MISSISSIPPI

ENGLISH LEARNER GUIDELINES: REGULATIONS, FUNDING GUIDANCE, AND INSTRUCTIONAL SUPPORTS

2018

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The Mississippi Department of Education appreciates the dedication of the educators who contributed their talent and extensive knowledge to the creation of this document. We are thankful for your work on this project, and also for the work you do each day to help improve the lives of English Learner students and families.

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INTRODUCTION

As Mississippi's English learner population has continued to grow over the past several years, the Mississippi Department of Education has increasingly received requests for technical assistance, professional development and other supports from school districts and other key stakeholders.

In response to these requests, we are happy to share this new *English Learner Guidelines: Regulations, Funding Guidance and Instructional Supports* publication with educators who serve English learners. This document is designed with a variety of educators in mind. Part One, entitled "English Learner Guidelines", and Part Two, "Federal Education Grants that Can Support English Learner Students", are likely of particular interest to Federal Programs Directors, English Learner Coordinators, and building level administrators. Part Three, "Instructional Resources to Support Teachers of English Learners", and Part Four, "Administrator Supports for Working with English Learners", take a practical approach and are expected to be especially helpful to principals, general education and English learner teachers and tutors, along with curriculum coordinators, academic coaches and others involved in day-to-day instruction of English learners.

Our hope is that this document will serve as a valuable resource for Mississippi educators, as we all continue to work together to ensure that all of Mississippi's English learner students and families receive the education they both need and deserve.

Please remember that the Mississippi Department of Education continues to be here to support you in your English learner efforts.

For information on the English Learner Guidelines or the federal education grants document, please contact the Office of Federal Programs at 601-359-3499. For information on English learner instructional supports and related professional development, please call the Office of Intervention Services at 601-359-2586.

Additional information and updates also can be found online at https://www.mdek12.org/OFP/Title-III-Part-A or at http://www.mdek12.org/EL.

ENGLISH LEARNER
GUIDELINES

SECTION ONE

UNDERSTANDING MISSISSIPPI ENGLISH LEARNERS

A number of terms have been used through the years to identify students who are non-native English speakers. At one point, these students were called English as a Second Language (ESL) students. This term was flawed, because it did not acknowledge that some students learn English and another language simultaneously and that some students might already know two or more languages before learning English. During the era of the *No Child Left Behind Act* (NCLB), the term English language learner (ELL) was often used to describe this population of students. The *Every Student Succeeds Act (ESSA) of 2015* brought a slightly different variation on the term, naming this population of students "English learners." The reasoning behind this decision was the result of a belief that the word "language" was redundant, since English is already recognized as a language. In some federal communications, the phrase limited English proficient is used. For the purposes of this document and the work of public educators in the state of Mississippi, the federal term English learners (ELs) will be used.

According to ESSA, an EL is defined as an individual:

- who is aged 3 through 21;
- who is enrolled or preparing to enroll in an elementary school or secondary school;
- who was not born in the United States or whose native language is a language other than English;
- who is a Native American or Alaska Native, or a native resident of the outlying areas; and
- who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
- who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
    - the ability to meet the State's proficient level of achievement on State assessments;
    - the ability to successfully achieve in classrooms where the language of instruction is English; or
    - the opportunity to participate fully in society.

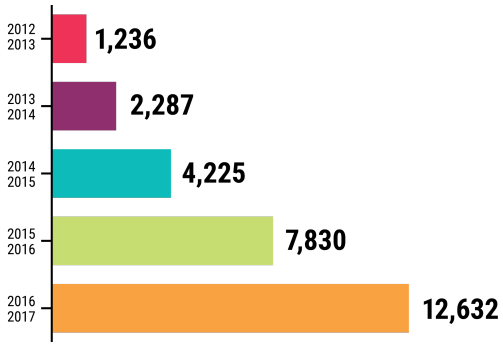
> My favorite thing about school is helping my friends.
>
> **7 years old**
> *future teacher*
>
> SCOTT COUNTY SCHOOLS

Nationwide, there are about 4.6 million ELs. This represents an increase of about 3% in 10 years.[1] The population of ELs is demographically diverse. EL trends contribute to the changing profile of the U.S. population of children and youth. Overall, about 1 in 5 U.S. children between 5-17 years old now live in immigrant families. Combined, the foreign-born population and U.S.-born individuals with immigrant parents account for 25% of the overall U.S. population.

Recent immigration trends also are associated with changes in the distribution of languages spoken in the United States. In the past 3 decades, the percentage of the U.S. population speaking only English has declined, while the percentage speaking a language other than English has increased. Spanish is the most commonly spoken non-English language in U.S. homes, even among non-Hispanics. Eighty-nine percent of the U.S. population spoke only English in 1980, compared with 79.7% in 2010.[2]

Mississippi is following the national trend and has seen an increase of 3,000 ELs within the past 2 years. In the 1990s and early 2000s, many of Mississippi's EL students were clustered in specific regions of the state. A number of EL students were located on the Mississippi Gulf Coast, where families were drawn to fishing, shipbuilding, and related industries. In Northeast Mississippi, many ELs were the children of farmers.

FIGURE 1
2012-2018 Mississippi EL Population



In early 2018, the majority of Mississippi school districts had at least one EL. Thirty-five districts had between 10 and 50 ELs, and 26 districts had between 50 and 150. Fourteen districts served more than 300 ELs.

While the Mississippi Gulf Coast continues to have high numbers of ELs, the diversity of the region's ELs is more striking than it was a decade ago, with a variety of languages and ethnicities represented.

FIGURE 2
2016-2017 Top 5 Most Common Languages in Mississippi

LANGUAGES	Number of EL Speakers
Spanish	8,243
Arabic	480
Vietnamese	277
Chinese	223
Gujarati	85

Over 500 languages are represented in the United States, with Spanish being the most common language seen among ELs. Statewide, Spanish continues to be the most prevalent language spoken by ELs, but 20 or more other languages are now represented.

During the 2016–2017 school year, about 12,630 ELs entered Mississippi schools and were identified as ELs in kindergarten or first grade. At the same time, the state also

[1] National Center for Education Statistics, https://nces.ed.gov/fastfacts/display.asp?id=96, (accessed January 18, 2018)
[2] "The Demography of the English Learner Population." National Academies of Sciences, Engineering, and Medicine. 2017. *Promoting the Educational Success of Children and Youth Learning English: Promising Futures*. Washington, DC: The National Academies Press. doi: 10.17226/24677.

has seen an increase in the number of students who are entering U.S. schools for the first time in junior high and high school.

About 6% of the EL population entered Mississippi schools in 8th through 12th grade. Many of these students are considered Students with Interrupted Formal Education (SIFE), who may have attended school sporadically or stopped attending entirely after third or fourth grades due to lack of school access and other circumstances. These students need language support, but also need intensive interventions in reading, writing and math, because they have not received a formal education in their home country that is equivalent to the public education of their peers in the United States.

ELs are a diverse population, representing many varied formal schooling backgrounds. Some students, for example, might have had interrupted schooling and not be able to read or write in their native language. Other students might have been enrolled in schools where they learned English in preparation for a move to the U.S. The length of time that students take to learn English also varies and is dependent on a variety of factors.

FIGURE 3

Types of English Learners and Their Characteristics

TYPE OF ENGLISH LEARNER	CHARACTERISTICS
Newly Arrived with Adequate Schooling	▪ Recent arrivals (less than 3 years in the United States) ▪ Adequate schooling in native country ▪ Catch up academically with relative ease ▪ May still score lower on standardized testing due to need for English language acquisition
Newly Arrived with Limited Formal Schooling	▪ Recent arrivals ▪ Interrupted or limited schooling in native country ▪ Limited native language literacy ▪ Below grade level in math ▪ Poor academic achievement
Long-Term English Learner	▪ Below grade level in reading and writing ▪ Mismatch between student perception of achievement and actual grades ▪ Some have adequate proficiency but score low on tests ▪ Have had EL instruction, but inconsistent instructional models

Educators who work with ELs at the school and district level must understand the diverse academic and linguistic needs of Mississippi's ELs and must provide supports accordingly.

SECTION TWO

UNDERSTANDING THE ROLE OF FEDERAL CIVIL RIGHTS LAWS IN THE EDUCATION OF ENGLISH LEARNERS

Federal law prohibits entities that receive federal funds, including LEAs and public schools, from discriminating on the basis of race, color, or national origin.[3] Federal law also requires LEAs to take "appropriate action to overcome language barriers that impede equal participation by [their] students in [their] instructional programs."[4]

Based on these (and other) federal laws, federal courts have:

- Ruled that LEAs must take affirmative steps to ensure ELs can meaningfully participate in their educational programs and services. (*Lau v. Nichols*, U.S. Supreme Court (1974).)
- Ruled that states cannot constitutionally deny students a free public education based on their immigration status. (*Plyler v. Doe*, U.S. Supreme Court (1982).)
- Established criteria for evaluating the adequacy of EL programs.[5] (*Castañeda v. Pickard*, U.S. Court of Appeals for the Fifth Circuit (1981). These criteria are also reflected in the U.S. Department of Education and the U.S. Department of Justice's ***Joint Guidance on English Learner Students and Limited English Proficient Parents***[6] (2015), which outlines legal obligations to EL students under civil rights laws and other federal requirements.

These federal laws and court rulings affect LEAs in a variety of ways, including the steps LEAs take to:

- Enroll ELs in school (see Section Three),
- Identify ELs (see Section Three),
- Assess ELs (see Section Four),
- Provide ELs with a language education program and access to academic content (see Section Six),
- Staff and support EL programs (see Section Seven),
- Ensure meaningful communication with parents of ELs (see Section Eight), and
- Provide ELs with access to other program services (see Section Nine).

For more information on Civil Rights of English learners, see Part Five (pg. 195) of this document.

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[3] Title VI of the Civil Rights Act of 1964. More information about education and Title VI is available from the U.S. Department of Education at https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html.
[4] Equal Educational Opportunities Act (EEOA), 20 U.S.C. § 1703(f)).
[5] The criteria are: (1) whether the educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy; (2) whether the program and practices used by the school system are reasonably calculated to implement effectively the educational theory adopted by the school; and (3) whether the program succeeds, after a legitimate trial, in producing results indicating that students' language barriers are actually being overcome within a reasonable period of time.
[6] This guidance is available at https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf

SECTION THREE

ENROLLING AND IDENTIFYING ENGLISH LEARNERS

ENROLLING ENGLISH LEARNERS

When EL students and their families enter the United States, they must become familiar with their new country's culture and customs as well as a new school system and its myriad structures, expectations, and legal requirements. Children who are unaccompanied youth may also be adjusting to life in a new family or home environment. On top of these challenges, many ELs may have had journeys to the United States that involved hardship and trauma.

Welcoming ELs into a school community requires empathy and understanding of the unique challenges faced by these students and their families. It also necessitates an understanding of the benefits of creating environments that are inclusive, informing, welcoming, and conducive to full participation and academic success for all students.

Every public school in the United States is required to provide a free and equitable education to all school age children who live within the boundaries of the local educational agency (LEA), regardless of immigration status. Several laws protect the rights of ELs and their families, particularly during the enrollment process. These protections are provided because many EL students' levels of transiency and lack of English proficiency make them a particularly vulnerable population.

LEAs and their public schools must enroll all students regardless of their or their parents' or guardians' actual or perceived citizenship or immigration status.[7]

When enrolling students, LEAs may not request information from students or their parents or guardians in order to deny access to public schools on the basis of race, color, or national origin.[8]

For example, while an LEA may require proof of residency, inquiring into students' citizenship or immigration status, or that of their parents or guardians, would not be relevant to establishing residency.[9]

Similarly, while an LEA may require students or their parents to provide proof of age, an LEA may not bar a student from enrolling because he or she lacks a birth certificate or has records that indicate a foreign place of birth.[10]

Further, if an LEA requests a student's social security number it must: 1) inform the family that providing it is voluntary and refusal will not bar the child from enrolling in or attending school,

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[7].U.S. Departments of Education and Justice, *Dear Colleague Letter: School Enrollment Procedures* (2014), p. 2, available at www.ed.gov/ocr/letters/colleague-201405.pdf. (referred to as *Dear Colleague Letter: School Enrollment Procedures* for the rest of this document).

[8] *Dear Colleague Letter: School Enrollment Procedures*, p. 2.

[9] *Dear Colleague Letter: School Enrollment Procedures*, p. 2.

[10] *Dear Colleague Letter: School Enrollment Procedures*, p. 2.

and 2) explain for what purpose the number will be used. A school district may not require families to provide a social security number to enroll in or attend school.[11]

In general, LEAs should review the list of documents they require for enrollment to ensure they do not unlawfully bar or discourage students from enrolling in or attending school.[12] More information about the rights of all children to enroll in school is available in this Dear Colleague Letter on School Enrollment Procedures from the U.S Departments of Education and Justice.

Additional information on the Civil Rights of ELs and their families can be found in Appendix A and Appendix B.

IDENTIFYING ENGLISH LEARNERS

My favorite thing about school is my teachers and the library.

8th grader
future doctor

PASCAGOULA-GAUTIER SCHOOL DISTRICT

STEP 1 HOME LANGUAGE SURVEY

A Home Language Survey (HLS) must be completed for each student registering for enrollment in a school in Mississippi. An HLS is a tool to be given to ***all new entering students*** and used to identify students who may not be proficient in English. It is strongly recommended the HLS in this document be used for all Mississippi students.

If districts do choose to develop a HLS, it is recommended by the U.S. Department of Education to include these questions to be in compliance with federal law:

- Is a language other than English spoken at home?
- Is your child's first language a language other than English?
- What language did your child learn when he/she first began to speak?
- What language does your child most frequently speak at home?

If any response on the HLS indicates the use of a language other than English by the student or an individual in the home, then further assessment must be conducted to determine the student's English-language proficiency level.

The completed survey becomes part of the student's cumulative record and must be available for future reference.

[11] *Dear Colleague Letter: School Enrollment Procedures*, p. 4.
[12] *Dear Colleague Letter: School Enrollment Procedures*, p. 2.

MISSISSIPPI DEPARTMENT OF EDUCATION
Ensuring a bright future for every child

HOME LANGUAGE SURVEY

FOR K-12 SCHOOL DISTRICTS

STUDENT INFORMATION

Student Name _____ **Grade** _____
First *Middle* *Last*

Date of Birth _____ **Gender** _____ **School** _____

1. What is the dominant language **most often** spoken by the student? _____
2. What is the language **routinely** spoken in the home, regardless of the language spoken by the student? _____
3. What language was **first** learned by the student? _____
4. Does the parent/guardian need **interpretation** services? ☐ Yes ☐ No
   If so, what language? _____
5. Does the parent/guardian need **translated** materials? ☐ Yes ☐ No
   If so, what language? _____
6. What was the date the student first enrolled in a school in the United States? _____
   MM/YYYY
7. In what country was the student born? _____

_____ _____
Parent / Guardian Signature *Date (MM/DD/YYYY)*

DISTRICT USE ONLY

☐ Designated English Learner on the LAS Links Screener

DOCUMENTATION OF LAS LINKS SCREENER FOR STUDENT					
Date	*Speaking Score*	*Listening Score*	*Reading Score*	*Writing Score*	*Composite Score*

STEP 2 THE PLACEMENT TEST FOR INSTRUCTIONAL PLACEMENT

The LAS Links Placement Test must be conducted to determine the level of English proficiency and to facilitate appropriate instructional and program placement decisions. Potential EL students identified by the HLS during registration during the beginning of the school year must be assessed for English-language proficiency within 30 calendar days of enrollment. Potential EL students who register after the beginning of the school year must be assessed within 10 school days of enrollment. The English Language Proficiency Test (ELPT) assesses the proficiency of students in all four language domains (i.e., speaking, listening, reading, and writing). Those administering and scoring the placement test must be certified teachers and receive some level of training. The LEA test security plan must describe who will administer and score assessments, and what training is required to ensure valid and reliable results. The student's placement test report must be placed in their cumulative record.

STEP 3 PARENT AND FAMILY NOTIFICATION

Any parent or guardian whose child is receiving or is eligible to receive EL services has the right to decline or opt his or her child out of any or all EL services. The LEAs may not recommend that a parent or guardian opt a child out of EL programs or services for any reason. The LEA must provide guidance in a language parents or guardians can understand to ensure that they understand their child's rights, the range of EL services that their child could receive, and the benefits of such services. This is to ensure that the parent or guardian's decision to opt out is informed and voluntary. The LEAs that receive Title I or Title III funds must provide written notification to parent or guardians of their children's recommended placement in an EL program within 30 days of the start of the school year (or within 10 days for later-arriving students). The notification must include all of the statutorily-required elements, including the right to opt out. The LEA must retain appropriate documentation to demonstrate that a parent or guardian knowingly and voluntarily opted his or her EL child out of EL programs or particular EL services. It is important to note that opting out of EL programs or particular EL services does not affect a student's ability to participate in any other programs or services, such as special education services. If a parent or guardian decides to opt his or her child out of EL programs or particular EL services, that child retains his or her status as an EL. The LEA remains obligated to take affirmative steps and appropriate action required by civil rights laws to provide the EL student meaningful access to its educational program. Thus, the LEA must continue to monitor periodically the opted-out student's academic progress.[13]

[13] U.S. Department of Education, Office of English Language Acquisition. (2017). English Learner Tool Kit (2nd Rev. ed.). Washington, DC: Author.

If an LEA finds that a student is struggling, it must take appropriate steps to assist the student. These steps must include reassessing the student's ELP using the screener; notifying the student's parent or guardian about his or her child's lack of progress, and encouraging him or her to opt the child into EL programs and services; and providing supports for the student's language acquisition, such as offering professional development (PD) in second language acquisition to the student's core curriculum teachers.

The ELs who opt out of services must, like those receiving programs or services, have their ELP reassessed yearly during the annual LAS Links assessment period. After it is determined that the EL no longer qualifies as an EL, the LEA must continue to monitor the student for at least 4 years, just as it would an EL who has received EL programs and services.[14]

STEP 4 PLACEMENT IN A LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM

After ELs have been identified using the LAS Links Placement Test, LEAs must provide ELs with appropriate language assistance services and programs, commonly known as "EL services and programs." The LEAs have the flexibility to choose the EL services and programs that meet civil rights requirements and best meet the needs of their EL population.

Section Six has more information about the requirements for language education programs and access to academic content, but in general appropriate EL services and programs enable ELs to attain both English proficiency and parity of participation in the standard instructional program within a reasonable amount of time. The LEAs must offer appropriate EL services until ELs are proficient in English and can participate meaningfully in educational programs without EL support. This includes continuing to provide EL services to ELs at the highest levels of English proficiency until they have exited from EL services and programs.

The goal for students who are ELs is that they attain fluency in English, master the state's academic content standards as demonstrated by proficiency on the state's required student assessments, and pass any other state required tests. Research related to student placement and retention shows that ELs must be placed age-appropriately in the mainstream classroom. This provides them with access to challenging, grade-level content instruction and the opportunity to interact with their English-speaking peers and is considered generally to be the least restrictive educational environment. At the high school level, credits must be awarded based on transcripts provided by the students/parents/guardians, even if the coursework

[14] U.S. Department of Education, Office of English Language Acquisition. (2017). English Learner Tool Kit (2nd Rev. ed.). Washington, DC: Author.

was taken in another country. If transcripts are in a language other than English, translations must be sought so that credits can be awarded.

STEP 5 DEVELOPING A LANGUAGE SERVICE PLAN

The Mississippi Department of Education requires each student designated as an EL to have a Language Service Plan (LSP), which must be updated annually until the student exits the EL program. The Student Evaluation Team (SET) must meet to develop the LSP at the beginning of each academic school year. This team must be composed of teachers (including EL teachers), administrators, counselors, and parents or guardians. The team will meet quarterly to evaluate the student's progress and make necessary adjustments. A copy of the LSP must be provided to all teachers who work with the EL student.

The LSP must contain the following:

- Student's demographic information
- Date of first enrollment in a U.S. school
- Yearly ELPT scores
- Classroom accommodations
- State testing accommodations
- Signatures of SET members

STEP 6 EL DATA ENTRY

The accuracy of EL data is of the utmost importance. Once a student has been identified as an EL the district must ensure the student is correctly marked in their student data package. This information will upload to MSIS once the district has submitted their data to the Mississippi Department of Education. Districts should ensure each column on the EL roster screen of MSIS is completed. This information should be checked monthly for accuracy.

Additional information on how to correctly enter EL data can be found in Appendix A.

SECTION FOUR
ASSESSING ENGLISH LEARNERS

FEDERAL REGULATIONS

The Elementary and Secondary Education Act (ESEA) requires that the LEA must assess all ELs using the annual English language proficiency assessment, including those students whose parents have declined to enroll them in, or had them removed from, Language Instruction Education Programs (LIEPs).[2] Additionally, all ELs enrolled in schools served by the State must be assessed annually using the State's English language proficiency assessment. [ESEA Section 1111(b)(2)(G)]. "State or district assessment policies, if they include a right to opt a child out of assessments, do not override or diminish the LEA's obligation to assess 100 percent of ELs using the annual English language proficiency assessment."[2]

ENGLISH LANGUAGE PROFICIENCY TEST

The LAS Links Assessment is a secure, large-scale, English language proficiency assessment administered to kindergarten through 12th grade students who have been identified as ELs. This assessment is administered annually in the spring to monitor each EL's progress in acquiring academic English.

The LAS Links Assessment incorporates both English language arts (ELA) standards of the Mississippi College and Career Readiness Standards and English Language Development Standards to measure each student's English language proficiency level and growth.

> My favorite thing about school is reading.
>
> **10 years old**
> *future teacher*
>
> MERIDIAN PUBLIC SCHOOLS

ENGLISH LANGUAGE PROFICIENCY TESTING BASICS

As mandated by ESEA, the students are tested in four domains: Listening, Speaking, Reading, and Writing. The Listening domain assesses the student's response to a variety of audio passages. The Speaking domain assesses the student's production of grammar and vocabulary as used in social and academic language. The Reading domain assesses the student's reading comprehension based on answers to multiple-choice questions about passages, tables, charts, and illustrations. Lastly, the Writing domain assesses the student's ability to produce grade-level appropriate words, sentences, and paragraphs.

ACCOMMODATIONS ON STATE ACADEMIC ASSESSMENTS

Reasonable accommodations must be provided on assessments administered to ELs. In the current edition of the Mississippi Testing Accommodations Manual[6], accommodations are available for students who have been officially identified as ELs. Mississippi strives to ensure that the use of accommodations deemed appropriate for ELs on any state assessment does not deny ELs the opportunity to fully participate in the assessment and allows the students to receive benefits equal to those received by never-ELs.

If an EL cannot be assessed on LAS Links Assessment in one or more domains of the English Language Proficiency Test due to a disability, and there is no appropriate accommodation, the student's English language proficiency will be based on the domains that can be assessed.

EXITING STUDENTS

On January 19, 2017, the Mississippi State Board of Education revised the LAS Links Assessment score requirements for English learners (EL) to officially exit EL status.[3] Under the new policy, the student is required to obtain the following proficiency levels on the ELPT:

a. Overall Proficiency Level 4 or 5, and
b. Reading Proficiency Level 4 or 5, and
c. Writing Proficiency Level 4 or 5.

Because ESSA requires states to have uniform exit criteria, LEAs should not add other criteria as exit requirements. An EL with a disability can be "exited" from EL status when he or she no longer meets the definition of an EL. This occurs when the student meets the State's definition of "proficient" in English.

However, there is no provision in the Individuals with Disabilities Education Act (IDEA) that would authorize the Individualized Education Program (IEP) Team to remove the "EL" designation before the student has attained English proficiency. In addition, other LEA and/or school personnel do not have the authority under Federal law to remove a student's EL designation before the student has been deemed proficient in English solely because the student has an IEP.[5]

MONITORING STUDENTS

After students have exited EL status, school districts must monitor their academic progress for at least 4 years. Monitoring must be conducted and documented every 9 weeks, with a SET team reviewing monitored students' grades, assessments and other related data. If an exited EL is not progressing academically as expected and monitoring suggests a persistent language need, districts must re-test using the LAS Links Placement Test to see if the student needs to be offered additional language assistance services. In no case should re-testing of an exited student's ELP be prohibited. If the student re-enters EL services, however, the LEA is required to document the reasons why, as well as obtain the parent's consent prior to reentry.

SECTION FIVE

DEVELOPING AND EVALUATING DISTRICT PLANS

Every school district in Mississippi must develop and implement a comprehensive EL District Plan. Title III of ESEA, as amended by ESSA, requires LEAs and state education agencies (SEAs) to report on a variety of key EL-related measures (see Sections 3121 and 3122) that can be used to improve local or state programs for ELs. However, evaluation of an EL program should not be limited to data required for ESEA accountability purposes.

Each school district, regardless of EL population size or Title III funding eligibility, must update its plan annually and have it board approved. As part of the update, district staff must consider any changes in EL needs that are the result of changing demographics or academic performance. The plan also must be distributed to each school site and must be kept on file at the district office. The plan must be detailed and provide a clear vision of how EL students and families must be served.

The plan must be developed with extensive collaboration and is not the responsibility of just one district staff member. School administrators, including principals, must be included in plan development, along with teachers who serve ELs. District-level input must be received from staff including the federal programs director, an EL coordinator (if one is on staff), and the district test coordinator, along with staff who oversee registration. Other staff might include counselors, special education staff, and parent and family engagement coordinators. Stakeholders from the community might include EL parents, former and current EL students, and leaders of businesses who often employ non-native English speakers.

During the development of plans, districts must take into consideration the unique demographics of the district, including language diversity, language proficiency, and the grade levels where ELs are most frequently served. Special consideration must be given to secondary newly arrived ELs well as ELs in early childhood programs.

The following components are required in all LEA plans:

- The process for enrolling ELs
- The process for identifying potential ELs
- The process for assessing ELs
- The process for exiting students from EL status
- The process for monitoring students who have exited EL status
- A description of services and instructional supports provided to ELs, including how ELs are given access to challenging state standards

My favorite things about school are reading and math. My teacher makes math fun!

8 years old
future heart doctor

DESOTO COUNTY SCHOOLS

- A description of staffing and resources available to ELs, including how EL services will be integrated with other programs
- A description of how the academic achievement and language acquisition of ELs will be monitored and how EL students will potentially be served through the Multi-Tiered System of Supports
- How EL programs will be evaluated annually at the school and district level
- How teachers will be trained on EL instructional strategies
- How the district will work to recruit and retain EL certified teachers and staff
- How the district will strengthen connections between EL families and schools, including how information will be provided to parents or guardians and families in a language they can understand

EVALUATING EL PROGRAM EFFECTIVENESS

Successful EL programs must, at a minimum, be designed to enable EL students to attain both English proficiency and full access to the grade-level content. This access helps ELs to exit from EL programs within a reasonable period and graduate high school prepared for college and careers.

To determine the effectiveness of an LEA's EL program, an LEA must conduct periodic evaluations as well as ongoing analysis of effectiveness. Student achievement data must be used to determine an EL program's effectiveness and ensure compliance with state and federal reporting requirements. An evaluation of an EL program should not be limited to required data used for accountability purposes but should instead include multiple data points. Data should be gathered, analyzed, and used to strengthen EL programs and services as appropriate. Data points that might be collected and used for evaluation include the following:

- Scores on state and local assessments
- Scores on the English Language Proficiency Test
- Rates of retention
- Exit rates
- Graduation rates
- Participation rates in gifted and advanced courses
- Enrollment rates in prekindergarten and other programs
- Enrollment rates in special education and related services
- Attendance rates
- Participation rates in extracurricular programs
- Suspension rates
- Results of parent and family, student, and teacher surveys
- Results of surveys from other key stakeholders[15]

[15] U.S. Department of Education, Office of English Language Acquisition. (2017). English Learner Tool Kit (2nd Rev. ed.). Washington, DC: Author.

The EL program evaluations must include longitudinal data that compares the performance of current ELs, former ELs, and never-ELs. Comprehensive and longitudinal evaluation will help LEAs and schools determine if ELs are meeting college and career readiness standards, participating in and performing comparably to never-EL peers, accessing the same curricular and extracurricular opportunities as their never-EL peers; and exiting EL programs at appropriate rates.

If evaluations show that EL programs are not effective, the LEA must make appropriate changes to strengthen programs and more effectively serve students. The Mississippi Department of Education's Office of Federal Programs monitors EL programs to ensure that EL plans are in place, effective, and being implemented with fidelity.

My teacher helps me by pushing me and challenging me to do my best.

14 years old
future musician

FOREST MUNICIPAL SCHOOL DISTRICT

SECTION SIX

PROVIDING EL STUDENTS BOTH A LANGUAGE EDUCATION PROGRAM AND ACCESS TO ACADEMIC CONTENT

After ELs have been identified using the LAS Links Placement Test, LEAs must provide ELs with appropriate EL language assistance services. The LEAs also must provide EL students with access to the content of the Mississippi College and Career Readiness Standards. Other services, including special education, gifted education, and extracurricular programs, also must be provided as needed.

ENGLISH LANGUAGE ACQUISITION PROGRAM MODELS

The LEAs have the flexibility to choose the EL services and programs that meet civil rights requirements and also best meet the needs of the local EL population. Appropriate EL services and programs equip ELs to attain both English proficiency and to participate in the standard instructional program. The LEAs must offer EL services until students have demonstrated English proficiency on the ELP assessment. Even when students are exited from EL programs, individual academic performance must be monitored for 4 years.

The LEAs must apply the same standards that the Office of Civil Rights and Department of Justice applies when evaluating whether EL services and programs meet civil rights requirements. These standards, established in *Castaneda v. Pickard*, include a three-pronged test:

1. Is the program based on an educational theory recognized as sound by some experts in the field or considered a legitimate experimental strategy?
2. Are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively?
3. Does the program succeed in producing results indicating that students' language barriers are being overcome within a reasonable time?

The following chart provides a brief overview of some common EL programs. Each program requires that teachers have specialized training in meeting the needs of ELs.

FIGURE 4
Common EL Programs

PROGRAM OPTION	PROGRAM GOAL	LANGUAGE(S) USED FOR INSTRUCTION
English as a Second Language or English Language Development	Content-based program of techniques, methodology and special curriculum designed to teach ELs explicitly about the English language, including the academic vocabulary and structures needed to access content instruction, and to develop their English language proficiency in all four language domains (reading, writing, listening and speaking).	Usually provided in English with minimal but strategic use of ELs' primary language whenever possible
Structured English Immersion	Program designed to impart English language skills so that the ELs can transition and succeed in an English-only mainstream classroom once proficient.	Usually provided in English with minimal but strategic use of ELs' primary language whenever possible
Transitional Bilingual Education or Early-Exit Bilingual Education	Program that maintains and develops skills in the primary language while introducing, maintaining, and developing skills in English. The primary purpose of the program is to facilitate the transition to an all-English instructional program.	Students' primary language and English
Dual Language or Two-Way Immersion	Bilingual program in which the goal is for students to develop bilingualism and biliteracy in two languages by receiving instruction in English and a partner language. in a classroom that is often composed of half primary-English speakers and half primary speakers of the other language.	English and a Partner Language

HELPING ELs ACCESS ACADEMIC CONTENT

ELs should have meaningful access to the core curriculum, such as math, science, social studies and language arts, while learning English. While the district's EL program should focus in part on language acquisition, both EL teachers and academic teachers should work together to ensure that students are mastering the academic language needed to be successful.

Every classroom teacher who serves ELs should work to help ELs make sense of the Mississippi College and Career Readiness Standards, regardless of language proficiency. As part of this expectation, teachers must incorporate a variety of EL strategies into instructional planning to help students make sense of academic content. Teachers should use visual supports to help build student understanding. Some common visual supports used by classroom teachers include the following:

- Photos or Illustrations
- Videos
- Picture Books
- Audio Books
- Charts
- Graphs
- Diagrams
- Thinking Maps and Graphic Organizers
- Manipulatives
- Labels
- Models
- Gesturing/Pantomime
- Realia (bringing in the "real" item being discussed)
- Anchor Charts
- Translations in the Native Language (for students who read in their native language)
- Simplified text in English
- Bilingual and Bilingual Picture Dictionaries

> My favorite thing about school is the kindness of my teacher.
>
> **7 years old**
> *future doctor*
>
> MERIDIAN PUBLIC SCHOOLS

Additionally, teachers must understand the basic communication strategies to be used with ELs. All teachers and paraprofessionals who work with ELs in any capacity should recognize that they need to speak slowly and clearly (not loudly). Educators also should be aware that ELs typically need additional processing time when being introduced to new material or being asked to respond to questions.

Teachers also should recognize the value that collaborative learning has for ELs, including strategies such as assigning peer buddies and language buddies for assignments with high-language demands, think-pair-share activities and the incorporation of sentence starters, sentence frames and word banks to support production during collaboration.

PLACEMENT FOR NEWLY ARRIVED SECONDARY ENGLISH LEARNERS

When a student enrolls in U.S. schools for the first time at the secondary level, careful consideration must be given to the student's course schedule to ensure the student has access to a high school diploma. To ensure ELs have access to the foundational skills needed to be successful in high school and ensure that they graduate from high school ready for college and career, school districts must place students in academic courses sequentially. Students must be given an opportunity to take all courses needed for graduation. Students must take the required assessments at the time they are enrolled in the corresponding courses, and they may not skip courses to avoid state assessments. For example, English I, II, III and IV must be offered, scheduled and taught in sequential order. While courses cannot be scheduled or taken out of sequence, simultaneous enrollment is acceptable in situations where a student failed a course and needs to simultaneously enroll in two courses to graduate on time. For example, if a student fails English III, they can take English III and English IV their senior year in order to graduate on time. Students might be enrolled concurrently in English as a Second Language as an elective to receive additional support while taking English I–IV.

MULTI-TIERED SYSTEM OF SUPPORTS FOR ENGLISH LEARNERS

The Multi-Tiered System of Supports (MTSS) is a framework for effective team-based problem solving that is data informed, evidence-based, and flexible enough to meet the academic and behavioral needs of all students.

With MTSS, schools identify struggling students, monitor student progress, provide evidence-based interventions, and adjust the intensity and nature of those interventions depending on a student's responsiveness. Schools also identify students with learning disabilities or other disabilities.

When an EL, who is actively receiving support from an EL program, is observed by the mainstream teacher to have continuing difficulties with learning, the first course of action would be to consult informally with the EL teacher/specialist to request additional instructional strategies for teaching. The EL teacher might

1. Offer new suggestions;
2. Request to observe the student in the classroom; or
3. Check with the entire team of teachers to see if the student is struggling in more than one class.

> My teacher helps me by giving me extra practice on math. She also helps me figure out what big words mean.
>
> **9 years old**
> *future shipyard worker (just like his dad)*
>
> PASCAGOULA-GAUTIER SCHOOL DISTRICT

If the student continues to struggle, the next option is to refer the student to the Teacher Support Team (TST) for possible intervention. It is essential that the EL teacher be involved or consulted at each step of the tier process. This is imperative before making recommendations for intervention strategies. Teams must collaboratively determine if the mainstream teachers'

instructional techniques are known to be effective with ELs, as well as whether or not teachers have implemented the recommended EL instructional accommodations.

GRADING SCALE

As students are working to learn English during the initial stages of language acquisition, it is a violation of their Civil Rights to retain them due to limited language proficiency. Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), schools must ensure that EL students are placed appropriately and can participate meaningfully and equally in educational programs. Districts are required to take steps to ensure that students are not retained solely because they are still in the early stages of learning English. Students who receive extensive language supports and classroom accommodations must have this information noted on their report cards, and accommodations must be shared with the families of EL students to ensure that they have an understanding of true academic performance in English language proficiency.

MISSISSIPPI EL STANDARDS

Mississippi currently utilizes the TESOL Pre-K-12 English Language Proficiency Standards and the state's ELPT is aligned to these standards.

SECTION SEVEN

STAFFING AND SUPPORTING AN ENGLISH LEARNER PROGRAM

Recruiting, developing, and retaining qualified educators is essential to ensuring that any EL program model is effective. The LEAs should hire an adequate number of teachers who are qualified to provide EL services, and core-content teachers who meet requirements in their field should be trained to specifically support EL students. These teachers should meet state requirements and have mastered the skills necessary to effectively teach in an EL program. [16]

The LEAs should hire teachers qualified and certified to teach ELs, or support unqualified staff as they work toward obtaining the qualifications within a reasonable period of time. LEAs that cannot hire an adequate number of qualified EL trained teachers must ensure that current teachers obtain the necessary training, either through Mississippi Department of Education-provided professional development or through training provided through the LEA. Paraprofessionals may not take the place of qualified teachers and may be used only as an interim measure while the school district hires, trains, or otherwise secures enough qualified teachers to serve its EL students and must always be under the supervision of a teacher.

Even when teachers already hold an ESL license, it is expected that the LEA provide teachers and paraprofessionals with ongoing PD designed to improve effectiveness.

All staff, including bilingual paraprofessionals, are required to speak English proficiently. Paraprofessionals who work with ELs also must receive appropriate PD to build effectiveness. Paraprofessionals, aides, or tutors may not take the place of qualified teachers and may be used only as an interim measure while the school district hires, trains, or otherwise secures enough qualified teachers to serve its EL students. Paraprofessional must be under the supervision of a teacher.

In Mississippi, there are several college and university programs that offer courses that can lead to the ESL (177) endorsement. These are not degree programs, but are an approved set of courses that a fully certified teacher could take to add the endorsement. Additionally, Mississippi educators now have the option of taking the Praxis Subject Area Assessment, English to Speakers of Other Languages (ESOL) (Test Code 5362). The current Mississippi State Board of Education approved qualifying passing score is 149. For questions about this license, please call 601-359-3483.

My teachers encourage me to work hard.

8th grader
future person who changes the world

PASCAGOULA-GAUTIER SCHOOL DISTRICT

[16] U.S. Department of Education, Office of English Language Acquisition. (2017). English Learner Tool Kit (2nd Rev. ed.). Washington, DC: Author.

SECTION EIGHT

ENSURING MEANINGFUL COMMUNICATION WITH LIMITED ENGLISH PROFICIENT PARENTS

The LEAs have a legal obligation to communicate meaningfully with Limited English Proficient parents and families and to adequately notify them of information about any program, service or activity called to the attention of non-LEP parents. Successful communication provides LEP parents, guardians, and families with the school-related information they need to make informed decisions about, and be helpful participants in, their children's education. This may include but not be limited to information about language assistance programs, special education and related services, Individualized Education Program (IEP) meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent or guardian permission for student participation in district or school activities, parent-teacher conferences, parent handbooks, gifted programs, and magnet and charter schools. [17]

The LEAs must develop and implement a clear process for determining (1) if parents and guardians have limited English proficiency, (2) what their primary language is, and (3) what their language needs are. An LEA may use a student registration form, such as the HLS, to inquire about whether a parent or guardian requires oral and/or written communication in a language other than English. The LEAs and schools must translate the HLS into languages that are common in the school and surrounding community. Schools must take parents at their word about their communication need if they request language assistance. Schools must also understand that parents or guardians may not be proficient in English, even if their child is.

The LEAs must provide language assistance to LEP parents effectively with appropriate, competent staff or appropriate and competent outside resources. To provide these services, LEAs may survey or canvas staff to see if they are trained and qualified to provide effective language assistance, or obtain qualified interpreters and translators if staff is unqualified or if additional staffing support is needed. The LEAs should ensure translators are familiar with the language used in school communication and it is strongly recommended that all interpreters and translators sign a confidentiality agreement. Schools or LEAs may also use a language phone line to provide interpretation services. Students, siblings, friends and untrained staff members are not considered qualified translators or interpreters, even if they are bilingual. All interpreters and translators, including staff acting in this capacity, must be proficient in both English and the target language; have knowledge of specialized educational terms or concepts in both languages; and be trained in the role of an interpreter or translator, and the ethics of interpreting and translating, with particular emphasis placed on the importance of maintaining student, family and staff confidentiality.

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[17] U.S. Department of Education, Office of English Language Acquisition. (2017). English Learner Tool Kit (2nd Rev. ed.). Washington, DC: Author.

TOOL FOR TRANSLATING FEDERALLY MANDATED DOCUMENTS

In Mississippi, one tool for providing translated notices to families is the online system TransACT. All Mississippi public school staff with email addresses can access the system, which provides hundreds of translated, ESSA-aligned forms and notifications. TransACT can be accessed at www.transact.com.

Additionally, Title I of ESEA, as amended by ESSA now requires education agencies to conduct effective outreach to parents, guardians and families of ELs. This requirement includes outreach for regular meetings attended by non-El families.

My teacher is always there for me. I can always rely on his advice.

18 years old
future cosmetologist

DESOTO COUNTY SCHOOLS

Building strong relationships between families and schools or LEAs typically occurs over time, and these relationships can be established and nurtured in numerous ways, which go well beyond the basic requirements of translation and interpreter services. It is essential that school and district leaders understand the cultures of LEP families and integrate the culture of LEP families into school life. Schools and LEAs also should foster relationships by inviting families to volunteer in the school and encouraging families to help children integrate their cultural and linguistic traditions into school assignments and other curricular and extracurricular activities.

SECTION NINE

ENGLISH LEARNERS AND ACCESS TO OTHER PROGRAM SERVICES

Services for ELs must represent a continuum of available programs and students must not be denied access to programs due to language proficiency. The EL students who meet criteria may be eligible for a variety of other specialized program services, including gifted education, advanced placement, dual credit and other advanced courses; MTSS, special education services, migrant and immigrant programs, and services for homeless students.

GIFTED EDUCATION

EL students may possess extraordinary learning or performance abilities that have nothing to do with their language proficiency. Procedures used for identifying students who are gifted must be as bias-free and culturally equitable as possible, while also being consistent with the requirements set for other gifted students. These procedures must be designed to highlight student strengths and abilities, regardless of native language or dominant language use. Generally, assessments used in identification must be administered in the language that gives the individual student the greatest opportunity for demonstrating extraordinary capability. Assessment of a student's linguistic ability must be done in the language in which the student is most comfortable.

Students who are identified gifted must still receive EL services until they qualify for exiting EL status. The time spent in the development of English proficiency must not take precedence over appropriate instruction and learning in the student's areas of strength and talent. For example, a mathematically gifted, non-English proficient student must receive advanced and accelerated mathematics instruction and opportunities to perform at optimal levels. The language of instruction must serve the optimal development of the student's mathematics ability. The student must spend as much quality time in high-level mathematics learning and production as would a highly English proficient, mathematically gifted student.

ADVANCED PLACEMENT, DUAL CREDIT, AND OTHER ADVANCED COURSES

In addition to gifted education, EL students also must be provided with access to Advanced Placement, dual credit, and other advanced courses. The ELs must receive language supports to assist them in accessing academic content, just as they would if they were in other less accelerated academic courses.

GUIDELINES FOR EL STUDENTS WITH DISABILITIES

The IDEA and Section 504 of the Rehabilitation Act of 1973 (Section 504) address the rights of students with disabilities in school and other educational settings. If an EL is suspected of having one or more disabilities, the LEA must evaluate the EL promptly to determine if the EL has a disability or disabilities and whether the EL needs disability-related services. Disability evaluations may not be delayed because of a student's limited English language proficiency or

the student's participation in an EL program. Also, a student's English language proficiency cannot be the basis for identifying a student for special education. [18]

It is important for educators to accurately assess whether ELs are eligible for special education services. Appropriate disability identification processes that evaluate the student's disability-related educational needs and not the student's English language skills will help school personnel to accurately identify students in need of disability-related services. In addition, LEAs must ensure that a student's special education evaluation is provided and administered in the student's dominant language or other mode of communication and in the form most likely to yield accurate information about what the student knows and can do, unless it is clearly not feasible to do so. Assessing whether a student has a disability in his or her native language or other mode of communication can help educators determine whether a need stems from lack of English language proficiency or a student's disability-related needs.

When an EL student is determined to have a disability, the student's EL and disability-related educational needs must both be met. For EL students, in addition to the required IEP team participants under IDEA, it is essential that the IEP team include participants who have knowledge of the student's language needs. It is also important that the IEP team include professionals with training, and preferably expertise, in second language acquisition.

My school helps me learn English.

9th grader
future policeman

SCOTT COUNTY SCHOOLS

There are steps that must be taken to help prevent over-identification of ELs in special education. When a student is having difficulty mastering specific skills, it is important for the teacher to accommodate the instructional strategies and pace of instruction for the student. If the student continues to have difficulty after consistent language accommodations and Tier 1 and Tier 2 interventions, the student must be referred to the Student Evaluation Team (SET) along with the TST. The EL professional must be a member of the TST.

A number of factors must be considering when deciding whether a student must be referred for special education testing. These include the following:

- Entry date in the United States
- Years of consistent schooling
- Educational history, including years in U.S. schools and consistency of education
- Prior evaluation results
- Physical conditions that might account for difficulties, including need for glasses or hearing aids
- School attendance

[18] U.S. Department of Education, Office of English Language Acquisition. (2017). English Learner Tool Kit (2nd Rev. ed.). Washington, DC: Author.

- Input from parents, guardians, and families

After this information is reviewed, one of two things may happen:

1. The TST may recommend additional interventions and accommodations for the classroom.
2. The SET team can then make a referral for special education testing to determine if the student has a specific disability. Once a referral is made, testing is completed to determine if the student qualifies as a student with a disability under IDEA.

It is important to note that the parent, guardian, or the TST team may request a comprehensive assessment be completed at any time, which would then require a Multidisciplinary Evaluation Team (MET) meeting within 14 days to determine whether a comprehensive evaluation must be completed at this time.

Specific procedures for special education assessment are provided in the Mississippi Policies and Procedures Regarding Children with Disabilities under the Individuals with Disabilities Education Act Amendments of 2004 (2009). As noted earlier, proficiency assessment in both English and the child's first language can identify the dominant language for the purpose of further evaluation and assessment if needed. Nonverbal tests are another alternative.

All students who qualify for services under IDEA, regardless of the type or degree of disability, share certain rights and needs, including:

- The right to a free and appropriate public education
- The right to an IEP specifying the student's unique needs along with the special education and related services the student is to receive
- The need to have cognitive, linguistic, academic, and social/emotional characteristics considered and appropriate environmental modifications or accommodations made

MIGRANT EDUCATION PROGRAM

An EL is eligible to receive migrant education program (MEP) services if they meet the definition of "migratory child" and if the basis for their eligibility is properly recorded on a certificate of eligibility (COE) or other written or electronic form. All school districts should have a copy of the migrant survey in their registration packet. Any survey indicating potential migrant status, should be provided to the Mississippi Migrant Education Service Center. The term "migratory child" is defined in section 1309(2) of the statute and section 200.81(d) of the regulations. Determining whether a child meets this definition is often difficult and depends on a recruiter's assessment of information presented by a parent or other family member, guardian, or other individual responsible for the child.

My favorite thing about school is lunch because I get to talk to my friends.

12 years old
future veterinarian

DESOTO COUNTY SCHOOLS

According to sections 1115(b)(1)(A) (incorporated into the MEP program by virtue of sections 1304(c)(2)) and 1309(2) of the statute and §§ 200.81(e) and 200.103(a) of the regulations, a child is a "migratory child" and is eligible for MEP services if all of the following conditions are met:

1. The child is not older than 21 years of age; *and*
2. The child is entitled to a free public education (through grade 12) under State law or is below the age of compulsory school attendance; *and*
3. The child is a migratory agricultural worker or a migratory fisher, or the child has a parent, spouse, or guardian who is a migratory agricultural worker or a migratory fisher; *and*
4. The child moved within the preceding 36 months in order to seek or obtain qualifying work, or to accompany or join the migratory agricultural worker or migratory fisher identified in paragraph 3, above, in order to seek or obtain qualifying work; *and*
5. With regard to the move identified in paragraph 4, above, the child:
    a. Has moved from one school district to another; *or*
    b. In a State that is comprised of a single school district, has moved from one administrative area to another within such district; *or*
    c. Resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in or to accompany or join a parent, spouse, or guardian who engages in a fishing activity. (This provision currently applies only to Alaska.)

The general purpose of the MEP is to ensure that children of migrant workers have access to the same free, appropriate public education, including public preschool, provided to other children. To achieve this purpose, the MEP helps state and local education agencies remove barriers to the school enrollment, attendance, and achievement of migrant children. Although many migrant families represent language minorities, it is important to remember that many do not.

IMMIGRANT EDUCATION PROGRAM

Status as an immigrant often overlaps with EL status among students. However, educators must be aware that not all immigrant students are ELs. Some immigrant students, for example, might come from English-speaking countries or from countries where English is one of several primary languages. Many immigrants also come to the United States already English proficient, even if they come from countries where English is not widely spoken.

For purposes of education, immigrant children and youth include those individuals who:

- Are aged 3 through 21
- Were not born in the U.S., "State" means the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico (Section 3127 of ESEA). Children born to U.S. citizens abroad (e.g., children born on a military base overseas) may be considered immigrants if they meet all the criteria in the definition of immigrant; and
- Have not been attending one or more schools in any one or more states for more than 3 full academic years. A full academic year is 10 months of school attendance, kindergarten through 12th grade. If a student has been in different schools in different school districts and even in different states, the number of months that the student has been in school in any one or more states must not add up to a total of more than 3 full academic years.

Mississippi LEAs should identify immigrant students by adding a question to the Home Language Survey that is filled out by all new students during enrollment. The form should ask about the number of years the child has attended school in the United States. The HLS strongly recommended by MDE includes a section that addresses immigrants.

There are a number of different needs that immigrants might have. One of the biggest needs is often English language instruction. Districts also may need to help immigrant students adjust to U.S. culture as well as to the culture of a new school and community. School staff may also need professional development in cultural proficiency to more effectively serve immigrant students.

EQUITABLE SERVICES FOR TITLE III

Local educational agencies (LEAs) that receive a Title III English Learner (EL) Student Program Subgrant are required to serve EL students enrolled in private schools when the administration of a particular private school requests to participate in the program.

1. After consultation between the LEA and the private school, the same language assessment used by the LEA should be administered to candidate private school students. The LEA is responsible for the oversight and costs of initial identification of students determined eligible for Title III equitable services.
2. LEAs may not allocate Title III funds directly to private schools but instead must provide services and products to EL students enrolled in the private schools.
3. The LEA must develop a Title III equitable services plan with each private school that requests to participate in the Title III EL student program. The plan should at a minimum, include a description of the services and/or products to be provided, the estimated costs, and the dates of their provision. See: MDE's model template for equitable services plans.

4. The costs of the products and/or services provided to private schools should be proportionate to the number of EL students enrolled in the private school and should be equitable when compared to the Title III services provided to public school students
5. Program assessment at the private school must be comparable to the assessment used by the LEA for public schools.

What is meant by "equitable" participation by public and private school students and educational personnel in a Title III program?

Participation is considered to be equitable if the LEA:

1. assesses, addresses and evaluates the needs and progress of public and private school students and educational personnel on a comparable basis;
2. provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs;
3. spends an equal amount of funds to serve similar public and private school students and educational personnel; and
4. provides both groups of students and educational personnel equal opportunities to participate in program activities.

GLOSSARY

My favorite thing about school is learning new things everyday.

12 years old
future science teacher

MERIDIAN PUBLIC SCHOOLS

ACADEMIC LANGUAGE PROFICIENCY: The use of language used in acquiring academic content in formal schooling contexts, including specialized or technical language and discourse related to each content area.

ACCOMMODATION: Adapting language (spoken or written) to make it more understandable to second language learners. In assessment, accommodations may be made to the presentation, response method, setting, or timing/scheduling of the assessment.

AFFECTIVE FILTER: A screen of emotion that can block language acquisition or learning. A high affective filter keeps the users from learning by being too embarrassed or too self-conscious to take risks during communicative exchanges.

BILINGUAL EDUCATION: An educational program in which two languages are used to provide content matter instruction. As with the term bilingualism, bilingual education is "a simple label for a complex phenomenon." An important distinction between those programs that use and promote two languages and those where bilingual children are present, but bilingualism is not fostered in the curriculum (Baker & Jones, 1998).

CARNEGIE UNIT: A standard measure of high school work indicating the minimum amount of time that instruction in a subject has been provided. Awarding of one Carnegie unit indicates that a minimum of 140 hours of instruction has been provided in regular and laboratory classes over a school year; awarding of ½ Carnegie unit indicates that a minimum of 70 hours has been provided.

CASTANEDA v. PICKARD: On June 23, 1981, the Fifth Circuit Court issued a decision that is the seminal post-Lau decision concerning education of language minority students. The case established a three-part test to evaluate the adequacy of a district's program for ELs: (1) is the program based on an educational theory recognized as sound by some experts in the field or considered by experts as a legitimate educational strategy; (2) are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively; and (3) does the LEA evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome? [648 F. 23 989 (5th Cir. 1981)].

CULTURAL PROFICIENCY: Understanding that students come from a variety of ethnic, geographic, economic and religious backgrounds and how these diverse cultural and/or academic backgrounds impact the educational process. Educators who are culturally proficient are able to create welcoming, engaging environments for all students, have high expectations, and are dedicated to providing equitable education for all students.

ENGLISH AS A SECOND LANGUAGE (ESL) STUDENTS: This term was often used to describe EL students during the No Child Left Behind era. This phrase has been generally replaced by English Learner (EL) with the implementation of the *Every Student Succeeds Act (ESSA)*, but the terms are still sometimes used interchangeably.

ENGLISH LANGUAGE PROFICIENCY TEST (ELPT): The federally mandated assessment given to EL students annually to measure English language proficiency. The assessment is required to cover the four domains of language – reading, writing, listening and speaking. In Mississippi, EL students currently take the LAS Links assessment.

ENGLISH LEARNER (EL): Anyone whose native language is not English, but who is in the process of learning English and who may benefit from various types of English language support programs. This term is used mainly in the United States to describe K-12 students who are enrolled in EL programs.

EQUAL EDUCATION OPPORTUNITIES ACT OF 1974: This civil rights statute prohibits states from denying equal educational opportunity to an individual based on his or her race, color, sex or national origin. The statute specifically prohibits states from denying equal educational opportunity by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. [20 U.S.C. §1203(f)].

EVERY STUDENT SUCCEEDS ACT: a federal act signed into law December 10, 2015, reauthorizing the 50-year-old Elementary and Secondary Education Act and revising many provisions of what was known as No Child Left Behind (NCLB).

FORMER ENGLISH LEARNERS: students who were once ELs but have exited EL status after meeting established exit criteria.

GIFTED PROGRAM: Special instructional programs designed to meet the individual needs of intellectually gifted children in addition to and different from the general classroom instructional setting.

HOME LANGUAGE SURVEY (HLS): Form completed by parents/guardians that gives information about a student's language background. Must be kept in the student's cumulative folder.

INDIVIDUALIZED EDUCATION PROGRAM (IEP): A document developed for each child who qualifies for special education. The IEP is created through a team effort and reviewed periodically. The document outlines objectives for the student, how the student learns, how the student best demonstrates learning and what teachers and service providers will do to help support the student.

IMMIGRANT CHILD: According to Title III of the Every Student Succeeds Act, an immigrant child is an individual who:

a. is aged 3 through 21;
b. was not born in any state; and
c. has not been attending one or more schools in any one or more States for more than three (3) fully academic years.

INTERPRETER: A person who translates orally from one language to another.

INTERVENTIONS: All students are entitled to appropriate instructional interventions. Interventions may include alternative strategies and assessments and added time to learn the curriculum. Interventions provide additional opportunities for students to master the curriculum. They differ from modifications since interventions do not include changing or deleting objectives in the curriculum. EL classes are appropriate instructional interventions for ELs. Core content delivered through a sheltered approach are also appropriate interventions for ELs.

L1: The first language that a person acquires; also referred to as the native language.

L2: The second language a person acquires.

LANGUAGE ACQUISITION THEORY: Theory in which the acquisition and learning of the L2 are viewed as two separate processes, with learning being knowing about a language and acquiring the language that is used in real conversation. This theory embodies the following hypotheses: (1) natural order; natural profession of language development; (2) monitor: an innate error detecting mechanism that scans utterances for accuracy in order to make corrections; (3) comprehensible input as defined earlier; (4) affective filter, as defined earlier.

My school helps me with math, language, and multiplication.

2nd grader
future firefighter

CANTON PUBLIC SCHOOLS

LANGUAGE DOMAINS: The four main subdivisions of language: listening, speaking, reading and writing.

LAS LINKS: The assessment used to identify and monitor the progress of EL students in Mississippi. The web-based assessment includes tests in listening, speaking, reading and writing, as required by federal guidelines.

LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM: An educational program means an instruction course: (a) in which a limited English proficient child is placed for the purpose of developing and attaining English proficiency, while meeting challenging state academic content and student academic achievement standards; and (b) that may make instructional use of both English and a child's native language to enable the child to develop and attain English proficiency, and may include the

participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

LANGUAGE PROFICIENCY: Refers to the degree to which the student exhibits control over the use of language, including the measurement of expressive and receptive language skills in the areas of phonology, syntax, vocabulary and semantics and including the areas of pragmatics or language use within various domains or social circumstances. Proficiency in a language is judged independently and does not imply a lack of proficiency in another language.

LANGUAGE SERVICE PLAN (LSP): An individual plan detailing the English language services that will be received by the EL student. The plan should be updated at least annually until the student exits EL status. Plans are developed by Student Evaluation Teams (SET), which should include, at the minimum, an EL teacher, general education teacher, a school administrator and a family representative. The team should meet at least quarterly.

LAU v. NICHOLS: Class action lawsuit brought by parents of non-English-proficient Chinese students against the San Francisco Unified School district. In 1974, the Supreme Court ruled that identical education does not constitute equal education under the Civil Rights Act of 1964. The court ruled that the district must take affirmative steps to overcome educational barriers faced by the non-English speaking Chinese students in the district. [414 U.S. 563 (1974)].

LIMITED ENGLISH PROFICIENCY (LEP): Refers to ELs who lack sufficiency of mastery of English to meet state standards and excel in an English-language classroom. Increasingly, EL is used to describe this population but LEP is still sometimes used.

LINGUISTIC COMPLEXITY: The amount and demands of speech or writing in a specific situation or on a specific assignment/task.

LOCAL EDUCATION AGENCY (LEA): The local school district.

THE MAY 25 MEMORANDUM: To clarify a LEA's responsibilities with respect to national-origin-minority children, the U.S. Department of Health, Education and Welfare, on May 25, 1970, issued a policy statement stating, in part, that where inability to speak and understand the English language excludes national-origin minority group children from effective participation in the educational program offered by an LEA, the district must take affirmative steps to rectify the language deficiency in order to open the instructional program to the students."

MIGRANT CHILD: Refers to a child who is, or whose parent, spouse or guardian is, a migratory agricultural worker or migratory fisher and who, in the preceding 36 months, has moved from one LEA to another to obtain or accompany such parent, spouse or guardian in order to obtain temporary or seasonal employment in the agricultural or fishing industry as a principle means of livelihood.

MIGRANT EDUCATION PROGRAM: The goal of the Migrant Education Program is to ensure that all migrant students reach challenging academic standards and graduate with a high school prepared for further learning, citizenship and productive employment.

MULTI-TIERED SYSTEM OF SUPPORTS (MTSS): A framework for effective team-based problem solving that is data informed, evidence-based, and flexible enough to meet the academic and behavioral needs of all students. Schools identify struggling students, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student's responsiveness, and identify students with learning disabilities or other disabilities.

NATIVE LANGUAGE: The first language learned in the home, or the home language.

NEVER-ENGLISH LEARNERS: Students who have never been identified as ELs. This phrase is sometimes used in data comparisons, when current and former ELs are compared to their peers who have never been identified as ELs because they were proficient in English at the time of enrollment.

***NO CHILD LEFT BEHIND ACT OF 2001* (NCLB):** Sets broad and in-depth accountability requirements for ELs. NCLB has now been replaced by the Every Student Succeeds Act.

OFFICE FOR CIVIL RIGHTS (OCR): The Office for Civil Rights of the U.S. Department of Education is responsible for enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, national origin, disability, sex, or age.

PARAPROFESSIONAL: An individual who is employed in a preschool, elementary school, or secondary school under the supervision of a licensed teacher, including individuals employed in language instruction educational programs, special education and migrant education.

PARENT AND FAMILY ENGAGEMENT: Programs that are designed to encourage parents and families to be active/engaged in the education of their children. This phrase is used often in ESSA.

PRIMARY LANGUAGE: The language of most benefit in learning new and difficult information.

PULL-OUT: A program model in which a teacher, paraprofessional, or tutor pulls students from their classes for small group or individual work.

REALIA: Real-life objects used for supporting language development.

SCAFFOLDING: Building on acquired skills and knowledge from level to level of language proficiency based on increased linguistic complexity, vocabulary usage and language control through the use of supports.

STUDENT EVALUATION TEAM (SET): The group that collaborates to review data and develop the Language Service Plan. The team should be composed of teachers (including EL teachers), administrators, counselors, parents or guardians. The team should meet quarterly to evaluate student progress and make necessary adjustments.

STUDENT WITH INTERRUPTED FORMAL EDUCATION (SIFE): These are students who have not consistently attended school, most often due to unstable conditions in the country or region where they previously resided.

TEACHER SUPPORT TEAM (TST): A problem-solving unit responsible for interventions developed at Tier 3 of MTSS. It is a requirement that every school have a Teacher Support Team and that the team be implemented in accordance with the process developed by the Mississippi Department of Education.

TEACHERS OF ENGLISH TO SPEAKERS OF OTHER LANGUAGES (TESOL) PREK-12 ENGLISH LANGUAGE PROFICIENCY STANDARDS: The set of standards aligned to the LAS Links assessment, which is used to identify and monitor the progress of EL students in Mississippi. These standards should be used to guide and inform instruction of both EL and general education teachers.

TITLE I: Title I of the Every Student Succeeds Act supports programs to assist economically disadvantaged students and students at risk of not meeting educational standards. The reauthorized Title I makes it clear that ELs are eligible for services on the same basis as other students. Additional, accountability for serving ELs has shifted from Title III to Title I.

TITLE III: Title III of ESSA ensures that ELs, including immigrant children and youth, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet.

TITLE VI: Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs and activities that receive federal funding.

TRANSLATOR: A person or (computer program or application) that translates written documents from one language to another. This term is sometimes used interchangeably with the term interpreter. However, an interpreter is someone who translates oral language as opposed to written language.

My school helps me by giving me the freedom to be myself.

18 years old
future nurse

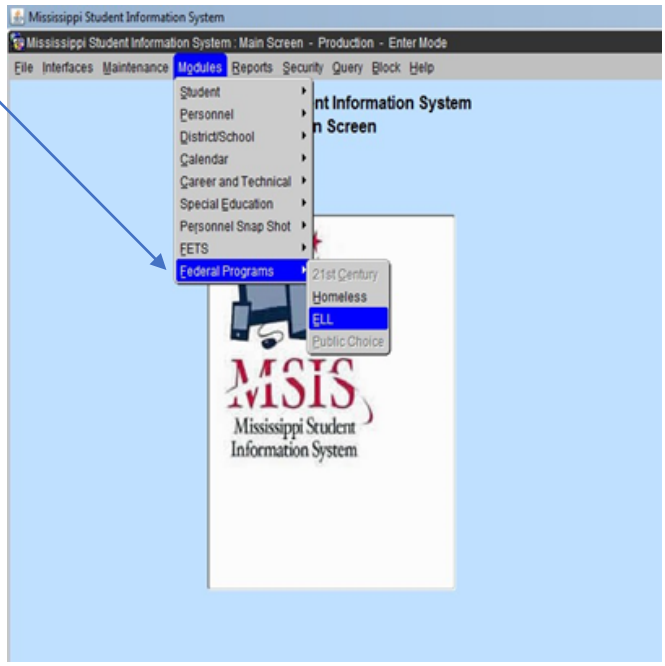
DESOTO COUNTY SCHOOLS

APPENDIX A

Steps for Entering EL Data in MSIS

INSTRUCTIONS BELOW FOR MSIS SCREENS

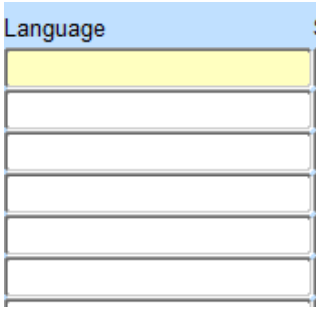
1. **Go to Modules > Federal Programs > ELL.**



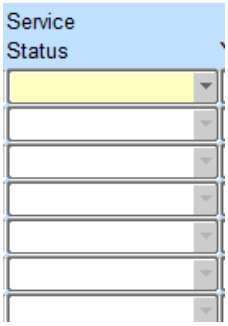
2. **Below is the view of the complete screen for the EL information. The MSIS STUDENT ID, FIRSTNAME, MI, LASTNAME, GRADE, and FIRST MONTH OF SERVICE columns will automatically be generated from the student data package.** Districts must ensure ELs are correctly identified in the district's student data package.

Msisstudentid	Firstname	MI	Lastname	Grade	First Month of Service	Language	Service Status	Year	Include for: English	Include for: Math
									No	No

3. **In the LANGUAGE column, enter the language spoken by the student.**

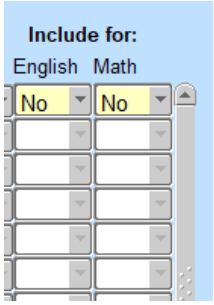


4. **In the SERVICE STATUS column, select whether the student is "served" or "monitored."** A "monitored" student is a student that has scored 4 or above on the Reading, Writing, and Overall sections of the LAS Links assessment and has exited EL status.



5. **In the YEAR column, select the number of years the student has been served or monitored.** If this is the first year a student has been labeled EL, even though it might only be a few months, please mark "1."

6. **In the INCLUDE FOR ENGLISH and MATH columns, the only time the columns are to be labeled "No" is if the student is a "Recently Arrived Student."**
A Recently Arrived Student has been enrolled in a school in one of the 50 States in the United States or the District of Columbia for less than 12 months. These months do not have to be consecutive.



APPENDIX B

Federal Civil Rights Obligations to EL Students for All LEAs

All of Mississippi's LEAs are required to comply with the following federal civil rights laws:

- **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964,** prohibits entities that receive federal funds from discriminating on the basis of race, color, or national origin.[19] The U.S. Supreme Court has ruled that Title VI's prohibition on national origin discrimination requires LEAs to take affirmative steps to address language barriers so that EL students may participate meaningfully in schools' educational programs.[20]

- **THE EQUAL EDUCATION OPPORTUNITIES ACT (EEOA),** which requires LEAs to take "appropriate action to overcome language barriers that impede equal participation by [their] students in [their] instructional programs."[21]

In general, the U.S. Department of Education and the U.S. Department of Justice have identified ten actions, described below, that LEAs must take to meet their civil rights obligations and avoid the most common civil rights violations.

In addition to these ten actions, LEAs:

- Must enroll all students regardless of their, or their parents' or guardians', immigration status
- Must protect students from discriminatory harassment on the basis of race, color, national origin (including EL status), sex, disability, or religion
- Must not prohibit national origin-minority group students from speaking in their primary language during the school day without an educational justification, and
- Must not retaliate, intimidate, threaten, coerce, or in any way discriminate against any individual for bringing civil rights concerns to a school's attention or for testifying or participating in any manner in a school, U.S. Department of Education Office of Civil Rights, or Department of Justice investigation or proceeding.[22]

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[19] Since all Mississippi LEAs receive some type of federal funding (for example, Title I, Title II, IDEA, food and nutrition funding, etc.) all LEAs must comply with Title VI of the Civil Rights Act of 1964. More information about education and Title VI is available from the U.S. Department of Education at https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html.

[20] See *Dear Colleague Letter: English Learner Students and Limited English Proficient Parents*, U.S. Department of Education and U.S. Department of Justice (2015), p. 5, available at https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf (citing *Lau v. Nichols*, 414 U.S. 563 (1974)). This Dear Colleague Letter is referred to as "*DCL on EL Students*" in future footnotes.

[21] *DCL on EL Students* at p. 5 (citing 20 U.S. § 1703(f)).

[22] *DCL on EL Students* at p. 9.

APPENDIX C

Ten Major Federal Civil Rights Obligations as Identified by the U.S. Departments of Education and Justice

The following is based on the Dear Colleague Letter from the U.S. Departments of Education and Justice https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf and the U.S. Department of Education Toolkit https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html. A copy of this letter may also be found in Part Five (pg. 195) of this document.

1 Identify and assess EL students in need of language assistance in a timely, valid, and reliable manner.

Summary of Civil Rights Obligation	Examples of Compliance Concerns
In Mississippi, LEAs must use a Home Language Survey (HLS) to identify EL students who might need to be administered the English Language Proficiency Test. LEAs are strongly encouraged to use the HLS developed by the state and included on page 14 of this guide. If districts develop their own HLS, the home language survey should include the following questions: 1. *Does your child speak a language other than English? YES ____NO____* 2. *What is the first language your child learned to speak? _____* 3. *What language does your child speak most often? _____* 4. *What language is most often spoken in your home? _____* Click here for the HLS strongly recommended by MDE. Students who are identified through the home language survey must be referred for an assessment of their English language proficiency. In Mississippi, English language proficiency is assessed through the LAS Links assessment.	▪ An LEA does not have a process in place to initially identify the primary or home language of all enrolled students. ▪ An LEA uses a method of identification, such as an inadequate home language survey, which fails to identify significant numbers of potential EL students. ▪ An LEA does not test the English language proficiency of all students whose primary or home language is other than English, resulting in the under-identification of EL students. ▪ An LEA delays the assessment of incoming students whose primary or home language is other than English in a manner that results in a denial of language assistance services.

2 ▶ Provide EL students with a language assistance program that is educationally sound and proven successful.

Summary of Civil Rights Obligation	Examples of Compliance Concerns
Federal law does not require any particular program or method of instruction for EL students; however, language assistance services must be educationally sound in theory and effective in practice. EL programs must be designed and reasonably calculated to enable EL students to attain both English proficiency and parity of participation in the standard instructional program within a reasonable length of time. Services should be informed by each EL student's English proficiency level, grade level, and educational background, as well as language background for bilingual programs. An EL student should be given at least 30 minutes of direct language instruction a day in the English language. Students must have access to direct language instruction and access to direct content instruction in subject areas. Please see page 24 of the Mississippi EL Guidelines for examples of EL programs that have been implemented in Mississippi and nationally.	▪ An LEA excludes kindergarteners, or EL students with scheduling conflicts, from their EL program. ▪ An LEA supplements regular education instruction only with aides who tutor EL students as opposed to teachers adequately trained to deliver the EL program. ▪ An LEA fails to offer an EL program to a certain subset of EL students, such as students with disabilities or students speaking particular languages. ▪ An LEA stops providing language assistance services when EL students reach higher levels of English proficiency but have not yet met exit criteria (including proficiency on a valid and reliable English language proficiency assessment). ▪ An LEA fails to address the needs of EL students who have not made expected progress in learning English and have not met exit criteria despite extended enrollment in the EL program.

3 ▶ Sufficiently staff and support the language assistance programs for EL students.

Summary of Civil Rights Obligation	Examples of Compliance Concerns
At a minimum, LEAs must ensure there are adequate numbers of teachers to instruct EL students and these teachers have mastered the skills necessary to effectively teach in the LEA's EL program(s). LEAs must also provide EL students with adequate resources and, if appropriate, qualified support staff.	▪ An LEA offers language assistance services based on staffing levels and teacher availability rather than student need. ▪ An LEA utilizes mainstream teachers, paraprofessionals, or tutors rather than fully qualified ESL teachers for ESL instruction. ▪ An LEA provides inadequate training to general education teachers who provide core content instruction to EL students.

4 ▶ Ensure EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities, including the core curriculum, graduation requirements, specialized and advanced courses and programs, sports, and clubs.

Summary of Civil Rights Obligation	Examples of Compliance Concerns
In addition to language assistance programs, LEAs must provide EL students with assistance in other curricular and extracurricular programs where their equal participation may be impaired by academic deficits incurred while they were learning English. In Mississippi, identified EL students must have an English Language Service Plan (LSP), which should be filed and updated annually until the student exits EL status. The plan should be developed and updated through the Student Evaluation Team (SET), a school team responsible for guiding and monitoring placement, services, and assessment of EL students. The plan should also include all ELPT scores and any accommodations the student receives in the classroom or on state tests. The committee must include, at the minimum, an ESL teacher, a general education teacher, a school	▪ An LEA schedules EL language acquisition services during times when gifted and talented education programs meet. ▪ An LEA excludes EL students from all components of a gifted and talented program, even though proficiency in English is not necessary for a meaningful participation in a math, science, or technology component of the program. ▪ An LEA excludes EL students from meaningful participation in extracurricular activities, such as band or sports. ▪ An LEA uses arbitrarily high admissions criteria in English for a

administrator, and a parent representative. The team should meet at least quarterly.

gifted and talented math program that causes the exclusion of EL students who could meet the math requirement but not the arbitrarily high English requirement.

- An LEA solicits teacher recommendations of students for gifted programs from all teachers except teachers of EL program classes.

5 ▶ Avoid unnecessary segregation of EL students.

Summary of Civil Rights Obligation	Examples of Compliance Concerns
While recognizing that EL students might receive separate instruction for a limited period of time, the federal government expects LEAs to provide services in the "least segregative manner consistent with achieving the program's stated goals."[23]	▪ An LEA fails to give segregated EL students access to their grade-level curriculum, special education, or extracurricular activities. ▪ An LEA segregates EL students for both academic and non-academic subjects, such as recess, physical education, art, and music. ▪ An LEA maintains students in a language assistance program longer than necessary to achieve the LEA's goals for the program. ▪ An LEA places EL students in segregated newcomer programs due to perceived behavior problems or perceived special needs.

[23] *DCL on EL Students* at p. 22.

6 ▶ Ensure that EL students with disabilities under IDEA or Section 504 are evaluated in a timely and appropriate manner for special education and disability-related services and that their language needs are considered in evaluations and delivery of services.

Summary of Civil Rights Obligation	Examples of Compliance Concerns
LEAs must ensure all EL students who have a disability are located, identified, and evaluated for special education and disability-related services in a timely manner. LEAs may not delay evaluations of EL students based on their EL status, nor may they deny special education or related services to students who receive EL services as part of a formal or informal "no dual services" policy. (For example, it would violate federal civil rights rules to have a policy of allowing students to receive either EL services or special education services, but not both.) Additionally, while LEAs must consider an EL student's English language proficiency when conducting evaluations, LEAs may not identify a student as a student with disability because of the student's limited English proficiency.	▪ An LEA denies English language services to EL students with disabilities. ▪ An LEA evaluates EL students for special education services only in English when the native and dominant language of the EL student is other than English. ▪ An LEA fails to include staff qualified in EL instruction and second language acquisition in placement decisions under IDEA and Section 504. ▪ An LEA fails to provide interpreters to limited English proficient (LEP) parents at IEP meetings to ensure that LEP parents understand the proceedings.

7 ▶ Meet the needs of EL students who opt out of language assistance programs.

Summary of Civil Rights Obligation	Examples of Compliance Concerns
Parents have the right to decline EL services for their children, but LEAs must still take steps to meet those students' needs. For example, LEAs must continue to monitor student progress, and take affirmative steps if a student struggles due to language barriers (which might include notifying parents or providing additional support for the student's classroom teachers). In addition, opt-out EL students must have their English language proficiency assessed at least annually.	▪ An LEA encourages parents to decline EL services by: ○ Steering families away from EL programs, ○ Providing incorrect or inadequate information to parents about the EL program, ○ Providing incorrect or inadequate information to parents about their child's EL status, or ○ Recommending that families decline EL programs due to insufficient space in such programs or because the LEA only serves EL students with a basic or emerging level of English. ▪ An LEA does not adequately address parental concerns about the quality or effectiveness of the LEA's EL programs, or about their child's need for EL services. ▪ An LEA does not annually assess the English language proficiency of EL students whose parents declined EL services.

8 ▶ Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level core content, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficiencies incurred in the language assistance program have been remedied.

Summary of Civil Rights Obligation	Examples of Compliance Concerns
LEAs must monitor the progress of EL students in (1) achieving English language proficiency, and (2) acquiring content knowledge. In Mississippi, LEAs monitor English language proficiency through the annual LAS Links assessment. LEAs monitor content knowledge through the state-mandated assessments required of all students. Go to page 18 and 19 of the Mississippi EL Guidelines for more information. Assessment results should inform instruction, and ELs who are not progressing should receive additional supports and services, which should then be documented in the Language Service Plan. To exit EL status in Mississippi: ▪ Students must post scores of either proficient or advanced proficient (Level 4 or 5) for the LAS Links domains reading, writing, and composite. Once a student has been exited from EL status, progress should continue to be monitored for four years. If academic deficits surface after the student has been exited, additional supports should again be provided. The student also should be re-tested using LAS Links, and if the student does not score proficient, they need to again be designated as EL.	▪ An LEA exits intermediate and advanced EL students from EL programs and services based on insufficient numbers of teachers who are qualified to deliver the EL program. ▪ An LEA prematurely exits students before they are proficient in English, especially in the specific language domains of reading and writing. ▪ An LEA fails to monitor the progress of former EL students. ▪ An LEA fails to exit EL students from EL programs after EL students demonstrate (or could have demonstrated if assessed) proficiency in English.

9 ▶ Evaluate the effectiveness of an LEA's language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program was reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time.

Summary of Civil Rights Obligation	Examples of Compliance Concerns
LEAs must periodically evaluate their EL programs to determine whether the program is succeeding. Success is generally measured by whether the district's EL programs are helping participating students to meet English language proficiency and content knowledge goals without unnecessary segregation. LEAs should look at performance data from current EL students, former EL students, and never-EL students to compare how students in each group are performing over time. This helps to identify disparities that affect EL students' participation in the standard instructional program. LEAs should use the evaluation results to modify their programs when they do not produce results.	▪ An LEA does not monitor and compare the academic performance of EL students relative to their never-EL peers. ▪ An LEA does not use accurate data when evaluating its EL program. ▪ An LEA does not modify its program when it is not succeeding.

10 ▶ Ensure meaningful communication with limited English proficient parents.

Summary of Civil Rights Obligation	Examples of Compliance Concerns
LEAs must adequately notify parents with limited English proficiency (LEP) of information about any program, service, or activity that is called to the attention of non-LEP parents. This includes (but is not limited to) information about language assistance programs, special education and related services, IEP meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in activities, parent-teacher conferences, parent handbooks, gifted and talented programs, magnets and charter schools, and any other school and program choice options. In Mississippi, information included in students' Language Service Plans also must be shared with parents in ways they can comprehend. Mississippi LEAs have free access to TransACT, a company that provides a menu of legally reviewed forms and notices in multiple languages. Any Mississippi public school employee with a district email address can create a TransACT account.	▪ An LEA regularly relies on students, siblings, friends, or untrained school staff to translate or interpret for parents in non-emergency situations. ▪ An LEA fails to provide translation or an interpreter at IEP meetings, parent-teacher conferences, enrollment or career fairs, or disciplinary proceedings. ▪ An LEA fails to provide information notifying LEP parents about a school's programs, services, and activities in a language the parents can understand. ▪ An LEA fails to identify LEP parents.

FEDERAL EDUCATION GRANTS
THAT CAN SUPPORT EL STUDENTS

INTRODUCTION

What follows are brief summaries of the most significant federal education grant programs that can support EL students. Examples illustrating how LEAs might use funds from these programs are available in on pages 75-79.

*Please note, as discussed in the Guidance Overview, federal funds are available only to supplement state and local services to EL students, including the services needed to meet federal civil rights requirements. The compliance requirements for demonstrating that federal grant spending is supplemental vary from program-to-program, but in general**, LEAs are expected to meet federal civil rights obligations with state and local funds.***

TITLE I, PART A
OF THE *EVERY STUDENT SUCCEEDS ACT*

TITLE I SUMMARY

Title I, Part A is the U.S. Department of Education's largest K-12 grant program. It provides supplemental funding to help low-income schools improve outcomes for educationally disadvantaged students, including EL students. EL students are eligible for Title I services on the same basis as other students.[24] LEAs that receive Title I, Part A funds must comply with a number of requirements related to EL students which are highlighted at the end of this Title I summary.

SPENDING TITLE I FUNDS TO SUPPORT EL STUDENTS

Title I, Part A funds can support a wide range of activities to help Title I-eligible EL students meet state academic standards and state accountability goals. This includes:

- Providing students with a well-rounded education
- Instructional supports
- Non-instructional supports like behavior and mentoring supports, and social and emotional learning, and
- Improving school quality.

USE OF TITLE I FUNDS FOR DISTRICT-MANAGED INITIATIVES
to Benefit Title I EL Students

At the district-level, LEAs have the option to reserve Title I funds to implement district-managed Title I initiatives, which could include an initiative to support EL students.[25] District-managed initiatives are managed centrally to support all or a subset of Title I schools, and are designed to improve the achievement of Title I students.[26]

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[24] See, for example, ESSA, Section 1115(c)(2).

[25] 34 CFR § 200.77(g). Please note LEAs must reserve Title I funds for services for homeless students, services for neglected and delinquent students, parent and family engagement (if the LEA receives $500,000 or more of Title I funds), and equitable services for private school students. LEAs then can choose to reserve funds for transportation for students in CSI schools if the LEA offers those students the option to transfer to another school, financial incentives and rewards to teachers in CSI or TSI schools for the purpose of attracting and retaining qualified and effective teachers, early childhood education programs for eligible children, the additional costs needed to transport children in foster care to their school of origin consistent with ESSA, Section 1112(c)(5), administering the Title I program, and district-managed initiatives in Title I schools.

[26] District-managed initiatives are sometimes called "districtwide" initiatives because they benefit all, or a group, of Title I schools. But these initiatives are not truly districtwide in an LEA with both Title I and non-Title I schools. An LEA cannot, for example, use Title I funds to benefit non-Title I students.

EXAMPLE

An LEA could reserve Title I funds to purchase supplemental instructional materials to improve the academic achievement of EL students in Title I schools.[9]

USE OF TITLE I FUNDS AT THE SCHOOL LEVEL
to Benefit Title I EL Students

In a Title I school operating a **schoolwide program**,[27] the school may use Title I to support any reasonable activity designed to improve the school's educational program so long as it is consistent with the school's needs28 and schoolwide plan.

EXAMPLE

If consistent with a school's needs and plan, a Title I schoolwide school could use Title I funds for evidence-based strategies to accelerate the acquisition of content knowledge for EL students.[29]

In a Title I school operating a **targeted assistance program**, the school may use Title I funds to provide additional supports to specifically identified students struggling to meet state standards. EL students are eligible for Title I services on the same basis as other students.[30]

EXAMPLE

A Title I targeted assistance school could use Title I funds for supplemental professional development to classroom teachers who work with Title I-eligible EL students.

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[27] Title I schools with at least forty percent poverty, as well as any school with a waiver of this poverty rate (which under ESSA may be waived by the state), may operate a schoolwide program as long as the school conducts a comprehensive needs assessment and develops a schoolwide plan for meeting its needs. Schools operating a schoolwide model can use Title I funds to upgrade their entire educational program, and all of the school's students are considered "Title I students." ESSA, Section 1114.

[28] A schoolwide plan must be based on a comprehensive needs assessment of the entire school that takes into account information on the academic achievement of children, particularly the needs of those children who are failing, or are at-risk of failing, to meet state standards, and any other factors as determined by the LEA. ESSA, Section 1114(b)(6).

[29] U.S. Department of Education, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*, pp. 4-5 (2016), available at http://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf.

[30] See, for example, ESSA, Section 1115(c)(2).

SUPPLEMENT NOT SUPPLANT
and Title I, Part A

Title I has a supplement not supplant (SNS) requirement. In general, this means Title I funds should add to (supplement) and not replace (supplant) state and local funds.

Supplement not supplant in Title I, Part A has typically been tested by applying three presumptions of supplanting to each cost supported with Title I funds.[31] Under ESSA, compliance with SNS will no longer be tested through individual Title I costs, so these three presumptions no longer apply.

Instead, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I school with all of the state and local money it would receive if it did not participate in the Title I program.

TITLE I COMPLIANCE REQUIREMENTS RELATED TO EL STUDENTS

As a condition of receiving Title I, Part A funds, LEAs must carry out the following activities:

- Coordinate and integrate Title I, Part A services with other educational services for EL students to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program.[32]
- If using Title I, Part A or Title III, Part A funds to provide a language instruction educational program, inform parents of participating EL students of the following information within thirty days of the beginning of the school year:[33]
    - The reasons for their child's identification as an English learner and need for placement in a language instruction educational program
    - The child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement
    - The methods of instruction used in the program and the methods of instruction used in other available programs, including how such programs differ in content, instructional goals, and the use of English and a native language in instruction
    - How the program will meet the educational strengths and needs of their child

[31] Under NCLB and previous versions of ESEA, a Title I supplanting violation was presumed if Title I, Part A paid for: (1) an activity required by federal, state, or local law, (2) an activity that was paid for with state or local funds in the prior year, or (3) the same services for Title I students that state and local funds support for non-Title I students.
[32] ESSA, Section 1112(c)(4).
[33] For those children who have not been identified as EL students prior to the beginning of the school year, but are identified during such school year, the LEA must notify the children's parents during the first two weeks of the child being placed in a language instruction educational program. ESSA, Section 1112(e)(3)(B).

- How the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation
- The specific exit requirements for the program, including the expected rate of transition from the program into classrooms that are not tailored for EL students, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program) if Title I, Part A funds are used for children in high schools
- In the case of a child with a disability, how the program meets the objectives of the child's IEP under IDEA, and
- Information pertaining to parental rights that includes written guidance:
  - Detailing the right that parents have to have their child immediately removed from such program upon their request,
  - Detailing the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available, and
  - Assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered.[34]

- Implement an effective means of outreach[35] to parents of EL students to inform the parents of how they can be involved in their children's education, and be active participants in assisting their children to:
  - Attain English proficiency,
  - Achieve at high levels within a well-rounded education, and
  - Meet the challenging State academic standards expected of all students.[36]
- Ensure students are not admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status,[37] and
- Identify barriers to greater participation by parents with limited English proficiency in Title I, Part A activities as part of the required annual evaluation of the content and effectiveness of the LEA's parent and family engagement policy.[38]

My teacher helps me learn my letters... A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q...I know it, I know it..R, S, T, U, V, W, X, Y, Z!

6 years old
future teacher

GULFPORT SCHOOL DISTRICT

[34] ESSA, Section 1112(e)(3).
[35] Implementing an "effective means of outreach to parents" includes holding, and sending notice of opportunities for, regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under Title I, Part A or Title III, Part A. ESSA, Section 1112(e)(3)(C)(ii).
[36] ESSA, Section 1112(e)(3)(C).
[37] ESSA, Section 1112(e)(3)(D).
[38] ESSA, Section 1116(a)(2)(D).

TITLE II, PART A
OF THE *EVERY STUDENT SUCCEEDS ACT*

TITLE II SUMMARY

Title II, Part A is a U.S. Department of Education grant program that provides supplemental funding to help support effective instruction. In general, Title II funds can be used for activities that strengthen the quality and effectiveness of teachers, principals, and other school leaders, including activities that improve educator effectiveness for EL students.[39]

SPENDING TITLE II FUNDS TO SUPPORT EL STUDENTS

LEAs can use Title II funds for a wide range of activities that:

- Are consistent with Title II's purpose, and
- Address the learning needs of all students, including EL students.[40]

TITLE II AREA	ESSA
Teacher and Principal Evaluation	SEAs and LEAs can now use Title II funds to create evidence-based teacher and school leader evaluation systems based in part on evidence of student achievement, but there is no requirement that student growth factor into those evaluations.
Teacher and School Leader Quality	ESSA eliminates the "highly qualified" NCLB requirement but mandates that states report on teacher qualifications in high vs. low-poverty schools to show that high-poverty and minority students are not disproportionately taught by "ineffective, out-of-field, and inexperienced teachers."
Formula Grant Funding	Starting in 2018, the formula will begin to weight poverty more each year until 2020, when formula grants will go to states based on 20 percent overall population and 80 percent total population living in poverty.
Teacher and School Leader Prep	ESSA explicitly invites states to use up to five or eight percent of funds to facilitate teacher and school leader residencies and/or create alternative teacher and school leader preparation academies outside of institutions of higher education (see CCSSO's description of teacher preparation in ESSA).

[39] For federal non-regulatory guidance on the Title II program, please see U.S. Department of Education, *Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Learning* (September 2016), available at http://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf.

[40] ESSA, Section 2103(b)(1)-(2).

EXAMPLE

Among other options, LEAs can use Title II, Part A funds to provide differential and incentive pay for teachers, principals, or other school leaders in high-need specialty areas such as EL.[41] LEAs can also use Title II, Part A funds to develop programs and activities that increase the ability of teachers to effectively teach EL students.[42]

LEAs must prioritize the use of Title II, Part A funds to schools that:

- Are implementing comprehensive support and improvement activities and targeted support and improvement activities, and
- Have the highest percentage of low-income and other children counted under section 1124(c) of Title I.[43]

LEAs must consult meaningfully with a wide array of stakeholders on the LEA's plan for carrying out Title II activities.[44] LEAs must also conduct ongoing consultation with those stakeholders to update and improve activities supported with Title II funds.[45]

My teachers help me by correcting me when I don't say a word correctly.

15 years old
future professional tennis player

FOREST MUNICIPAL SCHOOLS

[41] ESSA, Section 2103(b)(3)(B).
[42] ESSA, Section 2013(b)(3)(F).
[43] ESSA, Section 2102(b)(2)(C). Section 1124(c) defines the children who are counted for Title I formula purposes, which includes the number of children aged 5 to 17, inclusive, who live in (1) families with incomes at or below the poverty level (according to Department of Commerce); (2) families with incomes above the poverty level, but who receive local assistance through Part A of Title IV of the Social Security Act (i.e., Temporary Aid to Needy Families, or TANF) (according to Department of Health and Human Services); (3) institutions for neglected and delinquent children that local governments administer (according to Department of Education); and (4) foster homes in which the foster parents receive payments from a state or county for the children's support (according to Department of Health and Human Services). See National Center for Education Statistics, *Allocating Grants for Title I* (2016), p. 5, available at https://nces.ed.gov/surveys/AnnualReports/pdf/titleI20160111.pdf.
[44] ESSA, Section 2102(b)(3). Stakeholders include teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a LEA that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet Title II purposes. ESSA, Section 2102(b)(3)(A).
[45] ESSA, Section 2102(b)(2)(D).

SUPPLEMENT NOT SUPPLANT
and Title II, Part A

LEAs that receive Title II funds must comply with a supplement not supplant requirement.[46]

In Title II supplanting is presumed when:

- An LEA uses Title II funds to pay for an activity that is required by federal, state or local law, or
- An LEA uses Title II funds to pay for an activity it supported with state or local funds the prior year.

An LEA may be able to overcome a presumption of supplanting if it has written documentation (for example, state or local legislative action, budget information, or other materials) that it does not have the funds necessary to implement the activity and that the activity would not be carried out in the absence of the Title II, Part A funds.

[46] ESSA, Section 2301.

TITLE III, PART A
OF THE *EVERY STUDENT SUCCEEDS ACT*

TITLE III SUMMARY

Title III, Part A is a U.S. Department of Education grant program that provides supplemental funding to help support EL students and immigrant students. Title III includes two types of subgrants to LEAs.

- First, are "formula" subgrants available to LEAs (or a consortium of LEAs) that generate at least $10,000 under a formula established in the Title III law. Formula subgrants must be used to support EL students in learning English and meeting state academic standards.
- Second, are "targeted" subgrants SEAs might award to LEAs that experience a significant increase in immigrant children and youth and should provide immigrant children with enhanced instructional opportunities.

LEAs that receive Title III, Part A funds are subject to a number of requirements which are highlighted at the end of this Title III, Part A summary.

SPENDING TITLE III TO SUPPORT EL STUDENTS

TITLE III FORMULA FUNDS FOR ELs

LEAs that receive Title III, Part A formula funds for ELs must spend these funds on three activities:

1. Providing effective **language instruction educational programs (LIEPs)** that meet the needs of EL students and demonstrate success in increasing English language proficiency and student academic achievement.[47]

2. Providing effective **professional development** to classroom teachers (including teachers in classroom settings that are not the settings of LIEPs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:

    - Designed to improve the instruction and assessment of EL students,
    - Designed to enhance the ability to understand and implement curricula, assessment practices and measures, and instructional strategies for EL students,
    - Effective in increasing children's English language proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers, and

[47] ESSA, Section 3115(c)(1).

- Of sufficient intensity and duration (which shall not include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom.[48]

3. Providing and implementing other effective activities and strategies that enhance or supplement language instruction educational programs for ELs, which must include parent, family, and community engagement activities, and may include strategies that serve to coordinate and align related programs.[49]

In addition to spending on the required three activities above, LEAs may spend their funds on other supplemental activities including:

- Upgrading program objectives and effective instructional strategies,[50]
- Improving the instructional program for ELs by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures,[51]
- Providing to ELs tutorials and academic or career and technical education, and intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators,[52]
- Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services,[53]
- Improving the English language proficiency and academic achievement of ELs,[54]
- Providing community participation programs, family literacy services, and parent and family outreach and training activities to ELs and their families to improve the English language skills of ELs, and to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children,[55]
- Improving the instruction of ELs, which may include ELs with a disability, by providing for: the acquisition or development of educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication; and incorporation of these resources into curricula and programs.[56]

My teachers help me by taking extra time to teach me something.

20 years old
future nurse

FOREST MUNICIPAL SCHOOLS

[48] ESSA, Section 3115(c)(2).
[49] ESSA, Section 3115(c)(3).
[50] ESSA, Section 3115(d)(1).
[51] ESSA, Section 3115(d)(2).
[52] ESSA, Section 3115(d)(3).
[53] ESSA, Section 3115(d)(4).
[54] ESSA, Section 3115(d)(5).
[55] ESSA, Section 3115(d)(6).
[56] ESSA, Section 3115(d)(7).

- Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education,[57] and
- Carrying out other activities that are consistent with the purposes of Title III subgrants.[58]

TITLE III TARGETED FUNDS FOR IMMIGRANT CHILDREN

LEAs that have experienced a significant increase in immigrant children and youth may receive an "immigrant subgrant" from MDE. The term "immigrant children and youth," which is defined in section 3301(6) of Title III, refers to individuals who: (A) are aged 3 through 21; (B) were not born in any State; and (C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

These Title III immigrant funds must be used to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, and may include:

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children,
- Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth,
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth,
- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program,
- Basic instruction services that are directly attributable to the presence of immigrant children and youth in the LEA, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services,
- Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education, and
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services.[59]

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[57] ESSA, Section 3115(d)(8).

[58] ESSA, Section 3115(d)(9).

[59] ESSA, Section 3115(e). See also U.S. Department of Education, *English Learners and Title III of the Elementary and Secondary Education Act (ESEA),* as amended by the Every Student Succeeds Act (ESSA), Question G-4 (2016) available at http://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf. This guidance will be referred to as *ED 2016 Title III, Part A Guidance* in future footnotes.

SUPPLEMENT NOT SUPPLANT
and Title III, Part A

Title III is subject to a strict "supplement not supplant" (SNS) requirement.[60] There are three issues to consider when applying SNS to Title III:

1. Compliance with SNS is tested using two "presumptions,"
2. An LEA may not use Title III funds to meet its civil rights obligations to EL students, and
3. In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I, Part A.

ISSUE 1 ***Compliance with SNS is tested using two "presumptions"***

The federal government presumes Title III supplanting when:

- An LEA uses Title III funds to provide services the LEA is required to make available under other federal, state or local laws, or
- An LEA uses Title III funds to provide services the LEA paid for with state or local funds the prior year.[61]

These presumptions can be "rebutted" (disputed with evidence) and possibly overcome if the LEA can show it could not have provided the services in question with state or local funds.[62]

ISSUE 2 ***An LEA may not use Title III funds to meet its civil rights obligations to EL students***

Under the first presumption of supplanting an LEA may not use Title III funds to meet the federal civil rights obligations identified in Section I of this guidance.

[60] ESSA, Section 3115(g).
[61] *ED 2016 Title III, Part A Guidance*, Question A-2.
[62] *ED 2016 Title III, Part A Guidance*, Question A-2.

ISSUE 3 ***In some circumstances, an LEA may use Title III funds to pay for EL-related activities under Title I***

Under the first presumption of supplanting, an LEA may not use Title III funds to meet the requirements of federal, state, or local law. Under the No Child Left Behind Act, this meant LEAs could not use Title III funds to pay for Title I, Part A's EL-related requirements.

Under ESSA, however, certain requirements that were previously part of the Title III program have moved to Title I, Part A. Because of this, ED guidance permits LEAs to use Title III funds to pay for activities that were in Title III under NCLB, but are now part of Title I, Part A in ESSA such as:

- EL parental notification regarding language instruction educational programs (LIEPs) and related information (ESSA Section 1112(e)(3)),
- Parental participation (e.g., regular EL parent meetings) (ESSA Section 1116(f)), and
- Reporting to the State on the number and percentage of ELs achieving English language proficiency (ESSA Section 1111(h)(2)).[63]

ED's guidance states that LEAs may only use Title III funds for activities that moved from Title III to Title I if they ensure that:

1. The activity being supported is consistent with the purposes of Title III and meets federal guidelines for "reasonable and necessary costs,"[64]
2. The activity being supported is supplemental to the LEA's civil rights obligations to ELs under Title VI of the Civil Rights Act and the EEOA, and
3. The LEA can demonstrate it is also using Title III funds to conduct activities required under Title III.[65]

Please note LEAs may not use Title III funds for Title I, Part A activities that are also used to meet civil rights obligations. For example, under Title VI of the Civil Rights Act of 1964 and the EEOA, LEAs must track EL student progress in achieving English language proficiency. LEAs often use the annual English language proficiency (ELP) assessment, which is now required under Title I,[66] to meet this civil rights obligation. If an LEA uses the annual ELP assessment to meet its civil rights obligations, Title III funds could not be used to pay for costs related to administering the ELP assessment.[67]

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[63] *ED 2016 Title III, Part A Guidance*, Question A-4.

[64] The concept of "reasonable and necessary" costs comes from federal regulations known as the Uniform Grant Guidance (UGG).

[65] *ED 2016 Title III, Part A Guidance*, Question A-4.

[66] ESSA, Section 1111(b)(2)(G).

[67] *ED 2016 Title III, Part A Guidance*, Question A-7.

TITLE III COMPLIANCE REQUIREMENTS RELATED TO EL STUDENTS

As a condition of receiving Title III, Part A funds, LEAs must:

- Develop, implement, and administer effective programs and activities, including language instruction educational programs, that will help EL students increase their English language proficiency and meet state academic standards,
- Promote parent, family and community engagement in the education of EL students, and
- Report to MDE, every two years on:
    - Title III programs and activities,
    - The number and percentage of EL students making progress toward English language proficiency,
    - The number and percentage of EL students who attain proficiency and exit language instructional education programs,
    - The number and percentage of former EL students who meet academic content standards for 4 years,
    - The number and percentage of EL students who have not exited language instructional education programs after 5 years as an EL student.

My favorite thing about school is that everyone is kind... it looks like one big family.

9 years old
future ballet teacher

PASCAGOULA-GAUTIER SCHOOL DISTRICT

IDEA, PART B

IDEA, PART B SUMMARY

IDEA, Part B is a U.S. Department of Education grant program that, among other things, provides supplemental funding to LEAs to help pay the excess cost of providing a free appropriate public education to children with disabilities, including children with disabilities that are also EL students. The grant is awarded in two parts:

1. Section 611 funds support students with disabilities ages 3 to 21, and
2. Section 619 funds support students with disabilities ages 3 to 5.

The purpose of IDEA, Part B is to help states provide special education and related services to students with disabilities.

SPENDING IDEA, PART B TO SUPPORT EL STUDENTS ELIGIBLE FOR IDEA FUNDING

LEAs may use IDEA, Part B funds on a wide range of activities to support students with disabilities so long as the LEAs meet two fiscal tests known as excess cost and maintenance of effort. More information about these tests is available in MDE's April 2016 guidance on Supporting Early Literacy for Students with Disabilities with IDEA, Part B (see pages 5-8), available here.

An LEA that meets these tests may spend IDEA, Part B funds on any reasonable cost to deliver special education and related services to eligible students with disabilities, including EL students with disabilities. Section 611 funds can support costs for eligible students ages 3 to 21, and Section 619 funds can support costs for eligible students ages 3 to 5.

EXAMPLE

An LEA could use IDEA, Part B funds to pay for additional instruction to strengthen the decoding skills of EL students with disabilities consistent with their IEPs.

LEAs may also choose to set aside up to 15% of their IDEA, Part B allocation to provide Coordinated Early Intervening Services (CEIS) to non-disabled students, including EL students, in pre-kindergarten through 12th grade who need additional academic and behavioral supports to succeed in the general education environment.[68]

[68] 34 CFR § 300.226. Please note that LEAs that have been identified as having significant disproportionality must set aside 15% of their grant for CEIS. These mandatory CEIS funds are subject to different spending rules than the optional CEIS discussed in this guidance.

CEIS can include:

- Professional development for teachers and other school staff to enable them to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software, and
- Providing educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction.[69]

EXAMPLE

LEAs could use CEIS funds to fund reading specialists to work with nondisabled EL students who have not reached grade-level proficiency.

SUPPLEMENT NOT SUPPLANT
and IDEA, Part B

IDEA, Part B is subject to a supplement not supplant requirement, but LEAs comply with IDEA, Part B's supplement not supplant requirement by meeting their maintenance of effort obligations. There is no separate test for supplement not supplant.

IDEA, PART B REQUIREMENTS RELATED TO EL STUDENTS

Among other things, LEAs that receive IDEA, Part B funds must:

- Provide appropriate special education and related services to EL students who are eligible for IDEA services,
- Not determine a child is a child with a disability eligible for IDEA services based on the child's limited English proficiency,[70]
- Ensure assessments and other evaluation materials used to determine (1) whether a child has a disability, and (2) the content of a child's IEP, are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so,[71]

My school gives me a purpose in life, helps me improve my English and other areas where I need help.

8th grader
future soldier

PASCAGOULA-GAUTIER SCHOOL DISTRICT

[69] 34 CFR § 300.226.
[70] IDEA, Section 614(b)(5)(C).
[71] 34 CFR § 300.304(c).

- Ensure IEP teams consider the language needs of EL students when developing IEPs,[72]
- Provide notices to parents in their native language, unless it clearly is not feasible to do so,[73]
- Take whatever action is necessary to ensure parents understand the proceedings of IEP Team meetings, including arranging for an interpreter for parents with limited English proficiency,[74]
- Ensure that personnel delivering IDEA, Part B services to EL students with disabilities are appropriately and adequately prepared and trained, and that those personnel have the content knowledge and skills to serve such children,[75] and
- Report on the performance and outcomes of EL students with disabilities as part of the SPP/APR process.[76]

[72] IDEA, Section 614(d)(3)(B)(ii).
[73] See, e.g., 34 CFR §§ 300.9 and 300.503(c).
[74] 34 CFR § 300.322(e).
[75] See 34 CFR §§ 300.156 and 300.207.
[76] IDEA, Section 618.

CARL D. PERKINS

CARL D. PERKINS SUMMARY

Carl D. Perkins Career and Technical Education (Perkins) is a U.S. Department of Education grant program that provides supplemental resources to support career and technical education (CTE), including CTE programs for "special populations" such as EL students.

The goal of the Perkins program is to improve the academic and career and technical skills of CTE students, including EL students, by offering high-quality CTE programs. A CTE program is defined as a sequence of courses that:

- Provides students with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education or careers in current or emerging professions,
- Provides technical skills proficiency, an industry-recognized credential, a certificate or an associate degree, and
- Includes competency-based applied learning that contributes to academic knowledge and relevant skills.[77]

Each LEA that participates in Perkins must offer at least one CTE program that is of sufficient size, scope and quality to improve outcomes for CTE students, including EL students and other special populations.

> My favorite thing about school is math...ANGLES!
>
> **11 years old**
> *future veterinarian*
>
> GULFPORT SCHOOL DISTRICT

SPENDING PERKINS TO SUPPORT EL STUDENTS IN CTE PROGRAMS

LEAs must use their Perkins funds to improve their CTE programs.[78] While not defined in the statute, "improve" generally means to modernize, revise, expand, or upgrade programs. In general, Perkins funds should not be used to simply maintain existing programs, but rather should be designed to improve a program's quality.

Among other allowable activities, LEAs may use Perkins funds to support programs for special populations, including EL students.

EXAMPLE

An LEA could use Perkins funds to develop or expand work-based learning opportunities for EL CTE students.

[77] Perkins Section 3(5).
[78] Perkins Section 135(a).

SUPPLEMENT NOT SUPPLANT
and Perkins

Perkins is governed by a supplement not supplant provision.[79] Supplanting is presumed when:

1. An LEA uses Perkins funds to provide services the LEA is required to make available under other federal, state or local laws, or
2. An LEA uses Perkins funds to provide services the LEA provided with state or local funds in the prior year.

In addition, the U.S. Department of Education's Office of Career Technical and Adult Education presumes supplanting when an LEA uses Perkins funds to provide a service to career and technical education students that the LEA provides to nonparticipating students with state or local funds.[80]

PERKINS REQUIREMENTS RELATED TO EL STUDENTS

Among other things, LEAs that receive Perkins funds must:

- Carry out activities (with Perkins or other funds) to prepare special populations, including EL students, for high-skill, high-wage or high-demand occupations that will lead to self-sufficiency,[81] and
- Report on the performance and outcomes of EL students as part of Perkins's accountability system.[82]

[79] Perkins Section 311.

[80] See U.S. Department of Education, *Questions and Answers Regarding the Implementation of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV)* (2016), Q&A D.22, available at https://s3.amazonaws.com/PCRN/docs/Compiled_List_of_QAs-8-8-16.docx.

[81] Perkins, Section 135(b)(9).

[82] Perkins, Section 113. See also http://cte.ed.gov/accountability/core-indicators.

EXAMPLES OF WAYS TO USE USDE GRANT FUNDS
TO SUPPORT EL STUDENTS

Below are three examples of ways LEAs could use ESSA and other U.S. Department of Education grants to support EL students. These examples are meant to illustrate the wide range of spending options available to LEAs, not to endorse any particular approach or to imply any particular cost is allowable in a given circumstance. Whether or not a particular cost can be supported with ED funds depends on the underlying facts. Therefore, the fact that an activity is listed in this guidance does not mean it is allowable in all circumstances. Similarly, the fact that an activity is not listed in this guidance does not mean it is unallowable.

Please note these examples presume the LEA satisfies supplement not supplant requirements, as well as any other applicable fiscal requirement that might affect grant spending (for example, comparability for Title I, Part A, and excess cost in IDEA, Part B).

LEAs should contact MDE's Office of Federal Programs with questions about a particular situation or for more information.

GENERAL SPENDING CONSIDERATIONS FOR FEDERAL GRANTS

There are a few things to keep in mind when spending U.S. Department of Education grant funds. Below are a few highlights, but LEAs are encouraged to review the relevant regulations and laws.

First, all costs charged to federal grants must be consistent with general federal spending rules known as "cost principles." These cost principles come from federal regulations called the Uniform Grant Guidance (UGG), which apply to all federal grants including education grants.[83]

The UGG affects grant spending in a number of ways. It:

- *Lists costs that may never be paid for with federal funds*. For example, federal funds can never pay for alcohol and typically cannot pay for lobbying.
- *Lists general criteria all costs supported with federal funds must satisfy*. For example, federal funds can only pay for costs that are necessary and reasonable for the performance of the grant.

[83] The Uniform Grant Guidance (UGG) is contained in Part 200 of Title 2 of the Code of Federal Regulations available at http://www.ecfr.gov/cgi-bin/text-idx?SID=f3948247e9ceb83b01019746db896096&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl. Federal guidance and other resources about the UGG are available at http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html.

- *Sets additional requirements for certain costs supported with federal funds*. For example, LEAs that use federal funds for employee salaries and benefits must keep records documenting how much time the employees spent on grant activities.
- *Sets rules for how LEAs procure goods and services* with federal funds, how they *track items* paid for with federal funds, and the kinds of *records* they must keep about their grant spending.

Second, activities supported by grant funds must be consistent with the LEA's application for funds approved by MDE.

Last, there are certain restrictions on the kinds of costs that can be charged to ESSA funds.[84] For example, ESSA funds cannot pay for transportation unless otherwise authorized by a program.[85]

EXAMPLE 1 IMPROVING TEACHER EFFECTIVENESS FOR EL STUDENTS

An LEA has experienced a rapid increase in EL students in recent years. To meet its federal civil rights obligations the LEA ensures it has adequate numbers of teachers who have mastered the skills necessary to effectively teach in the LEA's EL programs. The LEA has determined, however, that it would be helpful to supplement these efforts by:

- Providing additional professional development[86] to teachers across disciplines on meeting the needs of EL students, and
- Recruiting additional EL teachers.

To support this effort the LEA could consider the following federal education funding sources.

POSSIBLE FUNDING SOURCE	POSSIBLE COSTS TO BE SUPPORTED BY FUNDING SOURCE
The LEA could reserve **TITLE I, PART A funds at the district level** to provide professional development to teachers in Title I schools who work with Title I-eligible EL students.	Costs funded with Title I might include: ▪ Stipends to ESL teachers to lead professional development for other teachers. ▪ Participant fees for training courses.

[84] See ESSA, Section 8526.

[85] See ESSA, Section 8526(2).

[86] Under ESSA, professional development is defined as activities that (1) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet state standards, and (2) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused. For the full definition please see ESSA, Section 8101(42).

	▪ Stipends to teachers who participate in professional development. ▪ Substitute teachers to provide release time to teachers who participate in professional development. ▪ Stipends to support mentoring and other job-embedded professional development. ▪ Incentives to recruit additional EL teachers to teach Title I-eligible EL students in high-need Title I schools.
A Title I school operating a **schoolwide program** could use its **TITLE I, PART A funds** to (1) provide professional development to all teachers in the school, and (2) hire additional teachers to support EL students.	If consistent with a school's needs and plan, costs funded with Title I might include: ▪ Stipends, training fees, and substitute teachers as described in the row above. ▪ Implementing a co-teaching model. ▪ Reorganizing the master schedule to allow time for ESL and classroom teachers to collaborate during the school day. ▪ Creating a professional learning community dedicated to improving EL instruction and EL teaching strategies. ▪ Hiring additional teachers to improve the educational program for EL students.
A Title I school operating a **targeted assistance program** could use its **TITLE I, PART A funds** to provide professional development to teachers who teach Title I-eligible EL students.	Costs funded with Title I might include: ▪ Stipends to ESL teachers to lead professional development for other teachers. ▪ Participant fees for training courses. ▪ Stipends to teachers who participate in professional development. ▪ Substitute teachers to provide release time to teachers who participate in professional development. ▪ Stipends to support mentoring and other job-embedded professional development. ▪ Hiring additional EL teachers to teach Title I-eligible EL students.

The LEA could use **TITLE II, PART A funds** to: • Develop programs and activities that increase the ability of teachers to effectively teach EL students so they can meet state standards,[87] • Provide high-quality, evidence-based personalized professional development that is focused on improving teaching and student learning and achievement,[88] and • Recruit, hire and retain effective EL teachers.[89]	Costs funded with Title II might include: ▪ Programs to support teachers implementing multi-tier systems of support and positive behavioral interventions for EL students. ▪ Stipends to ESL teachers to lead professional development for other teachers. ▪ Participant fees for training courses. ▪ Stipends to teachers who participate in professional development. ▪ Substitute teachers to provide release time to teachers who participate in Title II-funded professional development. ▪ Stipends to support mentoring and other job-embedded professional development. ▪ Cultural proficiency programs for teachers on issues affecting EL students. ▪ Incentives for effective educators to receive additional certifications to meet the needs of EL students. ▪ Stipends to support mentoring and other job-embedded professional development. ▪ Differential and incentive pay for EL teachers, which may include performance-based compensation systems. ▪ Recruiting qualified individuals from other fields to become EL teachers.
The LEA could use **TITLE III, PART A** funds to provide effective professional development to all teachers who teach EL students. The professional development should meet the required Title III criteria.	Costs funded with Title III might include: ▪ Stipends to ESL teachers to lead professional development for other teachers. ▪ Participant fees for training courses. ▪ Stipends to teachers who participate in professional development. ▪ Substitute teachers to provide release time to teachers who participate in professional development.

[87] ESSA, Section 2103(b)(3)(F).
[88] ESSA, Section 2103(b)(3)(E).
[89] ESSA, Section 2103(b)(3)(B)(ii) and 2103(b)(3)(C).

	▪ Stipends to support mentoring and other job-embedded professional development.
The LEA could use **IDEA, PART B funds** to provide professional development on meeting the needs of EL students with disabilities to all teachers who teach such students.	Costs funded with IDEA, Part B might include: ▪ Participant fees for training courses. ▪ Stipends to teachers who participate in professional development. ▪ Substitute teachers to provide release time to teachers who participate in professional development. ▪ Stipends to support mentoring and other job-embedded professional development. ▪ Stipends and other costs to support collaborative planning time for EL and special education teachers. ▪ Dual certification programs for teachers of EL students with disabilities.
The LEA could use **CARL D. PERKINS** funds to provide professional development to CTE teachers on meeting the needs of EL students in CTE courses.	Costs funded with Perkins might include: ▪ Participant fees for training courses to help CTE teachers who work with EL students. ▪ Stipends to CTE teachers who participate in professional development. ▪ Substitute teachers to provide release time to CTE teachers who participate in professional development. ▪ Collaborative professional development for EL and CTE teachers on strengthening instruction for EL students in CTE programs.

EXAMPLE 2 READING INTERVENTIONS FOR ELEMENTARY SCHOOL STUDENTS

An LEA has implemented a language instructional education program that meets federal civil rights obligations, but has decided to supplement the program with additional supports for EL students who struggle to read. To support this effort the LEA could consider the following federal education funding sources.

POSSIBLE FUNDING SOURCE	POSSIBLE COSTS TO BE SUPPORTED BY FUNDING SOURCE
The LEA could reserve **TITLE I, PART A funds** to pay for reading interventions for Title I-eligible EL students in its Title I school.	Costs funded with Title I might include: ▪ Hiring staff to provide reading interventions to Title I-eligible EL students. ▪ Training existing staff to provide reading interventions to Title I-eligible EL students. ▪ Hiring coaches to support teachers in delivering reading interventions to Title I-eligible EL students. ▪ High-quality intervention materials for EL-students.
A Title I school operating a **schoolwide program** could use its **TITLE I, PART A funds** to upgrade its reading programs to support EL (and other) students.	If consistent with the school's needs and plan, costs funded with Title I might include: ▪ Any of the costs included in the row above. ▪ Upgrading reading curricula as needed to improve outcomes for all students, especially EL and other educationally disadvantaged students. ▪ Implementing co-teaching models to provide additional supports for EL students in their classrooms. ▪ Increasing collaboration time for classroom and EL teachers to review data and plan strategies for meeting the needs of EL students.
A Title I school operating a **targeted assistance** program could use its **TITLE I, PART A funds** for reading interventions for Title I-eligible EL students.	Costs funded with Title I might include: ▪ Hiring staff to provide reading interventions to Title I-eligible EL students. ▪ Training existing staff to provide reading interventions to Title I-eligible EL students. ▪ Hiring coaches to support teachers in delivering reading interventions to Title I-eligible EL students. ▪ High-quality intervention materials for Title I-eligible EL-students.

The LEA could use **TITLE II, PART A funds** to train teachers on delivering interventions to EL-students.	Costs funded with Title II might include: ▪ Hiring coaches to train teachers. ▪ Participant fees for high-quality training courses. ▪ Stipends to teachers who attend training courses. ▪ Substitute teachers to provide release time to teachers. ▪ PD for teachers delivering interventions through multi-tiered systems of support.
The LEA could use **TITLE III, PART A** funds to pay for intervention materials for EL-students.	Costs funded with Title III might include: ▪ High-quality intervention materials. ▪ Training teachers to use the intervention materials. ▪ Hiring supplemental staff to deliver interventions to EL students.
The LEA could use **IDEA, PART B funds** to pay for reading interventions to EL students with disabilities consistent with their IEPs.	Costs funded with IDEA, Part B might include: ▪ Hiring staff to provide reading interventions to EL students with disabilities. ▪ Training existing staff to provide reading interventions to EL students with disabilities. ▪ Hiring coaches to support teachers in delivering reading interventions to EL students with disabilities. ▪ High-quality intervention materials for EL students with disabilities.
The LEA could reserve **IDEA, Part B funds for Coordinated Early Intervening Services** to students, including EL students, who have not yet been identified for special education but who are struggling in the general education environment.	Costs funded with IDEA CEIS might include: ▪ Hiring staff to provide reading interventions to eligible EL students. ▪ Training existing staff to provide reading interventions to eligible EL students. ▪ Hiring reading coaches to support teachers in delivering reading interventions to eligible EL students. ▪ High-quality intervention materials for eligible EL students.

EXAMPLE 3 SUPPORTING EL STUDENTS IN CAREER AND TECHNICAL EDUCATION PROGRAMS

An LEA operates a career and technical education (CTE) program. To comply with federal civil rights obligations, the LEA takes steps to ensure EL students can participate equally and meaningfully in the program. After reviewing performance data, the LEA recognized that (among other benefits) the CTE program has helped to support English language acquisition, increase student engagement, and improve graduation rates for EL students. Therefore, the LEA has decided to expand its CTE offerings. To support this effort the LEA could consider the following federal education funding sources.

POSSIBLE FUNDING SOURCE	POSSIBLE COSTS TO BE SUPPORTED BY FUNDING SOURCE
The LEA could reserve **TITLE I, PART A funds** to support Title I-eligible students participating in CTE programs.	Costs funded with Title I might include: ▪ Professional development for teachers who teach Title I-EL students on ways to meet their needs in CTE programs. ▪ Instructional materials to support Title I-eligible EL students who participate in CTE programs.
A Title I school operating a **schoolwide program** could use its **TITLE I, PART A funds** to implement a CTE program.[90]	▪ If consistent with the school's needs and plan, costs funded with Title I might include: ▪ Any of the costs included in the row above. ▪ Hiring CTE teachers with experience in effectively teaching EL students. ▪ Stipends to support collaboration among CTE, academic and ESL teachers.
A Title I school operating a **targeted assistance** program could use its **TITLE I, PART A funds** to support Title I-eligible EL students participating in CTE programs.	Costs funded with Title I might include: ▪ Professional development for teachers who teach Title I-EL students on ways to meet their needs in CTE programs. ▪ Instructional materials to support Title I-eligible EL students who participate in CTE programs.

[90] CTE programs are specifically mentioned as an allowable activity in ESSA, Section 1114. See, for example, U.S. Department of Education, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*, p. 4 (2016), available at http://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf.

The LEA could use **TITLE II, PART A funds** to: • Recruit qualified individuals from other fields who demonstrate the potential to become effective teachers.[91] • Developing programs and activities to increase teachers' ability to effective teach EL students so that they can meet state standards.[92] • Professional development and other systems of support to promote high-quality instruction in science, technology, engineering and math.[93] • High-quality professional development on effective strategies to integrate rigorous academic content, CTE and work-based learning, which may include common planning time, to help prepare students for postsecondary and the workforce.[94]	Costs funded with Title II might include: ▪ Stipends, training fees and other EL-related professional development costs. ▪ Stipends to support collaboration among CTE, academic and ESL teachers. ▪ Recruiting teachers from high-demand industries that demonstrate the potential to become effective CTE teachers, especially for EL students.
The LEA could use **TITLE III, PART A** funds to pay for: • Effective professional development to all teachers who teach EL students.[95] • Providing CTE to EL students.[96]	Costs funded with Title III might include: ▪ Stipends, training fees and other EL-related professional development costs. ▪ Supplemental supports for EL students participating in CTE programs.

[91] See ESSA, Section 2103(b)(3)(C).
[92] ESSA, Section 2103(b)(3)(F).
[93] ESSA, Section 2103(b)(3)(M).
[94] ESSA, Section 2103(b)(3)(O).
[95] ESSA, Section 3115(c)(2).
[96] ESSA, Section 3115(d)(3).

The LEA could use **IDEA, PART B funds** to support EL students with disabilities in CTE programs.	Costs funded with IDEA, Part B might include: ▪ Special education and related services required by a student's IEP. ▪ Stipends to special education, CTE and ESL teachers to collaborate on meeting the needs of EL students with disabilities in CTE programs. ▪ Stipends, training fees and other professional development costs to support teachers who teach EL students with disabilities in CTE programs. ▪ Activities to support post-secondary transition for EL students with disabilities who participate in CTE programs.
The LEA could use **CARL D. PERKINS** funds to: • Create new CTE programs, especially programs for special populations including EL students. • Expand existing CTE programs to support EL students. • Provide professional development to staff involved in integrated CTE programs. • Provide career guidance and academic counseling to EL students who participate in CTE programs.	Costs funded with Carl D. Perkins might include: • Stipends, training fees and other professional development costs to support EL CTE students' English language proficiency, academic proficiency and technical skills attainment. • Support for career counseling for EL students. • Instructional or other materials to support EL students in CTE programs. • Internships and other work-based opportunities for EL students.

ADDITIONAL RESOURCES

MISSISSIPPI DEPARTMENT OF EDUCATION RESOURCES

- Office of Elementary Education and Reading EL resources: https://mdek12.org/EL
- Office of Federal Programs EL resources: https://www.mdek12.org/OFP/Title-III-Part-A/resources
- Office of Federal Programs Title III resources: https://www.mdek12.org/OFP/Title-III-Part-A

U.S. DEPARTMENT OF EDUCATION AND OTHER FEDERAL RESOURCES

- Dear Colleague Letter on EL Students and Limited English Proficient Parents: http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf
- EL Toolkit: https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html
- Non-Regulatory Guidance on English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA): https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf
- Uniform Grant Guidance: http://www.ecfr.gov/cgi-bin/text-idx?SID=f3948247e9ceb83b01019746db896096&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl.
- Newcomer Kit: https://www2.ed.gov/about/offices/list/oela/newcomers-toolkit/ncomertoolkit.pdf

INSTRUCTIONAL STRATEGIES
TO SUPPORT TEACHERS OF
ENGLISH LEARNERS

INTRODUCTION

This portion of the *Mississippi English Learner Guidelines: Regulations, Funding Guidance, and Instructional Supports* is designed to provide strategies and information for teaching and meeting the needs of English learners (ELs). It was created with general education teachers in mind to aid them in understanding basic information about ELs in order to better equip them with effective practices to meet EL students' needs. It provides information and strategies for teachers to implement when working with EL students.

Mississippi uses the term English learners when referring to students who meet the criteria for EL services. For additional information on EL terms and how ELs are addressed in the *Every Student Succeeds Act (ESSA) of 2015* see the *Mississippi English Learner Guidelines: Regulations, Funding Guidance, and Instructional Supports*.

Additional definitions for common terms related to English learner students can be found at ¡Colorín colorado!.

STAGES OF LANGUAGE ACQUISITION

Students learning a second language move through five predictable stages: Preproduction, Early Production, Speech Emergence, Intermediate Fluency, and Advanced Fluency (Krashen & Terrell, 1983). How quickly students progress through the stages depends on many factors, including level of formal education, family background, and length of time spent in the country.

The following chart lists the stages of language acquisition, gives characteristics for each stage, gives approximate time frames for the duration of each stage, and lists examples of teacher prompts to aid communication. (Hill & Bjork, 2008)

STAGE	CHARACTERISTICS	APPROXIMATE TIME FRAME	TEACHER PROMPTS
Preproduction	The student: ▪ Has minimal comprehension. ▪ Does not verbalize. ▪ Nods "Yes" and "No." ▪ Draws and points.	0–6 months	▪ Show me … ▪ Circle the … ▪ Where is …? ▪ Who has …?
Early Production	The student: ▪ Has limited comprehension ▪ Produces one- or two-word responses. ▪ Uses key words and familiar phrases. ▪ Uses present-tense verbs.	6 months – 1 year	▪ Yes/no questions ▪ Either/or questions ▪ Who …? ▪ What …? ▪ How many …?
Speech Emergence	The student: ▪ Has good comprehension. ▪ Can produce simple sentences. ▪ Makes grammar and pronunciation errors. ▪ Frequently misunderstands jokes.	1–3 years	▪ Why …? ▪ How …? ▪ Explain … ▪ Questions requiring phrase or short-sentence answers
Intermediate Fluency	The student: ▪ Has excellent comprehension. ▪ Makes few grammatical errors.	3–5 years	▪ What would happen if …? ▪ Why do you think …? ▪ Questions requiring more than a sentence response
Advanced Fluency	The student has a near-native level of speech.	5–7 years	▪ Decide if … ▪ Retell …

CONSIDERING CULTURAL DIFFERENCES

Just as there are stages of language acquisition, there are also stages of cultural adjustments. It is important to note that these stages are not always easily defined, are sometimes more difficult to identify, and vary by individual students. Understanding an EL student's stage of cultural adjustment is essential to better understanding student behaviors and in assisting them in better adjusting to this new culture. Knowing a student's stage of cultural adjustment can also allow teachers to help students gain confidence and feel successful in their new environment. The following chart identifies the four different stages of cultural adjustment as well as a brief explanation of each stage.

STAGE	EXPLANATION
Euphoria	▪ English Learners may experience an initial period of excitement about their new surroundings. ▪ Sometimes called the "honeymoon" stage. ▪ Students demonstrate a great interest in learning about the new culture and are very motivated and cooperative.
Culture Shock	▪ English Learners may experience anger, hostility, frustration, homesickness, or resentment towards the new culture.
Acceptance	▪ English Learners may steadily accept their different surroundings. ▪ This is a period of gradual adjustment where students begin to feel more comfortable with the new culture. ▪ Students are able to enter a stage of deeper learning.
Assimilation/ Adaptation	▪ English Learners may embrace and adapt to their surroundings and the new culture. ▪ The new culture begins to feel like home.

See Appendix D, for a sample cultural awareness checklist to aid in improving awareness and sensitivity to the importance of cultural diversity, cultural competence, and linguistic competence.

PARENT AND FAMILY INVOLVEMENT/ENGAGEMENT

Like the involvement of all parents, involving parents of EL students is essential to the success of our EL students. Parents and families provide:

- support for student buy-in regarding academic success,
- stable home lives that enable students to adequately focus on academic growth,
- physical and emotional stability that allows for academic growth, as well as,
- support for intellectual growth of their child through experiences and interactions.

It is essential that teachers, administrators and districts build a rapport with parents of EL students as well as welcome them as members of the school community. Schools should develop supports that value the experiences of EL parents, build trusting relationships and foster the academic and emotional growth of children.

Communication with parents is vital to informed engagement. Providing written and spoken communication in a language the parent understands is required by federal law. It is highly beneficial to provide ample opportunities to meet and communicate with parents. Keep in mind that their new status in the United States may not just be a change in location and language but may also entail cultural changes which may include different expectations for schooling and school-based parental engagement.

TransACT provides an online set of legally-reviewed forms and notices in multiple languages for both native English and limited-English speaking parents.

This service is provided by MDE to district employees at no cost. Further directions about using this service are available in Appendix I.

Understanding Parents/Guardians and Their Role in Education

It is important to note that not all recent arrivals enter the United States with their parents, so it is essential to determine who is responsible for the student, work with them to determine home language, and engage parents/guardians early on to encourage support for the student's academic, emotional, and behavioral success.

Parents of ELs come to the United States with many different skills and needs so it is essential that we, as educators, understand that EL parents are facing many different circumstances.

Four stages of parent involvement (Han and Love, 2015) are described below.

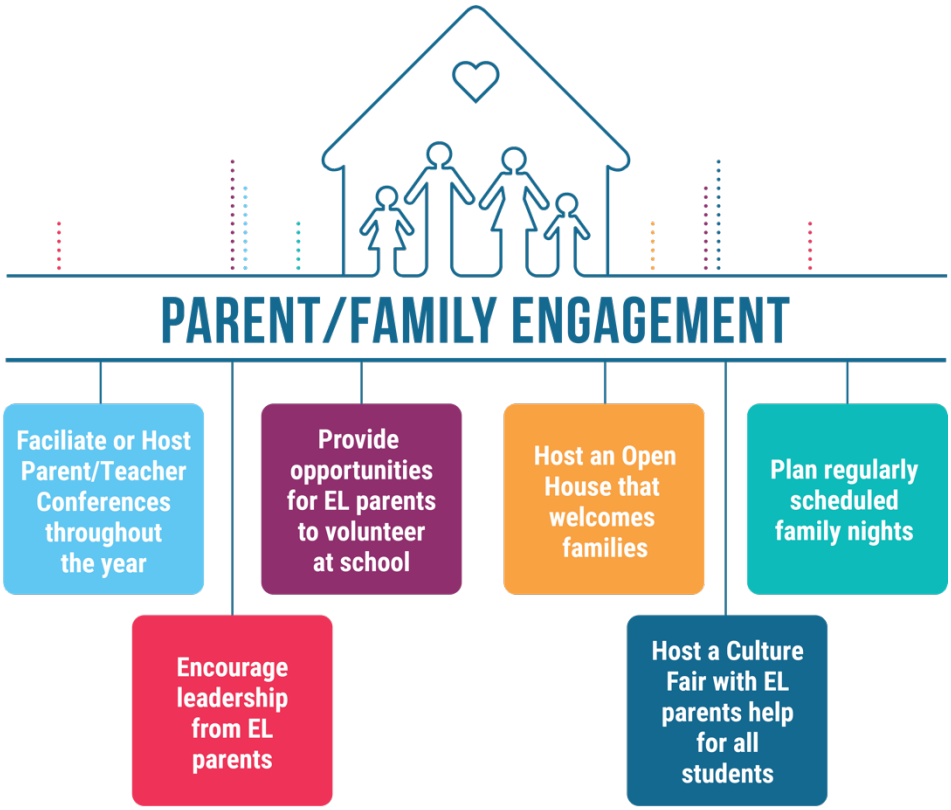
> **CULTURAL SURVIVORS** may be recently arrived immigrants. Many will be concerned about securing food and shelter and may not have much time to learn about and navigate the United States school system.
>
> **CULTURAL LEARNERS** may feel somewhat at ease with the school and want to learn more about what is taught, the school culture, and other aspects of the school.
>
> **CULTURAL CONNECTORS** become familiar with educational terminology, policies, and procedures. They may wish to work with cultural survivors and cultural learners to encourage them and to help them understand and engage in school programs and activities that support children and parents.
>
> **CULTURAL LEADERS** often become the "voice" of their ethnic and language community and advocate for parents in the other stages of parent involvement. Often, they become leaders and participate in available trainings.

Understanding these four stages of parent involvement for the parents of newly arrived students can help schools address the unique challenges of recently arriving families and assist districts with developing strategies to support parents across all four stages.

In addition, we should encourage parents of ELs to:

- advocate for their children and school;
- encourage their children's achievement, positive behavior, persistence and active participation in learning and school activities;
- ensure that their children attend school every day ready to learn;
- communicate with the school about absences and any special circumstances affecting the student; and
- collaborate, volunteer, and engage in decision-making to improve the quality of the school.

Suggestions for School Level Parent/Family Engagement



- **FACILITATING REGULARLY SCHEDULED PARENT/TEACHER CONFERENCES THROUGHOUT THE YEAR** provides opportunities for parents to understand their child's academic and behavioral areas of strength and weakness. In addition, this helps parents gain a general understanding of school policies, procedures and expectations for parents which may be different from those of their native country.

- **PROVIDING OPPORTUNITIES FOR EL PARENTS TO VOLUNTEER AT SCHOOL** helps to create an atmosphere of inclusion where parents' time and skills are valued. This also helps EL students recognize that school is important to their parents and may ultimately increase the students' desire to fully engage in school activities (both academic activities as well as extracurricular).

- **HOSTING AN OPEN HOUSE THAT WELCOMES FAMILIES** provides information about the school, important upcoming activities and opportunities to meet and interact with school personnel as well as other family members of the school. This will make parents feel more comfortable as well as, help them understand the school's expectations for family engagement which may be different from those of their native country. In addition, providing interpreters will help parents understand important information and help them to see that they are valued members of the school community.

- **PLANNING REGULARLY SCHEDULED FAMILY NIGHTS** affords time for parents to further understand school policies, procedures, important upcoming events, as well as provides opportunities for EL parents to become part of the school community by enabling them to meet other parents.

- **ENCOURAGING LEADERSHIP FROM EL PARENTS** validates to EL parents that they are valued as part of the school community. This also encourages other EL parents to participate in school related activities when another person from their cultural background is seen in a leadership position.

- **HOSTING A CULTURE FAIR WITH HELP FROM EL PARENTS** demonstrates a respect for cultural differences which will engage parents and will increase district wide understanding of school diversity.

MULTI-TIERED SYSTEM OF SUPPORTS AS IT RELATES TO ENGLISH LEARNERS

The Multi-Tiered System of Supports (MTSS) is designed to meet the unique educational needs of **all** students. It utilizes a framework for effective team-based problem solving that is:

- Data informed,
- Evidence-based,
- Flexible enough to meet the academic and the behavioral needs of all students while:
  - targeting specific learning difficulties, and
  - utilizing intentional instruction of identified deficits with individual skills.

Explanation of the Tiers

TIER	EXPLANATION	IMPLEMENTATION/RECOMMENDED BEST PRACTICES
Tier I	Implemented by the classroom teacher, all students benefit from implemented strategies; including differentiation and effective practices for English learners	Should be implemented throughout each day.
Tier II	Implemented by the classroom teacher, interventionist or other designated personnel; for any students who need additional support in academic and/or behavioral skills, involves the use of and documentation of specific evidence-based intervention programs	Should be implemented 3-5 times per week for approximately 20-30 minutes each with progress monitoring completed once every two weeks. Should be implemented for individual students or in small groups.
Tier III	Implemented by the classroom teacher, interventionist or other designated personnel; for any students who need more intense and/or more frequent interventions to help build academic and/or behavioral skills in deficit areas	Should be implemented 4-5 times per week for 30-60 minutes each with progress monitoring completed once every week. Should be implemented for individual students or in small groups.

TIER	EXPLANATION	IMPLEMENTATION/RECOMMENDED BEST PRACTICES
Child Find	The on-going obligation to identify, locate and evaluate all children suspected of disabilities who need special education and related services as a result of those disabilities	*NOTE: a district should not violate its Child Find duty by repeatedly referring a student for interventions rather than evaluating the student's need for special education and related services. **For ELs only consider Child Find when verification has been made that the learning difficulties are not a result of an English Language deficiency.**

For additional information on the Multi-Tiered System of Supports and links to additional supports, visit the Mississippi Department of Education's Intervention Services webpage.

To view and download the fillable MTSS documentation packet visit the Mississippi Department of Education's Intervention Services webpage.

TIER I BEST PRACTICES

Tier I is the most important level of the MTSS. It is essential that effective strategies and differentiation to meet the special needs of ELs are implemented at this level to ensure the success of our EL students. Typically, strategies that work best for ELs also benefit struggling native English-speaking students. It is also necessary to understand that while EL services should be implemented at all levels of the Tier process, they do not take the place of high quality Tier I instruction and do not serve as an intervention for struggling students.

My teachers help me with things I do not understand and teach me different ways to learn.

8th grader
future make up artist

CANTON PUBLIC SCHOOLS

At Tier I, the EL teacher can support the general education teachers with implementing strategies that are helpful to English learners as well as specific accommodations that may be helpful for particular students in addition to the strategies already being implemented by the general education teacher. It is imperative that all teachers who work with English learners receive training on best practices and instructional strategies for teaching ELs. This includes, general education, content area teachers, specialists (speech, art, music, P.E., etc.) and special education teachers.

Professional Development

It is vital that all teachers who work with English learners be provided professional development on implementing strategies that will benefit English learners. Building administrators should verify application of these strategies by observing

the teacher and completing the Tier I High-Quality Teacher Observation Form in the MTSS documentation packet. (See the MDE Intervention Services webpage for the entire MTSS documentation packet).

The Mississippi Department of Education offers a variety of professional development opportunities for general education, content area, and English learner teachers (elementary and secondary) at no cost to Mississippi districts or individual schools. Professional development is designed to meet each school/district's individual needs and may be requested through the Office of Elementary Education and Reading or the Office of Federal Programs. A Professional Development Request Form can be accessed at the MDE's English Learner webpage. Further details for requesting professional development can be found in the *Administrator Supports for Working with English Learners*. Topics include but are not limited to:

- Instructional Strategies (general best practices, oral language strategies, vocabulary strategies, comprehension strategies, phonics and phonological awareness strategies, fluency strategies, and visual literacy strategies)
- Assessment and Intervention (understanding English Learner Proficiency Test (ELPT) Reports, using ELPT to plan instruction, writing a language service plan, planning and providing interventions for EL students)
- Federal Guidelines (understanding Title III, ELs under ESSA, Federal Guidelines for instructing EL students) and
- Understanding Cultural Proficiency

For additional resources, see Resources for Teachers and Administrators in the Appendix B of this document. An EL Instructional Strategies Menu for English Learners in Appendix H of this document. This tool provides a checklist of EL strategies that can be used by teachers for self-evaluation when implementing strategies to meet the needs of their EL students. It can also be used by administrators during observations to assist teachers in implementing high quality Tier I instruction for English learners.

My teacher helps me read at her table and she sits right next to me.

10 years old
future pilot

GULFPORT SCHOOL DISTRICT

Create a Welcoming Classroom Environment

A major part of a student's school experience is how they feel when they enter the classroom. For English learners, it is important that they feel their classroom is a safe and inviting space where they will be able to learn and adapt. A welcoming classroom environment can provide the supports and tools which assist EL students in better understanding learning expectations. Creating a welcoming classroom environment will

have a significant impact on an EL student's ability to adjust to the new culture of the United States which may be significantly different from that of their birth country. ¡Colorín Colorado's! article "How to Create a Welcoming Classroom Environment" offers additional Tier I strategies to utilize with English learners which includes the following:

1. **OFFER AS MUCH ONE-ON-ONE ASSISTANCE AS POSSIBLE** to ensure ELs understand covered content. Often ELs will smile and nod but not truly understand what is being taught. It is our responsibility as educators to frequently check for student comprehension during the course of a lesson or unit to help students master standards at each grade level.
2. **POST A VISUAL SCHEDULE WITH PICTURES AND TEXT** to help students understand the daily schedule and classroom structure. Anchor charts can also be used to demonstrate daily student routines and responsibilities such as morning work or dismissal routines.
3. **LABEL CLASSROOM OBJECTS** in both English and the student's first language as much as possible. Ask EL parents to assist with the correct labeling of words and spellings. This is a great opportunity to get them involved in school activities as well as an opportunity to make parents feel valued.
4. **UTILIZE COOPERATIVE LEARNING STRATEGIES** to aid ELs in understanding concepts, and give students an opportunity to practice social as well as academic language. For additional information on types of cooperative learning strategies, see the ¡Colorín Colorado! article "Cooperative Learning Strategies".

The Mississippi Department of Education has developed a short video which demonstrates the above strategies as well as other techniques for creating a welcoming classroom environment to meet the needs of ELs. The 2017 August Literacy Focus of the Month addresses Classroom Setup and offers excellent information to help teachers establish a classroom environment that benefits ELs.

In addition, the MDE also has created sets of Newcomer Communication Cards which will assist students in communicating with teachers and other school staff. These cards can be found at the MDE's English Learner webpage. The cards include such things as pictures with statements such as "I am sick. May I use the phone to call home?" or "I need a pencil."

Tier I Best Practices for Early Childhood English Learners/Classroom Strategies

Preschool ELs are still building a foundation for home language in order to form a firm foundation for English language acquisition, so they will need support in both languages. Teachers should utilize thoughtful, intentional teaching strategies and create classroom environments specifically organized to meet those needs. With scaffolded English support at school and native language support at home, children will be able to grow up in a bilingual environment which assists in developing:

- better working memory,
- enhanced executive function,
- greater ability to easily switch from one task to another,
- persistence in completing challenging tasks.

(NCSI, December 2017)

Suggested Best Practices for Early Childhood

RECOMMENDED BEST PRACTICE	EXPLANATION
Use both monolingual and bilingual books for the languages of the students in your classroom (including fiction and non-fiction audio books)	Audio books will aid students with pronunciation of words in other languages. In addition, the use of wordless books also assists students in understanding the way books progress from front to back and how they tell a story.
Label items in the room in all languages used by children in your classroom	Use index cards to write the names of classroom objects such as chairs, desks, pencil sharpeners, etc. and tape them to the objects. If possible, label the objects in all languages represented by the students in the class. A way to involve EL parents is to ask them to assist with labeling classroom items and for the proper phonetic spelling of foreign words.
Use music in different languages	Music's rhythm and repetition are dynamic tools in helping students acquire English language skills. When coupled with movement it is even more powerful in building understanding of English words. Families can be encouraged to share their favorite native-language folk songs, poems, and finger plays to be done with the class.

RECOMMENDED BEST PRACTICE	EXPLANATION
Learn 10-20 key words/phrases in the child's home language to help them feel welcome, safe and comfortable.	Learning a few common words or phrases in the EL student's first language may make the child feel more comfortable as well as show them that you respect their language. Suggestions for key words/phrases to start with are: hello, my name is…, eat, drink, hurt, bathroom, your parents will be here soon, wash your hands, help, yes, and no. Additional language learning resources are available Resources for Teachers and Administrators in Appendix B.
Make use of a picture communication board and/or cards on an O-ring for needs or feelings	Words such as happy, sad, helping each other, cleaning up toys, going outside, solving a conflict, and other daily routines may be useful. Newcomer Communication Cards are available on the MDE English Learner page to help with implementation.
Build connections in math with what children already know for examples of counting, comparing quantities, ordering objects, creating and identifying patterns, identifying and comparing shapes, measuring and sorting	Using commonly recognizable materials and simple vocabulary will give students clues about the skills they are learning.
Learn one or two words in the child's home language when introducing new concepts, to incorporate as the rest of the lesson is taught in English	This will help the child to learn simple vocabulary and when coupled with well-planned hands-on activities will help EL students learn concepts as well as simple vocabulary. Check with parents or others who know the language to ensure that you are using the correct word and pronunciation. Correct pronunciation is essential for early learners to aid in their language development in both home language and English.

For additional assistance on ways to implement strategies for early childhood English learners, visit the National Association for the Education of Young Children's site.

Tier I Best Practices (K-12)

When implementing instructional strategies for ELs, it is important to consider the student's proficiency level and to provide differentiated instruction accordingly.

Scaffolding Techniques

At the Tier I level, teachers should continually implement scaffolding techniques to encourage students' progress towards a stronger understanding of the standards and to foster greater independence. Scaffolding provides support during the learning process, promotes a deeper level of learning and breaks the learning into smaller, more manageable portions. It breaks the learning into chunks and provides a tool or structure with each chunk (i.e. Think Alouds or sentence frames for note taking, providing advanced notes, providing sentence stems to assist students with writing, etc.).

Long Term English Learners

Long term English learners are those who:

- have been enrolled in United States schools for six or more years,
- are stalled in progressing towards English Proficiency,
- have not yet acquired adequate English skills, and
- are struggling academically.

Long Term English learners come with a myriad of issues that affect their learning. It is often difficult to determine the best course of action when deciding how to support struggling students. When considering the following scenarios and possible solutions for long term English learners, keep in mind that there are many possible solutions for addressing the needs of struggling students. This chart lists only a few of the multiple solutions to address the needs presented in these scenarios.

Recommended Best Practices

The following chart provides various practices for use with ELs.

** These practices are especially helpful with Long Term English learners (LTEL).

* (USDE, 2015)

RECOMMENDED BEST PRACTICE	EXPLANATION
Support Oral Language Development*	Provide opportunities to participate in classroom discussions (whole class and small group), practice using academic vocabulary, using visual clues, speaking slowly, using clear repetition, etc.
Speak slower (not louder)	Slow down to assist EL students in making sense of the words we are using. This is particularly important for ELs who are at the earlier stages of English Proficiency.
Speak distinctly	Clear, distinct speech assists EL students in making connections between what they hear and how to apply it to the written word both in what they read and in what they write.
Give longer wait times	Recognize that ELs are thinking in two languages. They will need more time to listen and respond to questions and comments posed by the teacher.
Refrain from allowing "shout outs" when asking whole group or small group questions	It is difficult for ELs to determine accurate information when so many answers are coming from so many sources. Additionally, ELs may be reluctant to participate if they are not confident of their answers.
Avoid slang or colloquialisms	Slang and colloquialisms are difficult for ELs to understand since they do not translate exactly as they are meant. They should not be used unless they are taught explicitly for comprehension.
Encourage conversation in all lessons	Utilizing opportunities for Turn and Talk, Think, Pair, Share times and partner or small group collaborations will allow ELs to practice both academic and social language as well as solidify understanding of concepts taught in class.

RECOMMENDED BEST PRACTICE	EXPLANATION
Teach Academic English Explicitly*	Provide ample opportunities to practice academic language, grammar structures and vocabulary; this includes content area vocabulary and text specific vocabulary that is not necessarily common or frequently encountered in informal conversation
Allow students to write out answers before speaking	Writing thoughts before answering aloud gives EL students an opportunity to think about what words they will use in their response.
Utilize scaffolding techniques to support learning**	Scaffolding refers to providing a variety of temporary instructional techniques that help students move progressively toward stronger understanding of the standards and towards greater independence.
Write down key terms or use visuals	Providing ELs with key terms and visuals aids them in choosing which words to focus on during lessons and activities.
Provide a print rich environment	Providing a print rich environment (anchor charts, visuals, etc.) will help EL students in understanding and recalling new and ongoing learning.
Use graphic organizers to help students break important information into smaller more manageable pieces	Graphic organizers create a visual to help EL students make connections with and organize what they are hearing and what they will need to recall for application to independent work.
Provide explicit instruction and models**	Simple verbal directions accompanied by simple written directions with visuals will significantly impact Long Term ELs ability to complete classroom tasks.
Pre-teach vocabulary	Pre-teach vocabulary using multiple modalities. This will significantly impact an ELs ability to grasp concepts being taught in class, particularly in the content areas where it may be difficult for students to determine the most important words to focus on when presented with a lesson.

RECOMMENDED BEST PRACTICE	EXPLANATION
Tap into or build background knowledge**	Recognize that often times, ELs have background knowledge but are unable to verbalize what they know due to lower academic vocabulary knowledge and/or a shyness about possibly mispronouncing a word. Connecting to an EL's background knowledge will assist students in grasping classroom concepts.
Teach needed reading skills**	The concepts of learning to read can transfer across languages. For example, a student with strong phonological awareness in their native language can be expected to see transfer of those skills into English. Identify what deficits the student may have in reading to determine a starting point. This may include phonics, decoding, fluency and other areas depending on individual student reading skills and previous instruction or exposure.
Teach specific skills where gaps exist**	Long Term ELs (LTEL) often understand basic reading skills but need more direct instruction to be able to persevere through longer passages and to understand deeper, more nuanced texts. If gaps are extensive refer to the TST team for possible intervention. In addition, it is essential that teachers working with ELs are trained to utilize practices with strong evidence that supports EL literacy.
Model and teach explicit writing skills**	LTELs often converse freely in two languages but lack the vocabulary, syntax, and grammar of native speakers. It is imperative that they receive support with writing assignments. Additional supports such as how to utilize graphic organizers and how to include more details on written assignments may also be necessary.
Use hands-on or physical movement whenever possible	Using hands-on or physical movement helps to make abstract concepts understandable, encourages participation (without undue stress for speaking especially at the early stages of language acquisition), and engages the student in classroom activities.

RECOMMENDED BEST PRACTICE	EXPLANATION
Check for understanding frequently**	Check frequently for understanding on assignments allows opportunities for remediation in a timely manner. This also ensures ELs are learning the content needed for future success.
Incorporate cooperative learning opportunities	Incorporating cooperative learning opportunities helps students learn concepts, build rapport with other students, and practice social and academic vocabulary in a low risk setting.
Teach study skills	Teaching study skills will help students become more independent with things such as note taking, using cognates to understand new material and using text features to assist with comprehension.
Value cultural diversity*	Utilizing schoolwide and classroom practices that are inclusive of multicultural backgrounds such as incorporating multicultural media and reading material, multicultural cafeteria foods that represent all student backgrounds and involving parents in school activities promotes cultural diversity.
Get to know your students**	Read and understand all EL student data (MAAP scores, STAR scores, ELPT scores, benchmark scores, etc.) as well as student personalities, motivations for success, goals and struggles.
Create a culture of teachers and learners**	Establishing a culture of teachers and learners encourages Long Term EL students to collaborate and talk to other students to complete classroom assignments. These opportunities build social as well as academic language.
Encourage students to make connections between real life and the academic content**	Encourage students to bring family and cultural experiences, heritage and language into the classroom to enrich lessons.

Schools should also encourage EL students to participate in extracurricular activities such as team sports or other school clubs and organizations in order to support language acquisition and ease students' transition through the stages of cultural adjustment.

EL Reading Progression versus Native Speaker Reading Progression

When planning reading instruction for a class with ELs, it is important to recognize the similarities and differences between EL and native English-speaking students' development in reading. EL students might have had exposure to reading instruction in their native language, which changes how they approach reading in a new language. The following chart is designed to help teachers recognize typical reading development in native English speakers as well as additional behaviors ELs may demonstrate at each level (adapted from Ariza, 2010). Note that the Developmental Expectations are demonstrated by both native speakers and ELs.

	EL READING PROGRESSION	NATIVE SPEAKER READING PROGRESSION
Pre-Reader	▪ Listens to read-alouds ▪ Repeats words and phrases ▪ Uses pictures to comprehend text ▪ Recognizes some sound/symbol relationship	▪ Pretends to read ▪ Uses illustrations to tell a story ▪ Participates in reading of familiar books ▪ Knows some letter sounds ▪ Recognizes names/words in context ▪ Memorizes pattern books and familiar books ▪ Rhymes and manipulates words
Emerging Reader	▪ Participates in choral reading ▪ Begins to retell familiar, predictable text ▪ Uses visuals to facilitate meaning ▪ Uses phonics and word structure to decode	▪ Sees self as reader ▪ Reads books with word patterns ▪ Knows most letter sounds ▪ Retells main idea of text ▪ Recognizes simple words ▪ Relies on print and illustrations
Developing Reader	▪ Begins to make predictions ▪ Retells beginning, middle, and end of stories ▪ Recognizes plot, characters, and events ▪ Begins to rely more on print than illustrations ▪ May need assistance in choosing appropriate texts	▪ Relies more on print than illustrations ▪ Recognizes names/words by sight ▪ Uses sentence structure clues ▪ Uses phonetic clues ▪ Retells beginning, middle, and end ▪ Begins to read silently ▪ Uses basic punctuation

	EL READING PROGRESSION	NATIVE SPEAKER READING PROGRESSION
Expanding Reader	▪ Begins to read independently ▪ Responds to literature ▪ Begins to use a variety of reading strategies ▪ Usually chooses appropriate texts	▪ Begins to read short stories and books ▪ Reads and finishes a variety of materials with guidance ▪ Uses reading strategies ▪ Retells plot, characters, and events ▪ Recognizes different types of books ▪ Reads silently for short periods of time
Proficient Reader	▪ Reads independently ▪ Relates reading to personal experience ▪ Uses a wide variety of reading strategies ▪ Typically chooses appropriate texts	▪ Begins to read chapter books of moderate difficulty ▪ Reads and finishes a variety of materials with guidance ▪ Reads and understands most new words ▪ Uses reference materials to locate information with guidance ▪ Increases knowledge of literary elements and genres ▪ Reads silently for extended periods
Independent Reader	▪ Reads for enjoyment ▪ Reads and completes a wide variety of texts ▪ Responds personally and critically to texts ▪ Matches a wide variety of reading strategies to purpose ▪ Chooses appropriate or challenging texts	▪ Reads most literature appropriate to grade-level ▪ Selects, reads, and finishes a wide variety of materials ▪ Uses reference materials independently ▪ Recognizes and uses literary elements and genres ▪ Begins to interpret and expand meaning from literature ▪ Participates in literary discussions

Vocabulary is a complex process that involves many factors, including prior knowledge, the student's skill in using context, their knowledge of how the English language works, and their general cognitive ability. A strong understanding and use of vocabulary is fundamental to reading comprehension. A reader cannot understand text without

understanding what most of the words mean. (Honig, Diamond, Gutlohn and Mahler, 2000)

It is important to understand that in addition to content-specific vocabulary (also known as Tier II vocabulary), ELs might need explicit instruction in order to learn and understand the meaning of general vocabulary (also known as Tier I vocabulary). These are words that any native-English speaking toddler would be able to understand: baby, cup, water, etc. Pre-teaching (frontloading) a lesson with content-specific vocabulary and scaffolding understanding of general unknown vocabulary will significantly impact the success of our ELs to grasp new concepts in content areas.

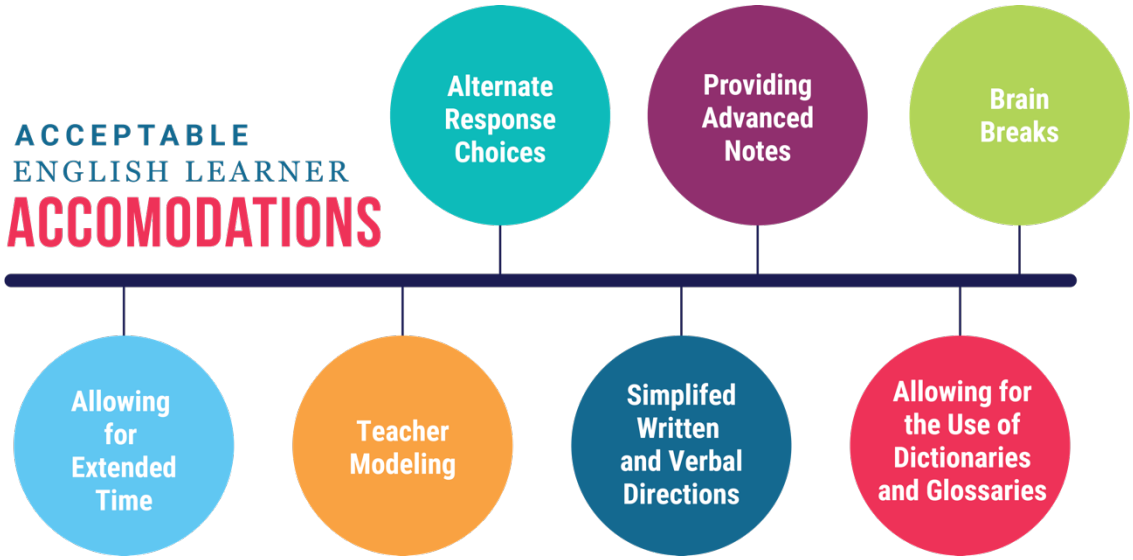
Vocabulary instruction should incorporate the use of visuals, gestures, and cognates (words that look and sound similar across two or more languages. For example: "musica" in Spanish is the cognate of the English word "music"). The chart below demonstrates three methodologies for teaching vocabulary.

FRONTLOAD LESSONS WITH VOCABULARY	TEACH MORPHOLOGY OF WORDS	DEVELOP AND UTILIZE GLOSSARIES
▪ teach content specific vocabulary ▪ incorporate visuals, gestures and cognates	▪ teach Greek, Latin and Anglo-Saxon roots as well as affixes	▪ teach students to use premade glossaries, as well as how to create their own glossaries

For an example of classroom implementations of oral language skills, see the MDE Literacy Focus of the Month for September 2017 focusing on 30 Second Conversations as well as Strategies for Oral Language and Vocabulary Acquisition.

Accommodations for English Learners

Implementing accommodations at Tier I is key to the classroom success of EL students. It is important to note that the need of these accommodations and the level of intensity for each accommodation will vary by individual student, based on many factors such as: English language proficiency level, academic needs and level of EL support provided for the school/district. These accommodations may be utilized for general classroom assignments as well as classroom assessments. Examples of acceptable **classroom** accommodations include:



a. Providing Alternate Response Choices such as allowing students to: have multiple choice or true/false questions, illustrate or sketch their ideas to answer a comprehension question, sort images to retell a text, or use manipulatives to show understanding of a concept.

b. Providing Advanced Notes (may be in outline or sentence frame form) allows EL students to get the main idea of a lesson without having to focus on understanding every word. This may include providing students with partially completed sentence frames or mazes aligned to instruction where students only need to record the missing key vocabulary or information.

c. Allow for frequent Brain Breaks. Brain breaks are designed to help students stay focused by helping students stay energized or relaxed. They also provide time for students to process new learning. EL students are using extensive reasoning, judgement, and comprehension skills and will naturally need more breaks in order to continue their efforts at such a high level of concentration.

d. Allowing for Extended Time on assignments/assessments increases the opportunity for EL student's success. EL students are thinking in two languages, so they naturally need more time to complete expected tasks. The following chart demonstrates differences in response steps for native speakers and English learners:

NATIVE ENGLISH SPEAKER	ENGLISH LEARNER
1. Hears the question/comment **2. Considers possible responses** **3. Responds to the question**	**1. Hears the question/comment** 2. Identifies understood key words/phrases in the question/comment for comprehension 3. Interprets the key words/phrases into their first language **4. Considers possible responses** 5. Translates a chosen response into English using available vocabulary **6. Verbalizes a response to the question**

e. Provide Extensive Teacher Modeling of instructional tasks when teaching new concepts and vocabulary. Include the use of gestures, frontloading of vocabulary with visuals as well as specific modeling regarding mouth placement and letter, sound and word pronunciation.

f. Provide Simplified Written and Verbal Directions to cut down on confusion. Review the simplified directions one-on-one with EL students to ensure understanding of the task.

g. Teach explicitly and allow for the correct Use of Dictionaries and Glossaries. This explicit instruction is especially helpful to students who already know how to use these tools. Simple picture dictionaries and teacher created glossaries of words in texts can be helpful in assisting EL students with language acquisition and will assist students with reading.

Content Area Tier I Instructional Strategies

Including ELs in content area instruction creates diverse groups of learners that bring variety and differing perspectives to classroom discussions and activities. Teaching ELs in the content may also present the following challenges:

1. Difficulty grasping language used to teach content area information and lack of background knowledge necessary to understand presented concepts.
2. Implementation of instructional strategies that will benefit English learners may require specific support for content area teachers.

While these skills are needed for both the student and the teacher, it is understood that training and learning will need to take place on both the part of the teacher and the student in order for the student to learn the content information the teacher requires of them.

Best Practices when Teaching in the Content Areas:

PRACTICE	BENEFIT
Use simplified language when writing "I Can" statements or content lesson objectives	Assists EL students in understanding what they should expect to learn in the lesson
Set language objectives for each lesson (in all subject areas)	Outlines the language/vocabulary that ELs will need to know in order to learn the content objectives (i.e. write a description of a polygon, curve, side, etc.); this provides opportunities for ELs to process content information as well as new vocabulary

PRACTICE	BENEFIT
Connect to and build background knowledge	Enables ELs to link instruction to their personal, cultural and world experiences; in addition, it helps the teacher to understand how different cultures impact classroom learning; this may include mini lessons with extensive vocabulary instruction
Implement lessons that are auditory, visual and kinesthetic	Allows the EL student to make meaning in multiple ways
Use cooperative learning strategies and provide multiple opportunities to talk with a partner or in small groups	Provides opportunity to hear and practice social and academic vocabulary with fluent speakers; provides authentic contexts for using new vocabulary
Teach students to use cognates, prefixes, suffixes and root words	Enhances the ability to independently decode and understand new vocabulary

(Olsen, 2014).

Tier II and Tier III for English Learners

At the Tier II and III levels, the school's Interventionist and Teacher Support Teams (TST) should request input from the EL teacher/specialist regarding the progress of the student. The EL teacher/specialist can also offer support on identifying which interventions would be most helpful based upon the student's level of language proficiency.

Consider completing the Basic Interpersonal Communication Skills and the Cognitive Academic Language Proficiency (BICS/CALP) Checklist (found in Appendix F of this document) to assist in informing instruction and identifying developmental patterns (adapted from Bender, 2012). This informal checklist may assist in identifying areas in language acquisition with which the student may need extra support. Further explanation of this checklist can be found in the Tools section of this document. The BICS/CALP can also be used to assist TSTs in identifying deficit areas and planning interventions.

Before implementing interventions for English learners, the Teacher Support Team should:

- Consult with parents/families, general education teachers, EL teacher and all other teachers who work with the student
- Determine if changes to the Language Service Plan are needed to better meet the needs of the student at the Tier I level.
- Examine <u>all</u> available data (MAAP, ELPT, STAR, attendance, office referrals, etc.)
- Determine the deficit and select an intervention that will best address the deficit area

Use Tier II documentation forms to identify the deficit area(s), describe the intervention to be used and determine the evaluation criteria. Additional Tier II documentation forms must also be completed. Tier II interventions are not to be used in place of EL services but are instead to be implemented in addition to EL services. EL services are meant to address the acquisition of the English language while Intervention services are meant to address academic or behavior deficiencies.

Determining the Need for Intervention for ELs

When making decisions about when and if the need for interventions for English learners is necessary, consider the following factors:

1. **AMOUNT OF TIME THE STUDENT HAS BEEN IN THIS COUNTRY**– students who have only been in the United States or in a new school will likely need time for adjustments. Ensure there is adequate time for adjustments to the new learning experience prior to implementing interventions.

2. **LEVEL OF LANGUAGE PROFICIENCY** – students come to the United States with varying degrees of English language knowledge. It is imperative that consideration be given to the student's level of language acquisition in addition to the amount of time they have been in the United States. Recently arrivals will need an adequate amount of time to build language skills which will allow them to demonstrate content knowledge. Students who have been in the United States for an extended time and are still

struggling academically and with language acquisition, may need targeted support to build both language and academic skills.

3. **PREVIOUS EDUCATIONAL EXPERIENCE** – students with interrupted or no previous formal education will likely have gaps in their learning and may need targeted supports to help address those gaps.

4. **QUANTITY AND QUALITY OF INTERACTIONS WITHIN THIS NEW CULTURAL EXPERIENCE** – students who only speak English at school and are speaking their first language at home and in the community, will likely need more support from the EL teacher. In addition, their Tier I instruction in the general education classroom may need to be upgraded to ensure that language acquisition is supported.

5. **CULTURAL AND LINGUISTIC SIMILIARITIES AND DIFFERENCES OF NATIONAL ORIGIN COUNTRY TO THAT OF THE UNITED STATES** – students coming from western cultures may adjust more easily than those coming from eastern cultures. Adequate time is essential for adjustment to the United States culture and English language.

Considerations when choosing an intervention for English Learners

1. What is the primary academic/behavioral deficiency?
2. How will the intervention address the deficiency?
3. Does the intervention specify how it can be adapted to meet the needs of students with limited English proficiency and has the teacher been trained in how to make these adaptations while maintaining fidelity to the intervention?
4. Does progress monitoring include adjustments for students with limited English proficiency and has the teacher been trained in how to make these adaptations while maintaining academic content standards required for all students?
5. Does the intervention include sufficient scaffolds to assist students with limited English proficiency in understanding concepts?
6. Are there multiple ways to assess understanding and mastery of content?

My favorite thing about school are my two teachers. I love them with all my heart because they help me with everything. They are always nice, have a positive attitute, and are always smiling.

12 years old
future teacher

PASCAGOULA-GAUTIER SCHOOL DISTRICT

Possible scenarios and solutions:

POSSIBLE SCENARIO: Jesse (6th grade from Mexico)

- Has been in the same school district and same school feeder pattern since kindergarten. He has had consistent attendance and has been receiving EL services from the EL teacher in a pullout program consistently.
- Speaks little English at home but communicates well with his English-speaking peers.
- Scores on ELPT are: Speaking – 4, Listening – 4, Reading – 2, Writing – 2, Overall – 3. His reading and writing ELPT scores are considerably lower than his grade level EL peers with comparable time in the United States.
- Scores consistently in the lower 25 percentiles on MAAP, benchmarks and classroom assessments.
- Data indicates that he has a difficult time with multisyllabic words as well as with reading comprehension.
- Grades in math are consistently in the "C" range with support from the teacher at the Tier 1 level in reading and solving word problems.
- Few teachers have been trained on best practices for ELs due to the low incidence of ELs in the district.

POSSIBLE SOLUTIONS		
Tier 1 – train teachers on best practices for EL students in the classroom and continue EL services with the EL teacher. Teacher observations should document instructional strategies implemented by the classroom teacher to best meet the needs of EL students.	**Tier II** – in math, reading and writing due to consistently low ELPT scores in reading and writing despite consistent EL services and proficient scores in speaking and listening and continued low scores on MAAP, benchmark and other assessments. Intervention program chosen for math should address the specific deficit of solving word problems while the intervention chosen for reading should address the specific deficits of reading multisyllabic words as well as reading comprehension. In addition to the implementation of these specific interventions, all teachers should be trained on best practices for EL students in the classroom.	**Tier III** – in Reading and Writing due to low scores in multiple assessments. Additionally, Tier II in math with an intervention that specifically addresses the deficit of reading and solving word problems. The intervention chosen for reading should address the specific deficits of reading multisyllabic words as well as reading comprehension. In addition, teacher training on best practices should be implemented.

POSSIBLE SCENARIO: Amell (6th grade from Yemen)

- Has been in this country for 5 years but has had interrupted schooling. She did not attend school in her birth country and began school in the United States at age 6 in 1st grade.
- Attended three different schools in three different states her first three years but has been in her current district since 3rd grade.
- Speaks little English outside of school but speaks and understands English well in class and in social settings but her ELPT scores continue to be low as do her benchmark, MAAP and classroom assessments in math and ELA.
- Scores on ELPT were Speaking - 3, Listening - 3, reading - 2 and writing – 2, Overall – 3. Her reading and writing ELPT scores are considerably lower than her grade level EL peers with comparable time in the United States.
- Scores consistently in the lower 25 percentiles on classroom, benchmark and state ELA assessments with somewhat higher math scores.
- Struggles with decoding and comprehension in reading and in understanding and solving word problems in math.
- Has never been referred to the schools TST because teachers were under the belief that EL students were to get all intervention from the EL teacher. Since ELs are low incidence in this district, few teachers have been trained on best practices for ELs.

POSSIBLE SOLUTIONS

Tier I – professional development should be provided to the teachers regarding the differing roles of EL teachers and interventionists as well as best practices to meet the needs of ELs. Effective implementation of Tier I best practices will significantly impact her ability to grasp concepts being taught in the classroom.	**Tier II –** professional development should be provided to the teachers regarding the differing roles of EL teachers and interventionists as well as best practices to meet the needs of ELs. Due to consistently low scores in math and ELA, she might be placed in sound, evidence-based interventions in math and reading. Interventions in reading should specifically address decoding and comprehension while math interventions should address specific deficiencies in solving word problems.	**Tier III –** professional development should be provided to the teachers regarding the differing roles of EL teachers and interventionists. Due to consistently low scores in math and ELA and given the amount of time in the present school, she might be placed in Tier III for both math and reading to specifically address academic deficit areas. Interventions in reading should specifically address decoding and comprehension while math interventions should address specific deficiencies in solving word problems.

POSSIBLE SCENARIO: Sen (5th grade from Vietnam)

- Born in the United States and has attended 3 elementary schools in the same district.
- Scores on ELPT were Speaking - 5, Listening - 4, reading - 4 and writing – 2, Overall - 4. She has consistently scored in the lower 25th percentile in math on MAAP, benchmark and classroom assessments.
- Speaks English at school and with her siblings and her father but only Vietnamese with her mother at home.
- Did not receive any intervention services until 4th grade due to the change of schools in the primary grades. She was in Tier II for math but has since been moved to Tier III demonstrating little growth for the past 12 weeks.
- Her teachers have been trained in best practices and Tier I documentation of high-quality instruction demonstrates that she has had consistently high-quality instruction at the Tier I level.

POSSIBLE SOLUTIONS	
Tier III – continue Tier III in math but change the intervention to better meet her academic needs.	**Comprehensive evaluation –** might be considered due to consistently demonstrating growth in ELA and on the ELPT but not in Math.

Students with Interrupted or Limited Schooling

With increasing frequency, many of our English learners are entering our schools with limited or interrupted schooling. These students may need instruction for remedial skills not needed by their English-speaking peers or other EL students who have had adequate schooling. This may include instruction in one or all content areas. Depending on the degree of difference in instruction needed, the Student Evaluation Team (SET) or Teacher Support Team (TST) should meet to discuss the supports needed for both the student and the teacher. Please note that these scenarios list a few of the solutions available to address the needs of EL students (United States Department of Education, 2016).

Possible scenarios and solutions:

POSSIBLE SCENARIO: 8th Grade Student from Yemen		
14-year-old student enters school with no English and interrupted schooling from birth country		
POSSIBLE SOLUTIONS		
Tier I – student receives intensive instruction on language acquisition from the EL teacher along with high quality instruction specifically designed to meet the EL student's needs from the general education teacher	**Tier II** – student may be placed in Tier II to meet specific academic deficiencies such as beginning math and/or reading instruction in English	**Tier III** – depending on the severity of the interrupted schooling, student may need to be placed in Tier III to provide more intense instruction on skills not normally taught at this grade level such as beginning reading skills in English

POSSIBLE SCENARIO: Kindergarten Student from Guatemala
5-year-old student enters school with no English and no previous schooling
POSSIBLE SOLUTIONS
Tier I – since this student is entering school for the first time at such an early age and they, as well as many other Kindergarten students, will not have had experience with formal education, intensive instruction on language acquisition from the EL teacher along with high quality instruction specifically designed to meet the EL student's needs from the general education teacher may be adequate

POSSIBLE SCENARIO: 3rd Grade Student from Mexico		
9-year-old student enters school with some limited English and interrupted schooling from birth country		
POSSIBLE SOLUTIONS		
Tier I - intensive instruction on language acquisition from the EL teacher along with high quality instruction specifically designed to meet the EL student's needs from the general education teacher	**Tier II** – additional instruction in deficiency areas such as basic math and reading skills may be implemented.	**Tier III** – intensive intervention in reading may be implemented in order to bring skills up as quickly as possible to assist in skills that will be taught in later grades

Tools to Support ELs

The Teacher Support Team may also choose to use the following tools to aid in making decisions regarding supporting English learners who are struggling academically:

Basic Interpersonal Communication Skills and the Cognitive Academic Language Proficiency Checklist (BICS/CALP)

The BICS/CALP checklist (adapted from Bender, 2012), found in the Appendix F of this document, may be used to assist in identifying areas in language acquisition where the student needs extra support. It should be completed by someone familiar with both the student's language and academic skills (such as the general education teacher, the EL teacher, SPED teacher or a parent). Complete the checklist by placing a "+" or "-" in the appropriate box based upon the student's ability. The TST can determine which areas of struggle reflect normal language acquisition development and/or which reflect instructional gaps. Difficulties with language acquisition can then be addressed by the EL teacher and instructional gaps may be addressed by the general education teacher and/or the interventionist.

LaRue Reading Skills Assessment

The LaRue Reading Skills Assessment for Preliterate Students was developed to fulfill the need for testing students who have very limited English Literacy skills and cannot read or write in their own language. This assessment allows educators to test the student's knowledge of sounds and phonics as well as other literacy skills. It can be found in Appendix G of this document along with instructions and guidance on how to best use the assessment.

> My EL teacher helps me to understand when I am confused.
>
> **13 years old**
> *future police officer*
>
> DESOTO COUNTY SCHOOLS

Strategies for Increasing ELs Participation in Gifted Education Programs

It is acceptable and appropriate for an EL student to participate in Gifted Education Programs, regardless of their English acquisition. It is important to always remember that EL students have knowledge, experiences, and ideas, but they might not yet have the vocabulary to adequately express themselves. ELs should be afforded the same opportunities as any other native English-speaking student.

1. Increase **parent** understanding of participation criteria – this should include such things as ensuring that all parents are given the criteria for student participation in their primary language
2. Increase **staff** understanding of participation criteria – this includes educating all teachers (not just the Gifted teachers) on how students are and can be assessed (such as using non-verbal assessments) when the student is not a native

English speaker/is not proficient in English. This is a mandate for the standards for Gifted Education Programs (GEP) 2013.

3. Encourage staff and parents to refer EL students for Gifted Education Programs using the criteria outlined in Regulations for Gifted Education Programs 2013 . Support should be provided to ensure all staff understand the Stages of Language Acquisition. In addition, all teachers working with the EL students should be informed of the types of assessments (i.e. non-verbal vs. verbal) that can be utilized in the referral to placement process, as well as the challenges and/or biases that may prevent teachers from identifying ELs who are potentially Gifted students.
4. Encourage all staff and parents to consider how participation in the Gifted Education Program might affect the EL student's success. The Gifted Education Program may enrich the student's understanding of United States culture, history and language, as well as their development of higher order thinking and problem-solving skills.
5. Ensure the district's Gifted Education Program policies and procedures provide equitable selection criteria for EL students who are potentially gifted.

Consider the following scenario to assist in making observations and decisions about whether or not to refer an EL student for Gifted testing.

POSSIBLE SCENARIO

José is an EL student from Mexico and has been in the United States two full school years.

His ELPT scores demonstrate continued growth in all areas of the tested domains. He understands a great deal of social English when interacting with peers, but he is still struggling with understanding academic language and prefers to draw when giving answers that offer that as a method of responding.

His teacher notices that when given free time, José is often found doodling. When participating in group projects that require higher order problem solving skills, he often leads his group to approach solutions by creating models or drawings. His alternate methods for finding solutions rarely require teacher input. The intricacy of his artistry and problem solving through visual models makes his teacher wonder if he might be Gifted but she was concerned that he may not qualify due his limited English proficiency.

POSSIBLE SOLUTIONS

Refer for gifted identification to determine if he qualifies for services. The process can include a nonverbal assessment format to eliminate biases based on limited English proficiency. Teachers, parents and administrators should complete required paperwork as determined by the district's policy regarding gifted education. Guidelines for the referral to placement process should be provided to the student's parents in their primary language.

For further assistance in ensuring equal access to gifted programs for English learners go to the United States Department of Education's English Learner Toolkit Chapter 4 Meaningful Access to Core Curricular, Extra Curricular Programs, and Education Week's article "Too Few ELL Students Land in Gifted Classes".

Gifted Students and MTSS

Gifted and talented English Language Learners are unique and challenging students. Research suggests that gifted/talented English Learners essentially display characteristics similar to those of English-speaking gifted/talented students and similarly can struggle with academic content as well as have difficulty with behavior. It is important to remember that the multi-tiered system of response is designed to meet the needs of all students including the EL Gifted students. MTSS is a framework that establishes a support system for students, including those with exceptional ability or potential. Often intellectually gifted students are high academic performers however, others may require interventions or remediation in specific content areas or for behavior. In such cases, careful attention should be paid to determining the correct level of support without interfering with gifted programing or EL services. Participation in interventions, should not interfere with or take away from Gifted Educational Programming or EL services.

Special Education and MTSS

While EL students with an Individual Educational Plan are receiving specific instruction from the special education teacher in their specified area of eligibility, they may require additional support at the Tier II or Tier III level. This decision should be made based on discussions with the IEP team, TST team and the EL teacher and/or Student Evaluation Team (SET).

Consider the following scenarios to assist in making decisions about what courses of action could be taken to address specific academic struggles for EL students who may need additional services from Gifted and/or Special Education.

My teacher helps me so that I can master 4th grade and pass on to 5th grade.

4th grader
future police officer

CANTON PUBLIC SCHOOLS

POSSIBLE SCENARIO: Pham (4th Grade Born in the United States)

- Is a long term EL student born in the United States whose parents were born in Vietnam.
- Has an area of eligibility for Special Education in Math and he has been receiving tutorial assistance from the Special Education teacher for 2 semesters.
- Missed qualifying for ELA by a very small margin when originally tested. The decision was made at the first eligibility meeting to continue Tier III ELA interventions as previously implemented but lately, his teacher has noticed that even with the daily Tier III interventions, data as well as teacher observations, indicate that the gap between him and his peers is widening.

POSSIBLE SOLUTIONS		
Continue Tier III in ELA but change the intervention to one that will better meet the student's needs.	**Request a comprehensive reevaluation** from the Multidisciplinary Evaluation Team (MET) to determine if he now qualifies for Special Education services in ELA. While in this process, Tier III should continue.	**Add ELA goals to the IEP** and begin Special Education services in ELA. The special education teacher should document all provided services accordingly on the IEP.

POSSIBLE SCENARIO: Rachel (Gifted 5th Grade Student from Cuba)

- Recently registered in a Mississippi school after attending a bilingual school in Florida for 2 years where she was an A/B student.
- Scores for ELPT demonstrate continued growth in language acquisition. After a month in this new school where bilingual education is not an option, her teacher has noticed that while she reads well, she is struggling in writing and in understanding academic vocabulary. Her teacher has referred her to the TST for support.

POSSIBLE SOLUTIONS	
Tier I Increased time with the EL teacher coupled with small group remediation from the classroom teacher. This will ease the transition from being in a bilingual school to an English only school. Rachel's time in this new educational environment may be due to adjustment issues and not actual deficiencies in ELA. In addition, support should be given to the classroom teacher to assist in implementing best practices for EL students in the general education classroom.	**Implement Tier II interventions** to address specific deficient areas including writing and vocabulary. Again, support should be given to the classroom teacher to assist in implementing best practices for EL students in the general education classroom.

POSSIBLE SCENARIO: Joycee (2nd Grade Student from Nigeria)

- Has a Special Education ruling in Math and has been receiving tutorial services from the Special Education teacher for 1 semester.
- Has an extremely difficult time attending to classroom activities and completing assignments. This has been noticed by her classroom teacher, Special Education teacher and activity/specials teachers. She has met with the school counselor to determine if this inattentiveness was the result of trauma related to cultural adjustment or other factors. This has been ruled out as a factor.
- Grades in Math and ELA are very low despite all the extra help she gets in math from the Special Education teacher and Tier II interventions she gets from the teacher in ELA. Her grades are very low due to her lack of attention and inability to complete classroom assignments.
- Joycee's parents also state that they have a difficult time getting her to complete homework or other things that require an extended amount of time to complete. They have requested she be retested to determine if she can receive any other services.

POSSIBLE SOLUTIONS

Tier I – Provide Joycee's teachers with Tier I behavior management supports that can be implemented to better address her inattentiveness.	**Implement Tier II behavior interventions** to address the lack of attention and inability to complete assignments. Document interventions using the MTSS documentation packet.	**Meet with the MET team** to determine all available options for reevaluating based on behavioral needs; taking into account her recent comprehensive evaluation results and interventions that were completed to address deficit areas.	**Meet with the Individual Educational Plan (IEP) committee** to determine if behavior goals should be added to her IEP.

POSSIBLE SCENARIO: Thomas (Gifted 4th Grade Student from Yemen)

- Has consistently earned excellent grades in math but has always struggled in ELA.
- Scores from ELPT in speaking and listening are consistently high (4 and 5 respectively) he is still at an intermediate level in reading and writing (3 in both areas). His growth in these two areas is lower than that of his grade level peers who have been in the United States the same amount of time as he has (4 years).
- His teachers have always given him the benefit of the doubt that he will "catch on" and have made such comments as "Thomas is Gifted. He could be doing so much better if he would just apply himself," and "Thomas is so smart. He probably just needs more time with ELA since he is an EL student."
- He has received consistent remediation in the general education class and language acquisition instruction from the EL teacher.

POSSIBLE SOLUTIONS

Begin Tier II interventions to address specific deficit areas in ELA since he has struggled in ELA over the course of his academic career despite extra help and remediation from teachers at the Tier I level. The TST team should examine all available data to determine specific needs (such as reading comprehension or decoding). The intervention should target specific skills and utilize the MTSS documentation packet to document progress.

Begin Tier III interventions in ELA to address specific deficit areas since teachers have consistently given him remediation and this is a long-term struggle. Again, the TST team should examine all available data to determine specific needs (such as reading comprehension or decoding). The intervention should target specific skills and utilize the MTSS documentation packet to document progress. While teachers have meant well in attempting to assist him through remediation, he has consistently struggled in ELA and specific intervention is needed to ensure gaps in learning are bridged for Thomas' long-term success.

SECTION THREE
ENGLISH LANGUAGE PROFICIENCY TEST

The LAS Links Assessment System is a secure, large-scale, English language proficiency assessment administered to Kindergarten through 12th graders who have been officially identified as English learners (ELs). This assessment is administered annually to monitor English learners' progress in acquiring academic English needed to succeed in school. The assessment includes deep understandings of content and communication of the language used in the classroom environment. Students are assessed in four domains: Speaking, Listening, Reading and Writing.

LAS Links provides a screener that should be utilized as part of the district's identification process when determining if a student qualifies for EL services. Follow your district policy for administering the screener to individual students.

Instructional materials, resource tools and videos to assist teachers, parents and administrators in understanding the LAS Links assessment can be found in the LAS Links Instructional Library.

The Office of Assessment's Public Access Folder contains various tools to support administrators and teachers understanding of the assessment, student's scores, and planning instruction for ELs. Some of the supports that can be found are listed below.

- **LAS Links Blue Print** gives skill areas, language content strands, and sub-skill areas/subtests for the different tested grade bands.
- **LAS Links Overview** provides the scope and sequence for the tested domains along with the subskills in the different tested grade spans.
- **Proficiency Level Descriptors** provide information to teachers as to what ELs can do at each proficiency level by grade level.
- **Subskills and Objectives** can be found in the LAS Links Online Instructional Library under standards and blueprints. This breaks down the LAS Links Standards Subskills in each of the four domains by grade level.

UNDERSTANDING LAS LINKS REPORTS

LAS Links provides multiple reports that enable teachers, schools and districts to understand assessment results of their EL student population. In addition, MDE has a recorded video in the 2017 August Literacy Tips of the Month to help teachers and administrators understand the EL identification process, the LAS Links assessment and reports, as well as EL general classroom accommodations and modifications.

The subsequent section will discuss the following reports:

1. Student Proficiency Report
2. Roster Report

3. Summary Report of Strands
4. Reading Lexile Report
5. Home Report.

STUDENT PROFICIENCY REPORT

The Student Proficiency Report includes information on individual student performance in each of the four tested domains of the LAS Links assessment. It also provides an overall score and a comprehension score. In addition, the report provides a scaled score as well as a bar graph which identifies the student's proficiency level as beginning, early intermediate, intermediate, proficient, and above proficient. **It is essential that all teachers working with EL students receive and understand the Student Proficiency Report so that they can scaffold instruction and provide the needed content area support.**

See the sample Student Proficiency Report below:

LAS Links

Student Proficiency Report

Test Date:

Student Name:	Grade: 01
Birthdate:	Form/Level: C
Gender:	Grade: Grade 01
Student ID#:	School:
	District:
	State:

1

Skill Area	Scale Score	1 Beginning	2 Early Intermediate	3 Intermediate	4 Proficient	5 Above Proficient
Speaking	513	300-431	432-461	462-495	496-550	551-580
Listening	500	300-431	432-449	450-475	476-520	521-530
Reading	431	240-359	360-384	385-422	423-478	479-550
Writing	407	200-354	355-434	435-488	489-534	535-630
Overall*	462	260-393	394-432	433-470	471-520	521-572
Comprehension**	465	270-389	390-415	416-451	452-485	486-540
Oral***	506	300-431	432-462	463-489	490-529	530-555
Literacy****	419	220-356	357-409	410-455	456-506	507-590
Productive*****	460	250-392	393-447	448-491	492-542	543-605

2

3

Language Context Strands	Speaking			Listening			Reading			Writing		
	RGA	Points Obtained	Points Possible	RGA	Points Obtained	Points Possible	RGA	Points Obtained	Points Possible	RGA	Points Obtained	Points Possible
Social, Intercultural, and Instructional Communication	9	11▲	12	6	7▲	8	7	10▲	10	5	5▲	7
Foundational Skills	N/A	-	N/A	N/A	-	N/A	9	12▲	12	9	10▲	11
Language Arts, Social Studies, History	11	14▲	14	4	6▲	6	2	3▲	4	4	3	7
Mathematics, Science, Technical Subjects	11	13▲	14	4	6▲	6	2	1	4	4	5▲	7
Academic*	22	27▲	28	8	12▲	12	14	16▲	20	18	18▲	25

4

*Overall Scale Score is an average of Speaking, Listening, Reading and Writing.

**Comprehension is based on all items in the Listening and Reading skill areas.

***Oral is based on all items in the Listening and Speaking skill areas.

****Literacy is based on all items in the Reading and Writing skill areas.

*****Productive is based on all items in the Speaking and Writing skill areas.

RGA: The Reference Group Average is the expected average performance of the student sample used in LAS Links Field Testing.

*The Academic Scores for each Skill Area include all language context strands except the 'Social, Intercultural, and Instructional Communication' strand.

▲ = Indicates student scored at or above Reference Group Average.

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1. Provides basic demographic information about the student.

2. Contains a graphical representation of the language proficiency level of the student in each of the four domains. The data on this sample report shows the student has proficient scores (4) in speaking, listening and reading but will need scaffolded support in writing where their score indicates that they have an early intermediate score (2). Scaffolded writing supports for this child may include the use of graphic organizers, to assist with the organization of the writing process. Depending on individual student needs, supports may also include aiding the student with such things as the use of appropriate sentence structure and the correct usage of English grammar. Teachers should also review each subskill of the LAS Links domains to ensure Tier I classroom instruction meets the student's needs.

3. Contains information on the student's scaled score in speaking, listening, reading and writing as well as scores for overall, comprehension, oral and productive areas (speaking and writing) assessed on the LAS Links assessment.

4. Provides student's performance related to content area vocabulary. This snapshot identifies how well the student is able to understand and use content area vocabulary. The Reference Group Average (RGA) gives us an idea of how the student should be doing on content area vocabulary based on LAS Links field testing. The student's score of 3 in the reading vocabulary section (above RGA of 2) indicates that he/she is strong in understanding reading vocabulary. The writing score of 3 is below the RGA score of 4 and is indicative of the his/her difficulty when applying the vocabulary to writing. Additional support with using vocabulary in writing will be needed.

ROSTER REPORT

This report provides a list of all students in a specific school who were tested on the LAS Links assessment. The list can be arranged alphabetically or in ascending or descending order. Schools can compare EL individual student growth towards English language proficiency with that of their EL peers.

Roster Report
MARINA, Grade: 5, Test Date: 06/01/14-IV

Number of Students Listed: 16

		LAS Links 2nd Edition																	
Last Name	First Name	Speaking		Listening		Reading		Writing		Overall*		Comprehension**		Oral***		Literacy****		Productive*****	
		SS	PL	SS	PL	SS	PL	SS	PL	SS	PL	SS	PL	SS	PL	SS	PL	SS	PL
Student names would appear here.		521	Proficient	556	Proficient	585	Proficient	608	Above Proficient	567	Proficient	570	Proficient	538	Proficient	596	Above Proficient	564	Proficient
		513	Proficient	526	Intermediate	608	Above Proficient	572	Proficient	554	Proficient	567	Proficient	519	Proficient	590	Above Proficient	542	Proficient
		507	Intermediate	579	Proficient	565	Proficient	582	Proficient	558	Proficient	572	Proficient	543	Proficient	573	Proficient	544	Proficient
		532	Proficient	539	Proficient	585	Proficient	594	Above Proficient	562	Proficient	562	Proficient	535	Proficient	589	Above Proficient	563	Proficient
		510	Intermediate	503	Intermediate	596	Above Proficient	562	Proficient	542	Proficient	549	Proficient	506	Intermediate	579	Proficient	536	Proficient
		635	Above Proficient	640	Above Proficient	596	Above Proficient	594	Above Proficient	616	Above Proficient	618	Above Proficient	637	Above Proficient	595	Above Proficient	614	Above Proficient
		510	Intermediate	579	Proficient	585	Proficient	608	Above Proficient	570	Proficient	582	Above Proficient	544	Proficient	596	Above Proficient	559	Proficient
		510	Intermediate	556	Proficient	565	Proficient	572	Proficient	550	Proficient	560	Proficient	533	Proficient	568	Proficient	541	Proficient
		510	Intermediate	613	Above Proficient	596	Above Proficient	582	Proficient	575	Proficient	604	Above Proficient	561	Proficient	589	Above Proficient	546	Proficient
		558	Proficient	556	Proficient	608	Above Proficient	608	Above Proficient	582	Above Proficient	582	Above Proficient	557	Proficient	608	Above Proficient	583	Above Proficient
		528	Proficient	579	Proficient	622	Above Proficient	594	Above Proficient	580	Above Proficient	600	Above Proficient	553	Proficient	608	Above Proficient	561	Proficient
		558	Proficient	613	Above Proficient	585	Proficient	608	Above Proficient	591	Above Proficient	599	Above Proficient	585	Above Proficient	596	Above Proficient	583	Above Proficient
		513	Proficient	526	Intermediate	585	Proficient	608	Above Proficient	558	Proficient	555	Proficient	519	Proficient	596	Above Proficient	560	Proficient
		513	Proficient	613	Above Proficient	585	Proficient	608	Above Proficient	579	Above Proficient	599	Above Proficient	563	Proficient	596	Above Proficient	560	Proficient
		517	Proficient	539	Proficient	622	Above Proficient	608	Above Proficient	571	Proficient	580	Above Proficient	528	Proficient	615	Above Proficient	562	Proficient
		575	Above Proficient	579	Proficient	608	Above Proficient	594	Above Proficient	589	Above Proficient	593	Above Proficient	577	Proficient	601	Above Proficient	584	Above Proficient

*Overall scale score is an average of Speaking, Listening, Reading, and Writing.
**Comprehension is based on all items in the Listening and Reading skills areas.
***Oral is based on all items in the Listening and Speaking skill areas.
****Literacy is based on all items in the Reading and Writing skill areas.
*****Productive is based on all items in the Speaking and Writing skill areas.

SUMMARY REPORT OF STRANDS

This report provides a comprehensive grade level summary of an EL student's performance in comparison with the RGA. This report could be used at schoolwide grade level team meetings to assist teachers with determining deficit areas that may need scaffolded to support instruction at Tier I. Teachers can use this report to develop additional strategies that foster EL students with meeting language goals as well as helping them grasp content area objectives. The report contains an RGA % Correct and a Mean % Correct which can be compared when determining areas of strength and opportunities for growth. The RGA % correct is the Reference Group Average correct and percent correct on each strand is related specifically to that school and grade level.

The following sample report indicates a group of students that are behind in the Speaking Domain in the area of Social, Intercultural and Instructional Communication. The Class mean score is 82.2 and the RGA score is 92.3 and implies that the group may need structured opportunities for building speaking skills. Teachers may choose to incorporate additional opportunities for students to turn and talk with peers about content specific topics in order to improve these skills.

Data indicated strength in the Listening Domain is in Math, Science, and Technical Subjects. This is indicated by the mean percent correct of 95.8 that is significantly higher than the RGA of 66.7. Teachers may wish to capitalize on these good listening skills when planning types of instruction.

Summary Report of Strands, Grade: 5, Form/Level: D/3, Test Date: 06/01/14-IV

Group/Content	NT	Mean % Correct	Mean % Correct Graph (0 25 50 75 100)	RGA % Correct	Total Points Possible
MARINA					
Speaking					
Social, Intercultural, and Instructional Communication	16	82.2		92.3	13
Language Arts, Social Studies, History	16	78.6		71.4	14
Mathematics, Science, Technical Subjects	16	79.5		71.4	14
Academic Speaking	16	79.0		67.9	28
Listening					
Social, Intercultural, and Instructional Communication	16	81.3		75.0	8
Language Arts, Social Studies, History	16	82.3		50.0	6
Mathematics, Science, Technical Subjects	16	95.8		66.7	6
Academic Listening	16	89.1		58.3	12
Reading					
Reading Foundational Skills	16	N/A	N/A	N/A	0
Social, Intercultural, Instructional Communication	16	88.0		64.3	14
Language Arts, Social Studies, History	16	76.6		37.5	8
Mathematics, Science, Technical Subjects	16	78.1		50.0	8
Academic Reading	16	77.4		43.8	16
Writing					
Writing Foundational Skills	16	N/A	N/A	N/A	0
Social, Intercultural, and Instructional Communication	16	95.0		70.0	10
Language Arts, Social Studies, History	16	71.0		54.5	11
Mathematics, Science, Technical Subjects	16	96.0		54.5	11
Academic Writing	16	83.5		54.5	22

READING LEXILE REPORT

The publisher of LAS Links, Data Recognition Corporation (DRC), has partnered with MetaMetrics to provide the Lexile report, which is a correlation between student performance on the LAS Links Reading domain and his/her Lexile score. A Lexile score serves two unique functions: it is the measure of how difficult a text is OR a student's reading ability level. The report provides a list of books on or near the child's Lexile level to use with the student. It can be used by teachers to provide leveled texts that meet the developmental needs of the student and may be shared with parents for at home, independent or shared reading.

Reading Links

Test Date: 10/01/16

Student Name:
Birthdate:
Gender:
Student ID#:

Scoring: NCR

Grade: 01
Form/Level: C
Grade: Grade 01
School:
District:
State:

Purpose
This report provides a list of books based on your student's performance on the LAS Links 2nd Edition Reading test. It can be used to assist your student in improving reading skills.

Suggested Titles	Author	Lexile
So You Want to be President?	St. George, Judith; Small, David	730L
A Wrinkle in Time	L'Engle, Madeleine	740L
Cuba 15	Osa, Nancy	750L
The Giver	Lowry, Lois	760L
Jumping Tree	Saldana, Rene, Jr.	770L
Rules	Lord, Cynthia	780L
The Schwa Was Here	Shusterman, Neal	790L
Roberto Clemente: Pride of the Pittsburgh Pirates	Winter, Jonah	800L
Bull Run	Fleischman, Paul	810L

HOME REPORT

This report contains overall proficiency level by skill area. The bottom of the report is a brief description for the meaning of each level.

LAS Links

Home Report

Test Date:

Student Name:
Birthdate:
Gender:
Student ID#:

Grade: 10
Form/Level: C
Grade: Grade 10
School:
District:
State:

Purpose
The Home Report provides a student's Overall proficiency level in English and proficiency level by skill area (Speaking, Listening, Reading, Writing). This report also provides Comprehension, Oral, Literacy, and Productive proficiency levels. For more information on proficiency level definitions or how to interpret these scores, please refer to the LAS Links 2nd Edition Interpretation Guide.

Dear Parent or Guardian:
Your student recently took the LAS Links 2nd Edition language proficiency assessment. This report gives information about your child's ability to communicate in English. The report also shows areas in which your child will need to improve the communication skills needed to move to the next language proficiency level.

	Proficiency Level				
Skill Area	1 Beginning	2 Early Intermediate	3 Intermediate	4 Proficient	5 Above Proficient
Overall (SP+LI+RD+WR)	✓				
Speaking (SP)	✓				
Listening (LI)				✓	
Reading (RD)	✓				
Writing (WR)	✓				
Comprehension (LI+RD)		✓			
Oral (SP+LI)		✓			
Literacy (RD+WR)	✓				
Productive (SP+WR)	✓				

Overall is a measure of your child's language proficiency regarding all four skill areas: Speaking, Listening, Reading, and Writing. Your child's proficiency of Level 1 can be described as follows:

A Level 1 student is beginning to develop the ability to communicate at school. The student may communicate nonverbally or through the home language.

The next level of proficiency can be described as follows:

A Level 2 student is developing the ability to communicate for different purposes at school. The student makes errors that can interfere with communication.

CTB
HELP THE TEACHER HELP THE CHILD

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APPENDIX A

RESOURCES FOR PARENTS

SOURCE	GRADE LEVELS	BRIEF EXPLANATION	WHERE TO FIND IT
Family Guides to Student Success	Pre- K - 8	Grade specific books with activities for home use using materials commonly found in the home to help students learn grade level concepts.	1. Local schools 2. https://mdek12.org/OAE/OEER/FamilyGuidesSpanish
Reading Rockets	K-3	A collection of resources including articles and parent reading guides among numerous other things.	www.readingrockets.org
Fun Brain	K-8	Interactive activities that help develop skills in English literacy	https://www.funbrain.com
Math at Home Toolkit	Birth - Pre-K	Resources for math play at home	https://www.naeyc.org/math-at-home
Supporting Parent Engagement in Linguistically Diverse Families to Promote Young Children's Learning: Implications for Early Care and Education Policy	Early Childhood Education (ECE)	Brief that highlights research to inform policy in terms of ECE programs and parent engagement.	http://www.researchconnections.org/childcare/resources/30185/pdf
National Clearinghouse for English Language Acquisition (NCELA) Resource Library	Pre-K - 12	NCELA webpage contains annotated articles, briefs, and their respective URLs related to family engagement for ELs and dual language learners.	**https://ncela.ed.gov/resources-library?keys=family+engagement**

APPENDIX B

RESOURCES FOR TEACHERS AND ADMINISTRATORS

SOURCE	GRADE LEVELS	BRIEF EXPLANATION	WHERE TO FIND IT
¡Colorín Colorado!	K-12	Articles, webinars on basics and advanced techniques for teaching ELs.	http://www.colorincolorado.org/teaching-english-language-learners
2017-2018 MDE Literacy Focus of the Month videos	Pre-K-12	Literacy strategies are specifically geared toward best practices for teaching EL students as well as print resources to assist EL students	https://mdek12.org/EL
MDE English Learners page	Pre-K -12	Resources provided by the Mississippi Department of Education to support classroom teachers with EL students	https://mdek12.org/EL
The Digital Chalkboard ELL Teacher Tool Kit	Pre-K-12	Instructional practice videos, lesson ideas and strategies, Q&A information for teachers of ELs	https://www.mydigitalchalkboard.org/portal/default/Content/Viewer/Content?action=2&scId=100051
Resources for Teachers of English Language Learners	Pre-K-12	Information and strategies ranging from literacy instruction to arts and technology integration for ELs	https://www.edutopia.org/article/resources-for-teaching-english-language-learners-ashley-cronin
What Works Clearinghouse (English Learners)	K-12	Reviews programs and curricula written for EL students to determine the level of effectiveness of each intervention	https://ies.ed.gov/ncee/wwc/FWW/Results?filters=,EL
Strategies for Teaching English Learners	K -12	Article with advice form veteran teachers on how to effectively serve ELs	https://www.scholastic.com/teachers/articles/teaching-content/strategies-teaching-english-language-learners/
Graphic Organizers for Content Instruction	K-12	Downloadable graphic organizers for use in the content areas	http://www.everythingesl.net/inservices/graphic_organizers.php
US Department of Education	K-12	EL Toolkit Newcomer Toolkit	https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html https://www2.ed.gov/about/offices/list/oela/newcomers-toolkit/ncomertoolkit.pdf
Understanding the "Silent Period" with English Learners	K-12	Article that discusses the silent period and strategies teachers can utilize to help students in this stage of language acquisition.	https://www.choiceliteracy.com/articles-detail-view.php?id=47
Language Learning sites	K-12	Various language learning tools	1. Duolingo https://www.duolingo.com 2. Open Culture http://www.openculture.com/freelanguagelessons

			3. Babbel https://home.babbel.com/dashboard 4. Spanish Dict http://www.spanishdict.com 5. Arabic dictionary https://www.freearabicdictionary.com/dictionary/search
Supporting Parent Engagement in Linguistically Diverse Families to Promote Young Children's Learning: Implications for Early Care and Education Policy	Early Childhood Education (ECE)	Brief that highlights research to inform policy in terms of ECE programs and parent engagement.	http://www.researchconnections.org/childcare/resources/30185/pdf
Mississippi World Languages Teaching Guide 2017	Pre-K-12	Helps teachers and administrators understand and effectively implement the 2016 Mississippi World Languages Framework; contains research on best practices, the latest trends in presentation of material, assessment, use of technology, etc.	https://mdek12.org/sites/default/files/Offices/Secondary%20Ed/mississippi-world-language-teaching-guide-2017_20180723.pdf

APPENDIX C

RESOURCES FOR STUDENTS

SOURCE	GRADE LEVELS	BRIEF EXPLANATION	WHERE TO FIND IT
EL Resources by Grade	Pre-K-12	Resources broken down by grade band (Pre-K-K, Elementary, Middle and High School) for EL students	http://www.colorincolorado.org/ell-basics/ell-resources-grade
Culturally Authentic Pictorial Lexicon	Elementary-High School	Images from around the world to support vocabulary being taught to students by showing them a picture from their native country	http://capl.washjeff.edu/
Student Guide	Upper Elementary – High School	A wide and varied collection of resources for students	http://www.studentguide.org/43-excellent-esl-resources-for-students/
Fun Brain	Pre-K - 12	Interactive activities that help develop English literacy as well as a variety of books to read from the site	https://www.funbrain.com
Scholastic Kids	K- 8	Games, reading contests, interactive and printable activities	http://www.scholastic.com/home/
Highlights Kids	K - 6	A variety of activities including animated stories, poetry maker, games, and apps that enhance academic and language skills	https://www.highlightskids.com
International Children's Digital Library	Pre – K - 12	Collection of free books for children which can be searched according to language, age, reading level and genre.	http://en.childrenslibrary.org
Literacy Center	Pre - K	Games and printable activities for preschool children including print writing practice and games for practicing letters on the keyboard	http://www.literacycenter.net/play_learn/english-language-games.php

APPENDIX D

CULTURAL AWARENESS CHECKLIST FOR TEACHERS

Early Childhood

HOW TO USE THIS CHECKLIST

This checklist is intended to improve the awareness and sensitivity of personnel to the importance of cultural diversity, cultural competence, and linguistic competence in early childhood settings. It provides concrete examples of the types of practices that foster such an environment. If, upon the completion of the checklist, you find you frequently responded "C," you may not be utilizing practices that promote a culturally diverse and culturally competent learning environment for your students or their families. If you find a pattern of mostly B's and C's, you may want to adjust your practices. It is important to make sure you are considering all aspects of your students' educations, including awareness and representation of their cultural backgrounds. The following checklist can be used to ensure that you are providing students with the best possible education.

DIRECTIONS: Please select A, B, or C for each item listed below.

A = Things I do frequently
B = Things I do occasionally
C = Things I do rarely or never

_____ 1. I display pictures, posters, and other materials that reflect the cultures and ethnic backgrounds of children and families served in my early childhood program or setting.

_____ 2. I select props for the dramatic play/housekeeping area that are culturally diverse (e.g., dolls, clothing, cooking utensils, household articles, furniture).

_____ 3. I ensure that the book/literacy area has pictures and storybooks that reflect the different cultures of children and families served in my school or setting.

_____ 4. I ensure that tabletop toys and other play accessories (that depict people) are representative of the various cultural and ethnic groups both within my community and society in general.

_____ 5. I read a variety of books exposing children in my early childhood program or setting to various life experiences of cultures and ethnic groups other than their own.

_____ 6. When such books are not available, I provide opportunities for children and their families to create their own books and include them among the resources and materials in my early childhood program or setting.

_____ 7. I adapt the above referenced approaches when providing services, supports, and other interventions in the home setting.

_____ 8. I encourage and provide opportunities for children and their families to share experiences through storytelling, puppets, marionettes, or other props to support the "oral tradition" common among many cultures.

_____ 9. I plan trips and community outings to places where children and their families can learn about their own cultural or ethnic history as well as the history of others.

_____ 10. I select videos, films, or other media resources reflective of diverse cultures to share with children and families served in my early childhood program or setting.

_____ 11. I play a variety of music and introduce musical instruments from many cultures.

_____ 12. I provide opportunities for children to cook or sample a variety of foods typically served by different cultural and ethnic groups other than their own.

_____ 13. If my early childhood program or setting consists entirely of children and families from the same cultural or ethnic group, I feel it is important to plan an environment and implement activities that reflect the cultural diversity within the society at large.

_____ 14. I am cognizant of and ensure that curricula I use include traditional holidays celebrated by the majority culture, as well as those holidays that are unique to the culturally diverse children and families served in my early childhood program or setting.

_____ 15. For children who speak languages or dialects other than English, I attempt to learn and use key words in their language so that I am better able to communicate with them.

_____ 16. I attempt to determine any familiar colloquialisms used by children and families that will assist and/or enhance the delivery of services and supports.

_____ 17. I use visual aids, gestures, and physical prompts in my interactions with children who have limited English proficiency.

_____ 18. When interacting with parents and other family members who have limited English proficiency, I always keep in mind that:

- _____ a) limitation in English proficiency is in no way a reflection of their level of intellectual functioning;
- _____ b) their limited ability to speak the language of the dominant culture has no bearing on their ability to communicate effectively in their language of origin;
- _____ c) they may neither be literate in their language of origin nor English.

_____ 19. I avoid imposing values that may conflict or be inconsistent with those of cultures or ethnic groups other than my own.

_____ 20. I discourage students from using racial and ethnic slurs by helping them understand that certain words can hurt others.

_____ 21. I screen books, movies, and other media resources for negative cultural, ethnic, racial, or religious stereotypes before sharing them with children and their families served in my early childhood program or setting.

_____ 22. I provide activities to help students learn about and accept the differences and similarities in all people as an ongoing component of program curricula.

APPENDIX E

CULTURAL AWARENESS CHECKLIST FOR TEACHERS

Elementary, Middle and High School

HOW TO USE THIS CHECKLIST

This checklist is intended to heighten the awareness and sensitivity of personnel to the importance of cultural diversity, cultural competence, and linguistic competence. It provides concrete examples of the kinds of practices that foster such an environment. There is no answer key with correct responses. However, if you frequently responded "C," you may not necessarily demonstrate practices that promote a culturally diverse and culturally competent learning environment for your students or their families.

It is important to make sure you are considering all aspects of your students' educations, including awareness of their cultural backgrounds. Here is a checklist that can be used to ensure that you are providing your students with the best possible education.

DIRECTIONS: Please select A, B, or C for each item listed below.

A = Things I do frequently
B = Things I do occasionally
C = Things I do rarely or never

_____ 1. I display pictures, posters, and other materials that reflect the cultures and ethnic backgrounds of students and families served in my school.

_____ 2. I ensure that the books I teach from include characters, settings, themes, and illustrations that reflect the different cultures of students and families served in my school.

_____ 3. I utilize a variety of books exposing students in my classroom or school to various life experiences of cultures and ethnic groups other than their own.

_____ 4. I adapt the above referenced approaches when providing services, supports, and other interventions in the home setting.

_____ 5. I encourage and provide opportunities for students and their families to share experiences through storytelling, role playing, and acting to support the "oral tradition" common among many cultures.

_____ 6. I plan trips and community outings to places where students and their families can learn about their own cultural or ethnic history as well as the history of others.

_____ 7. I select videos, films, or other media resources reflective of diverse cultures to share with students and families served in my classroom or school.

_____ 8. I play a variety of music and introduce musical instruments from many cultures.

_____ 9. If my classroom or school consists entirely of students and families from the same cultural or ethnic group, I feel it is important to plan an environment and implement activities that reflect the cultural diversity within the society at large.

_____ 10. I am cognizant of and ensure that curricula I use include traditional holidays celebrated by the majority culture, as well as those holidays that are unique to the culturally diverse students and families served in my classroom and school.

_____ 11. For students who speak languages or dialects other than English, I attempt to learn and use key words in their language so that I am better able to communicate with them.

_____ 12. I attempt to determine any familiar colloquialisms used by students and families that will assist and/or enhance the delivery of services and supports.

_____ 13. I use visual aids, gestures, and physical prompts in my interactions with students who have limited English proficiency.

_____ 14. When interacting with parents and other family members who have limited English proficiency, I always keep in mind that:

_____ d) limitation in English proficiency is in no way a reflection of their level of intellectual functioning;

_____ e) their limited ability to speak the language of the dominant culture has no bearing on their ability to communicate effectively in their language of origin;

_____ f) they may neither be literate in their language of origin nor English.

_____ 15. I avoid imposing values that may conflict or be inconsistent with those of cultures or ethnic groups other than my own.

_____ 16. I discourage students from using racial and ethnic slurs by helping them understand that certain words can hurt others.

_____ 17. I screen books, movies, and other media resources for negative cultural, ethnic, racial, or religious stereotypes before sharing them with students and their families served in my classroom or school.

_____ 18. I provide activities to help students learn about and accept the differences and similarities in all people as an ongoing component of program curricula.

APPENDIX F

BICS/CALP CHECKLIST

The BICS/CALP checklist may be used to assist in identifying areas in language acquisition the student needs extra support. It may be used to identify the Basic Interpersonal Communication Skills (BICS) and the Cognitive Academic Language Proficiency (CALP) skills. It should be completed by someone familiar with both the student's language and academic skills (such as the general education teacher, the EL teacher, SPED teacher or a parent). Complete the checklist by placing a "+" or "-" in the appropriate box based upon the student's ability. When examined by the team, determination can be made as to which areas of struggle reflect normal language acquisition development and/or which reflect instructional gaps. Language acquisition development struggles can then be addressed by the EL teacher and instructional gaps may be addressed by the general education teacher and/or the interventionist. (adapted from Bender, 2012)

BICS/CALP CHECKLIST

Checklist of Language Skills for Use with Limited English Proficient Students

Student Name _____ Date _____ Completed By_____

Basic Interpersonal Skills (BICS)			Cognitive Academic Language Proficiency Skills (CALP)		
BICS LISTENING	FIRST LANGUAGE	ENGLISH	CALP LISTENING	FIRST LANGUAGE	ENGLISH
Follows classroom directions			Follows specific directions for academic tasks		
Points to classroom objects			Understands vocabulary for academic tasks (i.e. word meaning, word synonyms for operations)		
Distinguishes items according to color, size, shapes, etc.			Understands teacher's discussion and distinguishes main ideas from supportive details		
Points to people (family relationships)			Understands temporal concepts (e.g. do this first, second, last)		
Distinguishes people according to physical and emotional states			Distinguishes sounds for reading readiness activities		
Acts out common school activities			Listens to a movie or other audio-visual presentation with academic content		
Distinguishes environmental sounds					
BICS LISTENING TOTALS			**CALP LISTENING TOTALS**		

Basic Interpersonal Skills (BICS)			Cognitive Academic Language Proficiency Skills (CALP)		
BICS SPEAKING	**FIRST LANGUAGE**	**ENGLISH**	**CALP SPEAKING**	**FIRST LANGUAGE**	**ENGLISH**
Gives classroom commands to peers			Asks/answers specific questions regarding topic discussions		
Exchanges common greetings			Uses academic vocabulary appropriately		
Names classroom objects			Uses temporal concepts appropriately		
Describes classroom objects according to color shape, etc.			Asks for clarification during academic tasks		
Describes people according to physical and emotional states			Expresses reasons for opinions		
Describes what is happening when given an action picture of a common recreational activity			Actively participates in class discussions		
Participates in sharing time			Actively participates in partner/small group discussions		
Appropriately initiates, maintains and responds to conversation			Volunteers to answer questions in class regarding subject matter		
Recites ABCs, and numbers 1-10					
Appropriately answers basic questions					
BICS SPEAKING TOTALS			**CALP SPEAKING TOTALS**		

Basic Interpersonal Skills (BICS)			Cognitive Academic Language Proficiency Skills (CALP)		
BICS READING	**FIRST LANGUAGE**	**ENGLISH**	**CALP READING**	**FIRST LANGUAGE**	**ENGLISH**
Recognizes common traffic/safety signs			Uses mechanics of spatial skills (i.e. top-to-bottom, left-to right)		
Recognizes familiar advertising logos (McDonald's, Walmart)			Comprehends written texts		
Knows how to progress through a book (front to back)			Uses inferencing, context clues and other reading skills to comprehend underlying meanings of texts		
Understands that words are what we read in a book			Reads sight words		
			Uses sound symbol association		
BICS READING TOTALS			**CALP READING TOTALS**		

Basic Interpersonal Skills (BICS)			Cognitive Academic Language Proficiency Skills (CALP)		
BICS WRITING	**FIRST LANGUAGE**	**ENGLISH**	**CALP WRITING**	**FIRST LANGUAGE**	**ENGLISH**
Writes name			Writes upper and lower-case letters		
Uses symbols to assist with information retrieval			Completes sentence frames		
Holds writing utensils correctly			Writes phrases or two-word responses to answer questions		
Uses illustrations to respond to questions/to tell a story			Copies words/material from the board		
			Writes sentences to respond to questions		
			Uses graphic organizers to plan writing		
			Writes paragraphs/essays		
BICS WRITING TOTALS			**CALP WRITING TOTALS**		

Additional Comments/Concerns:

APPENDIX G

LARUE READING SKILLS ASSESSMENT FOR PRELITERATE STUDENTS

The Reading Skills Assessment for Preliterate Students was developed to meet a need for testing students who have very limited English literacy skills and cannot read and write in their own language. It was created to show which literacy skills and knowledge preliterate ESL students have and don't have. This assessment is not appropriate for students who have attended school and learned to read and write in any language. **It also cannot accurately identify pre-literacy skills of students who are literate in a language not written in a Roman alphabet. Some non-Roman alphabet languages include Arabic, Greek, Russian, Thai and Chinese.**

Research on education shows that reading as a skill is transferable from language to language. Educated students, even if they don't know a word of English, already understand the idea of the alphabetical order, they already know that letters can be represented in a variety of fonts, and that there is a correspondence between letters and sounds in determining how to pronounce a word. They also know that languages, however well organized, have exceptions to rules that need to be learned as exceptions.

However, some students have no educational background, and have never learned to write in their native language. They often have great difficulty taking written tests of any kind. This test is designed specifically for these students. It provides the instructor with a starting point for their instruction in learning to read and write English. The skills and knowledge that are needed to begin to learn to read are included in this test.

This test combines an oral interview by the instructor, along with reading and writing by the student. It allows us to test the student's knowledge of sounds and phonics, as well as other literacy skills. It reveals what skills a student does and doesn't have. This can give the instructor information that is not available from the CASAS tests, since it is only a paper and pencil test. The LaRue Reading Skills Assessment for Preliterate Students will help you determine which skills need to be taught next, and whether a pre-literate student has all of the literacy skills needed to join a mainstream ESL class.

If a student can score a total of 90 points or more on The LaRue Reading Skills Assessment for Preliterate Students, that is strong evidence that they have basic literacy skills and will be able to take the CASAS test 11 or 12 and get a meaningful score.

Instructions for using the LaRue Reading Skills ASSESSMENT A

This assessment is given as a one to one interview with the student. To test the student, read the following script, and point to the examples on the test page as appropriate. Have your student point to the correct answer, say the correct answer aloud, or write the correct answer on the test page as appropriate. Mark the correct score for each question on this page, as you give the test. Don't correct the student if they answer incorrectly, just acknowledge their answer and ask the next question. You can repeat each question or statement only once. If the student doesn't understand, move to the next question.

Note on pronunciation: If the student's answer is accented but comprehensible, give them credit. If their answer is too accented to be understood by most people, do not give them credit.

The questions are ordered in increasing difficulty within each section. If a student cannot answer the first two questions in each section, there is no need to ask them further questions in that section. Move on to the next section to find out if they are more proficient in another area.

There are 4 sections to this test. Subtotal each section separately. When you have finished testing, refer to the Scoring Guide for help in interpreting the test scores.

SECTION INSTRUCTIONS		Score
1.	"This is an e, and this is an e." For each of the following letters ask, "What is this?" *Score one point for each letter identified correctly.*	
2.	"This is an e, and this is an e." For each of the following letters ask, "What is this?" *Score one point for each letter identified correctly.*	
3.	"This is a g, and this is a g." For each of the following letters ask, "What is this?" *Score one point for each letter identified correctly.*	
4.	"This is an f, and this is a g." For the following three letters ask, "What is this?' Then ask, "What letter is next?" *Score one point for each letter identified correctly.*	
5.	"This letter is s, and this letter is t." For the following three letters ask, "What's this letter?" Then ask, "What letter is next?" *Score one point for each letter identified correctly.*	
	SECTION I SUBTOTAL	
6.	"This number is 3, and this number is 4." For the following three numbers ask, "What's this number?" And then ask, "What number is next?" *Score one point for each of the numbers identified correctly.*	
7.	"This phone number is 786-3295. What is this phone number?" *Score one point for each of the numbers identified correctly.*	
8.	"This number is 27." For the following four numbers ask, "What is this number?" *Score one point for each of the numbers identified correctly.*	
9.	"This price is $1.29." For the following four prices ask, "What's this price?" *"One fifty-nine" or "one dollar fifty-nine" are both acceptable answers. "One five nine" is incorrect. Score one point for each of the prices identified correctly.*	

10. "This time is two-ten." For the following four times ask, "What's this time?" *Score one point for each of the times identified correctly.*	
SECTION II SUBTOTAL	
11. "This word is can." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
12. "This word is also can." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
13. "This word is DIN." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
14. "This word is school." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
15. "This word is who." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
16. "This word is nine." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
SECTION III SUBTOTAL	
17. "Write your first name and your last name." *Score two points for each name spelled correctly*.	
18. "This letter is e. Copy this letter. This letter is f. Copy this letter. This letter is g. Copy this letter. Write the letter h." *Score 1 point for each letter correctly written. Score half for wrong case.*	
19. "This letter is h. Copy this letter. This letter is i. Copy this letter. This letter is j. Copy this letter. Write the letter k." *Score 1 point for each letter correctly written. Score half for the wrong case.*	
20. "This word is mad. Copy this word. This word is sad. Copy this word. Write the word dad." *Score one point for each word correctly written.*	
21. "This word is where. Copy this word. This word is how. Copy this word. Write the word why." *Score one point for each word correctly written.*	
22. "This date is July 4th, 2001, and this date is 7/4/01. Write May 1st, 2001." *Score one point each for the day, month, and year correctly written. The student can use either format for writing the date.*	
23. "Write this sentence: 'The woman has a baby.'" *Score one point for each word written correctly.*	
24. "Write this sentence: 'Deb went to bed.'" *Score one point for each word written correctly.*	
SECTION IV SUBTOTAL	
TEST TOTAL	

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LaRue Reading Skills **ASSESSMENT A**

Name: _____ Date: _____

SECTION I

1.	E	**E**	F	E	B	T	H
2.	e	**e**	o	c	e	a	***a***
3.	g	**G**	G	j	g	Q	g
4.	F	G	H	I	J	_____	
5.	s	t	u	v	w	_____	

SECTION II

6.	3	4	5	6	7	____
7.	786-3295		571-0436			
8.	27		39	72	151	500

9.	$1.29	$2.59	$10.95	$59.95	$329.00
10.	2:10	3:15	4:30	12:02	9:45

SECTION III

11.	can	man	tan	plan	ran
12.	can	cap	cat	cash	cad
13.	DIN	DAN	DEN	DUN	DON
14.	school	good	child	baby	woman
15.	who	when	where	why	how
16.	nine	six	two	eight	twelve

SECTION IV

17. _____ _____

18. E ____ F ____ G _____ _____

19. h ____ i ____ j _____ _____

20. mad _____ sad _____ _____

21. where _____ how _____ _____

22. July 4, 2001 7/4/01 _____

23. _____

24. _____

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Name _____Date _____

LaRue Reading Skills **ASSESSMENT A – Scoring Page**

									SCORE
SECTION I – Tests the ability to recognize and name letters and knowledge of alphabetical order.									
1.	E	**E**	F	E	B	T	H		____ / 5
2.	e	**e**	o	c	e	a	***a***		____ / 5
3.	g	**G**	G	j	g	Q	g		____ / 5
4.	F	G	H	I	J	(K)			____ / 4
5.	s	t	u	v	w	(x)			____ / 4
								SUBTOTAL	____ / 23
SECTION II – Tests the ability to name numbers, to read numbers as prices and times, and knowledge of numerical order.									
6.	3	4	5	6	7	(8)			____ / 4
7.	786-3295		571-0436						____ / 7
8.	27		39	72	151	500			____ / 4
9.	$1.29		$2.59	$10.95	$59.95	$329.00			____ / 4
10.	2:10		3:15	4:30	12:02	9:45			____ / 4
								SUBTOTAL	____ / 23
SECTION III – Tests knowledge of letter sounds for beginning and ending consonants, short vowels, and sight words.									
11.	can		man	tan	plan	ran			____ / 4
12.	can		cap	cat	cash	cad			____ / 4
13.	DIN		DAN	DEN	DUN	DON			____ / 4
14.	school		good	child	baby	woman			____ / 4
15.	who		when	where	why	how			____ / 4
16.	nine		six	two	eight	twelve			____ / 4
								SUBTOTAL	____ / 24
SECTION IV – Tests the ability to copy and write letters, alphabetical order, write a date, write a sentence from dictation, to spell phonetically and write sight words.									
17.	(student first name)			(student last name)					____ / 4
18.	E ___	F ___	G ___	(H)					____ / 4
19.	h ___	i ___	j ___	(k)					____ / 4
20.	mad _____		sad _____	(dad)					____ / 3
21.	where _____		how _____	(why)					____ / 3
22.	July 4, 2001		7/4/01	(May 1, 2001 or 5/1/01)					____ / 3
23.	(The woman has a baby.)								____ / 5
24.	(Deb went to bed.)								____ / 4
								SUBTOTAL	____ / 30
								TOTAL	**____ / 100**

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Instructions for using the LaRue Reading Skills ASSESSMENT B

This assessment is given as a one-to-one interview with the student. To test the student, read the following script, and point to the examples on the test page as appropriate. Have your student point to the correct answer, say the correct answer aloud, or write the correct answer on the test page as appropriate. Mark the correct score for each question on this page as you give the test. Don't correct the student. If they answer incorrectly, just acknowledge their answer and ask the next question. You can repeat each question or statement only once. If the student doesn't understand, move to the next question.

Note on pronunciation: If the student's answer is accented but comprehensible, give them credit. If their answer is too accented to be understood by most people, do not give them credit.

The questions are ordered in increasing difficulty within each section. If a student cannot answer the first two questions in each section, there is no need to ask them further questions in that section. Move on to the next section to find out if they are more proficient in another area.

There are 4 sections to this test. Subtotal each section separately. When you have finished testing, refer to the Scoring Guide for help in interpreting the test scores.

SECTION INSTRUCTIONS	SCORE
1. "This is an o, and this is an o." For each of the following letters ask, "What is this?" *Score one point for each letter identified correctly.*	
2. "This is an a, and this is an a." For each of the following letters ask, "What is this?" *Score one point for each letter identified correctly.*	
3. "This is a h, and this is a h." For each of the following letters ask, "What is this?" *Score one point for each letter identified correctly.*	
4. "This is a c, and this is a d." For the following three letters ask, "What is this?' Then ask, "What letter is next?" *Score one point for each letter identified correctly.*	
5. "This letter is k, and this letter is l." For the following three letters ask, "What's this letter?" Then ask, "What letter is next?" *Score one point for each letter identified correctly.*	
SECTION I SUBTOTAL	
6. "This number is 2, and this number is 3." For the following three numbers ask, "What's this number?" And then ask, "What number is next?" *Score one point for each of the numbers identified correctly.*	
7. "This phone number is 362-9578. What is this phone number?" *Score one point for each of the numbers identified correctly.*	
8. "This number is 33." For the following four numbers ask, "What is this number?" *Score one point for each of the numbers identified correctly.*	
9. "This price is $1.13." For the following four prices ask, "What's this price?" *"One thirteen" or "one dollar thirteen" are both acceptable answers. "One one three" is incorrect. Score one point for each of the prices identified correctly.*	

10. "This time is one-fifteen." For the following four times ask, "What's this time?" *Score one point for each of the times identified correctly.*	
SECTION II SUBTOTAL	
11. "This word is pin." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
12. "This word is also pin." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
13. "This word is BIG." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
14. "This word is child." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
15. "This word is why." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
16. "This word is ten." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
SECTION III SUBTOTAL	
17. "Write your first name and your last name." *Score two points for each name spelled correctly*.	
18. "This letter is c. Copy this letter. This letter is d. Copy this letter. This letter is e. Copy this letter. Write the letter f." *Score 1 point for each letter correctly written. Score half for wrong case.*	
19. "This letter is p. Copy this letter. This letter is q. Copy this letter. This letter is r. Copy this letter. Write the letter s." *Score 1 point for each letter correctly written. Score half for the wrong case*	
20. "This word is red. Copy this word. This word is fed. Copy this word. Write the word bed." *Score one point for each word correctly written.*	
21. "This word is what. Copy this word. This word is why. Copy this word. Write the word who." *Score one point for each word correctly written.*	
22. "This date is August 6th, 2001, and this date is 8/6/01. Write June 3rd, 2001." *Score one point each for the day, month, and year correctly written. The student can use either format for writing the date.*	
23. "Write this sentence: 'Tim is in school.'" *Score one point for each word written correctly.*	
24. "Write this sentence: 'The little baby was good.'" *Score one point for each word written correctly.*	
SECTION IV SUBTOTAL	
TEST TOTAL	

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LaRue Reading Skills **ASSESSMENT B**

Name: _____ Date: _____

SECTION I

1.	O	**O**	F	E	B	T	H
2.	a	**a**	c	o	e	n	**a**
3.	h	**H**	k	t	M	T	b
4.	C	D	E	F	G	_____	
5.	k	l	m	n	o	_____	

SECTION II

6.	2	3	4	5	6	____
7.	362-9578		716-0543			
8.	33		54	86	162	300

9.	$1.13	$2.99	$10.28	$38.94	$412.00
10.	1:15	7:30	4:03	11:15	6:45

SECTION III

11.	pin	tin	chin	win	fin
12.	pin	pit	pig	pick	pip
13.	BIG	BAG	BEG	BOG	BUG
14.	child	come	your	house	father
15.	why	how	where	when	what
16.	ten	three	one	six	thirteen

SECTION IV

17. _____ _____

18. C ____ D ____ E _____ _____

19. p ____ q ____ r _____ _____

20. red _____ fed _____ _____

21. what _____ why _____ _____

22. August 6, 2001 8/6/01 _____

23. _____

24. _____

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Name _____ Date _____

LaRue Reading Skills **ASSESSMENT B** - Scoring Page

									SCORE
SECTION I – Tests the ability to recognize and name letters and knowledge of alphabetical order.									
1.	O	**O**	F	E	B	T	H		____ / 5
2.	a	**a**	c	o	e	n	**a**		____ / 5
3.	h	**H**	k	t	M	T	b		____ / 5
4.	C	D	E	F	G	(H)			____ / 4
5.	k	l	m	n	o	(p)			____ / 4
								SUBTOTAL	____ / 23
SECTION II – Tests the ability to name numbers, to read numbers as prices and times, and knowledge of numerical order.									
6.	2	3	4	5	6	(7)			____ / 4
7.	362-9578		716-0543						____ / 7
8.	33		54	86	162	300			____ / 4
9.	$1.13		$2.99	$10.28	$38.94	$412.00			____ / 4
10.	1:15		7:30	4:03	11:15	6:45			____ / 4
								SUBTOTAL	____ / 23
SECTION III – Tests knowledge of letter sounds for beginning and ending consonants, short vowels, and sight words.									
11.	pin		tin	chin	win	fin			____ / 4
12.	pin		pit	pig	pick	pip			____ / 4
13.	BIG		BAG	BEG	BOG	BUG			____ / 4
14.	child		come	your	house	father			____ / 4
15.	why		how	where	when	what			____ / 4
16.	ten		three	one	six	thirteen			____ / 4
								SUBTOTAL	____ / 24
SECTION IV – Tests the ability to copy and write letters, alphabetical order, write a date, write a sentence from dictation, to spell phonetically and write sight words.									
17.	(student first name)		(student last name)						____ / 4
18.	C ___	D ___	E ___	(F)					____ / 4
19.	p ___	q ___	r ___	(s)					____ / 4
20.	red _____		fed _____	(bed)					____ / 3
21.	what _____		why _____	(who)					____ / 3
22.	August 6, 2001		8/6/01	(June 3, 2001 or 6/3/01)					____ / 3
23.	(Tim is in school.)								____ / 4
24.	(The little baby was good.)								____ / 5
								SUBTOTAL	____ / 30
								TOTAL	___ / 100

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Instructions for using the LaRue Reading Skills ASSESSMENT C

This assessment is given as a one to one interview with the student. To test the student, read the following script, and point to the examples on the test page as appropriate. Have your student point to the correct answer, say the correct answer aloud, or write the correct answer on the test page as appropriate. Mark the correct score for each question on this page, as you give the test. Don't correct the student, if they answer incorrectly, just acknowledge their answer and ask the next question. You can repeat each question or statement only once. If the student doesn't understand, move to the next question.

Note on pronunciation: If the student's answer is accented but comprehensible, give them credit. If their answer is too accented to be understood by most people, do not give them credit.

The questions are ordered in increasing difficulty within each section. If a student cannot answer the first two questions in each section, there is no need to ask them further questions in that section. Move on to the next section to find out if they are more proficient in another area.

There are 4 sections to this test. Subtotal each section separately. When you have finished testing, refer to the Scoring Guide for help in interpreting the test scores.

SECTION INSTRUCTIONS	Score
1. "This is an a, and this is an a." For each of the following letters ask, "What is this?" *Score one point for each letter identified correctly.*	
2. "This is an f, and this is an f." For each of the following letters ask, "What is this?" *Score one point for each letter identified correctly.*	
3. "This is a p, and this is a p." For each of the following letters ask, "What is this?" *Score one point for each letter identified correctly.*	
4. "This is a h, and this is an i." For the following three letters ask, "What is this?' Then ask, "What letter is next?" *Score one point for each letter identified correctly.*	
5. "This letter is p, and this letter is q." For the following three letters ask, "What's this letter?" Then ask, "What letter is next?" *Score one point for each letter identified correctly.*	
SECTION I SUBTOTAL	
6. "This number is 4, and this number is 5." For the following three numbers ask, "What's this number?" And then ask, "What number is next?" *Score one point for each of the numbers identified correctly.*	
7. "This phone number is 952-3678. What is this phone number?" *Score one point for each of the numbers identified correctly.*	
8. "This number is 25." For the following four numbers ask, "What is this number?" *Score one point for each of the numbers identified correctly.*	
9. "This price is $2.54." For the following four prices ask, "What's this price?" *"Two fifty-four" or "two dollars fifty-four" are both acceptable answers. "Two five four" is incorrect. Score one point for each of the prices identified correctly.*	

10. "This time is three-twenty." For the following four times ask, "What's this time?" *Score one point for each of the times identified correctly.*	
SECTION II SUBTOTAL	
11. "This word is pen." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
12. "This word is also pen." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
13. "This word is BIT." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
14. "This word is home." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
15. "This word is what." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
16. "This word is six." For the next four words ask, "What's this word?" *Score one point for each of the words identified correctly.*	
SECTION III SUBTOTAL	
17. "Write your first name and your last name." *Score two points for each name spelled correctly*.	
18. "This letter is b. Copy this letter. This letter is c. Copy this letter. This letter is d. Copy this letter. Write the letter e." *Score 1 point for each letter correctly written. Score half for wrong case.*	
19. "This letter is m. Copy this letter. This letter is n. Copy this letter. This letter is o. Copy this letter. Write the letter p." *Score 1 point for each letter correctly written. Score half for the wrong case*	
20. "This word is tan. Copy this word. This word is pan. Copy this word. Write the word man." *Score one point for each word correctly written.*	
21. "This word is when. Copy this word. This word is what. Copy this word. Write the word where." *Score one point for each word correctly written.*	
22. "This date is May 5th, 2001, and this date is 5/5/01. Write April 6th, 2001." *Score one point each for the day, month, and year correctly written. The student can use either format for writing the date.*	
23. "Write this sentence: 'Dad had a bad day.'" *Score one point for each word written correctly.*	
24. "Write this sentence: 'She's a pretty girl.'" *Score one point for each word written correctly.*	
SECTION IV SUBTOTAL	
TEST TOTAL	

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LaRue Reading Skills **ASSESSMENT C**

Name: _____ Date: _____

SECTION I

1.	A	A	E	P	H	B	F
2.	f	f	k	l	t	h	k
3.	p	p	g	d	a	q	b
4.	H	I	J	K	L	_____	
5.	p	q	r	s	t	_____	

SECTION II

6.	4	5	6	7	8	_____
7.	952-3678		763-1045			
8.	25		42	63	217	400

9.	$2.54	$3.99	$12.25	$47.75	$236.00
10.	3:20	8:30	10:06	1:15	6:45

SECTION III

11.	pen	men	ten	den	hen
12.	pen	pet	peck	peg	pep
13.	BIT	BAT	BET	BUT	BOT
14.	home	some	know	girl	mother
15.	what	who	how	where	when
16.	six	four	seven	three	eleven

SECTION IV

17. _____ _____

18. B ____ C ____ D _____ _____

19. m ____ n ____ o _____ _____

20. tan _____ pan _____ _____

21. when _____ what _____ _____

22. May 5, 2001 5/5/01 _____

23. _____

24. _____

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Name _____ Date _____

LaRue Reading Skills **ASSESSMENT C** – Scoring Page

									SCORE
SECTION I – Tests the ability to recognize and name letters and knowledge of alphabetical order.									
1.	A	**A**	E	P	H	B	F		____ / 5
2.	f	**f**	k	l	t	h	k		____ / 5
3.	p	**p**	g	d	a	q	b		____ / 5
4.	H	I	J	K	L	(M)			____ / 4
5.	p	q	r	s	t	(u)			____ / 4
								SUBTOTAL	____ / 23
SECTION II – Tests the ability to name numbers, to read numbers as prices and times, and knowledge of numerical order.									
6.	4	5	6	7	8	(9)			____ / 4
7.	952-3678		763-1045						____ / 7
8.	25		42	63	217	400			____ / 4
9.	$2.54		$3.99	$12.25	$47.75	$236.00			____ / 4
10.	3:20		8:30	10:06	1:15	6:45			____ / 4
								SUBTOTAL	____ / 23
SECTION III – Tests knowledge of letter sounds for beginning and ending consonants, short vowels, and sight words.									
11.	pen		men	ten	den	hen			____ / 4
12.	pen		pet	peck	peg	pep			____ / 4
13.	BIT		BAT	BET	BUT	BOT			____ / 4
14.	home		some	know	girl	mother			____ / 4
15.	what		who	how	where	when			____ / 4
16.	six		four	seven	three	eleven			____ / 4
								SUBTOTAL	____ / 24
SECTION IV – Tests the ability to copy and write letters, alphabetical order, write a date, write a sentence from dictation, to spell phonetically and write sight words.									
17.	(student first name)		(student last name)						____ / 4
18.	B ___	C ___	D ___	(E)					____ / 4
19.	m___	n ___	o ___	(p)					____ / 4
20.	tan _____	pan _____	(man)						____ / 3
21.	when _____	what _____	(where)						____ / 3
22.	May 5, 2001	5/5/01	(April 6, 2001 or 4/6/01)						____ / 3
23.	(Dad had a bad day.)								____ / 5
24.	(She's a pretty girl.)								____ / 4
								SUBTOTAL	____ / 30
								TOTAL	___ / 100

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APPENDIX H

INSTRUCTIONAL STRATEGIES MENU FOR ENGLISH LEARNERS

Teacher Name _____ Date _____

STRATEGY	NO EVIDENCE OBSERVED	PARTIALLY IMPLEMENTED	FULLY IMPLEMENTED	ADDITIONAL
VISUAL SUPPORTS				Circle additional implemented/observed supports:
Labeling				Realia, models, pictures, videos, PowerPoints with pictures/videos, timelines, graphic organizers, maps, charts, gestures, steps written out for procedures, charades, story maps, simply written clear directions, other:
Visual Schedule				
Manipulatives				
Graphic Organizers (Venn diagrams, T-Charts, Flow Charts, etc.)				
Key terms/vocabulary are written out for students				
COOPERATIVE LEARNING STRATEGIES				Circle additional implemented/observed strategies:
Peer Buddy				Choral readings, small group activities, panel discussions, pair activities, other:
Think-Pair-Share				
Jigsaw Activities				
Turn and Talk				
Read-around, write-around				
AUDITORY SUPPORTS				Additional implemented/observed supports:
Songs that teach concepts				Other:
Chants				
Audiobooks				
PRE-TEACHING/FRONTLOADING STRATEGIES				Additional implemented/observed strategies:
Pre-teaching/frontloading lessons with academic vocabulary				Other
Use of photos/pictures/videos to teach vocabulary				
Small group discussion of concepts/vocabulary (teacher or student lead)				

STRATEGY	NO EVIDENCE OBSERVED	PARTIALLY IMPLEMENTED	FULLY IMPLEMENTED	ADDITIONAL
Providing advanced notes/graphic organizers/sentence stems for note taking				
COMMUNICATION STRATEGIES				Additional implemented/observed strategies:
Speaking slowly and distinctly				Other:
Using shorter sentences				
Allowing for longer wait times for student responses				
Providing students with sentence stems for use during class				
Using 30 second conversations				
STRATEGIES FOR BUILDING ENGAGEMENT				Additional implemented/observed strategies:
Maintaining positive body language				Other:
Celebrate meaningful student successes				
Facilitating peer connections				
Facilitating class wide cultural understanding				
Comments:				

Instructional Strategies Menu

VISUAL SUPPORTS STRATEGIES	EXPLANATION
Label Classroom Items	Placing labels on classroom items, aids in learning new vocabulary and in basic communication skills
Visual schedule/visual anchor charts for daily routines	Helps students understand daily routines and anticipate upcoming classroom activities when coupled with pictures and times they also help students recall responsibilities independently
Manipulatives	Allowing for the use of physical objects used to engage students in hands on learning of classroom concepts, help make concepts comprehensible, provide support to help ELs participate in classroom activities/discussions
Graphic Organizers	Providing visual displays that demonstrates relationships between facts, concepts or ideas; guides the learner's thinking as they fill in and build upon a visual map or diagram
Word Wall with pictures	Providing a word wall with pictures to match the words or word parts, may help ELs learn and remember vocabulary that will help with listening, speaking, reading and writing
Key terms written out	Writing key terms with meanings on the board, on chart paper or on handouts for the students; should be accompanied with a visual

COOPERATIVE LEARNING STRATEGIES	EXPLANATION
Peer buddy	Utilizes a cross grade tutor who may speak the newcomer's language and can serve to assist the new student in understanding school policies and procedures
Think-Pair-Share	Allows students to work together to solve a problem or answer a question about a posed question; requires students to 1. **Think** individually about a topic, 2. **Pair** with a partner, 3. **Share** ideas with classmates
Jigsaw Activities	Provides opportunities for students to work in small groups consisting of five to six students. The small groups serve as the students' home base. Each member of the home base group is assigned to an "expert" group to learn a portion of the content and then share learned information with their home group.
Turn and Talk	Provides students with opportunities for practicing social and academic language in response to a structured question

Choral Reading	Reading aloud in unison with a whole class or group of students; helps build EL students' fluency, self-confidence and motivation
Read-around, Write-around	Engages students in partner or silent conversation; helps them to share opinions, debate or discuss; fosters critical thinking because they have to consider other opinions

AUDITORY SUPPORTS STRATEGIES	EXPLANATION
Songs that teach concepts	Stimulates vocabulary acquisition and retention by helping students to chunk language and helping them master additional words and phrases used in spoken language; this also lowers anxiety levels when students attempt to use English words
Chants	Facilitate oral language because they are easy to learn and can be easily repeated and remembered since they usually rhyme; chants can be a great source for learning new vocabulary as well as a way to improve pronunciation and fluency
Audiobooks	Using audiobooks teaches critical listening, provides modelled fluent reading, introduces new vocabulary and allows students to access literature above their reading level as well as materials from genres that they might not otherwise read.

PRE-TEACHING/FRONTLOADING STRATEGIES	EXPLANATION
Pre-teach/frontload lessons with academic vocabulary	Facilitates comprehension of a passage; enhances comprehension and expands critical thinking by teaching essential vocabulary prior to the teaching of text or academic content
Use photos/pictures/videos to teach vocabulary	Provides ELs with a visual to help them understand new concepts being discussed in class
Small group discussion of concepts/vocabulary (teacher or student lead)	Provides students with opportunities to use language in a lower risk environment, also provides the teacher with the opportunity to preteach content and to identify and correct misconceptions
Provide advanced notes, graphic organizers or sentence stems for note taking	Provide scaffolding to help students grasp main ideas of lessons, see the relationship of ideas and get started in speaking or writing without the added pressure of thinking about how to correctly formulate a response

COMMUNICATION STRATEGIES	EXPLANATION
Speak slowly	Using a steady but slower rate of speech helps ELs understand what is said
Use shorter sentences	Simplifying language helps ELs understand the main idea of what is being said
Allow for longer wait times for student responses	Benefits ELs who are thinking in two languages and need time to take in, interpret, select a response, translate their response to English and then orally respond
Provide students with sentence stems for use during class	Helps students begin speaking or writing without the added pressure of thinking about how to correctly formulate a response
30 Second conversations	Provide modeling of fluency, vocabulary and correct sentence structure and grammar; may be informal, on social or academic topics, may be in a variety of locations and should include student conversation with teacher

BUILDING ENGAGEMENT STRATEGIES	EXPLANATION
Maintain positive body language	Demonstrates an openness and understanding on the part of the teacher to the student (includes smiling, open posture, etc.); be mindful of cultural norms so as not to upset or insult the student or their parent
Celebrate meaningful student successes	Provide positive reinforcement when student illustrates language growth
Facilitate peer connections	Helps the student take steps in the classroom to ensure he/she is accepted by peers, engaged and has strong language models
Facilitate class wide cultural understanding	Ensures students classmates are sensitive to possible cultural differences
Incorporate multicultural literature into the classroom library	Provide students with materials that value their culture which aides in positive self-confidence and elevates their interest

APPENDIX I

USING TRANSACT

TransACT use is a simple process that gives teachers and school personnel access to many translated documents useful for school purposes that are available in multiple languages. To access these documents:

1. Visit TransACT.
2. By clicking on the Log-in Register tab, you can register for an account using your district email.
3. At the bottom of the page, click on the Parent Notices section.
4. On the left side of the Parent Notices page, click on the green Get Started button.
5. On this page, you will find folders with the various collections of parent notifications.
6. Click on the folders to find the forms to best suit your needs.

ADMINISTRATOR SUPPORTS

FOR WORKING WITH

ENGLISH LEARNERS

INTRODUCTION

This portion of the *Mississippi English Learner Guidelines: Regulations, Funding Guidance, and Instructional Supports* is designed to provide information for administrators with assisting teachers as they strive to meet the variant needs of English learners (EL). It contains basic information on EL programming, professional development, supports for English Learners and instructional strategies that will benefit English learners. For more detailed information on instructing ELs, see "Instructional Strategies to Support Teachers of English Learners" in the *Mississippi English Learner Guidelines: Regulations, Funding Guidance, and Instructional Supports*.

PROGRAM MODELS

The Mississippi Department of Education encourages districts to select and implement EL programs based on the needs of their EL student population and district resources. Listed in the *English Learner Guidelines,* are typical alternate EL programming models that districts may choose to utilize. The MDE encourages flexibility when selecting a program model. Regardless of the program selected, the goal of the program should be to assist students in learning to read, write, speak and understand academic English.

The following articles offer more information on program models:

1. Program Models for Teaching English Language Learners (1993 Colorín Colorado!)
2. What are common program models for ESL education? (Penn State College of Education)
3. Eight Language Program Models: Four Linguistic Roads (In-Sight Newsletter)

My teacher helps me by working with me in small groups. It is easier to learn that way and I get to help others in my group.

7 years old
future farmer

PASCAGOULA-GAUTIER SCHOOL DISTRICT

PROFESSIONAL DEVELOPMENT

On-going EL professional development is essential to the empowerment of teachers (EL, general education, special education, content area, specialist teachers) paraprofessionals and administrators to aid in the implementation of high-quality instruction that will support the specific needs of ELs.

The goal in providing EL professional development is to equip teachers, paraprofessionals and administrators with the skills and background knowledge to teach English Learners in general education, special education, content areas, and special area or elective classes. The professional development should provide both content knowledge for working with English Learners as well as practical application for use in the classroom.

It is essential for all teachers who work with English learners to be provided with professional development on how to implement strategies that will benefit English Learners. To ensure transfer of concepts and strategies learned during professional development, building administrators should verify application of these strategies by observing the teacher and completing the Tier I High-Quality Teacher Observation Form in the MTSS documentation packet. (See the MDE Intervention Services page for the entire MTSS documentation packet).

Teacher training for English learners should include ways to assist teachers in building the foundation for English by utilizing the student's foundational skills from their home language. In addition, the training should educate teachers on oral language development, academic language, cultural diversity and inclusivity for early childhood. (Samson and Collins, 2012)

> My school gives me opportunities to learn by doing a lot of different kinds of projects.
>
> **15 years old**
> *future mechanical engineer*
>
> GULFPORT SCHOOL DISTRICT

The Mississippi Department of Education offers a variety of professional development opportunities for general education, content area, and English learner teachers (elementary and secondary) at no cost to Mississippi districts or individual schools. Professional development is designed to meet each school/district's individual needs and may be requested through the Office of Elementary Education and Reading or the Office of Federal Programs. A Professional Development Request Form can be accessed at the MDE's English Learner webpage. Further details for requesting professional development can be found in the *Administrator Supports for Working with English Learners*. Topics include but are not limited to:

- Instructional Strategies (general best practices, oral language strategies, vocabulary strategies, comprehension strategies, phonics and phonological awareness strategies, fluency strategies, and visual literacy strategies)

- Assessment and Intervention (understanding English Learner Proficiency Test (ELPT) Reports, using ELPT to plan instruction, writing a language service plan, planning and providing interventions for EL students)
- Federal Guidelines (understanding Title III, ELs under ESSA, Federal Guidelines for instructing EL students) and
- Understanding Cultural Proficiency

For additional resources, see the *Instructional Strategies to Support Teachers of English Learners* document, Appendix B, Resources for Teachers and Administrators.

FIVE CORE PRINCIPLES FOR PROFESSIONAL DEVELOPMENT

The United States Department of Education (USDE, 2016) identifies five core principles for professional development. The chart below contains a list of these five core principles along with a brief explanation:

CORE PRINCIPLE	EXPLANATION
Build on a foundation of teacher skills, knowledge, and expertise	Ensure that all teachers have the same foundation for working with ELs; use that foundation to extend thinking, knowledge, skills and understanding of practices that will benefit ELs
Engage participants as learners	Provide opportunities for participants to practice the skills and apply new information in a low-risk setting prior to implementing new techniques in their classrooms
Provide practice, feedback and follow-up	Provide ample opportunity for teachers to 1) practice new knowledge, skills and techniques, 2) receive timely feedback on the application of new knowledge, skills and techniques, 3) implement follow-up activities that enhance teacher performance and EL student understanding
Measure changes in teacher knowledge	Ensure that multiple teacher observations are completed in order to document specific implementation of EL practices by the teacher and to measure the improvement in the quality of those practices over time
Measure changes in student behavior	Utilize all available student data to determine measureable outcomes in EL students' achievement as it relates to the teacher's implemented knowledge, skills and practices.

For more detailed information on teaching English Learners, see the Mississippi Department of Education's English Learner webpage, which contains printable resources for teacher and student use as well as the 2017-2018 Literacy Focus of the Month videos. The videos demonstrate literacy strategies specifically geared toward best practices for teaching EL students.

PARENT AND FAMILY INVOLVEMENT/ENGAGEMENT

PARENT AND FAMILY INVOLVEMENT/ENGAGEMENT

Like the involvement of all parents, involving parents of EL students is essential to the success of our EL students. Parents and families provide:

- support for student buy-in regarding academic success,
- stable home lives that enable students to adequately focus on academic growth,
- physical and emotional stability that allows for academic growth, as well as,
- support for intellectual growth of their child through experiences and interactions.

It is essential that teachers, administrators and districts build a rapport with parents of EL students as well as welcome them as members of the school community. Schools should develop supports that value the experiences of EL parents, build trusting relationships and foster the academic and emotional growth of children.

Communication with parents is vital to informed engagement. Providing written and spoken communication in a language the parent understands is required by federal law. It is highly beneficial to provide ample opportunities to meet and communicate with parents. Keep in mind that their new status in the United States may not just be a change in location and language but may also entail cultural changes which may include different expectations for schooling and school-based parental engagement.

For information on understanding Parents/Guardians and their Role in Education see the Mississippi Department of Education's *Instructional Strategies to Support Teachers of English Learners*.

GOALS FOR PARENT/FAMILY ENGAGEMENT/INVOLVEMENT

The following are goals for parent/family engagement/involvement which can be encouraged and nurtured by school administrators through parent/family engagement programs such as parent teacher organizations and parent/family meetings. (USDE 2015)

- **ACADEMIC SUCCESS -** "Strengthen newcomer families' capacity to support academic achievement by increasing their awareness of instructional programs and ways they can support their own child's learning." One tool MDE has provided districts with is the *Family Guides to Student Success* which are grade specific and provide clearly defined activities with easy to access materials that give parents guidance on how to help their children at home. These guides are available on the MDE web site in both English and Spanish.

My favorite thing about school is that I am learning English and I like how the teachers treat me.

13 years old
future doctor

PASCAGOULA-GAUTIER SCHOOL DISTRICT

- **ADVOCACY AND DECISION-MAKING -** "Strengthen families' understanding of how to advocate for their child and how to participate in decisions to improve learning for their children and for others in the school." This may include working with parent advocate groups and community organizations to host family nights related to health, community activities and academic subjects (i.e. math, literacy and or content area).

- **AWARENESS AND USE OF RESOURCES -** "Strengthen families' awareness of resources available in the school and community and how to access these resources to support their family's well-being and their own personal growth." This might include the use of a parent center that is easily accessible to all parents in the school. The center may serve as a location to help families become oriented with the area, give important information about the school, and most importantly, should serve as a place where parents feel comfortable and welcome.

The United States Department of Education's Newcomer Toolkit (USDE, 2015) identifies multiple opportunities for Recent Arrival centers to assist parents including the following:

- learn information about the school and the community,
- share resources about school and community opportunities for learning English, community services and resources,
- provide up-to-date information about employment, medical and dental services, food stamps, and citizenship applications,
- may offer a variety of classes for both children (birth to Pre-K as well as K-12) and parents, based on families' needs and interests.

TRANSACT

TransACT provides an online set of legally-reviewed forms and notices in multiple languages for both native English and limited-English speaking parents.

This service is provided by MDE to districts employees at no cost. While TransACT does not provide interpreting services, it does provide the following services:

- **PARENT NOTIFICATIONS -** More than 44 documents that support the parent communication mandates (Title I, III, IV, X and FERPA) available in multiple languages.

- **GENERAL EDUCATION PARENT NOTIFICATIONS -** Letters and forms covering Health and Medical, School Administration, National School Lunch Program, and Special Services. These resources are available in multiple languages.

SCHOOL-WIDE SUPPORT
FOR RECENT ARRIVAL ENGLISH LEARNERS

It is the responsibility of the school to ensure Recent Arrival English Learners and their families are supported as they transfer into a new culture, language, and environment. The following list provides suggestions for supporting recently arrived ELs through the school-wide environment. (Robertson and Lafond)

TIER I SCHOOL-WIDE SUPPORTS FOR NEWCOMERS

1. Create supportive school wide environments that address social, cultural, academic and emotional needs of students with interrupted formal education.

2. Implement recent arrival centers/programs to assist in easing transitions for EL students who have recently arrived and their families.

3. Train staff across academic departments to support simultaneous academic and linguistic development.

4. Implement flexible scheduling to meet the needs of high school immigrants (i.e. extra time in school to accelerate learning/build background, allowing opportunities to continue working to help families with financial obligations).

5. Utilize sheltered instructional strategies such as the increased use of visuals, cooperative learning activities and the use of teacher demonstrations.

6. Encourage adapted teaching so that ELs with interrupted formal educations can learn the critical material that is accessible, effective as well as age appropriate.

7. Provide time and opportunities for explicit literacy instruction which incorporates the five components of literacy: phonological awareness, phonics, fluency, vocabulary and comprehension.

8. Encourage the teaching of study skills such as note taking, using cognates to decode and understand new vocabulary and using text features to assist in comprehension. Cognates are words in two languages that share a similar meaning, spelling and pronunciation such as blouse and blusa (English and Spanish).

9. Build partnerships with local businesses, higher education institutions and adult education programs to assist students in meeting graduation requirements.

> My teacher has different ways of teaching for different students, which helps me when we take notes and complete worksheets.
>
> **14 years old**
> *future architect*
>
> FOREST MUNICIPAL SCHOOLS

This is especially important for those students who may reach the age of 21 prior to being able to complete graduation requirements.

10. Tap into community support programs such as after-school tutoring, health care organizations, job programs and ethnically/linguistically based community groups.

Schools should also encourage EL students to participate in extracurricular activities such as team sports or other school clubs and organizations in order to support language acquisition and ease students' transition through the stages of cultural adjustment.

TIER I AND II BEST PRACTICES
FOR LONG-TERM ENGLISH LEARNERS (LTEL)

Long term English Learners are those who:

- have been enrolled in United States schools for six or more years
- are stalled in progressing towards English Proficiency
- have not yet acquired adequate English skills and
- are struggling academically.

At the school and district level:

1. Recognize the distinct needs that must be addressed with the explicit educational approaches that recognize differences in teaching struggling students and LTELs who are struggling.
2. Address language and literacy gaps as well as academic gaps in other content areas.
3. Provide home language assistance whenever possible.
4. Utilize the three R's: provide LTELs with a **relevant** and **rigorous** curriculum as well as **relationships** with supportive adults who nurture and provide supports to succeed.
5. Structure LTEL's scheduling so that they are provided with maximum integration without diminishing LTEL supports.
6. Encourage LTELs to become actively involved in their own education (both long and short term). (Olsen, 2014) This may include assisting LTELs in understanding their academic record and the requirements for meeting their long-term goals such as attending college or other technical training beyond high school.

For additional information on meeting Tier II and Tier II needs of English Learners, see the *Instructional Strategies to Support Teachers of English Learners*.

My school helps me learn, and I like learning.

8 years old
future teacher

DESOTO COUNTY SCHOOLS

INSTRUCTIONAL MENU
FOR ENGLISH LEARNERS

The English Learner Instructional Strategies Menu below is a checklist of EL strategies that can be used by teachers for self-evaluation when implementing strategies to meet the needs of their EL students. It can also be used by administrators during observations to assist teachers in implementing high quality Tier I instruction for English Learners and identify areas for additional professional development support.

INSTRUCTIONAL STRATEGIES MENU FOR ENGLISH LEARNERS

Teacher Name _____ Date _____

STRATEGY	NO EVIDENCE OBSERVED	PARTIALLY IMPLEMENTED	FULLY IMPLEMENTED	ADDITIONAL
VISUAL SUPPORTS				Circle additional implemented/observed supports:
Labeling				Realia, models, pictures, videos, PowerPoints with pictures/videos, timelines, graphic organizers, maps, charts, gestures, steps written out for procedures, charades, story maps, simply written clear directions, other:
Visual Schedule				
Manipulatives				
Graphic Organizers (Venn diagrams, T-Charts, Flow Charts, etc.)				
Key terms/vocabulary are written out for students				
COOPERATIVE LEARNING STRATEGIES				Circle additional implemented/observed strategies:
Peer Buddy				Choral readings, small group activities, panel discussions, pair activities, other:
Think-Pair-Share				
Jigsaw Activities				
Turn and Talk				
Read-around, write-around				
AUDITORY SUPPORTS				Circle additional implemented/observed supports:
Songs that teach concepts				Other:
Chants				
Audiobooks				

STRATEGY	NO EVIDENCE OBSERVED	PARTIALLY IMPLEMENTED	FULLY IMPLEMENTED	ADDITIONAL
PRE-TEACHING/FRONTLOADING STRATEGIES				Circle additional implemented/observed strategies:
Pre-teaching/frontloading lessons with academic vocabulary				Other
Use of photos/pictures/videos to teach vocabulary				
Small group discussion of concepts/vocabulary (teacher or student lead)				
Providing advanced notes/graphic organizers/sentence stems for note taking				
COMMUNICATION STRATEGIES				Circle additional implemented/observed strategies:
Speaking slowly and distinctly				Other:
Using shorter sentences				
Allowing for longer wait times for student responses				
Providing students with sentence stems for use during class				
Using 30 second conversations				
STRATEGIES FOR BUILDING ENGAGEMENT				Circle additional implemented/observed strategies:
Maintaining positive body language				Other:
Celebrate meaningful student successes				
Facilitating peer connections				
Facilitating class wide cultural understanding				
Comments:				

INSTRUCTIONAL STRATEGIES MENU

VISUAL SUPPORTS STRATEGIES	EXPLANATION
Label Classroom Items	Placing labels on classroom items, aids in learning new vocabulary and in basic communication skills
Visual schedule/visual anchor charts for daily routines	Helps students understand daily routines and anticipate upcoming classroom activities when coupled with pictures and times they also help students recall responsibilities independently
Manipulatives	Allowing for the use of physical objects used to engage students in hands on learning of classroom concepts, help make concepts comprehensible, provide support to help ELs participate in classroom activities/discussions
Graphic Organizers	Providing a visual display that demonstrates relationships between facts, concepts or ideas; guides the learner's thinking as they fill in and build upon a visual map or diagram
Word Wall with pictures	Providing a word wall with pictures to match the words or word parts, may help ELs learn and remember vocabulary that will help with listening, speaking, reading and writing
Key terms written out	Writing key terms with meanings on the board, on chart paper or on handouts for the students; should be accompanied with a visual

COOPERATIVE LEARNING STRATEGIES	EXPLANATION
Peer buddy	Utilizes a cross grade tutor who may speak the newcomer's language and can serve to assist the new student in understanding school policies and procedures
Think-Pair-Share	Allows students to work together to solve a problem or answer a question about a posed question; requires students to 1. **Think** individually about a topic, 2. **Pair** with a partner, 3. **Share** ideas with classmates
Jigsaw Activities	Provides opportunities for students to work in small groups consisting of five to six students. The small groups serve as the students' home base. Each member of the home base group is assigned to an "expert" group to learn a portion of the content and then share learned information with their home group.
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COOPERATIVE LEARNING STRATEGIES	EXPLANATION
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Audiobooks	Using audiobooks teaches critical listening, provides modelled fluent reading, introduces new vocabulary and allows students to access literature above their reading level as well as materials from genres that they might not otherwise read.

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Provide advanced notes, graphic organizers or sentence stems for note taking	Provides scaffolding to help students grasp main ideas of lessons, see the relationship of ideas and get started in speaking or writing without the added pressure of thinking about how to correctly formulate a response

COMMUNICATION STRATEGIES	EXPLANATION
Speak slowly	Using a steady but slower rate of speech helps ELs understand what is said
Use shorter sentences	Simplifying language helps ELs understand the main idea of what is being said
Allow for longer wait times for student responses	Benefits ELs who are thinking in two languages and need time to take in, interpret, select a response, translate their response to English and then orally respond
Provide students with sentence stems for use during class	Helps students begin speaking or writing without the added pressure of thinking about how to correctly formulate a response
30 Second conversations	Provide modeling of fluency, vocabulary and correct sentence structure and grammar; may be informal, on social or academic topics, may be in a variety of locations and should include student conversation with teacher

BUILDING ENGAGEMENT STRATEGIES	EXPLANATION
Maintain positive body language	Demonstrates an openness and understanding on the part of the teacher to the student (includes smiling, open posture, etc.); be mindful of cultural norms so as not to upset or insult the student or their parent
Celebrate meaningful student successes	Provide positive reinforcement when student illustrates language growth
Facilitate peer connections	Helps the student take steps in the classroom to ensure he/she is accepted by peers, engaged and has strong language models
Facilitate class wide cultural understanding	Ensures students classmates are sensitive to possible cultural differences
Incorporate multicultural literature into the classroom library	Provide students with materials that value their culture which aids in positive self-confidence and elevates their interest

ENGLISH LANGUAGE PROFICIENCY TEST

The LAS Links Assessment System is a secure, large-scale, English language proficiency assessment administered to Kindergarten through 12th graders who have been officially identified as English learners (ELs). This assessment is administered annually to monitor English learners' progress in acquiring academic English needed to succeed in school. The assessment includes deep understandings of content and communication of the language used in the classroom environment. Students are assessed in four domains: Speaking, Listening, Reading and Writing.

LAS Links provides a screener that should be utilized as part of the district's identification process when determining if a student qualifies for EL services. Follow your district policy for administering the screener to individual students.

Instructional materials, resource tools and videos to assist teachers, parents and administrators in understanding the LAS Links assessment can be found in the LAS Links Instructional Library.

The Office of Assessment's Public Access Folder contains various tools to support administrators and teachers understanding of the assessment, student's scores, and planning instruction for ELs. Some of the supports that can be found are listed below.

- **LAS Links Blue Print** gives skill areas, language content strands, and sub-skill areas/subtests for the different tested grade bands.
- **LAS Links Overview** provides the scope and sequence for the tested domains along with the subskills in the different tested grade spans.
- **Proficiency Level Descriptors** provide information to teachers as to what ELs can do at each proficiency level by grade level.
- **Subskills and Objectives** can be found in the LAS Links Online Instructional Library under standards and blueprints. This breaks down the LAS Links Standards Subskills in each of the four domains by grade level.

UNDERSTANDING LAS LINKS REPORTS

LAS Links provides multiple reports that enable teachers, schools and districts to understand assessment results of their EL student population. In addition, MDE has a recorded video in the 2017 August Literacy Tips of the Month to help teachers and administrators understand the EL identification process, the LAS Links assessment and reports, as well as EL general classroom accommodations and modifications.

The subsequent section will discuss the following reports:

1. Student Proficiency Report
2. Roster Report
3. Summary Report of Strands

4. Reading Lexile Report
5. Home Report.

The MDE also has a recorded video in the 2017 August Literacy Tips of the Month to help teachers and administrators understand the EL identification process, understand the LAS Links assessment and reports and understand general classroom accommodations and modifications for ELs.

STUDENT PROFICIENCY REPORT

The Student Proficiency Report includes information on individual student performance in each of the four tested domains of the LAS Links assessment. It also provides an overall score and a comprehension score. In addition, the report provides a scaled score as well as a bar graph which identifies the student's proficiency level as beginning, early intermediate, intermediate, proficient, and above proficient. **It is essential that all teachers working with EL students receive and understand the Student Proficiency Report so that they can scaffold instruction and provide the needed content area support.**

See the sample Student Proficiency Report below:

Student Proficiency Report

Test Date:

Student Name:	Grade: 01
Birthdate:	Form/Level: C
Gender:	Grade: Grade 01
Student ID#:	School:
	District:
	State:

1

Skill Area	Scale Score	1 Beginning	2 Early Intermediate	3 Intermediate	4 Proficient	5 Above Proficient
Speaking	513	300-431	432-461	462-495	496-550	551-580
Listening	500	300-431	432-449	450-475	476-520	521-530
Reading	431	240-359	360-384	385-422	423-478	479-550
Writing	407	200-354	355-434	435-488	489-534	535-630
Overall*	462	260-393	394-432	433-470	471-520	521-572
Comprehension**	465	270-389	390-415	416-451	452-485	486-540
Oral***	506	300-431	432-462	463-489	490-529	530-555
Literacy****	419	220-356	357-409	410-455	456-506	507-590
Productive*****	460	250-392	393-447	448-491	492-542	543-605

2

3

Language Context Strands	Speaking			Listening			Reading			Writing		
	RGA	Points Obtained	Points Possible	RGA	Points Obtained	Points Possible	RGA	Points Obtained	Points Possible	RGA	Points Obtained	Points Possible
Social, Intercultural, and Instructional Communication	9	11▲	12	6	7▲	8	7	10▲	10	5	5▲	7
Foundational Skills	N/A	-	N/A	N/A	-	N/A	9	12▲	12	9	10▲	11
Language Arts, Social Studies, History	11	14▲	14	4	6▲	6	2	3▲	4	4	3	7
Mathematics, Science, Technical Subjects	11	13▲	14	4	6▲	6	2	1	4	4	5▲	7
Academic*	22	27▲	28	8	12▲	12	14	16▲	20	18	18▲	25

4

*Overall Scale Score is an average of Speaking, Listening, Reading and Writing.

**Comprehension is based on all items in the Listening and Reading skill areas.

***Oral is based on all items in the Listening and Speaking skill areas.

****Literacy is based on all items in the Reading and Writing skill areas.

*****Productive is based on all items in the Speaking and Writing skill areas.

RGA: The Reference Group Average is the expected average performance of the student sample used in LAS Links Field Testing.

*The Academic Scores for each Skill Area include all language context strands except the 'Social, Intercultural, and Instructional Communication' strand.

▲ = Indicates student scored at or above Reference Group Average.

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Page 1 of 1

1. Provides basic demographic information about the student.

2. Contains a graphical representation of the language proficiency level of the student in each of the four domains. The data on this sample report shows the student has proficient scores (4) in speaking, listening and reading but will need scaffolded support in writing where their score indicates that they have an early intermediate score (2). Scaffolded writing supports for this child may include the use of graphic organizers, to assist with the organization of the writing process. Depending on individual student needs, supports may also include aiding the student with such things as the use of appropriate sentence structure and the correct usage of English grammar. Teachers should also review each subskill of the LAS Links domains to ensure Tier I classroom instruction meets the student's needs.

3. Contains information on the student's scaled score in speaking, listening, reading and writing as well as scores for overall, comprehension, oral and productive areas (speaking and writing) assessed on the LAS Links assessment.

4. Provides student's performance related to content area vocabulary. This snapshot identifies how well the student is able to understand and use content area vocabulary. The Reference Group Average (RGA) gives us an idea of how the student should be doing on content area vocabulary based on LAS Links field testing. The student's score of 3 in the reading vocabulary section (above RGA of 2) indicates that he/she is strong in understanding reading vocabulary. The writing score of 3 is below the RGA score of 4 and is indicative of the his/her difficulty when applying the vocabulary to writing. Additional support with using vocabulary in writing will be needed.

ROSTER REPORT

This report provides a list of all students in a specific school who were tested on the LAS Links assessment. The list can be arranged alphabetically or in ascending or descending order. Schools can compare EL individual student growth towards English language proficiency with that of their EL peers.

Roster Report
MARINA, Grade: 5, Test Date: 06/01/14-IV

Number of Students Listed: 16

		LAS Links 2nd Edition																	
Last Name	First Name	Speaking		Listening		Reading		Writing		Overall*		Comprehension**		Oral***		Literacy****		Productive*****	
		SS	PL	SS	PL	SS	PL	SS	PL	SS	PL	SS	PL	SS	PL	SS	PL	SS	PL
Student names would appear here.		521	Proficient	556	Proficient	585	Proficient	608	Above Proficient	567	Proficient	570	Proficient	538	Proficient	596	Above Proficient	564	Proficient
		513	Proficient	526	Intermediate	608	Above Proficient	572	Proficient	554	Proficient	567	Proficient	519	Proficient	590	Above Proficient	542	Proficient
		507	Intermediate	579	Proficient	565	Proficient	582	Proficient	558	Proficient	572	Proficient	543	Proficient	573	Proficient	544	Proficient
		532	Proficient	539	Proficient	585	Proficient	594	Above Proficient	562	Proficient	562	Proficient	535	Proficient	589	Above Proficient	563	Proficient
		510	Intermediate	503	Intermediate	596	Above Proficient	562	Proficient	542	Proficient	549	Proficient	506	Intermediate	579	Proficient	536	Proficient
		635	Above Proficient	640	Above Proficient	596	Above Proficient	594	Above Proficient	616	Above Proficient	618	Above Proficient	637	Above Proficient	595	Above Proficient	614	Above Proficient
		510	Intermediate	579	Proficient	585	Proficient	608	Above Proficient	570	Proficient	582	Above Proficient	544	Proficient	596	Above Proficient	559	Proficient
		510	Intermediate	556	Proficient	565	Proficient	572	Proficient	550	Proficient	560	Proficient	533	Proficient	568	Proficient	541	Proficient
		510	Intermediate	613	Above Proficient	596	Above Proficient	582	Proficient	575	Proficient	604	Above Proficient	561	Proficient	589	Above Proficient	546	Proficient
		558	Proficient	556	Proficient	608	Above Proficient	608	Above Proficient	582	Above Proficient	582	Above Proficient	557	Proficient	608	Above Proficient	583	Above Proficient
		528	Proficient	579	Proficient	622	Above Proficient	594	Above Proficient	580	Above Proficient	600	Above Proficient	553	Proficient	608	Above Proficient	561	Proficient
		558	Proficient	613	Above Proficient	585	Proficient	608	Above Proficient	591	Above Proficient	599	Above Proficient	585	Above Proficient	596	Above Proficient	583	Above Proficient
		513	Proficient	526	Intermediate	585	Proficient	608	Above Proficient	558	Proficient	555	Proficient	519	Proficient	596	Above Proficient	560	Proficient
		513	Proficient	613	Above Proficient	585	Proficient	608	Above Proficient	579	Above Proficient	599	Above Proficient	563	Proficient	596	Above Proficient	560	Proficient
		517	Proficient	539	Proficient	622	Above Proficient	608	Above Proficient	571	Proficient	580	Above Proficient	528	Proficient	615	Above Proficient	562	Proficient
		575	Above Proficient	579	Proficient	608	Above Proficient	594	Above Proficient	589	Above Proficient	593	Above Proficient	577	Proficient	601	Above Proficient	584	Above Proficient

*Overall scale score is an average of Speaking, Listening, Reading, and Writing.
**Comprehension is based on all items in the Listening and Reading skills areas.
***Oral is based on all items in the Listening and Speaking skill areas.
****Literacy is based on all items in the Reading and Writing skill areas.
*****Productive is based on all items in the Speaking and Writing skill areas.

SUMMARY REPORT OF STRANDS

This report provides a comprehensive grade level summary of an EL student's performance in comparison with the RGA. This report could be used at schoolwide grade level team meetings to assist teachers with determining deficit areas that may need scaffolded to support instruction at Tier I. Teachers can use this report to develop additional strategies that foster EL students with meeting language goals as well as helping them grasp content area objectives. The report contains an RGA % Correct and a Mean % Correct which can be compared when determining areas of strength and opportunities for growth. The RGA % correct is the Reference Group Average correct and percent correct on each strand is related specifically to that school and grade level.

The following sample report indicates a group of students that are behind in the Speaking Domain in the area of Social, Intercultural and Instructional Communication. The Class mean score is 82.2 and the RGA score is 92.3 and implies that the group may need structured opportunities for building speaking skills. Teachers may choose to incorporate additional opportunities for students to turn and talk with peers about content specific topics in order to improve these skills.

Data indicated strength in the Listening Domain is in Math, Science, and Technical Subjects. This is indicated by the mean percent correct of 95.8 that is significantly higher than the RGA of 66.7. Teachers may wish to capitalize on these good listening skills when planning types of instruction.

Summary Report of Strands, Grade: 5, Form/Level: D/3, Test Date: 06/01/14-IV

Group/Content	NT	Mean % Correct	Mean % Correct Graph (0 25 50 75 100)	RGA % Correct	Total Points Possible
MARINA					
Speaking					
Social, Intercultural, and Instructional Communication	16	82.2		92.3	13
Language Arts, Social Studies, History	16	78.6		71.4	14
Mathematics, Science, Technical Subjects	16	79.5		71.4	14
Academic Speaking	16	79.0		67.9	28
Listening					
Social, Intercultural, and Instructional Communication	16	81.3		75.0	8
Language Arts, Social Studies, History	16	82.3		50.0	6
Mathematics, Science, Technical Subjects	16	95.8		66.7	6
Academic Listening	16	89.1		58.3	12
Reading					
Reading Foundational Skills	16	N/A	N/A	N/A	0
Social, Intercultural, Instructional Communication	16	88.0		64.3	14
Language Arts, Social Studies, History	16	76.6		37.5	8
Mathematics, Science, Technical Subjects	16	78.1		50.0	8
Academic Reading	16	77.4		43.8	16
Writing					
Writing Foundational Skills	16	N/A	N/A	N/A	0
Social, Intercultural, and Instructional Communication	16	95.0		70.0	10
Language Arts, Social Studies, History	16	71.0		54.5	11
Mathematics, Science, Technical Subjects	16	96.0		54.5	11
Academic Writing	16	83.5		54.5	22

READING LEXILE REPORT

The publisher of LAS Links, Data Recognition Corporation (DRC), has partnered with MetaMetrics to provide the Lexile report, which is a correlation between student performance on the LAS Links Reading domain and his/her Lexile score. A Lexile score serves two unique functions: it is the measure of how difficult a text is OR a student's reading ability level. The report provides a list of books on or near the child's Lexile level to use with the student. It can be used by teachers to provide leveled texts that meet the developmental needs of the student and may be shared with parents for at home, independent or shared reading.

Reading Links

Test Date: 10/01/16

Student Name:
Birthdate:
Gender:
Student ID#:

Scoring: NCR

Grade: 01
Form/Level: C
Grade: Grade 01
School:
District:
State:

Purpose
This report provides a list of books based on your student's performance on the LAS Links 2nd Edition Reading test. It can be used to assist your student in improving reading skills.

Suggested Titles	Author	Lexile
So You Want to be President?	St. George, Judith; Small, David	730L
A Wrinkle in Time	L'Engle, Madeleine	740L
Cuba 15	Osa, Nancy	750L
The Giver	Lowry, Lois	760L
Jumping Tree	Saldana, Rene, Jr.	770L
Rules	Lord, Cynthia	780L
The Schwa Was Here	Shusterman, Neal	790L
Roberto Clemente: Pride of the Pittsburgh Pirates	Winter, Jonah	800L
Bull Run	Fleischman, Paul	810L

HOME REPORT

This report contains overall proficiency level by skill area. The bottom of the report is a brief description for the meaning of each level.

LAS Links

Home Report

Test Date:

Student Name:
Birthdate:
Gender:
Student ID#:

Grade: 10
Form/Level: C
Grade: Grade 10
School:
District:
State:

Purpose
The Home Report provides a student's Overall proficiency level in English and proficiency level by skill area (Speaking, Listening, Reading, Writing). This report also provides Comprehension, Oral, Literacy, and Productive proficiency levels. For more information on proficiency level definitions or how to interpret these scores, please refer to the LAS Links 2nd Edition Interpretation Guide.

Dear Parent or Guardian:
Your student recently took the LAS Links 2nd Edition language proficiency assessment. This report gives information about your child's ability to communicate in English. The report also shows areas in which your child will need to improve the communication skills needed to move to the next language proficiency level.

	Proficiency Level				
Skill Area	1 Beginning	2 Early Intermediate	3 Intermediate	4 Proficient	5 Above Proficient
Overall (SP+LI+RD+WR)	✓				
Speaking (SP)	✓				
Listening (LI)				✓	
Reading (RD)	✓				
Writing (WR)	✓				
Comprehension (LI+RD)		✓			
Oral (SP+LI)		✓			
Literacy (RD+WR)	✓				
Productive (SP+WR)	✓				

Overall is a measure of your child's language proficiency regarding all four skill areas: Speaking, Listening, Reading, and Writing. Your child's proficiency of Level 1 can be described as follows:

A Level 1 student is beginning to develop the ability to communicate at school. The student may communicate nonverbally or through the home language.

The next level of proficiency can be described as follows:

A Level 2 student is developing the ability to communicate for different purposes at school. The student makes errors that can interfere with communication.

CTB
HELP THE TEACHER HELP THE CHILD

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APPENDIX A

USING TRANSACT

TransACT use is a simple process that gives teachers and school personnel access to many translated documents useful for school purposes that are available in multiple languages. To access these documents:

1. Visit TransACT.
2. By clicking on the Log-in Register tab, you can register for an account using your district email.
3. At the bottom of the page, click on the Parent Notices section.
4. On the left side of the Parent Notices page, click on the green Get Started button.
5. On this page, you will find folders with the various collections of parent notifications.
6. Click on the folders to find the forms to best suit your needs.

U.S. DEPARTMENT OF EDUCATION

DEAR COLLEAGUE LETTER, JAN 7, 2015

CIVIL RIGHTS OF ENGLISH LEARNERS

U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights

January 7, 2015

Dear Colleague:

Forty years ago, the Supreme Court of the United States determined that in order for public schools to comply with their legal obligations under Title VI of the Civil Rights Act of 1964 (Title VI), they must take affirmative steps to ensure that students with limited English proficiency (LEP) can meaningfully participate in their educational programs and services.[1] That same year, Congress enacted the Equal Educational Opportunities Act (EEOA), which confirmed that public schools and State educational agencies (SEAs) must act to overcome language barriers that impede equal participation by students in their instructional programs.[2]

Ensuring that SEAs and school districts are equipped with the tools and resources to meet their responsibilities to LEP students, who are now more commonly referred to as English Learner (EL) students or English Language Learner students, is as important today as it was then. EL students are now enrolled in nearly three out of every four public schools in the nation, they constitute nine percent of all public school students, and their numbers are steadily increasing.[3] It is crucial to the future of our nation that these students, and all students, have equal access to a high-quality education and the opportunity to achieve their full academic potential. We applaud those working to ensure equal educational opportunities for EL students, as well as the many schools and communities creating programs that recognize the heritage languages of EL students as valuable assets to preserve.

The Office for Civil Rights (OCR) at the U.S. Department of Education (ED) and the Civil Rights Division at the U.S. Department of Justice (DOJ) share authority for enforcing Title VI in the education context. DOJ is also responsible for enforcing the EEOA. (In the enclosed guidance, Title VI and the EEOA will be referred to as "the civil rights laws.") In addition, ED administers the English Language Acquisition, Language Enhancement, and Academic Achievement Act, also known as Title III, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (Title III).[4] Under Title III, ED awards grants to SEAs, which, in turn, award Federal funds through subgrants to school districts in order to improve the

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[1] *Lau v. Nichols*, 414 U.S. 563 (1974); 42 U.S.C. § 2000d to d-7 (prohibiting race, color, and national origin discrimination in any program or activity receiving Federal financial assistance).

[2] Pub. L. No. 93-380, § 204(f), 88 Stat. 484, 515 (1974) (codified at 20 U.S.C. § 1703(f)).

[3] U.S. Department of Education, National Center for Education Statistics, NCES 2013-312, *Characteristics of Public and Private Elementary and Secondary Schools in the United States: Results From the 2011-12 Schools and Staffing Survey*, at 9 (Table 2) (Aug. 2013); U.S. Department of Education, National Center for Education Statistics, NCES 2014-083, *The Condition of Education 2014*, at 52 (Indicator 12) (May 2014).

[4] 20 U.S.C. §§ 6801-6871.

education of EL students so that they learn English and meet challenging State academic content and achievement standards.[5]

The Departments are issuing the enclosed joint guidance to assist SEAs, school districts, and all public schools in meeting their legal obligations to ensure that EL students can participate meaningfully and equally in educational programs and services.[6] This guidance provides an outline of the legal obligations of SEAs and school districts to EL students under the civil rights laws.[7] Additionally, the guidance discusses compliance issues that frequently arise in OCR and DOJ investigations under Title VI and the EEOA and offers approaches that SEAs and school districts may use to meet their Federal obligations to EL students. The guidance also includes discussion of how SEAs and school districts can implement their Title III grants and subgrants in a manner consistent with these civil rights obligations. Finally, the guidance discusses the Federal obligation to ensure that LEP parents and guardians have meaningful access to district- and school-related information. We hope that you will find this integrated guidance useful as you strive to provide EL students and LEP parents equal access to your instructional programs.

As we celebrate the fortieth anniversaries of *Lau* and the EEOA and the fiftieth anniversary of Title VI, we are reminded of how much progress has been achieved since these milestones and how much work remains to be done. We look forward to continuing this progress with you.

Sincerely,

/s/
Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education

/s/
Vanita Gupta
Acting Assistant Attorney General for Civil Rights
U.S. Department of Justice

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[5] 20 U.S.C. §§ 6821(a), 6825(a); *see also* 34 C.F.R. § 200.1(b), (c) (explaining distinction between content standards and achievement standards).

[6] The terms "program," "programs," "programs and services," and "programs and activities" are used in a colloquial sense and are not meant to invoke the meaning of the terms "program" or "program or activity" as defined by the Civil Rights Restoration Act of 1987 (CRRA). Under the CRRA, which amended Title VI, Title IX of the Education Amendments of 1972 (Title IX), and Section 504 of the Rehabilitation Act of 1973 (Section 504), the term "program or activity" and the term "program," in the context of a school district, mean all of the operations of a school district. 42 U.S.C. § 2000d-4a(2)(B); 20 U.S.C. § 1687(2)(B); 29 U.S.C. § 794(b)(2)(B).

[7] As applied to Title VI, this guidance is consistent with and clarifies previous Title VI guidance in this area including: U.S. Department of Health, Education, and Welfare, Office for Civil Rights, *Identification of Discrimination and Denial of Services on the Basis of National Origin* (May 25, 1970), reprinted in 35 Fed. Reg. 11,595 (July 18, 1970) (*1970 OCR Guidance*) (the great majority of programs and functions assigned to ED at its creation in 1980 were transferred from HEW); OCR, *The Office for Civil Rights' Title VI Language Minority Compliance Procedures* (December 1985) (*1985 OCR Guidance*); and OCR, *Policy Update on Schools' Obligations Toward National-Origin Minority Students with Limited-English Proficiency* (September 1991) (*1991 OCR Guidance*). These guidance documents are available at http://www2.ed.gov/about/offices/list/ocr/ellresources.html. This guidance clarifies these documents and does so consistent with legal developments since 1991. When evaluating compliance under the EEOA, DOJ applies EEOA case law as well as the standards and procedures identified in this guidance, which are similar to those identified in OCR's previous Title VI guidance.

Notice of Language Assistance

Notice of Language Assistance: If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), or email us at: Ed.Language.Assistance@ed.gov.

Aviso a personas con dominio limitado del idioma inglés: Si usted tiene alguna dificultad en entender el idioma inglés, puede, sin costo alguno, solicitar asistencia lingüística con respecto a esta información llamando al 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), o envíe un mensaje de correo electrónico a: Ed.Language.Assistance@ed.gov.

給英語能力有限人士的通知: 如果您不懂英語， 或者使用英语有困难，您可以要求獲得向大眾提供的語言協助服務，幫助您理解教育部資訊。這些語言協助服務均可免費提供。如果您需要有關口譯或筆譯服務的詳細資訊，請致電 1-800-USA-LEARN (1-800-872-5327) (聽語障人士專線：1-800-877-8339),或電郵: Ed.Language.Assistance@ed.gov.

Thông báo dành cho những người có khả năng Anh ngữ hạn chế: Nếu quý vị gặp khó khăn trong việc hiểu Anh ngữ thì quý vị có thể yêu cầu các dịch vụ hỗ trợ ngôn ngữ cho các tin tức của Bộ dành cho công chúng. Các dịch vụ hỗ trợ ngôn ngữ này đều miễn phí. Nếu quý vị muốn biết thêm chi tiết về các dịch vụ phiên dịch hay thông dịch, xin vui lòng gọi số 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), hoặc email: Ed.Language.Assistance@ed.gov.

영어 미숙자를 위한 공고: 영어를 이해하는 데 어려움이 있으신 경우, 교육부 정보 센터에 일반인 대상 언어 지원 서비스를 요청하실 수 있습니다. 이러한 언어 지원 서비스는 무료로 제공됩니다. 통역이나 번역 서비스에 대해 자세한 정보가 필요하신 경우, 전화번호 1-800-USA-LEARN (1-800-872-5327) 또는 청각 장애인용 전화번호 1-800-877-8339 또는 이메일주소 Ed.Language.Assistance@ed.gov 으로 연락하시기 바랍니다.

Paunawa sa mga Taong Limitado ang Kaalaman sa English: Kung nahihirapan kayong makaintindi ng English, maaari kayong humingi ng tulong ukol dito sa inpormasyon ng Kagawaran mula sa nagbibigay ng serbisyo na pagtulong kaugnay ng wika. Ang serbisyo na pagtulong kaugnay ng wika ay libre. Kung kailangan ninyo ng dagdag na impormasyon tungkol sa mga serbisyo kaugnay ng pagpapaliwanag o pagsasalin, mangyari lamang tumawag sa 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-877-8339), o mag-email sa: Ed.Language.Assistance@ed.gov.

Уведомление для лиц с ограниченным знанием английского языка: Если вы испытываете трудности в понимании английского языка, вы можете попросить, чтобы вам предоставили перевод информации, которую Министерство Образования доводит до всеобщего сведения. Этот перевод предоставляется бесплатно. Если вы хотите получить более подробную информацию об услугах устного и письменного перевода, звоните по телефону 1-800-USA-LEARN (1-800-872-5327) (служба для слабослышащих: 1-800-877-8339), или отправьте сообщение по адресу: Ed.Language.Assistance@ed.gov.

Dear Colleague Letter: English Learner Students and Limited English Proficient Parents

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[8] The Departments have determined that this document is a "significant guidance document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007), *available at* www.whitehouse.gov/sites/default/files/omb/fedreg/2007/012507_good_guidance.pdf. This and other policy guidance is issued to provide recipients with information to assist them in meeting their obligations, and to provide members of the public with information about their rights, under the civil rights laws and implementing regulations that the Departments enforce. The Departments' legal authority is based on those laws and regulations. This guidance does not add requirements to applicable law, but provides information and examples to inform recipients about how the Departments evaluate whether covered entities are complying with their legal obligations. If you are interested in commenting on this guidance, please send an e-mail with your comments to OCR@ed.gov and education@usdoj.gov, or write to the following addresses: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202, and the Educational Opportunities Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, PHB, Washington, D.C. 20530.

I. State Educational Agency and School District Obligations to EL Students

SEAs and school districts share an obligation to ensure that their EL programs and activities comply with the civil rights laws and applicable grant requirements.[9] Title VI prohibits recipients of Federal financial assistance, including SEAs and school districts, from discriminating on the basis of race, color, or national origin.[10] Title VI's prohibition on national origin discrimination requires SEAs and school districts to take "affirmative steps" to address language barriers so that EL students may participate meaningfully in schools' educational programs.[11]

The EEOA requires SEAs and school districts to take "appropriate action to overcome language barriers that impede equal participation by [their] students in [their] instructional programs."[12]

In determining whether a school district's programs for EL students comply with the civil rights laws,[13] the Departments apply the standards established by the United States Court of Appeals

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[9] *See* Department of Education Title VI regulations: 34 C.F.R. § 100.4(b) (every application by a State or State agency for continuing Federal financial assistance "shall . . . provide or be accompanied by provision for such methods of administration for the program as are found by the responsible Departmental official to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this [Title VI] regulation"); *id*.§ 80.40(a) ("[g]rantees must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved."); *id*. §§ 76.500, 76.770 (requiring SEAs to have procedures "necessary to ensure compliance with applicable statutes and regulations," including non-discrimination provisions of Title VI). *See also* Department of Justice Title VI regulations: 28 C.F.R. § 42.105(a)(1) ("[e]very application for Federal financial assistance [to carry out a program] to which this subpart applies, and every application for Federal financial assistance to provide a facility shall … contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this subpart."); *id.* § 42.410 ("[e]ach state agency administering a continuing program which receives Federal financial assistance shall be required to establish a Title VI compliance program for itself and other recipients which obtain Federal assistance through it. The Federal agencies shall require that such state compliance programs provide for the assignment of Title VI responsibilities to designated state personnel and comply with the minimum standards established in this subpart for Federal agencies, including the maintenance of records necessary to permit Federal officials to determine the Title VI compliance of the state agencies and the sub-recipient.").

[10] Any Federal agency, such as the Department of Education or Justice, that provides Federal funds to an SEA or school district may initiate a compliance review to ensure compliance with, or investigate a complaint alleging a violation of, Title VI and its implementing regulations. DOJ also may initiate a Title VI suit if, after notice of a violation from a Federal funding agency, a recipient of Federal funds fails to resolve noncompliance with Title VI voluntarily and the agency refers the case to DOJ. Furthermore, DOJ coordinates enforcement of Title VI across Federal agencies and can participate in private litigation involving Title VI.

[11] *Lau*, 414 U.S. at 566-67 (affirming *1970 OCR Guidance* and stating that where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the educational program offered by a school district, Title VI requires that the district take affirmative steps to rectify the language deficiency to open its instructional program to these students); 34 C.F.R. §100.3(b)(1), (2).

[12] 20 U.S.C. § 1703(f) ("No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by. . . the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs"). After providing notice of an EEOA violation, DOJ may institute a civil action if an SEA or school district has not taken "appropriate remedial action" within a reasonable time. *Id*. §§ 1706, 1710. DOJ also has the authority to intervene in private EEOA cases. *Id*. § 1709.

for the Fifth Circuit more than 30 years ago in *Castañeda v. Pickard*.[14] Specifically, the Departments consider whether:

(1) The educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy;

(2) The program and practices used by the school system are reasonably calculated to implement effectively the educational theory adopted by the school; and

(3) The program succeeds, after a legitimate trial, in producing results indicating that students' language barriers are actually being overcome within a reasonable period of time.

The Departments also apply *Castañeda*'s standards when evaluating an SEA's compliance with the civil rights laws. Even if an SEA does not provide educational services directly to EL students, SEAs have a responsibility under the civil rights laws to provide appropriate guidance, monitoring, and oversight to school districts to ensure that EL students receive appropriate EL services.[15] For example, to the extent that SEAs select EL instructional program models that their school districts must implement or otherwise establish requirements or guidelines for such programs and related practices, these programs, requirements, or guidelines must also comply with the *Castañeda* requirements.

In addition, Title III requires SEAs and school districts that receive funding under Title III subgrants to provide high-quality professional development programs and implement high-quality language instruction education programs, both based on scientifically-based research, that will enable EL students to speak, listen, read, and write English and meet challenging State

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[13] Throughout this guidance, "school district" or "district" includes any local educational agency (LEA) that is a recipient of Federal financial assistance directly from ED or indirectly through an SEA or LEA, including public school districts, public charter schools, and public alternative schools. 42 U.S.C. § 2000d-4a (incorporating 20 U.S.C. §7801(26)). "School district" and SEA also include, respectively, any LEA or SEA as defined by the EEOA. 20 U.S.C. § 1720(a), (b) (incorporating 20 U.S.C. §7801(26), (41)). In some cases, an SEA and LEA may be the same entity. (Hawaii and Puerto Rico are two examples.)

[14] 648 F.2d 989 (5th Cir. 1981); *see United States v. Texas*, 601 F.3d 354, 366 (5th Cir. 2010) (reaffirming and applying the *Castañeda* test); *see 1991 OCR Guidance* ("In view of the similarity between the EEOA and the policy established in the 1970 OCR memorandum, in 1985 OCR adopted the *Castañeda* standard for determining whether recipients' programs for LEP students complied with the Title VI regulation.").

[15] *See, e.g.*, *Horne v. Flores*, 557 U.S. 433, 439 (2009) ("The question at issue in these cases is not whether [the State of] Arizona must take 'appropriate action' to overcome the language barriers that impede ELL students. Of course it must."); *Texas*, 601 F.3d at 364-65 (applying EEOA to SEA); *United States v. City of Yonkers*, 96 F.3d 600, 620 (2d Cir. 1996) ("The EEOA also imposes on states the obligation to enforce the equal-educational-opportunity obligations of local educational agencies [LEAs]."); *Gomez v. Illinois State Bd. of Educ.*, 811 F.2d 1030, 1042-43 (7th Cir. 1987) (holding that SEAs set "general guidelines in establishing and assuring the implementation of the state's [EL] programs" and that "§ 1703(f) requires that [SEAs], as well as [LEAs]. . .ensure that the needs of LEP children are met"); *Idaho Migrant Council v. Bd. of Educ.*, 647 F.2d 69, 71 (9th Cir. 1981) (holding that an SEA "has an obligation to supervise the local districts to ensure compliance" with the EEOA); *see also supra* note 9 (quoting regulations regarding SEAs' obligations as recipients of any Federal funds to oversee subgrantees).

standards.[16] Not all school districts that enroll EL students receive such subgrants from their SEA under Title III, Part A. Some school districts have too small a population of EL students to meet the minimum subgrant requirement and are not members of a consortium of districts that is receiving a subgrant.[17] Nonetheless, several key school district requirements for recipients under Title III that are discussed in this letter are also required by Title I of the ESEA, which has no such minimum subgrant requirement.[18]

Title III, Part A funds must be used to supplement other Federal, State, and local public funds that would have been expended absent such funds.[19] Because the civil rights laws require SEAs and school districts to take appropriate action to overcome language barriers for EL students, Title III, Part A funds may not be used to fund the activities chosen to implement an SEA's or school district's civil rights obligations. Thus, SEAs and school districts can use these funds only for activities beyond those activities necessary to comply with Federal civil rights obligations. It is important to remember, however, that the legal obligations of an SEA and a school district under Title VI and the EEOA are independent of the amount or type of State or Federal funding received. Thus, for example, any change to State funding dedicated to EL programs and services, including State limitations on funding after a child has received EL services for a specified period of time, does not change an SEA's or school district's Federal civil rights obligations to EL students.

Title III also contains its own non-discrimination provision, which provides that a student shall not be admitted to, or excluded from, any federally assisted education program on the basis of a surname or language-minority status.[20] In addition, SEAs and school districts that receive funding under Title III are required to regularly determine the effectiveness of a school district's program in assisting EL students to attain English proficiency and meet challenging State

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[16] 20 U.S.C. §§ 6823(b)(2), 6825(c)(1),(2), 6826(d)(4). Currently, all SEAs receive Federal funds under Title III, Part A because they all have an approved plan. *See id.* §§ 6821, 6823. SEAs may reserve no more than 5 percent of the funds for certain State-level activities, and no more than 15 percent of the funds for subgrants to school districts that have experienced a significant increase in the number or percentage of immigrant children. *Id.* §§ 6821(b)(2), 6824(d)(1). When referring to Title III, Part A subgrants to school districts, this guidance is referring to the portion of Federal funds (which must be at least 80 percent of the total) that must be provided to school districts based on the population of EL students in each district. *Id.* § 6824(a). For more information on Title III grants, see http://www2.ed.gov/programs/sfgp/index.html.

[17] 20 U.S.C. §§ 6824(b), 6871.

[18] This includes the requirement that school districts annually assess EL students for English proficiency, *id.* §§ 6311(b)(7) (Title I), 6823(b)(3)(C) (Title III); the provision of specific written notices for parents of EL students, *id.* §§ 6312(g)(1)-(3) (Title I), 7012(a)-(d) (Title III); prohibitions on discrimination on the basis of surname and language-minority status, *id.* §§ 6312(g)(5)(Title I), 7012(f) (Title III); and provisions regarding adequate yearly progress, *id.* §§ 6311(b)(2)(C)(v)(II)(dd), 6311(b)(3)(C)(ix)(III) (Title I), 6842(a)(3)(A)(iii) (Title III).

[19] 20 U.S.C. § 6825(g).

[20] *Id.* §§ 6312(g)(5) (Title I), 7012(f) (Title III).

academic content and student academic achievement standards.[21] SEAs have a responsibility to assess whether and ensure that school districts receiving Title III subgrants comply with all Title III requirements.[22]

II. Common Civil Rights Issues

Through OCR's and DOJ's enforcement work, the Departments have identified several areas that frequently result in noncompliance by school districts and that SEAs at times encounter while attempting to meet their Federal obligations to EL students. This letter offers guidance on these issues and explains how the Departments would evaluate whether SEAs and school districts met their shared obligations to:

A. *Identify and assess EL students in need of language assistance in a timely, valid, and reliable manner;*

B. *Provide EL students with a language assistance program that is educationally sound and proven successful;*

C. *Sufficiently staff and support the language assistance programs for EL students;*

D. *Ensure EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities, including the core curriculum, graduation requirements, specialized and advanced courses and programs, sports, and clubs;*

E. *Avoid unnecessary segregation of EL students;*

F. *Ensure that EL students with disabilities under the Individuals with Disabilities Education Act (IDEA) or Section 504 are evaluated in a timely and appropriate manner for special education and disability-related services and that their language needs are considered in evaluations and delivery of services;*

G. *Meet the needs of EL students who opt out of language assistance programs;*

H. *Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level core content, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;*

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[21] *Id.* § 6841(b)(2) (requiring every school district receiving Title III, Part A funds to engage in a self-evaluation every two years and provide it to the SEA to determine the effectiveness of and improve the LEA's programs and activities).

[22] *Id.* §§ 6823(b)(3)(C) & (D), (b)(5), 6841(b)(3), 6842; *see also supra* note 9 (quoting regulations regarding SEA's obligations as recipient of any Federal funds to oversee subgrantees).

I. *Evaluate the effectiveness of a school district's language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program was reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time;*[23] *and*

J. *Ensure meaningful communication with LEP parents.*

This guidance also provides a non-exhaustive set of approaches that school districts may take in order to meet their civil rights obligations to EL students. In most cases, however, there is more than one way to comply with the Federal obligations outlined in this guidance.

In addition to the common civil rights issues discussed in this guidance with respect to EL student programs, Federal law also prohibits all forms of race, color, national origin, sex, disability, and religious discrimination against EL students. For example, among other requirements, SEAs, school districts, and schools:

- Must enroll all students regardless of the students' or their parents' or guardians' actual or perceived citizenship or immigration status;[24]
- Must protect students from discriminatory harassment on the basis of race, color, national origin (including EL status), sex, disability, or religion;[25]
- Must not prohibit national origin-minority group students from speaking in their primary language during the school day without an educational justification;[26] and
- Must not retaliate, intimidate, threaten, coerce, or in any way discriminate against any individual for bringing civil rights concerns to a school's attention or for testifying or participating in any manner in a school, OCR, or DOJ investigation or proceeding.[27]

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[23] *Castañeda*, 648 F.2d at 1011; *see* discussion *infra* in Part II. I, "Evaluating the Effectiveness of a District's EL Program."

[24] More information about the applicable legal standards regarding student enrollment practices is included in the Departments' *Dear Colleague Letter: School Enrollment Procedures* (May 8, 2014), *available at* www.ed.gov/ocr/letters/colleague-201405.pdf.

[25] More information about the legal obligations to address discriminatory harassment under the Federal civil rights laws is available in OCR's *Dear Colleague Letter: Harassment and Bullying* (Oct. 26, 2010), *available at* www.ed.gov/ocr/letters/colleague-201010.pdf. DOJ shares enforcement authority with OCR for enforcing these laws and can also address harassment on the basis of religion under Title IV of the Civil Rights Act of 1964.

[26] *See, e.g.*, *Rubio v. Turner Unified Sch. Dist. No. 402*, 453 F. Supp. 2d 1295 (D. Kan. 2006) (Title VI claim was stated by a school's prohibition on speaking Spanish). EL students, like many others, often will feel most comfortable speaking in their primary language, especially during non-academic times or while in the cafeteria or hallways.

[27] More information about the legal obligations concerning the prohibition against retaliation under the Federal civil rights laws is available in the Department of Education's *Dear Colleague Letter: Retaliation* (Apr. 24, 2013) *available at* www.ed.gov/ocr/letters/colleague-201304.html. *See also* 34 C.F.R. § 100.7(e) (Title VI); 34 C.F.R. § 106.71 (Title IX) (incorporating 34 C.F.R. §100.7(e) by reference); 34 C.F.R. § 104.61 (Section 504)

Although these issues are outside the primary focus of this guidance, the Departments strongly encourage SEAs and school districts to review these and other non-discrimination requirements to ensure that EL students, and all students, have access to equal educational opportunities.

A. Identifying and Assessing All Potential EL Students

One of the most critical "affirmative steps" and "appropriate action[s]" that school districts must take to open instructional programs to EL students and to address their limited English proficiency is to first identify EL students in need of language assistance services in a timely manner.[28] School districts must provide notices within thirty days from the beginning of the school year to all parents of EL students regarding the EL student's identification and placement in a language instruction educational program.[29] School districts must, to the extent practicable, translate such notices in a language that the parent can understand.[30] If written translations are not practicable, school districts must offer LEP parents free oral interpretation of the written information.[31] In light of these obligations and the duty to timely identify all EL students, school districts will need to assess potential EL students' English proficiency and identify non-proficient students as EL as soon as practicable and well before the thirty-day notice deadline.

Most school districts use a home language survey (HLS) at the time of enrollment to gather information about a student's language background (*e.g.*, first language learned, language the student uses most often, and languages used in the home). The HLS identifies those students who should be referred for an English language proficiency ("ELP") assessment to determine whether they should be classified as EL students, who are entitled to language assistance services. Students initially identified by an HLS or other means for English proficiency testing are often referred to as those with a Primary or Home Language Other than English (PHLOTE).

School districts must have procedures in place to accurately and timely identify PHLOTE students and determine if they are EL students through a valid and reliable ELP assessment.[32]

(incorporating 34 C.F.R. §100.7(e) by reference); 28 C.F.R. § 42.107(e) (Title VI); 28 C.F.R. § 54.605 (Title IX) (incorporating 28 C.F.R. § 42.107(e) by reference); 28 C.F.R. § 35.134 (Title II). DOJ interprets the EEOA to prohibit retaliation, consistent with the Supreme Court's interpretation of several similar anti-discrimination statutes to encompass a prohibition on retaliation. *See, e.g.*, *Gomez-Perez v. Potter*, 553 U.S. 474 (2008) (recognizing a right of action for retaliation under the Federal-sector provisions of the Age Discrimination in Employment Act of 1967); *CBOCS West, Inc. v. Humphries*, 553 U.S. 442 (2008) (recognizing a right of action for retaliation under 42 U.S.C. § 1981); *Jackson v. Birmingham Bd. of Educ.*, 544 U.S. 167 (2005) (recognizing a right of action for retaliation under Title IX of the Education Amendments of 1972).

[28] *See supra* text accompanying notes 9-11 (discussing Title VI, its regulations and guidance, and *Lau*) and note 12 (discussing the EEOA).

[29] 20 U.S.C. §§ 6312(g)(1) (Title I), 7012(a) (Title III).

[30] *Id*. §§ 6312(g)(2) (Title I), 7012(c) (Title III).

[31] *See* 67 Fed. Reg. 71,710, 71,750 (2002). This obligation is consistent with Title VI and EEOA obligations of school districts to ensure meaningful communication with LEP parents. *See* discussion *infra* in Part II. J, "Ensuring Meaningful Communication with Limited English Proficient Parents."

[32] *See 1991 OCR Guidance*; *see also*, *Rios v. Read*, 480 F. Supp. 14, 23 (E.D.N.Y. 1978) (requiring "objective, validated tests conducted by competent personnel"); *Cintron v. Brentwood*, 455 F. Supp. 57, 64 (E.D.N.Y. 1978)

ELP assessments must assess the proficiency of students in all four domains of English (*i.e.*, speaking, listening, reading, and writing).[33] The Departments recognize that some SEAs and school districts use ELP assessments for entering kindergarten PHLOTE students that evaluate listening, speaking, pre-reading, and pre-writing.[34]

- Example 1: To expedite appropriate placements of EL students, many school districts have parents complete an HLS and assess PHLOTE students' English proficiency levels before school starts. Some school districts have parents complete an HLS before classes commence, and then test PHLOTE students within a week of when classes start to minimize the disruption caused by possible changes in EL students' placements.

Some examples of when the Departments have identified compliance issues in the areas of EL student identification and assessment include when school districts: (1) do not have a process in place to initially identify the primary or home language of all enrolled students; (2) use a method of identification, such as an inadequate HLS, that fails to identify significant numbers of potential EL students; (3) do not test the English language proficiency of all PHLOTE students, resulting in the under-identification of EL students; (4) delay the assessment of incoming PHLOTE students in a manner that results in a denial of language assistance services; or (5) do not assess the proficiency of PHLOTE students in all four language domains (*e.g.*, assessing the students in only the listening and speaking domains and as a result missing large numbers of EL students).

In their investigations, the Departments consider, among other things, whether:

- ✓ *School districts have procedures in place for accurately identifying EL students in a timely, valid, and reliable manner so that they can be provided the opportunity to participate meaningfully and equally in the district's educational programs; and*

(requiring "validated" tests of English proficiency); *Keyes v. Sch. Dist. No. 1*, 576 F. Supp. 1503, 1513-14, 1518 (D. Colo. 1983) (absence of a formal valid testing process to identify EL students violated the EEOA).

[33] *See 1991 OCR Guidance*; *Rios*, 480 F. Supp. at 23-24 (finding the school district's bilingual program to violate Title VI and the EEOA in several areas including identifying EL students by testing their listening and vocabulary skills but "not measur[ing] reading or writing skills in English" and explaining that the "district has the obligation of identifying children in need of bilingual education by objective, validated tests conducted by competent personnel"); *Keyes*, 576 F. Supp. at 1518-19 (noting that "emphasis on the acquisition of oral English skills for LEP students is another cause for concern" as "reading and writing skills are also necessary…[for] parity in participation"); *see also* 20 U.S.C. § 7801(25) (classifying as LEP under the ESEA students born outside the U.S. or who are non-native English speakers and who have "difficulties in speaking, reading, writing, or understanding the English language"), § 1401(18) (same for the IDEA); *Notice of Final Interpretations for Title III of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001*, 73 Fed. Reg. 61831 (Oct. 17, 2008) (hereinafter "2008 NOI for Title III"); 34 C.F.R. § 200.6(b)(3)(i).

[34] For the purposes of this document, "listening" and "understanding" are interchangeable terms. Congress has often referred to "listening" as one of the "four recognized domains." 20 U.S.C. § 6823(b)(2) (Title III); *see also id.* § 6841(d)(1) (Title III). *But see id.* §§ 6826(d)(4) (Title III) ("comprehend"), 7801(25) ("understanding"). ED likewise has referred to the domain as "listening" in several more recent documents regarding EL students. *See, e.g.*, 2008 NOI for Title III, 73 Fed. Reg. 61828, 61829 n.5 (Oct. 17, 2008); 34 C.F.R. § 200.6(b)(3)(i). By contrast, OCR has historically used the term "understanding" to describe the domain described in the text as "listening."

- ✓ *When SEAs mandate the manner in which school districts identify and/or assess EL students, the State-imposed mechanism meets the requirements described in this section.*

B. Providing EL Students with a Language Assistance Program

When EL students are identified based on a valid and reliable ELP test, school districts must provide them with appropriate language assistance services. Language assistance services or programs for EL students must be educationally sound in theory and effective in practice; however, the civil rights laws do not require any particular program or method of instruction for EL students.[35] Students in EL programs must receive appropriate language assistance services until they are proficient in English and can participate meaningfully in the district's educational programs without language assistance services.

EL programs must be designed and reasonably calculated to enable EL students to attain both English proficiency and parity of participation in the standard instructional program within a reasonable length of time.[36] Each EL student's English proficiency level, grade level, and educational background, as well as language background for bilingual programs, must be considered to determine which EL program services are appropriate for EL students. For example, some school districts have designed programs to meet the unique needs of EL students whose formal education has been interrupted in their country of origin (perhaps due to dislocation, war, disease, famine, or other situations resulting in missed educational instruction).

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[35] *Castañeda*, 648 F.2d at 1009-10. Some common EL programs for learning English that are considered educationally sound in theory under *Castañeda's* first prong include:

- English as a Second Language (ESL), also known as English Language Development (ELD), is a program of techniques, methodology, and special curriculum designed to teach EL students explicitly about the English language, including the academic vocabulary needed to access content instruction, and to develop their English language proficiency in all four language domains (*i.e.*, speaking, listening, reading, and writing). ESL instruction is usually in English with little use of the EL students' primary language(s).
- Structured English Immersion (SEI) is a program designed to impart English language skills so that the EL student can transition and succeed in an English-only mainstream classroom once proficient. All instruction in an immersion strategy program is in English. Teachers have specialized training in meeting the needs of EL students (*e.g.*, an ESL teaching credential and/or SEI training), and have demonstrated strong skills in promoting ELD and SEI strategies for ensuring EL students' access to content.
- Transitional Bilingual Education (TBE), also known as early-exit bilingual education, is a program that utilizes a student's primary language in instruction. The program maintains and develops skills in the primary language while introducing, maintaining, and developing skills in English. The primary purpose of a TBE program is to facilitate the EL student's transition to an all-English instructional program, while the student receives academic subject instruction in the primary language to the extent necessary.
- Dual Language Program, also known as two-way or developmental, is a bilingual program where the goal is for students to develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of half primary-English speakers and half primary speakers of the other language.

In school districts or schools where the number of EL students is small, EL students still must receive language assistance services; however, the EL program may be less formal. Additional EL programs not mentioned above may also meet civil rights requirements.

[36] *Castañeda*, 648 F.2d at 1011.

To provide appropriate and adequate EL program services based on each EL student's individual needs, and to facilitate transition out of such services within a reasonable time period, a school district will typically have to provide more EL services for the least English proficient EL students than for the more proficient ones. In addition, districts should provide designated English Language Development (ELD)/English as a Second Language (ESL) services for EL students at the same or comparable ELP levels to ensure these services are targeted and appropriate to their ELP levels.

- Example 2: A beginner-level EL student in a transitional bilingual education (TBE) program who is a primary Spanish speaker may receive 80 percent of her core instruction in Spanish and two periods of ESL per day. As her English proficiency increases to an intermediate level, the district may decrease the percentage of her core instruction that she receives in Spanish by transitioning her to one content class in Spanish, one period of ESL, and sheltered content classes[37] in English with non-EL students.[38]

- Example 3: A beginner-level EL student may receive two periods of ELD instruction per day, EL-only sheltered content classes in social studies and language arts, and sheltered content classes in math and science with both EL and non-EL students. As his English proficiency increases to a high intermediate level, he transitions into a daily period of ELD targeted to his lack of English proficiency in writing, and sheltered content classes with EL and non-EL students.

- Example 4: A school district enrolls EL students at the high school with a range of English proficiency levels and years of study in the EL program. Recognizing that different EL students have different needs, the district creates EL-only ELD classes that appropriately target the English proficiency levels of students and the specific needs of long-term EL students. These ELD courses, which EL students take in addition to grade-level English, are designed to provide language development services with an emphasis on advanced academic vocabulary and expository writing. The EL students also receive

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[37] This guidance uses the term "sheltered content classes" to mean Sheltered English Instruction, which is an instructional approach used to make academic instruction in English understandable to EL students. Sheltered instructional approaches assist EL students in developing grade-level content area knowledge, academic skills, and increased English proficiency. In sheltered content classes, teachers use a wide range of instructional strategies to make the content (*e.g.*, math, science, social studies) comprehensible to EL students while promoting their English language development (*e.g.*, connecting new content to student's prior knowledge, scaffolding, collaborative learning, and visual aids).

[38] This guidance uses the term "non-EL" students to mean both "former-EL" students and "never-EL" students. "Former EL" students are those who were identified as EL or enrolled in an EL program, but then met the criteria for exiting EL status. "Never-EL" students are those who have never been identified as EL or never enrolled in an EL program. This group includes PHLOTE students who test "proficient" in English on the valid and reliable assessment - *i.e.*, the Initially Fluent English Proficient (IFEP). Students who were identified as EL students but whose parents opted them out of EL programs are either "EL" or "former-EL" students (depending on whether they meet the criteria that would have been necessary for them to exit EL status), not "Never-EL" students.

integrated ELD instruction in their grade-level content classes from content-certified teachers who are adequately trained in ELD and sheltering techniques.

Some examples of when the Departments have identified compliance issues include when school districts: (1) exclude kindergarteners, or EL students with scheduling conflicts, from their EL program; (2) supplement regular education instruction with only aides who tutor EL students as opposed to teachers adequately trained to deliver the EL program; (3) fail to offer an EL program to a certain subset of EL students, such as students with disabilities or students speaking particular languages; (4) stop providing language assistance services when EL students reach higher levels of English proficiency but have not yet met exit criteria (including proficiency on a valid and reliable ELP assessment); or (5) fail to address the needs of EL students who have not made expected progress in learning English and have not met exit criteria despite extended enrollment in the EL program.

In their investigations, the Departments consider, among other things, whether:

- ✓ *Schools provide all EL students with language assistance services that address their level of English language proficiency and give them an equal opportunity to meaningfully and equally participate in the district's programs;*
- ✓ *Each language assistance program for EL students that a school district provides meets the Castañeda standards described throughout this document; and*
- ✓ *When SEAs mandate the manner in which school districts provide EL programming, the State-imposed requirements meet the standards described in this subsection.*

C. Staffing and Supporting EL Programs

School districts have an obligation to provide the personnel and resources necessary to effectively implement their chosen EL programs. This obligation includes having highly qualified teachers to provide language assistance services, trained administrators who can evaluate these teachers, and adequate and appropriate materials for the EL programs.

At a minimum, every school district is responsible for ensuring that there is an adequate number of teachers to instruct EL students and that these teachers have mastered the skills necessary to effectively teach in the district's program for EL students.[39] Where formal qualifications have

[39] SEAs that receive ESEA Title I funds, which is currently all SEAs, must ensure that all teachers in core academic subjects, including teachers of EL students, are "highly qualified." 20 U.S.C. § 6319(a). Being highly qualified means (1) holding at least a bachelor's degree, (2) obtaining full State certification or licensure, and (3) demonstrating subject-matter competency. *Id.* § 7801(23). If an SEA or school district uses a sheltered instruction model for serving EL students that includes core academic subjects at the secondary school level (*e.g.*, "ESL math" or "ESL science"), the teacher must be adequately trained in the sheltering techniques, meet any State requirements for EL teachers, and be highly qualified in the core academic subject (*e.g.*, math or science) as well. If the only English teacher of record is the EL teacher, that teacher must be highly qualified in English as well. In addition, teachers in school districts that receive funds under Title III must be fluent in English and any other

been established, *e.g.*, the SEA requires authorization or certification to teach in particular EL programs, or a school district generally requires its teachers in other subjects to meet formal requirements, a school district must either hire teachers who already have the necessary formal qualifications to teach EL students or require that teachers already on staff be trained or work towards attaining the necessary formal qualifications and obtain the formal qualifications within a reasonable period of time.

In some instances, however, SEA endorsements or other requirements may not be rigorous enough to ensure that teachers of EL students have the skills necessary to carry out the school district's chosen EL program. For example, in *Castañeda*, the SEA and school district considered teachers qualified to teach in a bilingual EL program once they had completed a 100-hour training designed to provide instruction in bilingual education methods and had a 700-word Spanish-language vocabulary. Because many of the teachers who completed the specified training were found to be unable to teach effectively in a Spanish bilingual program, the court required the SEA and school district to improve training for bilingual teachers and to develop adequate methods for assessing the qualifications of teachers who completed the training.[40]

As *Castañeda* recognizes, SEAs, through their guidance and monitoring responsibilities, must also have procedures in place for ensuring that districts have adequately trained teachers to implement their EL programs. This is especially true when the design of particular EL program(s) is required by the State. For example, if a State requires a specific bilingual education program, both the SEA and its school districts must ensure teachers are sufficiently trained so that they can effectively deliver the program.[41]

SEAs and school districts that provide EL teacher training are also responsible for evaluating whether their training adequately prepares teachers to implement the EL program effectively.[42] To meet this obligation, school districts need to ensure that administrators who evaluate the EL program staff are adequately trained to meaningfully evaluate whether EL teachers are appropriately employing the training in the classroom and are adequately prepared to provide the instruction that will ensure that the EL program model successfully achieves its educational objectives.[43]

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language used for instruction, including having written and oral communications skills. *See id*. § 6826(c); *Castañeda*, 648 F.2d at 1013 (requiring teachers who are trained and qualified to deliver the type of language support instruction required by the chosen EL program(s)).

[40] *Castañeda*, 648 F.2d at 1005, 1013.

[41] *Id*. at 1012-13 (directing the district court to "require both [the State and school district] to devise an improved in-service training program [for bilingual teachers] and an adequate testing or evaluation procedure to assess the qualifications of teachers completing this program"); *Castañeda v. Pickard*, 781 F.2d 456, 470-72 (5th Cir. 1986) (reviewing State and district changes and finding teachers adequately trained); *see also supra* notes 9, 12, 14 & 15.

[42] *Castañeda*, 648 F.2d at 1012-13.

[43] To implement an EL program effectively, there must be a meaningful evaluation of whether the teachers who deliver the program are qualified to do so. *See Castañeda*, 648 F.2d at 1013. This includes ensuring that those tasked with evaluating the instruction of EL program teachers, such as principals, are qualified to do so. *See Rios*,

- Example 5: An SEA receives complaints that teachers who acquired the State's ESL endorsement do not have some of the skills needed for effective ESL instruction. In response to the complaints, the SEA surveys ESL-endorsed teachers in the State and the administrators who evaluate them to identify areas where the teachers need additional training and support. The SEA develops teacher training supplements specific to those identified needs, requires the trained teachers to deliver an ESL lesson as part of the SEA evaluation of whether teachers mastered the training's content, and provides training for administrators on how to evaluate teachers on appropriate ESL instruction.

- Example 6: Because a school district does not have a sufficient number of principals with the State's bilingual credentials to evaluate teachers of its bilingual classes, the school district uses bilingual-credentialed district-level administrators to accompany English-only-speaking principals to bilingual classroom evaluations.

- Example 7: A school district with a Structured English Immersion program, consisting of ESL and sheltered content instruction, does not have a sufficient number of either qualified ESL-licensed teachers to provide ESL services or qualified content area teachers who are adequately trained to shelter content for EL students. The school district creates an in-service training on sheltering techniques, requires all core content teachers to successfully complete the training within two years, and requires a quarter of its new hires to obtain an ESL license within two years of their hiring date.

In addition to providing qualified teachers, school districts must also provide EL students with adequate resources and, if appropriate, qualified support staff. For example, EL students are entitled to receive appropriate instructional materials in the EL program, including adequate quantities of English language development materials available at the appropriate English proficiency and grade levels and appropriate bilingual materials for bilingual programs. If the Departments find that a school district's materials are inadequate and/or not appropriate for its EL students, the Departments expect the district to obtain sufficient, appropriate materials in a timely manner.

Paraprofessionals, aides, or tutors may not take the place of qualified teachers and may be used only as an interim measure while the school district hires, trains, or otherwise secures enough qualified teachers to serve its EL students.[44] And if a school district uses paraprofessionals to provide language assistance services to EL students that supplement those provided by qualified

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480 F. Supp. at 18, 23-24 (district's bilingual program violated the EEOA based on findings that included using administrators who were not bilingual and lacked relevant training to evaluate bilingual teachers).

[44] *Castañeda*, 648 F.2d at 1013 (explaining that bilingual aides cannot take the place of bilingual teachers and may be used only as an interim measure while district makes concerted efforts to secure a sufficient number of qualified bilingual teachers within a reasonable period of time).

teachers, it may do so only if the paraprofessional is trained to provide services to EL students and instructs under the direct supervision of a qualified teacher.[45]

Some examples of when the Departments have identified compliance issues in staffing and resourcing an EL program include when school districts: (1) offer language assistance services based on staffing levels and teacher availability rather than student need; (2) utilize mainstream teachers, paraprofessionals, or tutors rather than fully qualified ESL teachers for ESL instruction; or (3) provide inadequate training to general education teachers who provide core content instruction to EL students.

In their investigations, the Departments consider, among other things, whether:

- ✓ *School districts provide qualified staff and sufficient resources, including adequate and appropriate materials, to effectively implement their chosen program, and if they lack either, they are taking effective steps to obtain them within a reasonable period of time;*
- ✓ *School districts regularly and adequately evaluate whether EL program teachers have met the necessary training requirements, and if not, ensure that they meet them in a timely manner;*
- ✓ *A school district's training requirements adequately prepare EL program teachers and administrators to effectively implement the district's program and provide supplemental training when necessary; and*
- ✓ *SEAs ensure, through guidance, monitoring, and evaluation, that school districts have qualified teachers to provide their EL programs to all EL students.*

D. Providing Meaningful Access to All Curricular and Extracurricular Programs

To be able to participate equally and meaningfully in instructional programs, EL students have to acquire English proficiency and recoup any deficits that they may incur in other areas of the curriculum as a result of spending extra time on ELD.[46] Thus, SEAs and school districts share a dual obligation to provide EL students language assistance programs as well as assistance in other areas of the curriculum where their equal participation may be impaired by academic deficits incurred while they were learning English.[47] This dual obligation requires school districts and SEAs to design and implement EL programs that are reasonably calculated to enable EL students to attain both English proficiency and parity of participation in the standard instructional program within a reasonable period of time.[48]

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[45] 20 U.S.C. § 6319(c)-(g).

[46] *Castañeda*, 648 F.2d at 1011.

[47] *Id.; see also supra* notes 9, 12, 14, & 15.

[48] *Castañeda*, 648 F.2d at 1011; *see also supra* notes 9, 12, 14, & 15.

In addition to ensuring EL students have access to the core curriculum, SEAs and school districts must provide EL students equal opportunities to meaningfully participate in all programs and activities of the SEA or school district–whether curricular, co-curricular, or extracurricular.[49] Such programs and activities include pre-kindergarten programs, magnet programs, career and technical education programs, counseling services, Advanced Placement and International Baccalaureate courses, gifted and talented programs, online and distance learning opportunities, performing and visual arts, athletics, and extracurricular activities such as clubs and honor societies.

1. Core Curriculum

During their educational journey from enrollment to graduation, EL students are entitled to instruction in the school district's core curriculum (*e.g.*, reading/language arts, math, science, and social studies). This includes equal access to the school's facilities, such as computer, science, and other labs or facilities, to ensure that EL students are able to participate meaningfully in the educational programs. Meaningful access to the core curriculum is a key component in ensuring that EL students acquire the tools to succeed in general education classrooms within a reasonable length of time.

One way to meet this obligation is to provide full access to the grade-appropriate core curriculum from the start of the EL program while using appropriate language assistance strategies in the core instruction so that EL students can participate meaningfully as they acquire English. In adapting instruction for EL students, however, school districts should ensure that their specialized instruction (*e.g.*, bilingual or sheltered content classes) does not use a watered-down curriculum that could leave EL students with academic deficits when they transition from EL programs into general education classrooms. Such specialized instruction should be designed such that EL students can meet grade-level standards within a reasonable period of time. School districts also should place EL students in age-appropriate grade levels so that they can have meaningful access to their grade-appropriate curricula and an equal opportunity to graduate.[50]

- Example 8: In a transitional bilingual program, an EL student who is taught math in Spanish should have access to the same math curriculum as her non-EL peers in general education classrooms. Similarly, a science class using sheltered instruction for EL

[49] 34 C.F.R. § 100.1-.2; 20 U.S.C. § 1703(f).

[50] The Departments recognize that students with interrupted formal education (SIFE students), especially in the higher grades, may be below grade level in some or all subjects when they enter a school district, and that some school districts provide appropriately specialized programs to meet their needs. The Departments would not view such programs as offering inappropriately watered-down instructional content where the program is age-appropriate, the content of the instruction relates to the core curriculum and is credit-bearing toward graduation or promotion requirements, and SIFE students have the opportunity to meet grade-level standards within a reasonable period of time. However, it would be inappropriate for a district to place high school-aged SIFE students in middle or elementary school campus programs because this would not permit SIFE students to meet high school grade-level standards and graduation requirements within a reasonable amount of time and the placements would not be age appropriate.

> students should offer the same content and the same access to laboratories as the general education science class. And while a ninth-grade EL student with interrupted formal education may need targeted help in math to catch up to his grade-level math curriculum, his EL program should provide access to that curriculum and not be restricted to an elementary-grade math curriculum.

Alternatively, school districts may use a curriculum that temporarily emphasizes English language acquisition over other subjects, provided that any interim academic deficits in other subjects are remedied within a reasonable length of time.[51] If districts choose to temporarily emphasize English language acquisition, they retain an obligation to measure EL students' progress in core subjects to assess whether they are incurring academic deficits and to provide assistance necessary to remedy content area deficits that were incurred during the time when the EL student was more focused on learning English.[52] To ensure that EL students can catch up in those core areas within a reasonable period of time, such districts must provide compensatory and supplemental services to remedy academic deficits that the student may have developed while focusing on English language acquisition. Similarly, SEAs must ensure through guidance and monitoring that school districts' EL programs (whether state-mandated or not) are designed to enable EL students to participate comparably in the core curriculum within a reasonable time period and that school districts timely remedy any academic deficits resulting from focusing on English language acquisition.[53]

For an EL program to be reasonably calculated to ensure that EL students attain equal participation in the standard instructional program within a reasonable length of time, if an EL student enters the ninth grade with beginner-level English proficiency, the school district should offer EL services that would enable her to earn a regular high-school diploma in four years.[54] In addition, EL students in high school, like their never-EL peers, should have the opportunity to be competitive in meeting college entrance requirements. For example, a school district should

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[51] *See Castañeda*, 648 F.2d at 1011 ("[A] curriculum, during the early part of [EL students'] school career, which has, as its primary objective, the development of literacy in English . . . [is permissible] even if the result of such a program is an interim sacrifice of learning in other areas during this period" provided "remedial action is taken to overcome the academic deficits" incurred during participation in this curriculum in ways that enable the "students' equal participation in the regular instructional program.").

[52] *See id.* at 1011-14 (recognizing that school districts may choose to "focus [] first on the development of English language skills and then later provid[e]. . . students with compensatory and supplemental education to remedy deficiencies in other areas which they may develop during this period" "so long as the schools design programs which are reasonably calculated to enable these students to attain parity of participation in the standard instructional program within a reasonable length of time after they enter the school system.").

[53] *See supra* notes 9, 12, 14 & 15; *see also* 20 U.S.C. § 6841 (Title III requires LEAs to provide SEAs with an evaluation including, among other things, the number and percentage of children in programs and activities attaining English proficiency at the end of each school year; and SEAs to use the LEA's evaluation to determine the effectiveness of and improve the LEA's programs and activities).

[54] *See Castañeda*, 648 F.2d at 1011 (requiring that districts "design programs which are reasonably calculated to enable [EL] students to attain parity of participation of the standard instructional program within a reasonable length of time after they enter the school system").

ensure that there are no structural barriers within the design of its academic program that would prevent EL students who enter high school with beginner-level English proficiency from graduating on time with the prerequisites to enter college.

To meet their obligation to design and implement EL programs that enable EL students to attain English proficiency and equal participation in the standard instructional program, school districts must use appropriate and reliable evaluation and testing methods that have been validated to measure EL students' English language proficiency and knowledge of the core curriculum. Only by measuring the progress of EL students in the core curriculum during the EL program can districts ensure that students are not incurring "irreparable academic deficits."[55] If EL students are receiving instruction in a core content subject in their primary language, the school's assessments of their knowledge of that content area must include testing in the primary language.[56]

- Example 9: A district has a Structured English Immersion (SEI) program, in which 20 percent of its EL students receive only part of their grade K-3 social studies and science curricula in their intensive ESL courses while the other 80 percent of EL students received their full grade-level science and social studies curricula in sheltered classes with non-EL students. The district finds that the 20 percent are not performing as well as the 80 percent on the third-grade assessments in social studies and science or on the annual ELP test. In light of this data, the district provides intensive, supplemental instruction in science and social studies during the school day to the lower-performing 20 percent of EL students when they start fourth grade. To further address their academic deficits, their period of designated ESL incorporates grade-level science and social studies texts in ESL exercises focused on the reading and writing domains. The district also adjusts its SEI program so that when EL students in grades K-3 reach an intermediate level of English proficiency, they transition out of the second period of ESL incorporating only some science and social studies into the sheltered classes of the full science and social studies curricula with non-EL students.

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[55] *Id.* at 1014.

[56] *Id.* (holding that it was not appropriate to test EL students in a bilingual program with only English language achievement tests and that "[t]he progress of . . . students in these other areas . . . must be measured by means of a standardized test in their own language because no other device is adequate to determine their progress vis-à-vis that of their English speaking counterparts"). SEAs must provide reasonable accommodations on assessments administered to EL students, including, to the extent practicable, providing assessments in the language most likely to yield accurate data on what such students know and can do in academic content areas. 20 U.S.C. § 6311(b)(3)(C)(ix)(III). SEAs also must make every effort to develop academic assessments in languages other than English that are needed and are not already available, *id.* § 6311(b)(6), and SEAs may not unduly postpone assessing EL students in reading/language arts in English, *id.* § 6311(b)(3)(C)(x).

In their investigations, the Departments consider, among other things, whether:

- ✓ *SEAs and districts design and implement EL programs that are reasonably calculated to enable EL students to attain both English proficiency and parity of participation in the standard instructional program within a reasonable period of time;*
- ✓ *SEAs and districts provide EL programs that ensure EL students' access to their grade-level curricula so that they can meet promotion and graduation requirements;*
- ✓ *SEAs and districts provide EL students equal opportunities to meaningfully participate in specialized programs – whether curricular, co-curricular, or extracurricular; and*
- ✓ *A school district's secondary program establishes a pathway for EL students to graduate high school on time and EL students have equal access to high-level programs and instruction to prepare them for college and career.*

2. Specialized and Advanced Courses and Programs

School districts may not categorically exclude EL students from gifted and talented education (GATE) or other specialized programs such as Advanced Placement (AP), honors, or International Baccalaureate (IB) courses. Unless a particular GATE program or advanced course is demonstrated to require proficiency in English for meaningful participation, schools must ensure that evaluation and testing procedures for GATE or other specialized programs do not screen out EL students because of their limited English proficiency.[57] If a school district believes that there is an educational justification for requiring proficiency in English in a particular GATE or other advanced program, the Departments consider a school district's proffered rationale to assess whether it constitutes a substantial educational justification and, if so, to determine whether a school could use comparably effective alternative policies or practices that would have less of an adverse impact on EL students.[58]

- Example 10: An EL student demonstrates advanced math skills in the classroom but does not perform well on English language diagnostic tests. The student's math teacher recommends the student for the gifted math program. The school uses a different testing method, such as a non-verbal assessment or a math-only test with EL testing accommodations, to give the student an opportunity to demonstrate his or her readiness for entrance into the gifted math program.
- Example 11: A school requires at least a B+ math average and an overall B average to enroll in AP Calculus. The school learns that some interested EL students cannot take AP Calculus because they lack an overall B average due to their limited English proficiency. So that more EL students can take this course, the school drops the overall B

[57] *1991 OCR Guidance*; 34 C.F.R. § 100.3(b)(1), (2).
[58] *Id.*

average requirement for all students because it is not necessary to meaningful participation in AP Calculus.

Some examples of when the Departments have identified compliance issues in this area include when schools: (1) schedule EL language acquisition services during times when GATE programs meet; (2) exclude EL students from all components of a GATE program, even though proficiency in English is not necessary for a meaningful participation in a math, science, or technology component of the GATE program; (3) use arbitrarily high admissions criteria in English for a GATE math program that causes the exclusion of EL students who could meet the math requirement but not the arbitrarily high English requirement; or (4) solicit teacher recommendations of students for gifted programs from all teachers except teachers of EL program classes.

In their investigations, the Departments consider, among other things, whether:

- ✓ *SEAs' or school districts' gifted evaluation and testing procedures screen out EL students because of their limited English proficiency when participation in particular gifted programs does not require proficiency in English; and*
- ✓ *SEAs and school districts monitor the extent to which EL and former EL students are referred for and participate in gifted and talented education programs, as well as honors and Advanced Placement courses, as compared to their never-EL peers.*

E. Avoiding Unnecessary Segregation of EL Students

EL programs may not unjustifiably segregate students on the basis of national origin or EL status. While EL programs may require that EL students receive separate instruction for a limited period of time, the Departments expect school districts and SEAs to carry out their chosen program in the least segregative manner consistent with achieving the program's stated educational goals.[59] Although there may be program-related educational justifications for providing a degree of separate academic instruction to EL students, the Departments would rarely find a program-related justification for instructing EL and non-EL students separately in subjects like physical education, art, and music or for separating students during activity periods outside of classroom instruction (*i.e.*, during lunch, recess, assemblies, and extracurricular activities).

In determining whether an SEA or school district is unnecessarily segregating EL students, the Departments examine whether the nature and degree of segregation is necessary to achieve the goals of an educationally sound and effective EL program. As discussed more thoroughly in Part II. H below, school districts should not retain EL students in EL programs for periods longer or

[59] *See 1991 OCR Guidance; Castañeda*, 648 F.2d at 998 n.4 ("We assume that the segregation resulting from a language remediation program would be minimized to the greatest extent possible and that the programs would have as a goal the integration of the Spanish-speaking student into the English language classroom as soon as possible.").

shorter than necessary to achieve the program's educational goals; nor should districts retain EL students in EL-only classes for periods longer or shorter than required by each student's level of English proficiency, time and progress in the EL program, and the stated goals of the EL program.

- Example 12: The goals of a Spanish transitional bilingual education program are to teach EL students English and grade-level content in Spanish so that they do not fall behind academically as they transition to literacy in English and more content classes in English over time. This program may segregate beginner-level EL students for their ESL instruction and their content classes that are taught in Spanish. As the EL students acquire higher levels of English proficiency, the program should transition them from EL-only content classes in Spanish to integrated content classes in English with continuing primary language or other support needed to access the content.

In evaluating whether the degree of segregation is necessary in EL programs, the Departments consider whether entry and exit into a segregated EL program model are voluntary, whether the program is reasonably designed to provide EL students comparable access to the standard curriculum as never-EL students within a reasonable length of time, whether EL students in the program have the same range and level of extracurricular activities and additional services as do students in other environments, and whether the district at least annually assesses the English proficiency and appropriate level of language assistance services for its EL students and determines their eligibility to exit from the EL program based on valid and reliable exit criteria.

Some districts use newcomer programs as a bridge to general education classrooms. Districts operating newcomer programs or schools should take particular care to avoid unnecessary segregation. For example, it is unlikely the Departments would find a violation in the area of EL student segregation by a school district that offers a voluntary newcomer EL program with self-contained EL programs for a limited duration (generally for one year) so long as it schedules the newcomer EL students' nonacademic subjects, lunchtime, and recess with non-EL students; encourages newcomer EL students to participate in integrated after-school activities; and evaluates their English proficiency regularly to allow appropriate transitions out of the newcomer EL program throughout the academic year.

Some examples of when the Departments have found compliance issues involving segregation include when school districts: (1) fail to give segregated EL students access to their grade-level curriculum, special education, or extracurricular activities; (2) segregate EL students for both academic and non-academic subjects, such as recess, physical education, art, and music; (3) maintain students in a language assistance program longer than necessary to achieve the district's goals for the program; and (4) place EL students in more segregated newcomer programs due to perceived behavior problems or perceived special needs.

In their investigations, the Departments consider, among other things, whether:

- ✓ *SEAs and school districts educate EL students in the least segregative manner consistent with the goals of the educationally sound and effective program selected by the SEA or the district; and*
- ✓ *SEAs' monitoring of school districts' EL programs assesses whether the programs unnecessarily segregate EL students and, if so, rectifies this noncompliance.*

F. Evaluating EL Students for Special Education Services and Providing Special Education and English Language Services

The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) address the rights of students with disabilities in the education context.[60] The Department of Education's Office of Special Education Programs, a component of ED's Office of Special Education and Rehabilitative Services, administers the IDEA. OCR and DOJ share authority for enforcing Section 504 in the educational context, and DOJ coordinates enforcement of Section 504 across Federal agencies.[61]

SEAs and school districts must ensure that all EL students who may have a disability, like all other students who may have a disability and need services under IDEA or Section 504, are located, identified, and evaluated for special education and disability-related services in a timely manner. When conducting such evaluations, school districts must consider the English language proficiency of EL students in determining the appropriate assessments and other evaluation materials to be used. School districts must not identify or determine that EL students are students with disabilities because of their limited English language proficiency.

School districts must provide EL students with disabilities with both the language assistance and disability-related services[62] to which they are entitled under Federal law. Districts must also

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[60] 20 U.S.C. §§ 1400-1419; 34 C.F.R. pt. 300 (IDEA, Part B and its implementing regulations); 29 U.S.C. § 794 and 34 C.F.R. pt. 104 (Section 504 and its implementing regulations).

[61] Any Federal agency, such as the Department of Education or Justice, that provides Federal funds to an SEA or school district may initiate a compliance review to ensure compliance with, or investigate a complaint alleging a violation of, Section 504 and its implementing regulations. DOJ may also initiate a Section 504 or IDEA suit if, after notice of a violation from the Federal funding agency, a recipient of Federal funds fails to resolve noncompliance with Section 504 or IDEA voluntarily and the agency refers the case to DOJ. Furthermore, DOJ can participate in private litigation involving Section 504 or IDEA.

[62] The term "disability-related services" is intended to encompass either special education and related services provided to children with disabilities who are eligible for services under the IDEA or regular or special education and related aids and services provided to qualified students with disabilities under Section 504.

inform a parent of an EL student with an individualized education program (IEP) how the language instruction education program meets the objectives of the child's IEP.[63]

The Departments are aware that some school districts have a formal or informal policy of "no dual services," *i.e.*, a policy of allowing students to receive either EL services or special education services, but not both. Other districts have a policy of delaying disability evaluations of EL students for special education and related services for a specified period of time based on their EL status.[64] These policies are impermissible under the IDEA and Federal civil rights laws, and the Departments expect SEAs to address these policies in monitoring districts' compliance with Federal law. Further, even if a parent of an EL student with a disability declines disability-related services under the IDEA or Section 504, that student with a disability remains entitled to all EL rights and services as described in this guidance.[65]

1. Individuals with Disabilities Education Act (IDEA)

The IDEA requires SEAs and school districts to, among other things, make available a free appropriate public education (FAPE) to all eligible children with disabilities.[66] Under the IDEA, FAPE means, among other things, special education and related services at no cost to parents provided in conformity with the student's IEP.[67]

Under the IDEA, school districts must also identify, locate, and evaluate all children who may have disabilities and who need special education and related services, regardless of the severity of their disabilities.[68] A parent or a school district may initiate a request for an initial evaluation

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[63] 20 U.S.C. §§ 6312(g)(1)(A)(vii) (Title I), 7012(a)(7) (Title III). If the parent is LEP, this information must be in a language the parent understands. *See* discussion *infra* in Part II. J, "Ensuring Meaningful Communication with Limited English Proficient Parents."

[64] The court in *Mumid v. Abraham Lincoln High School*, 618 F.3d 789 (8th Cir. 2010), *cert. denied*, 131 S. Ct. 1478 (2011), rejected a private claim that such a policy was intentional national origin discrimination in violation of Title VI. The EEOA does not require proof of intentional national origin discrimination to establish a violation of section 1703(f), *see Castañeda*, 648 F.2d at 1004, and the court in *Mumid* assumed that such a policy would violate the EEOA, but did not reach the merits of that claim for other reasons. *Mumid*, 618 F.3d at 795-96. The court's discussion of Title VI was limited to a private right of action and did not discuss the Federal government's enforcement of Title VI or the other statutes discussed in this section.

[65] For more information regarding EL students with disabilities and Title III, *see* the Department of Education's Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives, *available at* http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/q-and-a-on-elp-swd.pdf. Among other matters, this guidance addresses requirements for including EL students with disabilities in the annual ELP assessment, including providing appropriate accommodations or alternate assessments when necessary.

[66] 20 U.S.C. §§ 1412(a)(1),1413(a)(1); 34 C.F.R. §§ 300.101-300.102, 300.201.

[67] 20 U.S.C. § 1401(9); 34 C.F.R. § 300.17.

[68] 20 U.S.C. §§ 1412(a)(3), 1413(a)(1); 34 C.F.R. §§ 300.111, 300.201. Under the IDEA, a child with a disability means a child evaluated as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in IDEA as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special

to determine if a child is a child with a disability under the IDEA.[69] A school district must ensure that assessments and other evaluation materials used to evaluate a child with a disability are "provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer."[70] This is true even for those EL students whose parents have opted their children out of EL programs.[71] A student cannot be determined to be a child with a disability if the "determinant factor" is limited English proficiency and if the student does not otherwise meet the definition of a "child with a disability" under the IDEA.[72]

- Example 13: A teacher thinks that a Spanish-speaking EL student with beginner level English has a learning disability. She would like to have the student evaluated for a disability, but believes that the student must complete one year in the EL program or achieve intermediate proficiency in English before being evaluated for a disability or receiving special education and related services. She is incorrect. The principal explains to her that if she believes the student has a disability, the school district must seek parental consent for an initial evaluation and once consent is granted must evaluate the student in a timely manner. After the parents consent, the district arranges for a bilingual psychologist to conduct the evaluation in Spanish, given the EL student's ELP level and language background.

Once a school district determines that an EL student is a child with a disability under the IDEA and needs special education and related services, the school district is responsible for determining, through the development of an IEP at a meeting of the IEP Team (which includes the child's parents and school officials), the special education and related services necessary to make FAPE available to the child.[73] As part of this process, the IDEA requires that the IEP team consider, among other special factors, the language needs of a child with limited English

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education and related services. 20 U.S.C. § 1401(3); 34 C.F.R. § 300.8. *See infra* note 77 for the definition of an individual with a disability under Section 504.

[69] 34 C.F.R. § 300.301(b). Once parental consent, as defined in 34 C.F.R. § 300.9, is obtained, the evaluation must be conducted within 60 days from the date that parental consent is received, or if the SEA has established a timeframe within which the evaluation must be conducted, within the State-established timeframe. 34 C.F.R. § 300.301(c)(1); *see also* 34 C.F.R. §§ 300.300-300.311.

[70] 34 C.F.R. § 300.304(c)(1)(ii); 20 U.S.C. § 1414(b)(3)(A)(ii). For the purposes of this document, native language and primary language are interchangeable terms. In determining whether an EL student is a child with a disability under the IDEA, the school district must draw upon information from a variety of sources (*e.g.*, aptitude and achievement tests and social and cultural background), and ensure that all of this information is documented and carefully considered. 34 C.F.R. § 300.306(c)(1).

[71] *See* discussion *infra* in Part II. G, "Meeting the Needs of EL Students Who Opt Out of EL Programs or Particular EL Services."

[72] 20 U.S.C. § 1414(b)(5); 34 C.F.R. § 300.306(b)(1)(iii)-(b)(2).

[73] 20 U.S.C. § 1414(b)(4); 34 C.F.R. §§ 300.306(c)(2) and 300.323(c). For more information about IEPs, see 20 U.S.C. § 1414(d) and 34 C.F.R. §§ 300.320-300.324.

proficiency as those needs relate to the child's IEP.[74] To implement this requirement, it is essential that the IEP team include participants who have the requisite knowledge of the child's language needs. To ensure that EL children with disabilities receive services that meet their language and special education needs, it is important for members of the IEP team to include professionals with training, and preferably expertise, in second language acquisition and an understanding of how to differentiate between the student's limited English proficiency and the student's disability.[75] Additionally, the IDEA requires that the school district "take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English."[76]

2. Section 504 of the Rehabilitation Act (Section 504)

Section 504 is a Federal law that prohibits disability discrimination by recipients of Federal financial assistance. Section 504 covers not only students with disabilities who have been found to be eligible for services under the IDEA but also students with disabilities who are not IDEA-eligible, but meet Section 504's broader definition of disability.[77] As is true under the IDEA, Section 504 requires school districts to provide FAPE to qualified students with disabilities in a school district's jurisdiction, regardless of the nature or severity of the student's disability.[78] Under Section 504, depending on the individual needs of the student, FAPE can include special education and related aids and services or can consist of regular education with related aids and

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[74] 20 U.S.C. § 1414(d)(3)(B)(ii); 34 C.F.R. § 300.324(a)(2)(ii). IEP Teams also must consider this special factor in the review and revision of IEPs. 34 C.F.R. § 300.324(b)(2).

[75] The Departments are aware that some States are using joint EL and IEP teams effectively to determine appropriate services for eligible students.

[76] 34 C.F.R. § 300.322(e); *see also id.* §§ 300.9, 300.503(c)(1)(ii), 300.612(a)(1). Under Title VI and the EEOA, for an LEP parent to have meaningful access to an IEP or Section 504 plan meeting, it also may be necessary to have the IEPs, Section 504 plans, or related documents translated into the parent's primary language. For information on the separate Title VI obligations of school districts to communicate with LEP parents, *see infra* Part II. J, "Ensuring Meaningful Communication with Limited English Proficient Parents."

[77] A person with a disability under Section 504 is an individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment. 29 U.S.C. § 705(9)(B), (20)(B) (as amended by the Americans with Disabilities Act Amendments Act of 2008); 34 C.F.R. § 104.3(j). For additional information on the broadened meaning of disability after the effective date of the 2008 Amendments Act, see OCR's 2012 Dear Colleague Letter and Frequently Asked Questions document, *available at* www.ed.gov/ocr/letters/colleague-201109.html, and www.ed.gov/ocr/docs/dcl-504faq-201109.html. With respect to public elementary and secondary educational services, a student with a disability is "qualified" under Section 504 if he or she is of an age during which students without disabilities are provided such services; of any age during which is it mandatory under State law to provide such services to students without disabilities; or is a person to whom a State is required to provide FAPE under IDEA. 34 C.F.R. § 104.3(*l*)(2).

[78] 34 C.F.R. §§ 104.33-104.36. OCR shares responsibility with DOJ in the enforcement of Title II of the Americans with Disabilities Act of 1990, which is a Federal law prohibiting disability discrimination in the services, programs, and activities of State and local governments (including public school districts), regardless of whether they receive Federal financial assistance. 42 U.S.C. § 12132. Violations of Section 504 that result from school districts' failure to meet the obligations identified in this guidance also constitute violations of Title II. 42 U.S.C. § 12201(a). Covered entities also must comply with Title II requirements.

services that are designed to meet the individual educational needs of the student as adequately as the needs of nondisabled students are met. While Section 504 and the IDEA are separate statutes that contain different requirements, as reflected in ED's regulations, one way to meet the requirements of Section 504 FAPE is to implement an IEP developed in accordance with the IDEA.[79]

As with evaluations under the IDEA, Section 504 evaluations of EL students must measure whether an EL student has a disability and not reflect the student's lack of proficiency in English. When administering written or oral evaluations to determine whether an EL student has a disability under Section 504, school districts must administer those evaluations in an appropriate language to avoid misclassification.[80] This is true even for those EL students whose parents have opted their children out of EL programs.[81] Prior to evaluating an EL student, school districts should, to the extent practicable, gather appropriate information about a student's previous educational background, including any previous language-based interventions.[82]

- Example 14: An EL student whose parents declined her school's EL services appears to be falling behind at school. The school decides to conduct an evaluation to determine if she has a disability under Section 504 and needs disability-related services, and obtains consent from the student's parents. Although the parents have opted out of the school's EL program, the principal nonetheless ensures that the student's language needs are considered during the evaluation process, including whether the evaluations should be conducted in the student's native language and whether they should be administered orally or in writing to help ensure that the evaluation determines whether the student has a disability rather than that the student has limited English proficiency.

- Example 15: An EL high school student recently transferred into his current school district and appears to be struggling in all of his classes. After consulting with his teachers and obtaining consent from his parents, the school district decides that it will evaluate the student to determine if he has a disability under Section 504 and needs special education or related aids and services. Prior to initiating the evaluation, the school district asks the student and his parents about the schools he attended before arriving in the school district and about his experience in those schools. The school district also obtains and reviews records from these previous schools and learns that the student's ELP was previously assessed, that he was determined to be a native Spanish

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[79] 34 C.F.R. § 104.33(b)(2).

[80] *Cf.* 20 U.S.C. § 1414(b)(3)(A)(ii); 34 C.F.R. § 300.304(c)(1)(ii); *see also* 34 C.F.R. pt. 104, App. A at number 25, discussion of § 104.35 (recognizing that Title VI requires evaluations in the primary language of the student).

[81] *See* discussion *infra* in Part II. G, "Meeting the Needs of EL Students Who Opt Out of EL Programs or Particular EL Services."

[82] In conducting the evaluation and making placement decisions, school districts must draw upon information from a variety of sources (*e.g.*, aptitude and achievement tests and social and cultural background). 34 C.F.R. § 104.35(c) (school district "shall . . . draw upon information from a variety of sources").

speaker, and that he was provided EL services, but was not evaluated to determine if he needed special education or related aids and services. The school district determines that its disability evaluation of this student should be provided in Spanish.

Some examples of when the Departments have identified compliance issues regarding EL students with disabilities eligible for services under Section 504 or the IDEA include when school districts: (1) deny English language services to EL students with disabilities; (2) evaluate EL students for special education services only in English when the native and dominant language of the EL student is other than English; (3) fail to include staff qualified in EL instruction and second language acquisition in placement decisions under the IDEA and Section 504; or (4) fail to provide interpreters to LEP parents at IEP meetings to ensure that LEP parents understand the proceedings.

When the Departments conduct investigations, compliance reviews, or monitoring activities to determine if an SEA or school district has met its obligations under the civil rights laws and to provide FAPE to an EL student with a disability, the Departments consider, among other things, whether:

- ✓ *The evaluations used to determine whether an EL student has a disability were conducted in the appropriate language based on the student's needs and language skills, and whether the special education and EL services were determined in light of both the student's disability and language-related needs;*
- ✓ *The disability determination of an EL student was based on criteria that measure and evaluate the student's abilities and not the student's English language skills;*
- ✓ *The EL student was promptly evaluated for disability-related services, or whether there was an impermissible delay on account of his or her EL status and/or level of English proficiency;*
- ✓ *Language assistance services and disability-related services are provided simultaneously to an EL student who has been evaluated and determined to be eligible for both types of services; and*
- ✓ *The individualized plans for providing special education or disability-related services address EL students' language-related needs.*

G. Meeting the Needs of EL Students Who Opt Out of EL Programs or Particular EL Services

Although school districts have an obligation to serve all EL students, parents have a right to decline or opt their children out of a school district's EL program or out of particular EL services

within an EL program.[83] For example, parents may choose to enroll their child in ESL classes, but decline to enroll their child in EL-only bilingual content classes. School districts may not recommend that parents decline all or some services within an EL program for any reason, including facilitating scheduling of special education services or other scheduling reasons. A parent's decision to opt out of an EL program or particular EL services must be knowing and voluntary.[84] Thus, school districts must provide guidance in a language parents can understand to ensure that parents understand their child's rights, the range of EL services that their child could receive, and the benefits of such services before voluntarily waiving them.[85]

During an investigation, the Departments consider whether a parent's decision to opt out of an EL program or particular EL services was knowing and voluntary. If a school district asserts that a parent has decided to opt out their child, the Departments will examine the school district's records, including any documentation of the parent's opt-out decision and whether the parent signed such documentation. Appropriate documentation is important to support school districts' assertions and for the Departments to evaluate school districts' legal compliance.

The Departments' past investigations have found high numbers of EL students whose parents have opted them out of EL programs or particular services within an EL program due to problematic district practices such as school personnel steering families away from EL programs, or providing incorrect or inadequate information to parents about the EL program, particular services within the program, or their child's EL status. The Departments have also found noncompliance where school personnel have recommended that families decline EL programs due to insufficient space in such programs or because school districts served only EL students with a basic or emerging level of English. Parents have also been found to have opted their children out of EL programs because the school district did not adequately address parental concerns expressed about the quality of the EL program, their lack of confidence in the EL program offered because the school district was not able to demonstrate the effectiveness of its program, or their belief that their child did not need EL services.

If parents opt their children out of an EL program or specific EL services, the children retain their status as EL students, and the school district remains obligated to take the "affirmative

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[83] *Cf.* 34 C.F.R. § 100.3(b)(1), (2); *see also* 20 U.S.C. §§ 6312(g)(1)(A)(viii) (Title I), 7012(a)(8) (Title III).

[84] Although not directly related to EL services, courts have found in other areas that a waiver must be informed and/or knowing as well as voluntary. *See, e.g.*, *Town of Newton v. Rumery*, 480 U.S. 386, 393 (1987) (any waiver of statutory right of action must "be the product of an informed and voluntary decision"); *Alexander v. Gardner-Denver Co.*, 415 U.S. 36, 52 n.15 (1974) (waiver must be "voluntary and knowing").

[85] Parental notification of these rights must "be in an understandable and uniform format and, to the extent practicable, provided in a language that the parent can understand." 20 U.S.C. §§ 6312(g)(2) (Title I), 7012(c) (Title III). This means that whenever practicable, written translations of printed information must be provided to parents in a language that they understand; but if written translations are not practicable, SEAs and school districts must ensure parents are provided oral interpretations of the written information. *See* 67 Fed. Reg. 71,710, 71,750 (2002). This obligation is consistent with Title VI and EEOA obligations of school districts to ensure meaningful communication with LEP parents, discussed in Part II. J "Ensuring Meaningful Communication with Limited English Proficient Parents."

steps" required by Title VI and the "appropriate action" required by the EEOA to provide these EL students access to its educational programs. Thus, the Departments expect school districts to meet the English-language and other academic needs of their opt-out EL students under the civil rights laws.[86] To ensure these needs of opt-out EL students are being met, school districts must periodically monitor the progress of students who have opted out of EL programs or certain EL services.[87] If an EL student who opted out of the school district's EL programs or services does not demonstrate appropriate growth in English proficiency, or struggles in one or more subjects due to language barriers, the school district's affirmative steps include informing the EL student's parents of his or her lack of progress and offering the parents further opportunities to enroll the student in the EL program or at least certain EL services at any time.

- Example 16: A student is tested and determined to be an EL student. The parent initially refuses EL program services because the parent believes her child speaks fluent English. After the first quarter, the student's teacher contacts the parent to discuss that the EL student is struggling with reading and writing assignments despite her strong English-speaking skills. The teacher offers a period of ELD and sheltered content classes, explaining how both can improve the student's proficiency in reading and writing. The parent accepts the ELD services and agrees to reevaluate the placement at the end of the school year.

If the school district's monitoring of the opt-out EL student shows the student is struggling but the parent continues to decline the EL program or services, the school district should take affirmative and appropriate steps to meet its civil rights obligations. School districts may accomplish this in a variety of ways. One such way would be providing adequate training to the opt-out EL student's general education teachers on second-language acquisition and ELD to ensure the student's access to some language acquisition supports.

- Example 17: At the beginning of the school year a kindergarten student is tested and determined to be EL. The parent declined Title III and English language services that were offered in segregated classes attended by EL students only. Although the student's parents opted the child out of EL-specific services, the school recognizes that the student continues to struggle in English. The school responds by training the kindergarten teacher to use ELD strategies in the EL student's regular, integrated classroom.

Further, opt-out EL students must have their English language proficiency assessed at least annually to gauge their progress in attaining English proficiency and to determine if they are still in need of and legally entitled to EL services. There is no assessment exemption for students

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[86] School districts also retain their EL obligations to a student even if parents opt their child out of IDEA or Section 504 services.

[87] *See 1991 OCR Guidance*; 20 U.S.C. § 1703(f) (requiring SEAs and LEAs to take appropriate action to overcome individual students' language barriers that impede their equal participation in the agencies' instructional programs).

who do not receive EL services.[88] Once opt-out EL students meet valid and reliable criteria for exiting from EL status, the district should monitor their progress for at least two years, as it does with other exited EL students (see Part II. H immediately below).

In their investigations, the Departments consider, among other things, whether:

- ✓ *School districts encourage parents or students to accept the EL services offered and respond appropriately when parents decline any or all EL services;*
- ✓ *School districts maintain appropriate documentation demonstrating that a parent made a voluntary, informed decision to decline EL services; and*
- ✓ *SEAs and school districts explore the causes of high opt-out rates for EL services, address any underlying cause(s) of opting out, and ensure that the academic and English language proficiency needs of the EL students who have opted out are being met.*

H. Monitoring and Exiting EL Students from EL Programs and Services

School districts must monitor the progress of all of their EL students in achieving English language proficiency and acquiring content knowledge. Monitoring ensures that EL students are making appropriate progress with respect to acquiring English and content knowledge while in the EL program or, in the case of opted-out EL students, in the regular educational setting.

With respect to monitoring EL students' acquisition of content knowledge, school districts must at a minimum validly, reliably, and annually measure EL students' performance in academic content areas, including through tests in a language other than English where appropriate as stated in Part II.D above.[89] School districts should also establish rigorous monitoring systems that include benchmarks for expected growth in acquiring academic content knowledge during the academic year and take appropriate steps to assist students who are not adequately progressing towards those goals. SEAs also have a role to play in ensuring EL students acquire content knowledge by monitoring whether school districts are providing EL students with meaningful access to grade-appropriate core content instruction and remedying any content deficits in a timely manner.[90]

With respect to monitoring EL students' acquisition of English proficiency, SEAs must develop ELP standards to inform EL programs, services, and assessments that are derived from the four domains of speaking, listening, reading, and writing, and that are aligned to the State's content

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[88] All students who meet the definition of LEP under the ESEA, *see* 20 U.S.C. § 7801(25), must be tested annually with a State-approved ELP assessment. *Id.* §§ 6311(b)(7) (Title I), 6823(b)(3)(D) (Title III), 6826(b)(3)(C) (Title III).

[89] *Castañeda*, 648 F.2d at 1014 ("Valid testing of student's progress in these areas is, we believe, essential to measure the adequacy of a language remediation program" and requiring that a district's assessments of the progress of LEP students in a subject taught in their primary language must include testing in the primary language).

[90] *Id.* at 1011; *see also Gomez*, 811 F.2d at 1042; *Idaho Migrant Council*, 647 F.2d at 71; *supra* notes 9, 14 & 15.

standards.[91] SEAs must also ensure that school districts implement these ELP standards. In addition, SEAs and school districts must ensure the annual ELP assessment of all EL students in these domains and monitor their progress from year to year.[92] Because Title III requires that the annual ELP assessment be valid and reliable, the ELP assessment must be aligned to the SEA's ELP standards.[93] Thus, in monitoring EL students' acquisition of English, their performance on the annual ELP assessment and their progress with respect to the ELP standards during the school year should inform their instruction.

- Example 18: Some school districts choose to create forms for their ESL and content teachers to use to monitor EL students each quarter. These forms include the students' grades in each subject, scores on district and State assessments and standardized tests, and the teachers' comments on an EL student's strengths and weaknesses in each of the four language domains and each academic subject. When the monitoring form of an intermediate EL student reflects difficulties in social studies and writing papers, an ESL teacher suggests sheltering strategies and writing rubrics to the social studies teacher to assist the EL student.

With respect to exiting EL students from EL programs, services, and status, a valid and reliable ELP assessment of all four language domains must be used to ensure that all K-12 EL students have achieved English proficiency.[94] To demonstrate proficiency on the ELP assessment, EL students must have either separate proficient scores in each language domain (*i.e.*, a conjunctive score) or a composite score of "proficient" derived from scores in all four language domains. Whether a conjunctive or composite "proficient" score is used, the score must meet two criteria. The ELP assessment must meaningfully measure student proficiency in each of the language domains, and, overall, be a valid and reliable measure of student progress and proficiency in English. A composite "proficient" score must be a valid and reliable measure that demonstrates sufficient student performance in all required domains to consider an EL student to have attained proficiency in English. The "proficient" score, whether conjunctive or composite, must be set at a level that enables students to effectively participate in grade-level content instruction in English without EL services. Evidence demonstrating each of the foregoing requirements should be available if the Departments request it.

While SEAs may include additional objective criteria related to English proficiency to decide if an EL student who scores proficient on the ELP assessment is ready for exit or requires additional language assistance services, these additional criteria may not serve as a substitute for a proficient conjunctive or composite score on a valid and reliable ELP assessment.

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[91] 20 U.S.C. § 6823(b)(2).

[92] 20 U.S.C. §§ 6311(b)(7) (Title I), 6823(b)(3)(C), (D) (Title III).

[93] 20 U.S.C. §§ 6841(a)(3), 6842(a)(3).

[94] *See* 2008 Title III NOI at 61832-61833 (explaining the requirements of an ELP assessment in all four domains and how "proficiency" may be demonstrated using a composite or a conjunctive score); *see also supra* note 33.

After students have exited an EL program, school districts must monitor the academic progress of former EL students for at least two years to ensure that: the students have not been prematurely exited; any academic deficits they incurred as a result of participation in the EL program have been remedied; and they are meaningfully participating in the standard instructional program comparable to their never-EL peers.[95] When a school district's monitoring of an exited EL student indicates that a persistent language barrier may be the cause of academic difficulty because general education and remediation services have proven inadequate, school districts should re-test the student with a valid and reliable, grade-appropriate ELP test to determine if there is a persistent language barrier and must offer additional language assistance services where needed to meet its civil rights obligations. In no case should re-testing of an exited student's ELP be prohibited. If the results of the re-testing qualify the student as EL, the school district must reenter the student into EL status and offer EL services. If the student is reentered into EL services, school districts should document the bases for the reentry and the parents' consent to such reentry.

- Example 19: School districts throughout the State found that a longitudinal cohort analysis shows that EL students who completed and exited the EL program are not able to meaningfully participate in regular education classes comparable to their never-EL peers. The State revises its criteria for exiting EL students from EL programs to ensure that the criteria are valid and reliable and require proficiency in the four domains. The district then provides teachers and staff with training on revised exit criteria and procedures. The district takes additional steps to improve the EL program's services.

Some examples of when the Departments have identified compliance issues regarding the exiting of EL students include when school districts: (1) exit intermediate and advanced EL students from EL programs and services based on insufficient numbers of teachers who are qualified to deliver the EL program; (2) prematurely exit students before they are proficient in English, especially in the specific language domains of reading and writing; (3) fail to monitor the progress of former EL students; or (4) fail to exit EL students from EL programs after EL students demonstrate (or could have demonstrated if assessed) proficiency in English.

In their investigations, the Departments consider, among other things, whether:

- ✓ *School districts monitor the progress of all of their EL students, including opt outs, in achieving English language proficiency and acquiring content knowledge;*
- ✓ *SEAs monitor whether school districts' programs enable EL students to acquire English, content knowledge, and parity of participation in the standard instructional program;*

[95] Title III requires that school districts monitor for two years the progress made by exited ELs on content and achievement standards. 20 U.S.C. § 6841(a)(4). Exiting these students from EL status is not the same concept as the treatment of "former" EL students under Title I for accountability purposes. States are permitted to include the scores of former EL students on State content assessments in the LEP subgroup for up to two accountability determination cycles. 34 C.F.R. § 200.20(f)(2).

- ✓ *SEAs develop and ensure that school districts implement objective ELP standards that define EL status and inform EL programs, services, and assessments;*
- ✓ *School districts monitor EL student progress to establish benchmarks for expected growth and to assist students who are not adequately progressing towards those goals;*
- ✓ *SEAs and school districts do not exit students from EL programs, services, and status until EL students demonstrate English proficiency on a valid and reliable ELP assessment; and*
- ✓ *School districts monitor, for at least two years, the academic progress of students who have exited an EL program to ensure that the students have not been prematurely exited, any academic deficits they incurred resulting from the EL program have been remedied, and they are meaningfully participating in the district's educational programs comparable to their never-EL peers.*

I. Evaluating the Effectiveness of a District's EL Program

As noted above, when evaluating a school district's or SEA's EL program(s) for compliance, the Departments consider whether the program succeeds, after a legitimate trial, in producing results that indicate that students' language barriers are actually being overcome. In other words, the Departments look at whether performance data of current EL, former EL, and never EL students demonstrates that the EL programs were in fact reasonably calculated to enable EL students to attain parity of participation in the standard instructional program within a reasonable length of time. For a school district or SEA to make such a determination, as a practical matter, a district must periodically evaluate its EL programs, and modify the programs when they do not produce these results.[96] Continuing to use an EL program with a sound educational design is not sufficient if the program, as implemented, proves ineffective.

Generally, success is measured in terms of whether the particular goals of a district's educationally sound language assistance program are being met without unnecessary segregation. As previously discussed, those goals must include enabling EL students to attain within a reasonable period of time, both (1) English proficiency and (2) meaningful participation in the standard educational program comparable to their never-EL peers.[97] The Departments will not view a program as successful unless it meets these two goals. If an EL program is not effective, the district must make appropriate programmatic changes reasonably calculated to enable EL students to reach these two goals. Some EL programs have additional goals such as exiting students within a set number of years. While the Departments review longitudinal data to determine if those goals are being met by the particular program, neither school districts nor

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[96] *Castañeda*, 648 F.2d at 1014-15; *1991 OCR Guidance*; 20 U.S.C. § 6841(b)(2) (requiring every school district receiving Title III, Part A funds to engage in a self-evaluation every two years and provide it to the SEA).

[97] An EL program may have other goals such as bicultural goals or maintaining primary language literacy.

SEAs may exit an EL student from EL status or services based on time in the program if the student has yet to achieve English proficiency.

To assess whether an EL program is succeeding in overcoming language barriers within a reasonable period of time, school districts must consider accurate data that permit a comprehensive and reliable comparison of how EL students in the EL program, EL students who exited the program, and never-EL students are performing on criteria relevant to participation in the district's educational programs over time.[98]

Meaningful EL program evaluations include longitudinal data that compare performance in the core content areas (*e.g.*, valid and reliable standardized tests in those areas), graduation, dropout, and retention data for EL students as they progress through the program, former EL students, and never-EL students.[99] When evaluating the effectiveness of an EL program, the performance of EL students in the program and former EL students who exited the program should be compared to that of never-EL students. While the data need not demonstrate that current EL students perform at a level equal to their never-EL peers,[100] a school district's data should show that EL students are meeting exit criteria and are being exited from the program within a reasonable period of time, and that former EL students are participating meaningfully in classes without EL services and are performing comparably to their never-EL peers in the standard instructional program. To assess whether the EL program sufficiently prepared EL students for more demanding academic requirements in higher grades, the Departments expect districts to evaluate these data not only at the point that students exit EL services, but also over time.[101]

- Example 20: A district conducts a longitudinal cohort analysis that examines the percentage of beginner-level EL students who complete and successfully exit EL program services within four years, five years, and at other intervals. The district also compares the performance of the exited EL students and their never-EL peers on the standardized reading, math, science, and social studies tests in grades 3, 5, 8, and 10, as well as their retention-in-grade, drop out, and graduation rates. The district considers

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[98] *See, e.g.*, *Castañeda*, 648 F.2d at 1011, 1014 (discussing student achievement scores under the third prong); *Flores*, 557 U.S. at 464 n.16 ("[An] absence of longitudinal data in the record precludes useful comparisons."); *Texas*, 601 F.3d at 371 (discussing achievement scores, drop-out rates, retention rates, and participation rates in advanced courses, and the need for longitudinal data, under prong three); *Keyes v. Denver Sch. Dist. No. 1*, 576 F. Supp. 1503, 1519 (D. Colo. 1983) (expressing concern over high drop-out rates of Hispanic students).

[99] *See Horne*, 557 U.S. at 464 n. 16 ("[An] absence of longitudinal data in the record precludes useful comparisons."); *Texas*, 601 F.3d at 371 (discussing *Castañeda*'s third prong and noting that without an analysis of "longitudinal data . . . the comparisons made, and conclusions reached in making them, are unreliable").

[100] *See Horne*, 557 U.S. at 467 ("Among other things, the Court of Appeals referred to 'the persistent achievement gaps documented in [Nogales'] AIMS test data' between ELL students and native speakers, but any such comparison must take into account other variables that may explain the gap. In any event, the EEOA requires 'appropriate action' to remove language barriers, § 1703(f), not the equalization of results between native and nonnative speakers on tests administered in English – a worthy goal, to be sure, but one that may be exceedingly difficult to achieve, especially for older EL students." (citation omitted)).

[101] *See id.* at 464 n.16 ("[An] absence of longitudinal data in the record precludes useful comparisons.").

whether it is possible to attribute earlier exits and disparate performance data of exited EL students in the content areas to a specific program design, teacher training, or differences in programming across grade levels. The district disaggregates the average rate of EL program exit and the average standardized test performance by program, school, content areas, years in EL programs, and grade to determine which EL programs and services require modification.

- Example 21: Some school districts have updated or modified their existing data systems for the purpose of collecting and analyzing complete and accurate information about EL and former EL student data relative to never-EL student data. Such data include standardized tests, district assessments, participation in special education and gifted programs, enrollment in AP classes, and graduation, drop-out, and retention-in-grade rates. For example, when a district's four-year longitudinal cohort analysis data revealed higher drop-out rates for EL students and exited EL students than never-EL students, the district revised its grade 6-12 ESL curriculum with the help of its ESL teachers and mandated more training for secondary sheltered content instructors.

In addition, as stated in sections II.D and H above, school districts must monitor EL students' progress from grade to grade so that districts know whether the EL program is causing academic content area deficits that require remediation and whether EL students are on track to graduate and have comparable opportunities to their never-EL peers to become college- and career-ready. Other important indicators of program success include whether the achievement gap between EL students and never-EL students is declining over time and the degree to which current and former EL students are represented in advanced classes, special education services, gifted and talented programs, and extracurricular activities relative to their never-EL peers.

In their investigations, the Departments consider, among other things, whether:

- ✓ *SEAs and school districts monitor and compare the academic performance of EL students in the program and those who exited the program over time, relative to that of their never-EL peers; and*
- ✓ *SEAs and school districts evaluate EL programs over time using accurate data and timely modify their programs when they are not meeting the standards discussed herein.*

J. Ensuring Meaningful Communication with Limited English Proficient Parents

Limited English Proficient (LEP) parents are parents or guardians whose primary language is other than English and who have limited English proficiency in one of the four domains of language proficiency (speaking, listening, reading, or writing). School districts and SEAs have an obligation to ensure meaningful communication with LEP parents in a language they can understand and to adequately notify LEP parents of information about any program, service, or activity of a school district or SEA that is called to the attention of non-LEP parents. At the

school and district levels, this essential information includes but is not limited to information regarding: language assistance programs, special education and related services, IEP meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in district or school activities, parent-teacher conferences, parent handbooks, gifted and talented programs, magnet and charter schools, and any other school and program choice options.[102]

School districts must develop and implement a process for determining whether parents are LEP and what their language needs are. The process should be designed to identify all LEP parents, including parents or guardians of children who are proficient in English and parents and guardians whose primary language is not common in the district. For example, a school district may use a student registration form, such as a home language survey, to inquire whether a parent or guardian requires oral and/or written communication in a language other than English. The school's initial inquiry should, of course, be translated into languages that are common in the school and surrounding community so that that the inquiry is designed to reach parents in a language they are likely to understand. For LEP parents who speak languages that are less common at a particular school, the school may use a cover page explaining in those languages how a parent may receive oral interpretation of the form and should offer interpreters to ensure parents accurately report their language communication needs on the form. Schools may also use other processes reasonably calculated to identify LEP parents, and should identify the language needs of LEP parents whenever those needs become apparent. It is important for schools to take parents at their word about their communication needs if they request language assistance and to keep in mind that parents can be LEP even if their child is proficient in English.

SEAs and school districts must provide language assistance to LEP parents effectively with appropriate, competent staff – or appropriate and competent outside resources.[103] It is not sufficient for the staff merely to be bilingual. For example, some bilingual staff and community

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[102] In addition to the general requirement under the civil rights laws described in the text, LEP parents are also entitled to translation and interpretation of particular information under Titles I and III and the IDEA, as noted *supra* in Parts II. A, F.1, and G.

[103] Some school districts have used web-based automated translation to translate documents. Utilization of such services is appropriate only if the translated document accurately conveys the meaning of the source document, including accurately translating technical vocabulary. The Departments caution against the use of web-based automated translations; translations that are inaccurate are inconsistent with the school district's obligation to communicate effectively with LEP parents. Thus, to ensure that essential information has been accurately translated and conveys the meaning of the source document, the school district would need to have a machine translation reviewed, and edited as needed, by an individual qualified to do so. Additionally, the confidentiality of documents may be lost when documents are uploaded without sufficient controls to a web-based translation service and stored in their databases. School districts using any web-based automated translation services for documents containing personally identifiable information from a student's education record must ensure that disclosure to the web-based service complies with the requirements of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g(b), and its implementing regulations at 34 C.F.R. Part 99. For more information on this issue, please review the "Protecting Student Privacy While Using Online Educational Services" guidance found at http://ptac.ed.gov/sites/default/files/Student%20Privacy%20and%20Online%20Educational%20Services%20%28February%202014%29.pdf.

volunteers may be able to communicate directly with LEP parents in a different language, but not be competent to interpret in and out of English (*e.g.*, consecutive or simultaneous interpreting), or to translate documents. School districts should ensure that interpreters and translators have knowledge in both languages of any specialized terms or concepts to be used in the communication at issue. In addition, school districts should ensure that interpreters and translators are trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality.

- Example 22: A district captures parents' language needs on a home language survey and stores these data electronically in its student information system. The district analyzes the parent language data to identify the major languages, translates essential district-level documents into the major languages, assists schools with translating essential school-level documents into the major languages and other languages, and stores these translated documents in a database that all schools can access electronically. For less common languages, the district ensures that LEP parents are timely notified of the availability of free, qualified interpreters who can explain district- and school-related information that is communicated in writing to parents. The district also canvasses the language capabilities of its staff, creates a list of staff who are trained and qualified to provide interpreter and/or translation assistance, contracts out for qualified interpreter and translation assistance in languages that are not represented on this list, and trains all schools on how to access these services.

Some examples of when the Departments have found compliance issues regarding communication with LEP parents include when school districts: (1) rely on students, siblings, friends, or untrained school staff to translate or interpret for parents; (2) fail to provide translation or an interpreter at IEP meetings, parent-teacher conferences, enrollment or career fairs, or disciplinary proceedings; (3) fail to provide information notifying LEP parents about a school's programs, services, and activities in a language the parents can understand; or (4) fail to identify LEP parents.

In their investigations, the Departments consider, among other things, whether:

- ✓ *SEAs and school districts develop and implement a process for determining whether parents are LEP, and evaluate the language needs of these LEP parents;*
- ✓ *SEAs and school districts provide language assistance to parents or guardians who indicate they require such assistance;*
- ✓ *SEAs and school districts ensure that LEP parents have adequate notice of and meaningful access to information about all school district or SEA programs, services, and activities; and*

- ✓ *SEAs and school districts provide free qualified language assistance services to LEP parents.*

Conclusion

We look forward to working with SEAs and school districts to ensure their services for EL students provide those students with a firm foundation for success in their schools and careers. We also encourage SEAs and school districts to reevaluate policies and practices related to their EL programs in light of this guidance to ensure compliance and improve access to educational benefits, services, and activities for all students. Together, through our collaborative efforts, the Departments, SEAs, and school districts can help ensure that all EL students receive equal educational opportunities and that the diversity they bring to our nation's schools is valued.

Thank you for your efforts to meet the educational needs of EL students. If you need technical assistance, please contact the OCR office serving your State or territory by visiting www.ed.gov/OCR or by calling 1-800-421-3481. Please also visit the Departments' websites to learn more about our EL-related work, available at www.ed.gov/ocr/ellresources.html and www.justice.gov/crt/about/edu/documents/classlist.php#origin.