

ELPA21 Domain Exemption Guidance

The ELPA21 allows for domain exemptions for student situations that preclude engagement with any of the four language domains (Listening, Reading, Writing, and Speaking). An example of when a domain exemption may be necessary is when a non-verbal English learner (EL) who, because of the identified disability and the absence of appropriate accommodations, cannot engage with the *speaking* portion of the assessment. In this case, the district assessment coordinator (DAC) may apply to NDE for a speaking domain exemption. Another example is an EL who is deaf or hard of hearing and cannot access the listening test even with appropriate accommodations or devices, may qualify for an exemption from the listening section. The students in these examples are expected to take the remaining sections of the test. Exemptions from all domains (the entire assessment) are not allowed.

It is important to understand that a domain exemption is only appropriate when the student is not able to *access* part of the assessment, which is different than the potential to not score well on it. To determine if a domain exemption is necessary, teachers and administrators must provide assurances of the following:

- The student has a documented disability or impairment in an IEP or 504 Plan applicable to the domain;
- Even with available accommodations, the student cannot engage with (access) the domain;
 - It is advisable to use the practice test, if appropriate, to help inform this decision;
- The IEP or 504 Team, in consultation with the educator(s) supporting the student's English language development, have established a need for the exemption;
 - Note: It is essential that for ELs with disabilities that there is ongoing consultation with educators who have requisite knowledge of the child's English language development needs and skills as part of the IEP process.

If the criteria are met, the DAC may apply to the NDE Title III Director for an exemption. Along with the above assurances, the following information will be necessary:

- The student's 10 digit unique state ID and name of school;
 - Note: Do not include the student's name or other personally identifiable information;
- A background description as to why the team believes the exemption is necessary.

If approved, NDE will enter a domain exemption into the TIDE system. **DO NOT BEGIN ANY PART OF THE ASSESSMENT** until NDE has configured the domain exemption in TIDE. Student results are based solely on the attempted domains.

If you have questions call or contact:

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