

**Responses to OMB follow-up questions on 200904-1875-002: Evaluation of State and Local Implementation of Title III Standards, Assessments, and Accountability Systems**  
**10.07.09**

Follow-up question	Response
<p>Confidentiality. Please indicate whether ED plans to offer confidentiality via the Privacy Act or merely their professional ethic to focus groups and survey responders.</p>	<p>We are not invoking the Privacy Act. We plan to offer confidentiality to case study district interviewees, case study focus group participants, and district survey responders based on the contractor's professional ethic and their IRB-approved confidentiality and data security procedures.</p>
<p>1d. Even if you plan to use the Title III definition of LEP, will any effort be made to determine whether the definition of LEP for Title I is different and if so, how?</p>	<p>Yes, while the study will primarily use states' Title III definitions of LEP (e.g., in the study's student achievement analyses), we will explore whether states operationalize definitions of LEP differently for Title III and Title I purposes (in terms of the criteria and procedures that states have established for identifying students as LEP and for exiting students from LEP accountability subgroups) in the study's state interview data collection.</p> <p>Specifically, we will use Question 5 of the state interview protocol to ascertain states' definition of "LEP student" for Title III purposes, including any criteria, procedures, or guidelines states have established for identifying students as LEP and eligible for services in Language Instructional Education Programs (LIEPs). We will then use Question 5a to ask whether states have set any other criteria for identifying students as LEP for Title I or other purposes. For states that indicate that they do have additional criteria for identifying LEP students, we will ask them to describe these criteria and the purposes for which they are used.</p> <p>In addition to asking whether states have multiple criteria and procedures for identifying students as LEP, we will ask states (in Questions 8 and 8a of the state interview protocol) if their criteria for determining when an LEP student exits the LEP subgroup are the same for Title III and Title I accountability purposes. In question 7, we will also ask states about criteria they have established for exiting LEP students out of Language Instructional Education Programs (Please see our response to comment 2e below for further discussion of how state re-designation practices will be addressed in the study).</p> <p>Finally, in Question 9, we will ask states about the extent to which they allow districts to determine criteria and procedures for identifying, reclassifying, and/or exiting LEP students in order to investigate whether decision-making at the local level may contribute additional variation in how LEP students are defined.</p> <p>In our reporting, we plan to discuss the number of states that</p>

	<p>use different definitions under Title III and Title I for the purposes of identifying LEP students and exiting students from the LEP subgroup. We will also use examples to describe how definitions differ with regard to Title III and Title I.</p>
<p>2e. What specifically about re-designation practices will be discussed and included in the qualitative portion of the study?</p>	<p>Through the state interviews, we will collect information about the criteria states use for determining the exit of LEP students from Language Instructional Education Programs (LIEPs) (Question 7), the criteria states use for reclassifying students out of the LEP subgroup for Title III and (if different) Title I accountability purposes (Questions 8 and 8a), as well as the extent to which decisions about reclassifying and exiting LEP students from LIEP services are made at the state or district level (Question 9).</p> <p>Using these data, our reports will discuss the variation in the types of criteria that states use for exiting LEP students from services and for reclassifying students out of LEP accountability subgroups, as well as the prevalence of particular types of exit/reclassification criteria across states. We will discuss the extent to which states use different criteria for reclassifying LEP students out of the LEP subgroup than for exiting students out of LIEP services, and as noted in our response to comment 1d above, we will also report the extent to which states use different criteria for reclassifying students out of the LEP subgroup for Title III accountability purposes than they use for reclassifying LEP students for Title I accountability purposes. Finally, we will use the data generated from Question 9 to discuss how states vary in the amount of discretion they provide at the district or local level in making exit and reclassification decisions.</p> <p>In the case studies, we will be asking district interviewees about the ways in which they identify students as ELLs and the ways in which they determine their re-designation. Re-designation practices may include consideration of students' scores on the state ELP test, district-mandated assessments, portfolio assessments, performance in content areas, teacher recommendations, parent input, among other factors. We will also ask about the ways in which they provide support for ELLs who have been re-designated. We will be looking at the ways in which these practices are similar/different across case study districts, within states and across states, and noting any challenges that districts encounter in the re-designation process.</p>