**Created by CM on 11/20/15**

**OAR 581-22-0617**

**Essential Skills for English Language Learners**

(1) Definitions. As used in this rule:

(a) “Assessment option” means an assessment approved to assess proficiency in the Essential Skills for the purpose of earning a high school diploma or a modified diploma.

(b) “English Language Learner” (ELL) means a student who meets the definition of “Limited English Proficient” found in Title IX, Part A, Section 9101.25 of the No Child Left Behind Act of 2001 (NCLB).

(c) “Essential Skills” means process skills that cross academic disciplines and are embedded in the content standards. The skills are not content specific and can be applied in a variety of courses, subjects, and settings.

(d) “Qualified Rater” means any individual who is:

(i) Trained to a high degree of proficiency in scoring the assessment administered to the student; and

(ii) Endorsed by the school district or public charter school, consistent with local school board policy, as proficient in the student’s language of origin for the purposes of accurately scoring the student’s work in the student’s language of origin.

(2) Consistent with OAR 581-022-0615, school districts and public charter schools must adopt a policy whether to allow ELL students to demonstrate proficiency in the Essential Skill of “Apply mathematics in a variety of settings” in the students’ language of origin for those ELL students who by the end of ~~their 11th grade year~~ high school:

(a) Are on track to meet all other graduation requirements; and

(b) Are unable to demonstrate proficiency in the Essential Skills in English.

(3) Consistent with OAR 581-022-0615, school districts and public charter schools must adopt a policy whether to allow ELL students to demonstrate proficiency in Essential Skills other than “Apply mathematics in a variety of settings” in the students’ language of origin for those ELL students who by the end of ~~their 11th grade year~~ high school:

(a) Meet the criteria in Section 2(a)-(b) of this rule;

(b) Have been enrolled in a U.S. school for five (5) years or less; and

(c) Have demonstrated sufficient English language skills using an English language proficiency assessment option that is approved by the State Board of Education. ODE will issue final notice of the State Board of Education’s adoption of English language proficiency assessment ~~by March 1 of each year as an addendum to the Test Administration Manual~~ in the Essential Skills and Local Performance Assessment Manual.

(4) If a school district or public charter school adopts a policy allowing ELL students to demonstrate proficiency in the Essential skills in the students’ language of origin under Sections 2 and 3 of this rule, that policy must include the following:

(a) Development of a procedure to provide assessment options as described in the ~~Test Administration Manual~~ Essential Skills and Local Performance Assessment Manual in the ELL students’ language of origin for those ELL students who meet the criteria in Section 2(a)-(b) of this rule.

(b) Development of a procedure to ensure that locally scored assessment options administered in an ELL student’s language of origin are scored by a qualified rater.

Stat. Auth.: ORS 326.051 & 329.075  
Stats. Implemented: ORS 329.045, 329.075 & 329.485  
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