcoming school year. Of course, I would be happy to work with any district to confirm compliance.

Lastly, if online testing is not appropriate for students who are homebound, there is a process for districts to request to administer tests in a paper format. The SCDE will also share these guidelines for the upcoming school year. Students with disabilities may take tests in a paper format as specified in the student's Individualized Education Program or 504 plan.

I appreciate the advocacy Carolina TESOL shows for ELs and look forward to continuing and deepening the partnership with you and in growing our English to Speakers of Other Languages program in South Carolina. Please do not hesitate to reach out to me in the future at smurphy@ed.sc.gov or 803-734-0613.

Sincerely,

Susan Murphy
Office of Assessment

SM/jsh

cc: Molly M. Spearman, State Superintendent of Education
LaTonya Davis, Education Associate, Federal and State Accountability
Lori Edmonds, President, Carolina TESOL