MEMORANDUM

TO: Katherine Astrich
          OMB Desk Officer

FROM: Enid Marshall
            CSPR Coordinator

SUBJECT: Transmittal – OMB 83C Package for PART I, Consolidated State Performance Report (#1810-0614), SY 2006-2007

I am forwarding under OMB 83C eight (8) proposed technical modifications to Section 1.6 of the Consolidated State Performance Report - CSPR (#1810-0614) for the SY 2006 - 2007 data collection. The modifications detailed below involve:

- Modifying definitions or instructions for clarity and consistency with the way terms are defined in the statute
- Deleting duplicative questions or cells,
- Deleting 2 questions that ask for data ED regulations and guidance indicate we would not collect.

(1) Deleted Row 1 in Section 1.6.2.1, "All LEP students enrolled in K through 12 this reporting year"

Rationale: This is a duplicate question. The number of LEP students is already collected in 1.6.3.1.1 by adding the number tested plus not tested.

(2) Modified the definition of "ALL LEP" (moved to section 1.6.3.1.1).
Deleted the bullet "not yet attained proficiency on an ELP assessment" and added " who meet the LEP definition in Section 9101 (25)."

Rationale: The CSPR contained an error, defining LEP students as those students not proficient on a State English Language Proficiency (ELP) assessment. However, this is not consistent with the Department's definition of LEP students or the way in which States categorize and report on LEP students. In some cases, States require a student to score proficient on both the ELP assessment and the reading assessment to exit LEP status. Therefore, a student can be proficient on an English Language Proficiency assessment and still be considered LEP. The addition brings the definition into alignment with the statute and regulations. The statutory citation was added to clarify the definition of LEP students.

(3) Clarified instructions for 1.6.3.1.1 and 1.6.3.1.2. Previously directions for 1.6.3.1.1 and 1.6.3.1.2 were combined; these have been copied and pasted to precede each question. Additionally, each set of directions has been tailored slightly to each question to provide greater clarity. The directions now refer to "all LEP students" for section 1.6.3.1.1, which collects information on all LEP students and Title III served LEP students for 1.6.3.1.2, which collects information on Title III served LEP students.

(4) Added the clause "in LEAS receiving Title III funds" to Row 2 of question 1.6.3.2.1 to provide greater clarity.

(5) Modified 1.6.3.2.2 and 1.6.3.2.3: States are now required to answer EITHER Question 1.6.3.2.2 OR 1.6.3.2.3, depending on whether the State applied its AMAOs to all LEP students in LEAs receiving Title III funds or to a subset of LEP students directly served by a Title III Language Instructional Programs.

Rationale: States are required to calculate AMAOs for all Title III served students. States may choose to expand on this requirement and apply the AMAOs to all LEP students in LEAs receiving Title III funds. For those States that do require all LEP students in LEAs receiving Title III funds to meet AMAOs, they will report results in section 1.6.3.2.2. By no means does the statute require this, so we cannot require all States report on AMAO and English Language proficiency results for All LEP students. States that apply AMAOs to a subset of LEP students, receiving direct services in Language Instructional Program will answer question 1.6.3.2.3. No State will answer both questions.

(6) Added Table directions to 1.6.3.2.3 to provide greater clarity.

(7) Deleted Row 1, on recent arrival flexibility to 1.6.3.4

Rationale: In the Department's guidance, we specifically stated the Department would not collect any additional information as a result of the September LEP regulations including whether States are using the flexibility for students recently arrived in U.S. schools.

(8) Deleted question on the number of recent arrivals.

Rationale: In the Department's regulations and guidance, we specifically stated the Department would not collect this data.