

Department of Planning and Budget

2009 Fiscal Impact Statement

1. Bill Number: HB2589

House of Origin X Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: Englin

3. Committee: Education

4. Title: **Limited English proficient students; assessment**

5. Summary: Provides that local school divisions shall not be required to administer the ACCESS for English Language Learner (ELL) test as the state-approved limited English proficiency assessment mandated for students pursuant to the federal No Child Left Behind Act for the 2009-2010 school year.

6. No fiscal impact. Preliminary.

7. Budget Amendment Necessary: No.

8. Fiscal Implications: This legislation modifies the current provisions for selecting the Limited English Proficiency (LEP) assessment to be used by school divisions. Currently, the Commonwealth requires school divisions to use the Access assessment developed by World-Class Instructional Design and Assessments (WIDA). If a school division chooses to use an alternate assessment, the Department of Education is required to ensure that the alternative produces comparable results to Access. The Board of Education must approve the use of any alternate assessments.

This legislation appears to permit the use of any alternate assessment without requiring any approval by the Board of Education for the 2009 - 2010 school year. The current process ensures all school divisions are in compliance with No Child Left Behind and provides them with the flexibility to choose an LEP assessment that meets their needs if they choose not to use Access.

The Department of Education does not anticipate a state fiscal impact. However, local school divisions could incur some additional administrative costs if they choose to pursue an alternate assessment. It is assumed such costs would be absorbed within current resources.

9. Specific Agency or Political Subdivisions Affected: Board of Education and local school divisions.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 2/2/2009 dpbsbj

Document: G:\Legislation\2009\Posted\HB2589.doc