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**Indiana
Department of Education**

Glenda Ritz, NBCT
Indiana Superintendent of Public Instruction

English Learner Guidebook

2016-2017

Indiana Department of Education
Office of English Learning & Migrant Education

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Introduction

This living document is designed as a reference for district and school personnel working with English Learners (ELs). The content of the guide represents a compilation of information, examples and resources for your use. We will be continuously updating this document to provide further clarity and information to district and school personnel working with ELs.

If you find an error, or feel this guide needs to be updated to reflect new or additional information, please email the Office of English Learning and Migrant Education at titleiii@doe.in.gov.

Glossary of Terms and Definitions

AMO	“Annual Measurable Objective” The annual target for the percentage of students whose test scores must be proficient or above in English/language arts and mathematics. Meeting the AMO is the first step toward demonstrating adequate progress under the Elementary and Secondary Education Act (ESEA). Information regarding Indiana’s ESEA flexibility extension request can be found at http://www.doe.in.gov/esea
AMAO	“Annual Measurable Achievement Objective” Required by Sec 3122 of Elementary and Secondary Education Act (ESEA) for Title III-served programs for 1) annual increases in the percentage of children making progress in learning English 2) annual increases in the percentage of children attaining English proficiency and 3) making adequate yearly progress for limited English proficiency children in English/language arts and mathematics
Bilingual/Bicultural Program	A program which uses the student’s native language and cultural factors in instructing, maintaining, and further developing all necessary skills in the student’s native language and culture while introducing, maintaining, and developing all necessary skills in the second language and culture.
Can Do Descriptors	The WIDA Can Do Descriptors are commonly used by EL teachers in coaching general education teachers about differentiated instruction for English learners. They can also be used to plan lessons or observe students' progress.
EL or ELL	“English Learner” or “English Language Learner” – This refers to any student who may or may not be in the ENL program, but those who are continuing to acquire the English language.
English As A Second Language/English to Speakers of Other Languages Program	A structured language acquisition program designed to teach English to students whose native language is not English.
English Language Proficiency (ELP) Assessment	Two versions: placement and annual; refers to the placement assessment used upon enrollment to determine if a language minority student is limited English proficient or fluent AND used annually for students with limited English proficiency.
ENL	“English as a New Language” – This term is used by the Indiana Professional Standards Board for purposes of license description and teacher dispositions. Also an ENL course for credit at middle school and high school.
ESL	“English as a Second Language” – This is the most commonly used term to describe language programming.
ESOL	“English to Speakers of Other Languages”
FEP	“Fluent English Proficiency” – A student is considered Fluent English Proficient (FEP) if he/she is able to demonstrate “near

	native” or “native like” English abilities as determined by a state adopted English language proficiency instrument, which measures competence in speaking, listening, reading, and writing.
HLS	“Home Language Survey” – Home Language Surveys are filled out by all families as part of the enrollment process once in the child’s educational career in Indiana to document the language history of the enrolling child.
ILP	“Individual Learning Plan” – Every year, or when a new EL arrives, the EL teacher will develop and share the ILP with the mainstream teachers. It includes the most recent English language proficiency assessment scores and appropriate accommodations, etc.
INTESOL	“Indiana Teachers of English to Speakers of Other Languages” – The local/state affiliate of the International Teachers of English to Speakers of Other Languages professional organization. www.intesol.org
LEP	“Limited English Proficient” – A student is considered Limited English Proficient (LEP) if he/she meets the following criteria: 1. The student’s English abilities are limited (or non-existent), as determined by an English language proficiency assessment instrument in the areas of listening, speaking, reading, and writing; 2. The student’s academic performance is typically not at grade level.
LMS	“Language Minority Student” – A student for whom at least one of the following statements is true: 1. The student’s first language is other than English; regardless of which is dominant; 2. The language most often spoken by the student is other than English; 3. The language most often spoken by the student in the home is other than English.
LTELL	“Long-term English Language Learner” – A student that has attended US schools for 5 or more years and has not reached fluent English proficient status.
Migrant Student	A student who moves across school district lines for the purpose of obtaining agricultural work and whose family’s source of income is generated from short term seasonal or temporary jobs related to food processing, crop harvesting, or fish catching. A migrant student may or might not also be an English learner. For more information on migrant services, including the Work Survey that must be annually administered to all Indiana students, please visit http://www.doe.in.gov/elme/title-i-part-c-education-migratory-children
MPI	“Model Performance Indicator” - Examples of how language is processed or produced within a particular context. MPIs are meant to be examples and not fixed guidelines of the language with which students may engage during instruction and assessment.

Sheltered Instruction	Content area instruction that has been adapted for English learners' meaningful participation at their level of English proficiency.
SIOP	"Sheltered Instruction Observation Protocol" – A lesson planner and framework for the specifically adapted and designed content area in order to make basic vocabulary and concepts comprehensible.
TESOL	"Teachers of English to Speakers of Other Languages" – An international organization designed to promote English language learning throughout the world.
TPR	"Total Physical Response" – A teaching method in which teachers interact by delivering commands and students demonstrate comprehension through total physical response. Students are not expected to respond orally until they feel ready, thus involving little to no pressure to speak.
W-APT	"WIDA ACCESS Placement Test" - An English language proficiency "screener" test given to incoming students who may be designated as English language learners. It assists educators with programmatic placement decisions such as identification and placement of ELs. The W-APT is one component of WIDA's comprehensive assessment system.
WIDA ACCESS for ELLs	"Assessing Comprehension and Communication in English State-to-State for English Language Learners" - Is a secure large-scale English language proficiency assessment given to Kindergarten through 12th graders who have been identified as English learners (ELs). It is given annually in WIDA Consortium member states to monitor students' progress in acquiring academic English.
WIDA Standards Framework	WIDA draws on multiple theories and approaches in an effort to describe language use in academic contexts; this is the language that language learners must acquire and negotiate to participate successfully in school. These multiple theories and approaches form a theoretical foundation that supports the WIDA standards framework.

Federal Law and Program Summaries

Each LEA receiving Title III funds is required by federal law to meet minimum program requirements. Federal laws relating to the distribution and use of Title III funds are found in the current ESEA document:

<http://www2.ed.gov/policy/elsec/leg/esea02/pg39.html>

Please visit [this page](#) to view an IDOE information regarding the federal requirements for English Learners.



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Title III, Language Instruction for Limited English Proficient and Immigrant Students

- The purpose of the federal Title III: Language Instruction for Limited English Proficient (LEP) and Immigrant Students of the *No Child Left Behind Act* of 2001 is to help ensure that children who are limited English proficient attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.
- Title III sub-grantees are required to provide LEP students with high-quality English language development instruction, beyond the Lau required English language development (ELD) program, based on scientific research and to provide high-quality professional development to classroom teachers, principals, and administrators.
- English Learners (ELs) are categorized into five levels of English proficiency, Level 1 – Level 5, based on the results of the English language proficiency assessment administered to every limited English proficient student in the state of Indiana. EL students at Levels 1-4 are considered limited English proficient (LEP) and Level 5 students are considered fluent English proficient (FEP). According to research, it takes LEP students 1-2 years to learn conversational English, but 3-7 years to attain academic language proficiency (depending on the student's age/grade level). LEP students receive daily English language development services and adaptations to classroom instruction and assessment to ensure that these students are able to reach proficiency in English and learn content in subject areas in order to graduate.
- Title III sub-grantees must annually assess EL students' progress in developing academic English language proficiency with WIDA ACCESS for ELLs. Title III requires States to establish English Language Proficiency (ELP) Standards to guide instruction.
- Title III funds are allocated on a per pupil formula basis. In 2016-2017, the allocation is \$160.42 per LEP pupil. School corporations with at least a \$10,000 allocation are eligible to receive funds individuals. Corporations with allocations of less than \$10,000 may apply jointly through a consortium. For more information about Title III, visit <http://www2.ed.gov/policy/elsec/leg/esea02/pg39.html>. If you have questions, contact IDOE at titleiii@doe.in.gov.

Non-English Speaking Program (NESP) **English Learning & Migrant Education**

- The State funded Non-English Speaking Program was first approved by the Indiana General Assembly in 1999. This program provides supplemental funding to eligible school corporations to serve limited English proficient (LEP) students. The purpose of the Non-English Speaking Program is to provide English language development instruction to K-12 limited English proficient (LEP) students in order to increase their English language proficiency and academic achievement.
- NESP sub-grantees must identify and meet performance indicators related to student learning, professional development, and parent involvement. NESP funds are used for direct instructional costs including personnel, English language development instructional materials, English language proficiency assessment, program administration costs, instructional computer software, professional development activities, and parent involvement activities.
- There are three specific goals for the NESP program:
 - Goal 1: Student Performance – LEP students will demonstrate growth in English language acquisition and in academic achievement;
 - Goal 2: Professional Development – School corporations and charter schools will provide increased opportunities for LEP related professional development to instructional staff; and
 - Goal 3: LEP Parent Involvement – School corporations and charter schools will provide additional support to parents of LEP students
- Each school corporation must assure that the following will occur:
 - schools must provide limited English proficient students with equal educational opportunity with the appropriate level of English language development (*Lau v. Nichols*, 414 U.S. 563 (1974) through the implementation of appropriate classroom instruction modifications and the appropriate level of English language development (ESL, ENL, sheltered content courses, structured immersion, bilingual education etc.) for each LEP student, documented on an Individual Learning Plan (ILP), to allow for meaningful participation in the district's educational program;
 - implementation of specific criteria to safeguard against inappropriate identification and placement into special education or speech services;
 - provision of instruction from properly certified, licensed teachers 511 IAC 6.1-3-1(d); ensuring that instructional aides work under the direct supervision of a certified teacher and not having the sole responsibility of teaching units of study 511 IAC 1-8-7.5; and that the ratio of the number of LEP students to qualified teachers in a class shall not exceed the state mandated student/teacher ratio for all classrooms;
 - implementation of reclassification to fluent English proficient (FEP) status, exiting from services, and monitoring policies; and
 - communication between the school and the home, whether about LEP students' progress or school activities, is conducted, to the extent possible, in the native/preferred language of the home.
- Non-English Speaking Program funds are allocated to school corporations and charter schools with at least one LEP student on a formula basis upon submission on the online grant application. The per-pupil allocation is determined by the LEAs' LEP count that was submitted for the language minority report.

For more information about the Non-English Speaking Program, visit: <http://www.doe.in.gov/elme>. If you have questions contact the Office of English Learning and Migrant Education at titleiii@doe.in.gov.



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Title I, Part C, Migrant Education Program English Language Learning & Migrant Education

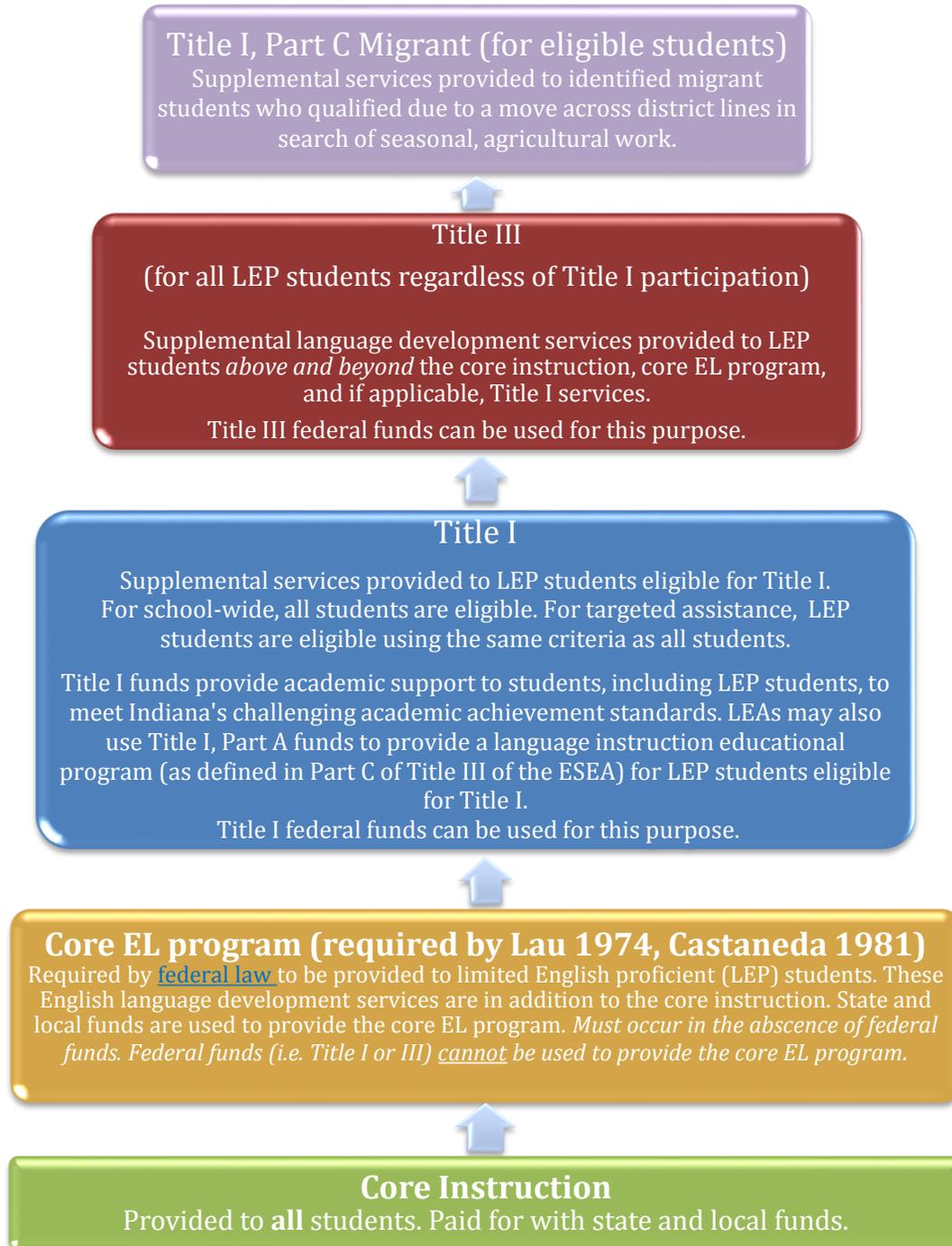
- The Title I, Part C, Migrant Education Program (MEP) of the *No Child Left Behind* Act funds support high-quality education programs for migratory children and help ensure that migratory children who move among the states are not penalized in any manner by disparities among states in curriculum, graduation requirements, or state academic content and student academic achievement standards. Migrant students are identified via the work survey, which Indiana school districts must administer annually to all students to determine eligibility.
- The goal of the Migrant Education Program is to ensure that all migrant students reach challenging academic standards and graduate with a high school diploma (or complete a GED) that prepares them for responsible citizenship, further learning, and productive employment.
- The Indiana Migrant Education Program serves children of migratory farm workers who qualify under several eligibility criteria. Children must have moved across school district lines within the last three years for qualifying work; have not graduated from high school or have a GED; and be between the ages of three and twenty one. In order to receive services from this program, student eligibility must be verified through a family interview generating a Certificate of Eligibility (COE) for each child. Over 87% of migrant students come to Indiana from within the United States. About 11% of Indiana's migrant students arrive in Indiana from Mexico, and around 2% arrive from other nations. Of the students that come from within the U.S., approximately 80% are from Texas, while the other students come from Florida (10%), Georgia (3.5%), California (3%), and a combination of other states.
- Migrant farm workers seek temporary or seasonal work in agriculture, fishing, or related industries, including food processing. They follow the growing seasons across the country and are largely responsible for the cultivation and harvest of fruits, vegetables, and many other food products in the United States. Although agriculture makes up a very important part of U.S economy, many migrant farm workers have an average income well below the national poverty line. Indiana's agricultural economy utilizes Migrant labor for crops like corn, tomatoes, and melons. Migrant farm workers arrive in Indiana throughout the year, with peak arrival months being April (5%), May (10%), June (15%), July (51%), August (11%).
- The Indiana Migrant Education Program provides sub-grants to school corporations and nonprofit organizations with concentrations of migrant students. These sub-grants fund summer, fall and regular school year projects through which migrant students receive supplemental instructional and support services. Project requirements include school readiness for pre-K students, reading and math achievement for K-12 students, as well as graduation and continuing education. Priority for service is given to migrant students that are failing, or at risk of failing, academically and who have had an interruption to their schooling during the regular school year. Support services that can be funded through an MEP Project include assistance with medical, dental, vision, school supplies and uniforms, and school fees.

For more information about the Title I, Part C Migrant Education Program, visit: [Education of Migratory Children](#)

If you have questions, contact the Office of English Learning and Migrant Education at adietrich@doe.in.gov.

Hierarchy of Related Laws and Programs

The Office of Civil Rights (OCR) requires LEAs to identify students who need language assistance, develop a program that has a reasonable chance of success, support it with the appropriate number of staff and resources, and evaluate its success. A school district must provide a core EL program prior to utilizing Title I and Title III funds. The chart below shows the succession of programs if an English learner was eligible for Title I, Title III, and migrant services. Title III funds must “supplement and not supplant” [3115(g)] state and locally funded Lau Requirements. Supplement vs. Supplant requirements ensure that services provided with federal funds are ***in addition to*** and ***do not replace*** (or supplant) services that students would otherwise receive. Below you will find a hierarchy showing funding requirements and protocol.



Case Law & Related Statutes

The Office for Civil Rights provides fact sheets, guidance, and resources for education officials about their obligations to EL students and LEP parents, and added resources with related information at <http://www2.ed.gov/about/offices/list/ocr/ellresources.html>

Title VI of the Civil Rights Act of 1964 and its regulations at 34 CFR Part 100 2) - "No person in the U.S. shall, on the ground of race, color, or national origin be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

May 25, 1970, Memorandum, Department of Health, Education, and Welfare - This memorandum interpreted the Civil Rights Act. It delineates the responsibility of school districts in providing equal education opportunity to national origin minority group students whose English language proficiency is limited. The following quotes discuss some major areas of concern with respect to compliance with Title VI and have the force of Law:

"Where inability to speak and understand the English language exclude national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

"School districts have the responsibility to adequately notify national origin minority group parents of school activities which are called to the attention of other parents. Such notice, in order to be adequate, may have to be provided in a language other than English."

"School districts must not assign national origin minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin minority group children access to college preparation courses on a basis directly related to the failure of the school system to inculcate English language skills."

1974 - Equal Educational Opportunities Act (EEOA) - "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 of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs."

Title II of the Americans with Disabilities Act of 1990, 42 USC 12131-12161 - Title II of the ADA prohibits discrimination against qualified individuals with disabilities on the basis of disability in all programs, activities, and services of public entities. Public entities include state and local governments and their departments and agencies. Title II applies to all activities, services and programs of a public entity.

Individuals with Disabilities Educational Act (IDEA) of 2004 - The purpose of IDEA 2004 is to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; to ensure that the rights of children with disabilities and their parents are protected; to assess and ensure the effectiveness of efforts to educate children with disabilities.

Lau v. Nichols The decision stated that providing students the same desks, books, teachers and curriculum did not ensure that they had equal educational opportunity, particularly if the students did not speak English. If English is the mainstream language of instruction, then measures have to be taken to ensure that instruction is adapted to address those children's linguistic characteristics (Lau v. Nichols, 414 U.S. 563, 94 S. Ct. 786, 1974).

Castaneda v Pickard, 648 F2d 989(5th Cir 1981), the 5th Circuit set out a widely adopted three-part test to determine whether districts have taken “appropriate action” to remedy the language deficiencies of their ELLs: (1) is the school “pursuing a program informed by an educational theory recognized as sound by some experts in the field, or at least, deemed a legitimate experimental strategy”; (2) are the programs and practices actually used by the school “reasonably calculated to implement effectively the educational theory adopted by the school”; and (3) does the program “produce results indicating that the language barriers confronting students are actually being overcome.” Congress intended that schools make a “genuine and good faith effort, consistent with local circumstances and resources, to remedy the language deficiencies of their students.”

Plyer vs. Doe (1982) The United States Supreme Court stated that school systems must enroll and educate children residing in their district even if their parents do not possess legal residency documents.

Further information about federal and state laws regarding English Learners can be found at:

<http://www.doe.in.gov/elme>

Equal Access

In 1970, the federal Office for Civil Rights (OCR) issued a memo regarding school districts' responsibilities under civil rights law to provide an equal educational opportunity to ELs. This memorandum stated:

“Where the 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, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.”

ELs are required to have equal access to the full range of district programs, including special education, Title I, gifted and talented programs, and nonacademic and extracurricular activities.

Although the memo requires school districts to take affirmative steps, it does not prescribe the content of these steps. It does, however, explain that federal law is violated if:

- students are excluded from effective participation in school because of their inability to speak and understand the language of instruction;
- national origin minority students are inappropriately assigned to special education classes because of their lack of English proficiency;
- programs for students with limited English proficiency are not designed to teach them English as soon as possible, or if these programs operate as a dead end track; or
- parents whose English proficiency is limited do not receive school notices or other information in a language they can understand.

In its 1974 decision in ***Lau v. Nichols***, the United States Supreme Court upheld OCR's 1970 memo. The basis for the case was the claim that the students could not understand the language in which they were being taught; therefore, they were not being provided with an equal education. The Supreme Court agreed, saying:

There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

The case reaffirmed that all students in the United States, regardless of native language, have the right to receive a quality education. It also clarified that equality of opportunity does not necessarily mean the same education for every student, but rather the same opportunity to receive an education. An equal education is only possible if students can understand the language of instruction.

Within weeks of the ***Lau v. Nichols*** ruling, Congress passed the Equal Educational Opportunity Act (EEOA) mandating that no state shall deny equal education opportunity to any individual, "by the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by students in an instructional program." This was an important piece of legislation because it defined what constituted the denial of education opportunities.

The U.S Department of Education's OCR oversees school districts' broad discretion concerning how to ensure equal educational opportunity for ELs. OCR does not prescribe a specific intervention strategy or program model that a district must adopt to serve ELs.

The following guidelines have been outlined for school districts to ensure that their programs are serving ELs effectively. Districts should:

- identify students as potential ELs;
- assess students' need for EL services;
- develop a program which, in the view of experts in the field, has a reasonable chance for success;
- ensure that necessary staff, curricular materials, and facilities are in place and used properly;
- develop appropriate evaluation standards, including program exit criteria, for measuring the progress of students; and
- assess the success of the program and modify it where needed.

For additional information regarding the provision of equal education opportunity to ELs, contact the [Office for Civil Rights](#) enforcement office at:

Phone: (800) 421-3481

Email: ocr@ed.gov

URL: <http://www.ed.gov/about/offices/list/ocr/index.html>

WIDA English Language Development (ELD) Standards Framework

Title I [1111(b)(1)] and Title III [3111(b)(2)(C)(ii) of the ESEA and Indiana’s ESEA flexibility extension require Indiana to adopt college and career ready English language development standards and assessments so that English learners may attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging Indiana academic content and achievement standards as all children are expected to meet.

Indiana adopted the WIDA ELD standards in December 2013. The WIDA standards and framework consist of five components:

- 1) Can Do Philosophy
- 2) Guiding Principles of Language Development
- 3) Age Appropriate Academic Language in Socio-Cultural Contexts
- 4) Performance Definitions
- 5) Strands of Model Performance Indicators

The WIDA ELD standards emphasize that students need to engage with peers, educators, and the curriculum in ALL classrooms. WIDA offers five standards, which are utilized by all educators with English learners in their classrooms:

- 1) Social and instructional language
- 2) Language of language arts
- 3) Language of mathematics
- 4) Language of science
- 5) Language of social studies

More information regarding the WIDA ELD Standards Framework can be found at <http://www.doe.in.gov/elme/wida> and www.wida.us.

Private School Participation

U.S.E.D. Private School Participation, Sec. 9501:

<http://www2.ed.gov/policy/elsec/leg/esea02/pg111.html>

The Non-Regulatory Guidance for ESEA 9501 can be found at:

<http://www2.ed.gov/programs/titleiparta/psguidance.doc>

Sec. 5144 Supplement, Not Supplant

Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local education funds.

- Educational services provided under Title III, for both public and private schools, must be supplementary to the services provided by other federal, state, and local funds

Sec. 9501 (a) (3) Special Rule- Educational Services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

Statutory and Regulatory Requirements

- After timely and meaningful consultation with appropriate private school officials, local education agencies (LEAs) receiving Title III funds must provide educational services to limited English proficient (LEP) children and educational personnel in private schools that are located in the geographic area served by the LEA.
- To ensure timely and meaningful consultation, the LEA must consult with appropriate private school officials during the design and development of the Title III program on issues such as:
 - How the LEP children's needs will be identified.
 - What services will be offered.
 - How, where and by whom the services will be provided.
 - How the services will be assessed and how the results of the assessment will be used to improve those services.
 - The size and scope of the services to be provided to the private school children and educational personnel.
 - The amount of funds available for those services.
 - How and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers.
- Title III services provided to children and educational personnel in private schools must be equitable and timely and address their educational needs.
- Funds provided for educational services for private school children and educational personnel must be equal, taking into account the number and educational needs of those children, to the funds provided for participating public school children.
- Title III services provided to private school children and educational personnel must be secular, neutral, and non-ideological.
- LEAs may serve private school LEP children and educational personnel either directly or through contracts with public and private agencies, organizations and institutions.

- The control of funds used to provide services and the title to materials and equipment purchased with those funds must be retained by the LEA.
- Services for private school children and educational personnel must be provided by employees of the LEA or through a contract made by the LEA with a third party.
- Providers of services to private school children and educational personnel must be independent of the private school and of any religious organization, and the providers' employment or contract must be under the control and supervision of the LEA.
- Funds used to provide services to private school children and educational personnel must not be commingled with nonfederal funds.

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.

Must an LEA's Title III program design be the same for both public and private school students and educational personnel?

No. Consultation and coordination between LEA and private school officials are essential to ensure a high-quality program that meets the needs of the students being served and assists those students in attaining English proficiency and meeting the same challenging state academic content and student academic achievement standards as all children are expected to meet. The LEA must assess the needs of private school students and educational personnel in designing a program that meets their needs. If their needs are different from those of public school students and educational personnel, the LEA, in consultation with private school officials, must develop a separate program design that is appropriate for their needs.

What resource is available if an LEA will not use its Title III funds to provide equitable services to private school children and educational personnel?

Complaints about an LEA's failure to provide equitable services to private school children and educational personnel must first be submitted to the state education agency for resolution. The state's resolution or failure to make a resolution may be appealed to the U.S. Department of Education.

Does the Title III requirement on language qualifications for teachers providing Title III services to public school students apply to teachers providing these services to private school students?

Yes. Like teachers serving public school LEP students, teachers providing Title III services to private school students, whether LEA employees or third-party contract employees, are subject to the requirement that teachers in a Title III program must be fluent in English and any other language used for instruction.

For more information, please view the [Guidance Regarding Non-public School Participation in Title III and Choice Non-Public School Requirements for English Learners](#)

LEA Affirmation of Timely and Meaningful Consultation with Nonpublic School Officials

Title IX, Part E, of the No Child Left behind Act (2001) and Education Department General Administrative Regulations (EDGAR), Part 76, Sections 76.650-76.662, require that timely and meaningful consultation occur between the local education agency (LEA) and non-public school officials prior to any decision that affects the opportunities of eligible non-public school children, teachers, and other educational personnel to participate in programs under this act. Consultation shall continue throughout the implementation and assessment of activities.

The following topics **must** be discussed during the initial consultation process:

- How the LEP children's needs will be identified.
- What services will be offered.
- How, where and by whom the services will be provided.
- How the services will be assessed and how the results of the assessment will be used to improve those services.
- The size and scope of the services to be provided to the private school children and educational personnel.
- The amount of funds available for those services.
- How and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the non-public school officials on the provision of contract services through potential third-party providers.

Please read the following statement, check the box, and sign-off:

We agree that timely and meaningful consultation occurred before the LEA made any decision that affected the participation of eligible non-public school children in the Title III program. We have collaborated with the public school program administrator in the design and development of the educational services to be provided to eligible children. Additional consultation has been scheduled throughout the school year to discuss the implementation of the Title III program.

Public School Official Date

School Corporation

Non-Public School Official Date

Non-Public School

**Please make sure that both the LEA and non-public school retains a copy of this form for its records.*

Parental Notification and Involvement

Title III, Section 3302, has two timelines for providing parental notifications: one for the student who is new to the LEA and one for a continuing student. This notification is required to be in a language that the parents can understand.

For LEP students who have been enrolled in the LEA since the previous school year, parental notifications must be provided no later than 30 calendar days after the beginning of the school year. LEAs should use the most current information available regarding each student in these notifications (Title III, Section (a)).

For students enrolling after the beginning of the school year, LEAs must provide the parental notifications within two weeks of a child being placed in a program per Title III 3302(d).

Note: An LEA may issue one parental notification that meets both state and federal requirements for all new LEP enrollees. However, all parents of LEP students must be notified annually of the students' placement in a language instruction program, and not just newly enrolled students.

Federal law requires that schools and districts effectively communicate with all parents and guardians, regardless of the percentage of students that speak a language other than English (Title III, Section 3122 (c)). The requirement to make information available to parents in a language that they understand cannot be paid with Title III funds due to the supplement not supplant provision Sec. 3115(g) of ESEA.

Effective communication with national origin-minority parents is also a requirement of Title VI of the Civil Rights Act of 1964. According to the Office for Civil Rights May 25, 1970 memorandum¹, "school districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English."

Schools must be aware that the fluent or limited English proficiency status of a student is not always indicative of a parent's language skills. For example, if a fluent English proficient *student* has *parents* who are limited English proficient, then the school must take steps to effectively communicate with the parents in accordance with state and federal law.

¹ <http://www2.ed.gov/about/offices/list/ocr/docs/lau1970.html>

[Insert School Corporation Letterhead]
Annual Parent Notification

Last Name		First Name	
School		Grade	

[Insert Date]

Dear Parent/Legal Guardian:

We are sending this letter to inform you of your child’s identification as an English learner (EL) and of his/her placement into an English language development program for the **[insert year]** school year. We are following federal law as required of all school corporations:

- (1) To identify limited English proficient (LEP) students;
- (2) To assess students’ progress in learning English; and
- (3) To provide students with services to increase their English proficiency and academic achievement

To identify students that are ELs and the educational services they will need, we use the Home Language Survey (HLS) and WIDA ACCESS (W-APT for new students). The WIDA ACCESS or W-APT measures students’ English abilities in listening, speaking, reading, and writing. Your child’s **overall** English language proficiency score on his/her most recent WIDA ACCESS or W-APT was:

WIDA ACCESS K-12 or W-APT K-12			
Level 1.0-1.9 Entering	Level 2.0-2.9 Emerging	Level 3.0-3.9 Developing	Level 4.0-4.9 Expanding

Your child will participate in a program to help him/her attain English proficiency in listening, speaking, reading, and writing, succeed in academics and meet graduation requirements.

As a parent, you have the right to:

- (1) Remove your child from the English language development program; and
- (2) Decline your child’s participation in the program or choose another program or method of instruction

In order to exit the English language development program, your child must obtain an overall, composite score of 5.0 on the WIDA ACCESS 2.0. After exiting from the program, your child’s academic progress will continue to be monitored for two years. While the rate of attaining English language proficiency varies greatly from student to student, research has shown that it typically takes 3-7 years (depending on the student’s age/grade level) to attain English proficiency and exit from English language development services. Indiana’s expected rate of graduation is currently 90%.

The following table identifies the method(s) of instruction that will be used with your child: **[Put “x” in placement for this child; Delete programs that you do not use/offer]**

Name	Description	Placement
Structured Immersion	The goal is proficiency in English while focusing on learning content knowledge and skills in an all-English setting. Instruction is provided in English only and is adapted to a student’s proficiency in English. Instruction is supported by visual aids and support (as available) in the student’s native language.	
Sheltered English/ Content-Based English	The goal is fluency in English and typically serves only ELs in the classroom. All instruction is in English but has been adjusted to the student’s proficiency level so that subject matter is comprehensible.	
Pull-out English Language Development (ELD)	The goal is to develop fluency in English. Students leave the mainstream classroom part of the day to receive ELD instruction. ELD instruction must be provided by certified teachers.	
Push-in English Language Development (ELD)	The goal is to develop fluency in English. Students are served in the mainstream classroom, receiving instruction in English and native language support if needed.	
Transitional Bilingual Education	The goal is to develop English proficiency skills as soon as possible, without delaying learning of academic core content. Instruction begins in the student’s native language but rapidly moves to English. Students are typically transitioned into mainstream classrooms with their English-speaking peers as soon as possible.	
Other	[Insert description, including content, instructional goals, and the use of English in instruction]	
Not Applicable	Written confirmation has been received from the parent indicating the parent wishes to deny English language development instruction for their child	

*Descriptors taken from: http://www.ncela.gwu.edu/files/uploads/5/Language_Instruction_Educational_Programs.pdf

If your child has been identified with a disability in which they also require an Individual Education Plan (IEP), the English language development program will be used in coordination with your child’s existing IEP.

If you decide to not have your child participate in the English language development program, he/she will still be required to complete the WIDA ACCESS under federal law. If you have any questions about the placement of your child for this school year, please contact **[Insert Name, Title]** at **[Insert Phone Number]**.

Sincerely,
[Insert Director’s Name, Title]

Notifications to Parents/Option to Waive Services

Parents can opt to not enroll their child in an EL program. Before making this decision which so seriously impacts a child, the parent should be informed of the benefits of EL services and of the potential difficulties that often accompany the lack of EL services. After this information is provided in a language the parent can understand using a review of the placement or annual English language proficiency assessment results, (translated or interpreted, as needed) the parent may choose either to enroll the student in EL services or to waive EL services. If parent decides to waive EL services, the school corporation should keep written documentation of that decision with the parent's signature and date the decision was made. Parents have the right to opt back into EL services at any time.

Additionally, a student has the right to receive EL services at the elementary or secondary school in which they would normally attend. Schools districts with a low incidence of English learners may decide to only provide specified EL staff at certain buildings and may request that English learners attend those buildings to receive direct services. However, if a parent chooses not to participate in this model but wishes to receive services at the school in which the student would normally attend, the school district must develop an alternate plan to provide services for this student with designated EL staff.

When a parent declines participation, the district retains a responsibility to ensure that the student has an equal opportunity to have his or her English language and academic needs met. Districts can meet this obligation in various ways (e.g. adequate training to classroom teachers on second language acquisition; monitoring the educational progress of the student). Students not served by district programs are still required to complete state required assessments and are counted in the district's progress towards meeting academic and graduation outcomes.

<http://www2.ed.gov/about/offices/list/ocr/qa-ell.html>

Federal regulations require the annual assessment of Limited English proficient (LEP) children until they demonstrate proficiency in English. Parents who refuse direct language development services for their child must be aware that:

- a) The student will still be tested until s/he reaches English proficiency (scores at Level 5 on the spring annual English Proficiency test); and
- b) The student will have an Individual Learning Plan (ILP) and will receive appropriate adaptations to classroom instruction and assessments based on the student's language level in order to ensure student's meaningful participation and learning in academic subject areas; and
- c) The student will receive appropriate allowed accommodations for Limited English proficient (LEP) students of Levels 1-4 on all standardized testing (ISTEP+, End of Course assessments [ECA], and IREAD3).

The Refusal of Direct Services Form is a separate document and is used only after:

- a) the parent contacted the school wishing to refuse direct services for the child; and
- b) a conversation/consultation about how language development program will benefit the student has occurred between the parent and EL staff, and the parent's concerns have been addressed; and
- c) the parent still refuses direct services.

Enrollment Procedures

In accordance with Performance Based Accreditation compliance guidelines, Plyler v. Doe (1981), and Title I of ESEA, all public schools are required to administer a Home Language Survey(HLS) to all first time enrollees (i.e. Preschool or Kindergarten) or out-of-state transfer students to identify the native language(s) of all students enrolled in the school corporation. Nonpublic schools participating in the Choice Scholarship Program must also follow these procedures per their application assurances and accountability determinations. This is done by registering staff at the time of **enrollment** and not thereafter. For students that are transferring from an Indiana school, school staff will contact the previous school to obtain the original HLS. Based on the results of this survey, students will be tested for their level of English proficiency and provided services as needed. If a language other than English is indicated for any of the questions, the student is considered to be a language minority student.

Home Language Survey Required Questions

- What is the native language of the student?
- What languages does the student speak most often?
- What language does the student speak at home?

English Language Proficiency Assessment

EL staff or designated and trained individuals who are paid with state and local funds only shall assess new EL students to the school corporation with the state-approved English language proficiency assessment tool to measure proficiency in English. (Staff paid solely through federal funds such as Title I or III must not assess students, as this is federally mandated and therefore not supplemental). In accordance with IDOE assessment policy, English language proficiency testing should be administered only by personnel who hold an instructional, administrative, or school services license granted by the Indiana Department of Education.

- The license must be an instructional, administrative, or school services license. Personnel not properly trained and certified (e.g., teacher’s aides, secretaries, or substitute teachers who do not hold one of the above mentioned licenses) may **ONLY** serve as proctors, **NOT** as test examiners. In no case may unlicensed personnel be allowed to supervise the test administration without the guidance of a test examiner.
- Test examiners should be thoroughly familiar with the tests to be administered and with the procedures to be followed during testing.

The English proficiency assessment shall be conducted **within 30 calendar days** of the beginning of the school year, or within 2 weeks of enrollment if the child enrolls later in the school year. The purpose of English language proficiency assessment is to identify a level of English proficiency so appropriate EL programming and mainstream accommodations may be made for the EL students.

EL Student Placement

EL students who enroll in an Indiana school corporation must be placed with their age/grade appropriate peers. Indiana law IC 20-30-9-8 states, *“students shall be placed, to the extent practicable, in classes with students of approximately the same age and level of educational attainment, as determined after considering the attainment through the use of all necessary languages.”* **The lack of English language proficiency in any domain of listening, speaking, reading and writing is not to be considered in the grade placement of EL students.**

Checklist for Proper Identification of Limited English Proficient (LEP) Students

Step 1: Has a HLS been completed for each first time enrolled or out -of-state student?

ALL LEAs must administer the Home Language Survey to first time enrollees (i.e. Preschool or Kindergarten). The HLS is administered only once in any student’s educational career. Home Language Surveys for all new enrollees are required to be kept in the students’ files, regardless of the languages recorded. A new Home Language Survey is administered to any student **ONLY** if the student transferred from another state.

Response	Action Taken
YES	Proceed to Step 2
NO	For students that do not have a HLS: <ul style="list-style-type: none"> • First, check the student’s cumulative folder for an Original HLS • If you cannot find an original HLS, contact the previous school. After multiple attempts, you can administer a new HLS as a last resort but document the steps taken. • Then, proceed to Step 2

Step 2: Has a language other than English been indicated on the HLS?

Response	Action Taken
YES	Proceed to Step 3. The non-English language listed on the home language survey, no matter the HLS question or which language is dominant, must be reported for the language code for the student within the STN app center.
NO	If student has indicated all “English” on their HLS: <ul style="list-style-type: none"> • File the student’s HLS in the student cumulative folder • No further action is required

Step 3: Has any student for whom a language other than English has been indicated on their HLS been given the English language proficiency placement test?

Response	Action Taken
YES	Proceed to Step 4
NO	If student has indicated a language other than English on their HLS: <ul style="list-style-type: none"> • An English language proficiency test should be administered. • Then, proceed to Step 4

Step 4: Did the student score as limited English proficient on the English language proficiency placement test?

Response	Action Taken
YES	If the student scored Limited English Proficient (LEP), proceed to Step 5.
NO	If the student scored fluent English proficient, the following must occur: <ul style="list-style-type: none"> • The English language proficiency placement test is retained in the student cumulative folder • The HLS is retained in the student cumulative folder • The student is <u>not</u> considered LEP because they scored Proficient • No further action is required (the student is reported as FEP on DOE-LM until graduation)

Step 5: Does the LEP student have an Individual Learning Plan (ILP)?

Response	Action Taken
YES	<p>You have completed all the necessary steps!</p> <p>Please remember the following:</p> <ul style="list-style-type: none"> • The ILP must be implemented daily in the classroom by any teacher(s) that work with the LEP student • The LEP student is eligible for state-approved accommodations on state assessments. In order to receive the state-approved accommodations, the accommodations must be listed in the student’s ILP • The ILP may be updated anytime as needed throughout the school year.
NO	<p>If the student has been identified as LEP, the following must occur:</p> <ul style="list-style-type: none"> • An ILP is created for the student <p>Please remember the following:</p> <ul style="list-style-type: none"> • The ILP must be implemented daily in the classroom by any teacher(s) that have that particular LEP student • The LEP student is eligible for state-approved accommodations on state assessments. In order to receive the state-approved accommodations, the accommodations must be listed in the student’s ILP

Important Items to Remember

- The English language proficiency placement test is only administered once to a student and should not be repeated every year. The placement test serves only as a screener used to initially identify a student as LEP.
- Any student that has been identified as LEP will participate each year in the **annual English language proficiency assessment**. This assessment occurs during a January-February assessment window.
- A LEP student will continue to take the annual English language proficiency assessment each year until they reach formal exit criteria on the assessment.
- As many districts move to electronic documentation, it is important to note that a digital HLS should offer the same flexibility to indicate more than one language for any of the three questions. How this is implemented will depend greatly on the district’s online enrollment platform. However, it is recommended that multiple response fields be available for each of the three HLS questions.

Additionally, it is vital that all digital records are made available to the receiving district should a student transfer.

Transfer Credit Guidance of International Students

Indiana high schools should make every effort possible to transfer credits for students enrolling from other countries. The Department of Education recommends that the school attempt to obtain a list of content area course descriptions from the native country (in English) to determine the content equivalence of courses. Additional guidance may be found at www.doe.in.gov/elme.

The following courses from the home country may count as Indiana **World Language credit**:

- English development classes
- Language arts classes in the native language (i.e. literature, writing in the native language)

In order to receive English/Language Arts, mathematics, and other content area course credit, a course from the native country must meet the intent of *Indiana's Academic Standards* for secondary-level performance.

- The number of credits awarded for each course may vary. The number of credits awarded should be determined by locally established transfer credit policy.
- Schools may administer available final exams or End of Course Assessments to students in order to determine placement and/or verify proficiency in the content. For more information about credit by proficiency, please contact the Office of Curriculum and Instruction.

Awarding credits based on transfer transcripts is a local decision. Services are available, for a fee, to professionally translate and evaluate transcripts. However, schools are not required to professionally translate or evaluate transcripts. Additionally, if a transcript is not available for a student, then the school may choose other performance measures for a student to demonstrate content proficiency that meets the intent of the Indiana Academic Standards, which might be an end of course assessment, locally created course final, third party assessment, teacher interview/portfolio etc.

For specific information regarding how international grades might transfer to a U.S. grading system, as well as an in-depth explanation of the various educational systems around the world, please go to the *World Education Services (WES)** website. Below is a sample grade transfer chart from this site. The grades shown on these charts have been taken from the most commonly used grading scales from each country. <http://www.wes.org/gradeconversionguide/mexico.htm>

Mexico

Scale 1	Scale 2	Grade Description	U.S. Grade Equivalents
9-10	90-100	Muy Bien (Very Good)	A
8	80-89	Bien (Good)	B
6-7	60-79*	Regular/Suficiente (Average/Sufficient)	C
0-5	0-59	Reprobado/No Suficiente (Fail/Not Sufficient)	F

* 7 and 70 are the minimum passing grades at selected universities.

Adult Student Guidance

In Indiana, individuals have a constitutional right to attend school until they have received a high school diploma (Constitution of the State of Indiana, Article 8, Section 1). Receipt of a GED is not equivalent to a high school diploma and does not extinguish the right to earn a high school diploma. Schools do have the right to determine placement, so the school could determine that an older student not attend the traditional high school day but rather earn credits through online credit recovery, evening classes, etc. The student could be required to attend adult education classes rather than the high school, but cannot be denied the right to attend school and earn a diploma. Per the Compulsory School Attendance law, a student is required to attend until the age of 18. This code does not specify an age of which they can no longer attend. Students over the age of 18 are still subject to the pupil discipline law (I.C. 20-33-9) and legal settlement requirements (I.C. 20-26-11).

The final arbiter of the right to attend school and the determination of legal settlement is the Indiana State Board of Education. IC 20-26-11-15; IC 20-33-2-45.

Additionally, Title III of the ESEA in Sec. 3301 defines limited English proficient students as ages 3-21 that are working towards graduation. LEP students under age 22 are included in the funding allocations which are used to provide supplemental Title III services.

Preschool/Pre-K Students

All students enrolling in an Indiana elementary school for the first time, including preschool programs that are part of the elementary, are to be administered the Home Language Survey. The native language and language(s) used by the preschool student are vital information for preschool staff and have to be taken into consideration during any testing, including determination for special education services, if applicable.

However, preschool students who are English Learners are not reported to the U.S. Department of Education. Since preschool students do not generate Title III funding under 3114(a) of the ESEA, LEAs are not required to administer an English language proficiency screener for preschool students who have a language other than English identified on their HLS. However, preschool students who were born outside of the U.S. or its territories and immigrated to the U.S. are to be reported as immigrant students on the DOE-LM, whether or not they are English Learners.

LEAs have the option of administering a locally developed screener for preschool students. The student's score on the locally developed screener will not be reported to the IDOE as the student's English proficiency level but shall be used for informational purposes only. However, no preschool student will take the Annual English language proficiency assessment, as this is for grades K-12 only.

When the time of Kindergarten enrollment is reached by preschool students who previously identified a language other than English on their Home Language Survey, licensed EL staff must administer the English language proficiency screener no later than 30 days from the beginning of the school year. LEAs have the option of providing Title III services to preschool students who have identified a language other than English on their Home Language Survey; however, this is not a requirement but rather a local decision.

Home Language Survey (HLS)

The Civil Rights Act of 1964, Title VI, Language Minority Compliance Procedures, requires school districts and charter schools to determine the language(s) spoken in each student's home in order to identify their specific language needs. This information is essential in order for schools to provide meaningful instruction for all students as outlined Plyler v. Doe, 457 U.S. 202 (1982).

The purpose of this survey is to determine the primary or home language of the student. The HLS must be given to all students enrolled in the school district / charter school. The HLS is administered one time, upon initial enrollment in Indiana, and remains in the student's cumulative file.

Please note that the answers to the survey below are student-specific. If a language other than English is recorded for ANY of the survey questions below, the W-APT will be administered to determine whether or not the student will qualify for additional English language development support.

Please answer the following questions regarding the language spoken by the student:

1. What is the native language of the **student**? _____
2. What language(s) is spoken most often by the **student**? _____
3. What language(s) is spoken by the **student** in the home? _____

Student Name: _____ **Grade:** _____

Parent/Guardian Name: _____

Parent/Guardian Signature: _____ **Date:** _____

By signing here, you certify that responses to the three questions above are specific to your student. You understand that if a language other than English has been identified, your student will be tested to determine if they qualify for English language development services, to help them become fluent in English. If entered into the English language development program, your student will be entitled to services as an English learner and will be tested annually to determine their English language proficiency.

For School Use Only:

School personnel who administered and explained the HLS and the placement of a student into an English language development program if a language other than English was indicated:

Name: _____ Date: _____

HLS Frequently Asked Questions

The “Provision of an Equal Education Opportunity to Limited-English Proficient Students” (OCR, August 2000) and Title I, Section 1111(b)(6) of No Child Left Behind (NCLB) requires each state to “identify the languages other than English that are present in ‘a participating school population...’” Indiana has chosen to do this through the administration of the Home Language Survey (HLS). The HLS is a student-specific questionnaire to determine the primary or home language of a student. Below are the three student-specific questions that are required to be asked on the HLS:

1. What is the native language of the student?
2. What language(s) is spoken most often by the student?
3. What language(s) is spoken by the student in the home?

If a language other than English is indicated for any of the three questions, the English language proficiency assessment must be administered to determine whether or not the student qualifies for English language development support.

The FAQ below is a guidance document that is to be used as a resource

1. Q. Should my school corporation administer the HLS to every new student who enrolls?

No. The HLS is a document that should only be filled out **once** in a student’s educational career. If the student is enrolling in Indiana schools for the first time ever, then a HLS must be given to complete. If the student is enrolling in your school corporation from a school within Indiana, then the **original HLS** must be obtained (*refer to question 7 on what to do when a student moves to your corporation from outside of Indiana*).

2. Q. A parent indicated more than one language on the Home Language Survey (HLS). What should we do?

If an HLS indicates a non-English language for ANY of the three questions, no matter which question, the steps for EL identification must be followed. In this case, the non-English language is reported for the student in the STN app center. English is reported in the STN app center for students that speak English only. If the HLS has multiple non-English languages listed, then the school will ask the parent which non-English language is utilized more frequently and that stated non-English language will be reported for the student.

3. Q. A parent marked a language other than English on the HLS, but now would like to re-complete the survey so that it indicates all “English”- can the HLS be re-completed?

No. The HLS is a document that should only ever be filled out once. A parent cannot “go back” and change their original answers that they indicated. It is important that a school corporation properly explain the purpose of the HLS in order to ensure that the parent is aware of what occurs when a language other than English is marked.

4. Q. There is a student who is enrolling in school for the first time. Our corporation has administered the HLS and the parents have indicated a language other than English; what should we do?

If a language other than English has been indicated on the HLS, an English language proficiency placement test must be administered to determine the student’s language proficiency. If a student does not score as proficient, they must be enrolled in an English language development program and must be annually assessed until reaching formal exit criteria for fluent English proficient (FEP) status.

5. Q. I have given the student the initial placement assessment and they have scored Fluent English Proficient (FEP); is there anything further that I need to do?

No. If a student's placement assessment indicates that they are FEP, the student does not need to be in an English language development program. The student is never assessed again for English language proficiency, although they will always be reported as a Language Minority student on the annual LM Report.

6. Q. Our school corporation received a student from a different school within Indiana. Do we issue a new HLS?

You should not administer a new HLS. When a student arrives at your school from a different school within Indiana, your school corporation must look in the student's cumulative folder to find the original HLS. If a language other than English was indicated, there should be documentation of a student's prior English language proficiency assessment(s) in the student's cumulative folder and the student's instructional program should follow accordingly. The language listed in the STN app center can be used as an interim measure until the school receives the original home language survey, as the prior school is required to report any non-English language listed on the HLS as the reported language within the STN app center.

7. Q. Our school corporation received a student from outside of Indiana. Should we give them a new HLS?

Yes. Indiana does not accept an HLS from outside of Indiana. If you have a student that moves to your corporation from outside Indiana, a new HLS should be administered. If the Indiana HLS indicates a language other than English, the steps for EL identification must be followed. If the student is coming from a WIDA consortium member state, please contact the previous school to determine if they have any WAPT or WIDA ACCESS scores. W-APT and ACCESS for ELLs scores can be used for determining LEP status as long as the Indiana criteria for identification and exit are applied. All participating states are listed on the WIDA Consortium's home page at <http://www.wida.us>. The school corporation in which the student from a WIDA Consortium Member State enrolls has up to 30 calendar days at the beginning of the school year, or 10 days if the student enrolls after the beginning of the school year, to obtain W-APT or ACCESS for ELLs test scores from the member state. If the scores are less than one academic year old, they may be used for decisions regarding LEP identification and placement. If the scores are more than a year old or the receiving school does not receive the scores within the aforementioned timeline, the school must administer the W-APT to determine LEP identification and to notify parents of eligibility for EL services. Each student identified as LEP must be assessed annually.

8. Q. Our school corporation has a student who attended an Indiana school, moved out of state, and then returned to Indiana. What should we do?

A student's cumulative folder follows a student wherever they go. The current school corporation should attempt to contact the previous school where the student attended outside of Indiana to obtain the cumulative folder. Once received, the school corporation should look for the original HLS that was given to the student **from the Indiana school corporation where the student originally attended**. The school corporation must abide by whatever is on the original HLS from the school that the student attended while in Indiana.

9. Q. What if the cumulative folder was not transferred with the student when they moved to our corporation?

If the cumulative folder was not transferred with the student when they moved to your school corporation, every effort necessary should be made to obtain the HLS from the previous school corporation. The Office of English Learning and Migrant Education recommends that a school secretary contact the previous school to request the HLS. If the student has identified a language other than English on the HLS, the school corporation should also request copies of the student's English language proficiency assessments.

10. Q. What if my school corporation has tried to contact the student’s previous school to obtain the HLS, but they will not respond to repeated requests?

If your school corporation has tried multiple times to contact the student’s previous school corporation, but they will not provide you with the HLS, as a last resort you may administer a new HLS. However, multiple attempts should be made to obtain the original HLS. If you must administer a new HLS, proper documentation indicating dates and times that attempts were made to obtain the HLS should be placed in the student’s cumulative folder.

11. Q. If we have documentation of a student’s previous English language proficiency annual assessment from their previous school, should we still give them a placement assessment?

No. If you have documentation from the previous school year indicating the student’s Indiana English language proficiency assessment results, you do not have to administer another assessment. Instead, the school corporation must use the results of the student’s English language proficiency assessment to appropriately place the student into an English language development program.

12. Q. Our HLS is currently in our registration packet- should it be there?

It is highly recommended that the HLS **not** be in your registration packet. Again, the HLS should only ever be administered once. Therefore, the HLS should not be readily available in the registration packet that a parent fills out when they enroll their child at your school corporation. The HLS should be given to the parent as a separate document that is thoroughly explained to them so they understand its purpose. Additionally, the HLS should only be given to those parents who: a) are enrolling their student for the first time in school or, b) the school corporation is unable to obtain the original HLS from the student’s cumulative folder (*see question 10*).

13. Q. Our school corporation has given out a HLS every year and/or anytime a student has enrolled at our corporation. We now realize this is incorrect. How do we fix this problem?

The distribution of the HLS to students every year and/or anytime a student enrolls at your corporation should be stopped immediately. Any personnel in your school corporation responsible for administering the HLS should be notified of the correct procedures for distributing a HLS.

14. Q. What is the school’s responsibility when an LEP student leaves our corporation?

When an LEP student transfers from your corporation to another corporation, it is your school corporation’s responsibility to ensure that the following items are in the student’s cumulative folder to be transferred:

- HLS;
- Individual Learning Plan (ILP);
- A copy of the Parent Notification letter that indicates the student’s score on the English language proficiency assessments and their placement in a English language development program;
- Copy of student’s English language proficiency assessment results;
- ISTEP+ scores; Exiting/Monitoring documents for students in the two-year monitoring period (if applicable); and
- Copy of a parent’s refusal of services (if applicable).

15. Q. Should the HLS be kept in a student’s cumulative folder if the parent answered English to all three questions?

Yes. The HLS must be kept in every student’s cumulative folder. Under no circumstance should it be thrown away. Section 1111 (b) (6) states: “Each State plan shall identify the language other than English that are present in a participating school population...” The HLS has been adopted by the State of Indiana for determining any student that speaks a language(s) other than English. It is important that this document is retained as proof that

a school corporation has identified any student that speaks a language other than English. Additionally, if a student transfers from one school corporation to another within Indiana, the receiving school corporation is required to use the original HLS to determine placement in a English language development program.

16. Q. Are students with a hearing impairment who rely on American Sign Language (ASL) for communication considered to be limited English proficient (LEP) for the purposes of Title III?

A student with a hearing impairment who comes from a household where English is the native language would NOT be considered LEP for Title III purposes. A student with a hearing impairment who comes from a household where the native language is **not** English, however, could be considered LEP if s/he meets the definition of LEP established by the federal regulations, which includes a language other than English listed on the Home Language Survey (HLS) and demonstrated limited English proficiency via an English proficiency placement assessment. View this document from the U.S. Department of Education for further information: <http://www2.ed.gov/programs/sfgp/americansignlang.pdf>

17. Q. Are online HLS forms acceptable?

As many districts move to electronic documentation, it is important to note that a digital HLS should offer the same flexibility to indicate more than one language for any of the three questions. How this is implemented will depend greatly on the district's online enrollment platform. However, it is recommended that multiple response fields be available for each of the three HLS questions.

Additionally, it is vital that all digital records are made available to the receiving district should a student transfer.

The Home Language Survey (HLS) and Identification of Students

The table below should first be used to identify each student who attends your school and which category they fit into. Flowcharts have been created in order for a school to follow the correct protocol for administering the HLS, based on the category that student was placed into. The last column in the table (“Flowchart”) identifies which chart should be followed for HLS and identification purposes based on the category that each student was placed into. The flowcharts can be found in the subsequent pages of this document.

The following definitions have been provided for interpretation of flow charts:

Individual Learning Plan (ILP): The plan created for any student that has been identified as LEP. This plan documents a student’s accommodations or strategies that they are able to receive both in the classroom and on state assessments. *(Please see Appendix C in the ISTEP+ Program Manual for allowable accommodations or strategies for state assessments at www.doe.in.gov/assessment).*

Limited English Proficient (LEP): A student who has been identified as someone who is not fluent in English based upon the English language proficiency assessment *(also referred to as an English Learner)*.

Original HLS: Refers to the document that was completed when the student first enrolled in Indiana schools, typically in Kindergarten.

Proficient (P): Refers to the score a student receives on the English language proficiency assessment. If a student receives a score of proficient, they are considered fluent English proficient (FEP) and would not have an ILP created for them.

Transfer Student: Refers to a student who did not begin their initial education at your school (i.e. transferred to you from a different Indiana school corporation or from another state).

Enrollment and Identification Process

Initial Home Language Survey

An Indiana Home Language Survey must be provided to parents for completion, ensuring that the purpose of the HLS is clearly explained.

HLS Indicates a Language Other Than English

The student should be administered the Placement Test to determine English proficiency
**If the student is coming from a WIDA consortium member state, check to see if the student has current ACCESS or W-APT scores*

HLS Indicates All English

The student should not be given the Placement Assessment and nothing further should be done. **A copy of the original HLS should be placed in the student's cumulative folder*

Student Scored as Limited English Proficient on Placement Test

If student scores as limited English proficient on the Placement Test, the student is considered Limited English Proficient (LEP) and must begin receiving federally required English language development instruction and will be annually assessed.

Student Scored Proficient on Placement Test

If student scores proficient on the Placement Test, nothing further should be done. The student is not considered LEP and does not enter a monitoring period. Report as FEP until graduation on DOE-LM. **A copy of the placement test results should be placed in the student's cumulative folder*

Student Identified as LEP

An ILP must be created for any student who has been identified as LEP. The ILP must document accommodations or strategies that the student is able to use both in the classroom and on state assessments.

Transfer Students from Another Indiana School Corporation (at any point in their education)

1. Check the student's cumulative folder for the original HLS
- OR
2. If the original HLS cannot be located, call the student's previous school to obtain the original HLS.

Original HLS Indicates a Language Other Than English

The previous Indiana school was required to have already administered the English language proficiency placement assessment. Check the cumulative folder for the assessment results. ** A copy of the original HLS must be placed in student's cumulative folder.*

HLS Indicates All English

The student should not be given the English language proficiency placement Assessment and nothing further should be done. **A copy of the original HLS should be placed in the student's cumulative folder*

Student Scored as Limited English Proficient on Placement Test

Student does not score proficient on the Placement Test, the student is considered Limited English Proficient (LEP), must begin receiving federally required English language development, and will be annually assessed. Check for annual assessment scores, if available.

Student Scored Proficient on Placement Test

If student scores proficient on the Placement Test, nothing further should be done. The student is not considered LEP. Report as FEP until graduation on DOE-LM **A copy of the placement test scores should be placed in the student's cumulative folder*

Student Identified as LEP

An ILP must be created for any student that has been identified as LEP. The ILP needs to document accommodations or strategies that the student is able to use both in the classroom and on state assessments.

1. *If original HLS cannot be obtained from student's previous school, administer a new HLS to the student. Documentation must be kept indicating the dates and times calls were made to the student's previous school in order to obtain the original HLS.*
2. *Students identified as Limited English Proficient will be annually assessed until they score as fluent English proficient (FEP).*

Cumulative Folder Guidance Specific to LEP Students

Cumulative folders are legal and confidential student education records. Cumulative folders and all information contained therein are only allowed by law to be viewed by school officials for whom the viewing of the record is required to fulfill his/her professional responsibility. Parents may request in writing to view their child's records and students over the age of 18 may request in writing to view their own records. (20 U.S.C. § 1232g (b); 34 CFR subpart D)

When working with cumulative folders, school staff must keep all information intact, confidential, and safe.

Please use the following checklist to ensure that information specific to limited English proficient (LEP) students is included in the cumulative folder. Update all information in cumulative folders at the end of each school year or when a student transfers to another school or school district.

- Original Home Language Survey (HLS) from when the student first entered school in Indiana
- Current Individual Learning Plan: a document that includes at least
 - ✓ the student's language level
 - ✓ a list of the accommodations and modifications that must be made for the student in all of their classes and on standardized examinations
 - ✓ An overview of the federally required English language development services being provided to the student
- Current copy of the parent notification letter that indicates the student's score on the English language proficiency assessment and their placement in a program aimed at helping Limited English Proficient students become Fluent English Proficient.
- A copy of the English language proficiency assessment results; student proficiency reports should remain in the cumulative folder for at least two years or be stored in an electronic format that is easily accessible and made available as needed.
- ISTEP + scores
- Exiting/Monitoring documents for students in the two-year monitoring period
- If the parents refuse services, written documentation should be included in the cumulative folder
- A log of updates, including the date and the name of the person who updated the folder

For Migrant Students, also include:

- A record of any PASS or GED course work
- A copy of the student's Certificate of Eligibility (COE) and/or work survey
- COE number as provided by Migrant Regional Center staff
- Verification of enrollment in Migrant Education Program by Migrant Regional Center or State staff

Individual Learning Plan (ILP)

The ILP is a specialized plan for each identified Limited English Proficient (LEP) student that details strategies, accommodations, modifications and goals to be implemented daily in the classroom in order to help LEP students be successful

ILP Specifics

- The ILP is a locally-developed form that is recommended to be created by the student's classroom teacher(s) in conjunction with the school's EL teacher or another designee
- All EL students (Levels 1.0-4.9) must have an ILP
- The ILP should be shared with the student and the parents
- Teachers and other staff members that work with an EL student must be given a copy of the ILP and are required to implement the ILP within their classroom on a daily basis

What should the ILP include?

The state does not require a specific ILP form; rather, schools retain the local responsibility to create an ILP based on their students' needs. However, the following are recommended items to include:

- General information about the student (name, grade, age, school year)
- English language proficiency placement test level
- Annual English language proficiency assessment levels over time, with sub-group levels in Listening, Speaking, Reading and Writing
- State and local assessment information
- The federally required language instruction program being used for the student to help them attain English language proficiency
- Strategies, accommodations, and modifications for the student to be implemented in all classes
- State testing accommodations
- Goals for the student (quarterly, semester, year-end)

State Assessments and Accommodations

- Limited English Proficient (LEP) students are eligible to receive accommodations on state assessments; however, in order to do so, the accommodations must be marked on the student's ILP
- Only state-approved accommodations may be provided for LEP students on state assessments
- School corporations must refer to the [Indiana Assessment Program Manual](#) for a list of state-approved accommodations for use with their LEP students on state assessments

How to Use the ILP

The Individual Learning Plan is an official document to aid educators in identifying an English Learner's English proficiency level and appropriate modifications and adaptations in the classroom.

At the beginning of each school year OR when a new EL arrives, the EL teacher should create the ILP in conjunction with the mainstream and/or content area teacher. It is the responsibility of the mainstream and/or content area teacher to ensure that the ILP is implemented daily for the student.

Some helpful tips and hints when utilizing the ILP:

- Consider the student's proficiency levels for each domain (listening, speaking, reading, and writing). This information is essential in understanding and interpreting data to drive instruction. For example: A child may be an overall 3 but a 1 in reading. This information will help when differentiating instruction and determining appropriate accommodations.
- One of the most important pieces of information on the ILP is the section regarding the adaptations that a student should receive while in mainstream settings. These adaptations should *always* be followed.
- If a teacher has difficulty ensuring that the ILP is followed, they should check with the EL teacher or administrator to find ways that they can work collaboratively to ensure fidelity to the document.

In addition to keeping a copy of the ILP in the cumulative folder, additional copies should be kept by all personnel working with the ELs. If your district maintains a separate EL folder system with just LEP information, keep a copy of the ILP in this folder as well. Digital copies of Individual Learning Plans offer an easy way to share information with all school personnel.

An example of an ILP can be found on the following page.

Individual Learning Plan (ILP) for English Learners

Name: _____ D.O.B. _____ Gender: _____ School ID: _____
 School: _____ Grade: _____ Entered U.S. Schools: _____
 Primary Language: _____ Secondary Language(s): _____

Program Status: EL Classes _____ Newcomer _____ Intervention _____ Push-In _____ Regular Ed. _____ SIOIP _____

Spring ELP Assessment Scores (1-6): Date: _____ **OVERALL:**

Score Type	Score	Proficiency Level	Score Type	Score	Proficiency Level
Speaking			Writing		
Listening			Oral Composite		
Reading			Comprehension		
			Literacy Composite		

Previous ELP Assessment Score: Date: _____ Score: _____

ELP Placement: Date: _____ Score: _____

Additional Assessments/Background Information:

Can read/write in Native Language? Yes _____ No _____ Attended school in home country? Yes _____ No _____
 Retained? School year: _____ IEP _____ 504 _____ Speech _____ G/T _____ LTELL _____

ISTEP+ and ECA Results

Date	LA	Math

ECA

Date	Eng 10	Date	Alegbra1	Date	Biology

Other: (AIMSweb, Lexile, IREAD3, DRA, Native Lang., etc.): _____

State Testing Accommodations:

- _____ Extended Time (one and a half or double time)
- _____ Small group testing by a familiar teacher
- _____ Approved word-to word dictionaries (if literate in native language)
- _____ Math/Science/Social Studies items and answers read verbatim
- _____ Read test/assignment directions and questions

Mainstream Adaptations:

Note: These are some adaptations that can be made for EL students, however, teachers must be differentiating their instruction and utilizing WIDA ELD standards so all students can be successful.

PACING:

- _____ Extend time requirements
- _____ Omit assignments
- _____ Other: _____

ENVIRONMENT:

- _____ Assign preferential seating
- _____ Assign peer buddy
- _____ Other: _____

TESTING:

- _____ Allow student to answer orally
- _____ Use multiple-choice
- _____ Read test to student
- _____ Modify format
- _____ Shorten test length

GRADING:

- _____ Use S's and U's
- _____ Other: _____

ASSIGNMENTS:

- _____ Differentiated reading level
- _____ Shorten assignments
- _____ Read directions to students
- _____ Alternate Homework w/Same Content

MATERIALS:

- _____ Use supplementary materials
- _____ Bilingual/Picture dictionaries/electronic translators
- _____ Use visuals/realia/picture files

PRESENTATION OF SUBJECT MATERIAL:

- _____ Use individual/small group instruction
- _____ Simplify language
- _____ Use manipulatives
- _____ Pre-teach vocabulary/key concepts
- _____ Use body movements and gestures
- _____ Plan for cooperative learning
- _____ Use graphic organizers
- _____ Choose 5 key concepts/limit amount of information

COMMENTS:

EL Teacher _____ Signature _____ Date _____ Classroom Teacher _____ Signature _____ Date _____

ELP Assessment Frequently Asked Questions

1. Q. Who is assessed with the English language proficiency assessment?

All students with a language other than English identified on their original Home Language Survey are assessed for proficiency in listening, speaking, reading and writing. This is not an arbitrary assessment done at the time of enrollment, but a formal assessment with the same instrument used statewide.

2. Q. What is the purpose of the English language proficiency assessment?

The **English language proficiency assessment** assesses children on a continuum in listening, speaking, reading and writing. It is done upon enrollment and every year thereafter. Measurement of a child's English proficiency is tracked to determine the pace of English progression. School corporations will be held accountable to demonstrate adequate growth in English language proficiency.

3. Q. Who assesses the child?

The licensed program staff in the EL program, who are trained in the use of the English language proficiency assessment, will administer the assessment. The assessment is to be administered only by personnel who hold a license granted by the Indiana Department of Education. The license must be an instructional, administrative, or school services license. Personnel not properly trained and certified (e.g., teacher's aides, secretaries, or substitute teachers who do not hold one of the above mentioned licenses) may **ONLY** serve as proctors, **NOT** as test examiners. In no case may unlicensed personnel be allowed to supervise the test administration without the guidance of a test examiner.

STATE/FEDERAL MANDATED English language proficiency placement assessment (W-APT)

(administered by licensed staff)

1. Required within 30 calendar days of the first day of school for new enrollees (i.e KDG) or out-of-state students who stated a language other than language on the HLS. If the student enrolls later in the year, then the screener will be administered within 2 weeks of enrollment.

-- If a student is transferring from an Indiana school, the school needs to obtain the original Home Language Survey from the previous Indiana school. If the original HLS has a language identified other than English, contact the previous school to obtain the placement or annual English language proficiency assessment score from the prior school year **AND** access the scores within the reports section of the [Learning Connection](#)

2. Helps identify initial language level and course placement

STATE/FEDERAL MANDATED English language proficiency Annual Assessment (administered by licensed staff)

1. Required for all limited English proficient students annually
2. Assesses language level and academic language growth from year to year

4. Q. When is the annual English language proficiency assessment administered?

The annual English language proficiency assessment is administered in the January-February testing window each school year. Testing windows are adjusted as deemed necessary by the IDOE.

5. Q. How can I obtain an individual student's assessment report?

a) If your school administered the English language proficiency annual assessment for the specific student in the previous year's January/February window, your school will receive a paper copy of the

results to place in the cumulative file and a copy to send home with parents. You can also obtain a digital copy via the Learning Connection (see step B below) or in WIDA AMS.

b) If the student is transferring from an Indiana school, you may access the previous English language proficiency results via the [Learning Connection](#). Once you sign in, find the “Reports” tab near the top of the screen. Then find “Student Summary” to access a state testing record for a particular student. If you have administrator rights to your school, you may also click on “Admin Reports” at the left side of the screen to view the “WIDA Enrollment Report.” Please note that the transferring student’s registration at your school will have to be reported to the IDOE in the real time submission prior to you being able to look up any data in the Learning Connection. Schools submit their real time data weekly.

c) If the student is transferring from an out-of-state school, Indiana does not accept other states’ Home Language Surveys. You will administer a new HLS if this is the student’s first enrollment in Indiana schools. If the HLS shows a language other than English for any of the questions, then the school should first see if the student has previous WIDA ACCESS or W-APT records if the student is transferring from another [WIDA state](#), which may be used. If not, the W-APT should be administered.

6. Q. What if an LEP student moves outside of Indiana and does not participate in the annual assessment that year but later returns in his/her academic career? Do we assess this student and using which method—placement or annual?

a) If the student only missed one academic year and/or English language proficiency annual assessment, then you can use the previous annual assessment data to determine services for the student. You do not have to give another placement test and you will include this student in the next upcoming annual English language proficiency assessment.

b) If the student missed two or more academic years and/or the annual English language proficiency assessment, administer a new English language proficiency placement test to obtain an accurate score. Use the score from this placement test to determine services. If the student scores as limited English proficient, then he/she needs to be classified as an English learner. If the student scores as proficient, then reclassify the student as FEP and exit the student from the language instruction program. No formal monitoring will need to take place in this specific situation.

7. Q. Can students receive accommodations on the English language proficiency assessment?

Only students with an IEP or 504 plan can receive additional accommodations on the English language proficiency assessment. Any accommodations provided on the annual English language proficiency assessment must be reported for each student within the student information summary on the testing booklet. The assessment needs to be administered without accommodations (unless directed by an IEP/504 plan) since it determines the student’s English proficiency and whether the student qualifies for services, including accommodations on other testing. The annual English language proficiency assessment is designed for limited English proficient students and already includes items such as additional time for test takers without the use of additional accommodations.

8. Q. Can WIDA ACCESS scores from other states in the consortium be used to determine placement in Indiana?

Yes, ACCESS scores from other WIDA member states may be used to determine placement and eligibility in Indiana. However, Indiana’s criteria for EL status and exit must be applied to these scores as many states in the consortium have set different entry and exit score criteria. For example, while the sending state may honor a 4.5 as FEP, Indiana’s criterion is 5.0 overall. Thus, the student would qualify for EL services in Indiana. Click [here](#) to see the states in the WIDA Consortium.

English Language Proficiency Levels

LEP students have varying levels of English proficiency. Their levels, which are assessed and identified by EL program staff, are described below. The chart below shows the definitions as outlined by the corresponding WIDA English language proficiency level:

Limited English Proficient	Level 1 Entering	Knows and uses minimal social language and minimal academic language with visual and graphic support.
Limited English Proficient	Level 2 Emerging	Knows and uses some social English and general academic language with visual and graphic support.
Limited English Proficient	Level 3 Developing	Knows and uses social English and some specific academic language with visual and graphic support.
Limited English Proficient	Level 4 Expanding	Knows and uses social English and some technical academic language.
Fluent English Proficient	Level 5 Bridging	Knows and uses social English and academic language working with grade level material.
Fluent English Proficient	Level 6 Reaching	Knows and uses social and academic language at the highest level measured by the WIDA ACCESS.

Performance Definitions for the Levels of English Language Proficiency

6 - Reaching	<ul style="list-style-type: none"> • specialized or technical language reflective of the content area at grade level • a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse as required by the specified grade level • oral or written communication in English comparable to proficient English peers
5 - Bridging	<ul style="list-style-type: none"> • specialized or technical language of the content areas • a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse, including stories, essays, or reports • oral or written language approaching comparability to that of English-proficient peers when presented with grade-level material
4 - Expanding	<ul style="list-style-type: none"> • specific and some technical language of the content areas • a variety of sentence lengths of varying linguistic complexity in oral discourse or multiple, related sentences or paragraphs • oral or written language with minimal phonological, syntactic, or semantic errors that do not impede the overall meaning of the communication when presented with oral or written connected discourse with sensory, graphic, or interactive support
3 - Developing	<ul style="list-style-type: none"> • general and some specific language of the content areas • expanded sentences in oral interaction or written paragraphs • oral or written language with phonological, syntactic, or semantic errors that may impede the communication, but retain much of its meaning, when presented with oral or written, narrative, or expository descriptions with sensory, graphic, or interactive support
2 - Emerging	<ul style="list-style-type: none"> • general language related to the content areas • phrases or short sentences • oral or written language with phonological, syntactic, or semantic errors that often impede the meaning of the communication when presented with one to multiple-step commands, directions, questions, or a series of statements with sensory, graphic, or interactive support
1 - Entering	<ul style="list-style-type: none"> • pictorial or graphic representation of the language of the content areas • words, phrases, or chunks of language when presented with one-step commands, directions, WH-, choice, or yes/no questions, or statements with sensory, graphic, or interactive support • oral language with phonological, syntactic, or semantic errors that often impede meaning when presented with basic oral commands, direct questions, or simple statement with sensory, graphic or interactive support

Additional information on what students at particular language levels are able to do can be found at WIDA's Can Do Descriptors page. http://www.wida.us/standards/CAN_DOs/

Exiting From Services and Monitoring

Proficiency in English for limited English proficient (LEP) students is based on attaining fluent English proficiency (FEP) on the annual English language proficiency assessment. **Newly enrolled students testing as fluent English proficient on the initial English language proficiency placement assessment do not enter the language instruction program and are not subject to exiting criteria.** Exiting students from instructional services, LEP sub-group information, and the monitoring of academic progress are outlined below.

Exiting from Services:

Student scores as fluent English proficient (FEP) as recognized on the annual English language proficiency assessment (5.0 or higher composite proficiency level)



Exit English language development services and reclassify as FEP for reporting purposes (DOE-LM) and begin formal two-year monitoring

(Note: FEP students no longer generate Title III or NESP funding)

+

Student's score counts in LEP subgroup during two-year monitoring

Monitoring:

Example:

Spring 2016: Overall fluent English proficient (FEP) score
(No further English language proficiency assessment)
SY 2016-17: Monitoring Year 1 *(No assessment in Spring 16)*
SY 2017-18: Monitoring Year 2 *(No assessment in Spring 17)*

Exiting from English language development services must ensure that:

- ♦ former LEP students who have been reclassified as fluent English proficient (FEP) will have full access to mainstream curricula
- ♦ 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.
- ♦ rigorous monitoring of students' academic progress will occur for two years.

The formal two-year monitoring period begins when a student attains proficiency on the annual English Proficiency Assessment. During this two-year period, exited students are still entitled to access all services provided through the district's language development program, if needed.

Monitoring and Reclassification of FEP Students

*Although the attention paid to English Learners has never been greater, the stakes have also become enormously high for them and those who educate them. Educators need to rethink their policies, procedures, and program designs with the intent of more effectively, and in a more timely fashion, distributing and delivering the right kinds of services to English Learners. [Reaching FEP status] is a very good place to begin, but it's important to remember that [this] is neither the whole story, nor the end of the story — though it is often seen as both. There is a much larger trajectory of EL progress— in **academic language development, and in access to and achievement in the academic core** — **that must be monitored, reported, and acted on. The story begins long before reclassification, and continues long after it. True accountability for the success of these students requires better monitoring of this full trajectory.***

*U.S. Department of Justice, Civil Rights Division
U.S. Department of Education, Office for Civil Rights
January 7, 2015*

The United States Department of Education released guidance regarding monitoring and exiting English Learners from EL programming and services in Chapter 8 of the English Learner Tool Kit. Please refer to this chapter for additional information regarding SEA and LEA legal obligations. Click [here](#) to access this document.

Key Points:

- The IDOE must ensure that all students acquire academic language and content knowledge by monitoring whether school districts are providing Limited English Proficient (LEP) students and Fluent English Proficient (FEP) students with meaningful access to grade-appropriate core content and language instruction and remedying any content and language deficits in a consistent and timely manner.
- School districts must monitor the academic progress of former LEP students for at least two years to ensure they are meaningfully participating in the district's educational program in a manner that is comparable to their never-EL peers and comparable to other FEP students exited at the same time.
- School districts must 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 making adequate progress.
- School districts must implement a formal process and maintain robust documentation for their EL and content teachers to monitor FEP students. This documentation must include essential data such as the student's grades in each subject, scores on district and State assessments and standardized tests, and the teachers' comments on an FEP student's strengths and weaknesses in each of the four language domains and each academic subject

Guidance for Monitoring of FEP Students

The school district should consider the following points:

1. What performance expectations and progress indicators do we have for FEP students in a certain academic subject?
2. How carefully do we monitor which FEPs are making adequate progress, and which are not?
3. Are measures used to monitor students' progress standards-based and do they maintain high expectations?
4. How well are FEPs meeting grade-level standards since reclassification?
5. Are teachers who provide core instruction to FEP students adequately trained in language acquisition and are they aware that fluent students can still struggle with academic English? Is there ongoing evaluation of the core curriculum to ensure FEP students are supported the continuance of academic English acquisition?

As a reminder, FEP students must have the same access to the academic supports and interventions available to all students.

Suggested Indicators for FEP Monitoring Documentation

Below is a list that entails several recommendations that would constitute part of a rigorous monitoring system in a school district. This list is not exhaustive and should be adjusted to include the most useful and actionable data for an individual district.

Are the timeframes for implementing the monitoring described? How often will the student be monitored (e.g. quarterly, each semester)?

- Are all assessment instruments and procedures (e.g., tests, teacher observations, etc.) described in the district's monitoring process?
- Are the student's grades in each subject area documented on the monitoring form?
- Are the student's scores on district and State assessments and standardized tests included?
- How will the district formatively assess the English language skills of FEP students in the following four proficiency areas: listening, speaking, reading, and writing?

- Are the student's strengths and weaknesses in each of the four language domains and each academic subject documented by the teacher?
- Is the student's attendance record documented?
- How is the school district ensuring that FEP students have equitable access to the same educational programming as never-ELs?
- Is all documentation kept on file for the student throughout the monitoring process

Reclassification of FEP Students

When discussing the academic struggles of FEP students, it is important to base the discussion on the fact that all students, regardless of English proficiency or native language, can struggle with core content areas. However, states and school districts have an obligation to ensure students are exited neither too early nor too late in order to protect the civil rights of all students. Thus, mechanisms must exist that prevent premature exit and work to remedy any content deficits resulting from participation in the EL program that prevent equitable participation in the general education setting.

If reentering an FEP student to EL status, school districts must have:

- formed and implemented rigorous monitoring systems for FEP students based on state and federal guidance to ensure students meet expected benchmarks and growth
- ensured any academic deficits students 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
- re-administered the W-APT to determine whether language services should be offered to the student based on Indiana criteria for EL eligibility
- documented all supporting sources of data, reasoning for the reclassification back to EL status, and secured parent/ guardian consent for reentry into the EL program as a level 1.0-4.9

State Testing Accommodations for Limited English Proficient (LEP) Students

The No Child Left Behind Act of 2001 (NCLB) requires that assessments are accessible and provide all students with the opportunity to demonstrate what they know and are able to do. An accommodation is a change in the standardized testing materials or procedures that enables students with a disability or a language deficiency to participate in an assessment in a way that measures abilities. An accommodation does not change the concept being measured. Testing accommodations are designed to “level the playing field” during the testing situation or to achieve “assessment parity” for all students regardless of disability or language deficiency. Students receiving special education services, students with documented acute or chronic disabilities, and students who are Limited English Proficient (LEP) may be entitled to assessment accommodations. These accommodations must be documented in the Individual Learning Plan (ILP). The ILP is a specialized plan that includes accommodations for each Limited English Proficient student who has been identified on the Placement assessment as limited English proficient.

Approved ILP accommodations for LEP Students:

Student provided access to a talking/screen reading device (cannot be used for reading comprehension portion of test)
Test read aloud to the student by test administrator (except items testing reading comprehension)
Student tested individually or in a small group setting by a familiar teacher
Student allowed to use an approved, bilingual word-to word dictionary
Student provided extended testing time for test sessions

ISTEP+ Testing

“All limited English proficient students regardless of their level of English proficiency or number of years attending U.S. schools, must be included in the state’s assessment system (ISTEP) immediately upon enrollment in a school. School districts may choose to exercise federal flexibility for LEP students within their first year of schooling to utilize the English language proficiency assessment in place of participation in the English/Language Arts portion of ISTEP+.”

ILP Accommodations for State Testing:

EL Students participating in ISTEP + may be furnished with the following accommodations if documented on the student’s Individual Learning Plan (ILP):

- Small group administration
- Extended time for completion
- Administration of exam by familiar teacher
- Pre-approved **word to word** bilingual dictionary for students literate in their native language
- Test items read aloud verbatim (except reading comprehension)

Giving exam in native language:

Translation of the exam into the student’s native language in oral or written form is **not permissible**.

EL Students exempt from ISTEP+:

No EL student is fully exempt from ISTEP+. According to Federal Flexibility, students who have been in U.S. schools less than one full year may be exempt from the language arts portion **only**. The decision to utilize federal flexibility for students in their first year in the U.S. must be a district-wide decision and cannot be used selectively just for some of the district’s LEP students within their first year. **First year federal flexibility may only be used once per individual; even if the student’s cumulative total schooling within the U.S. is less than one year.**

How is ISTEP+ administered to EL Students?

Small group administration, extended time and administration by a familiar teacher, use of a bilingual word-to-word dictionary, and items read (if ILP Committee deems it appropriate) are all permissible accommodations for EL Students. The accommodations used must be noted on the students’ ILPs and must be an approvable accommodation in the ISTEP+ program manual.

Who will administer the ISTEP+ to EL Students?

Certified teaching staff will administer the exam during the designated testing window, providing all appropriate accommodations per the student’s ILP.

Where will the ISTEP+ be administered for EL Students?

LEP students will be furnished with appropriate space within their school building and the conditions and timeframes to effectively complete the test administration.

When will the ISTEP+ be administered to EL Students?

The ISTEP+ will be administered during the same designated district and building window.

IREAD-3

House Enrolled Act (HEA) 1367, also known as Public Law 109 in 2010, requires the evaluation of reading skills for students who are in third grade, including English learners.

Good Cause Exemptions were included in HEA 1367 to allow for flexibility in determining access to grade four curriculum. These Good Cause Exemptions may be given to students who do not pass IREAD-3 and fit one of the following criteria:

1. Students who have previously been retained two times prior to promotion to grade four (Students may only be retained a maximum of two times in grades K-3 combined)
2. Students with disabilities whose case conference committee has determined that promotion is appropriate
3. English Learners (ELs) whose Individual Learning Plan (ILP) committee has determined that promotion is appropriate.

Limited English proficient (LEP) students, including newly enrolled students within their 1st year, must participate in IREAD-3. The 1st year federal flexibility, which can be employed for students within their 1st year of schooling in the U.S. for ISTEP+ and ECA, does NOT apply to IREAD-3 because it is an assessment required by state, not federal, law. As with all state assessments, the IREAD-3 test administration may include allowable IEP and ILP accommodations. See Appendix C of the *Indiana Assessment Program Manual* for specific information at www.doe.in.gov/assessment.

Any LEP student is required to have an Individual Learning Plan (ILP). If an LEP student does not pass IREAD-3, then the school must convene an ILP committee to determine whether promotion to 4th grade is appropriate for this student. Fluent English proficient students are not eligible for the good cause exemption. The ILP committee may also decide whether the student should participate in the summer retest. However, English learners also qualify for any interventions that are provided to all students, including the summer reading remediation/intervention program designed for students who have not passed IREAD-3.

The ILP Committee is a group of individuals responsible for determining whether an LEP student who did not pass IREAD-3 should have access to fourth grade reading and literacy instruction. 511 IAC 6.2-3.1-3 (6) (C) (i) indicates that the ILP Committee must consist of:

- the student's parent
- a building level administrator, or designee;
- a classroom teacher of service
- An English learner teacher, if one exists; and
- An English learner district administrator, if one exists

According to a May 1970 memorandum from the Office of Civil Rights, "school districts have the responsibility to adequately notify national origin-minority group parents of school activities which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English". School districts should provide an interpreter for families who are not proficient in English so that they may meaningful participate in the ILP committee. School districts should not use the English proficiency of the student to determine the English proficiency of the

parents and whether an interpreter is needed, as the parents may be more/less proficient than their students.

Additionally, retention of LEP students shall not be based solely upon level of English language proficiency (Section I, Part G, Guidelines to Satisfy Legal Requirements of Lau v. Nichols). If the ILP committee, along with corresponding English language proficiency assessment data, determines that the lack of English proficiency is the determinant factor for the LEP student not passing IREAD-3, then the school district shall not retain the student.

IREAD-3 Concerns for recently-exited ELs

As WIDA ACCESS for ELLs 2.0 is an online assessment, student scores are now available earlier in the school calendar. This may lead to a situation where an EL student receives a score of FEP (5.0+) before the end of the year.

This score is to be used for planning and programming purposes for the **next** school year and does not disqualify an EL student from eligibility for accommodations on state assessments nor would it disqualify a student from a Good Cause Exemption or waiver considerations in the current academic year.

Example: Student A starts school year 2016-2017 with an ELP level of 4.1. Student A does **not** pass the spring 2017 administration of IREAD-3 but receives a score of 5.2 on the most recent ACCESS administration. This student is still eligible for a Good Cause Exemption during the current academic school year despite having received a score of FEP.

Examples of Classroom Assessments

Parallel Assessment (administered by classroom teachers)

1. Document individual student growth over time.
2. Emphasize students' strengths over weaknesses
3. Consider learning styles, language proficiency, cultural and education backgrounds, and grade levels of students
4. Focus on: 'What does the student need to know? What did the student learn?'

www.uu.edu/programs/tesl/MiddleSchool/assessment.htm

Examples and Suggestions for Parallel Assessment of EL Students

1. Non-verbal (for Levels 1-2)
2. K-W-L (What you know, what you want to know and what you learned) Chart
3. Topic Monologues: Ask students to describe to their partners what they learned and have the partners report to the class
4. Written Products and Portfolios of progressive work (grade with the use of a rubric, a literary checklist, etc.)
5. Graphic Organizers
6. Cue Card Interview: card with pictures or a written prompt, such as "What story does this picture tell?" "What do you think will happen next?" "Greet your partner and ask where he has been for the last 3 days... Respond that you have been at home sick." Use probing questions, such as "What is the main idea in this picture?"

<http://www.kidsource.com/kidsource/content2/practical.assessment.4.html>

Types of Authentic Assessments

Authentic assessments include a variety of measures that can be adapted for different situations. These are some examples of authentic assessments.

Assessment	Description	Advantages
Oral Interviews	Teacher asks students questions about personal background, activities, readings, and interests	<ul style="list-style-type: none"> • Informal and relaxed context • Conducted over successive days with each student • Record observations on an interview guide • Student produces oral report
Story or Test Retelling	Students retell main ideas or selected details of text experienced through listening or reading	<ul style="list-style-type: none"> • Can be scored on content or language components • Scored with rubric or rating scale • Can determine reading strategies and language development
Writing Samples	Students generate narrative, expository, persuasive, or reference paper	<ul style="list-style-type: none"> • Student produces written document • Can be scored on content or language components • Scored with rubric or rating scale • Can determine writing processes
Projects/ Exhibitions	Students complete project in content area, working individually or in pairs	<ul style="list-style-type: none"> • Students make formal presentation, written report, or both • Can observe oral and written products and thinking skills • Scored with rubric or rating scale
Experiments/ Demonstrations	Students complete experiment or demonstrate use of materials	<ul style="list-style-type: none"> • Students make oral presentation, written report, or both • Can observe oral and written products and thinking skills • Scored with rubric or rating scale
Constructed-Response Items	Students respond in writing to open-ended questions	<ul style="list-style-type: none"> • Student produces written report • Usually scored on substantive information and thinking skills • Scored with rubric or rating scale
Teacher Observations	Teacher observes student attention, response to instructional materials, or interactions with other students	<ul style="list-style-type: none"> • Setting is classroom environment • Takes little time • Record observations with anecdotal notes or rating scales
Portfolios	Focused collection of student work to show progress over time	<ul style="list-style-type: none"> • Integrates information from a number of sources • Gives overall picture of student performance and learning • Strong student involvement and commitment • Calls for student self-assessment

From Authentic Assessment for English Learners: Practical Approaches for Teachers by J. Michael O'Malley and Lorraine Valdez Pierce

EL Students with Additional Academic Needs

If you suspect an English Learner has a disability, referral and evaluation should happen in a timely manner, as it does for any other student. There are a few specific additional considerations for ELs:

Designated staff in each school/district should lead this process (whether IDEA or 504) as there are very specific guidelines to be followed. Educators who are knowledgeable about and familiar with the student's language acquisition must be involved at every step throughout the process. For further detailed instructions regarding both federal IDEA law and state 511 IAC Article 7 state law, please view this joint memo [HERE](#) from the IDOE Office of Special Education and IDOE Office of English Learning and Migrant Education.

All notices and consents are required to be provided in the parents' native language, unless the language is not written or it is clearly not feasible to do so. Qualified interpreters should be utilized to transmit all other information.

Evaluations must be conducted by professionals who are able to select and administer procedures so that results are not biased by the child's culture or language. Both IDEA <http://idea.ed.gov/> and Section 504 <http://www2.ed.gov/about/offices/list/ocr/504faq.html> provide specific information and answer common questions in order to assist school and district personnel to best serve students with special academic needs.

IDEA requires that when an English Learner has a disability, planning for the child's language needs and the effect of language development on the overall educational program be a consideration of the IEP team, which must include someone who is knowledgeable about the child's second language acquisition and level of functioning.

Once an English Learner has been identified with additional academic needs, the Individual Education Plan (IEP) team, with appropriate representation from those knowledgeable about the child's background, culture and language acquisition should make the decisions about the relationship between the child's disability, language needs and educational program.

For a 504 plan implementation, the team should include a professional who is knowledgeable about the child, and someone who understands the child's language development.

It is important to maintain the perspective that if the child's disability affects his or her functioning in any academic area, it is likely that it will affect their progress in learning English. As such, it is not appropriate nor allowable to withdraw language instruction from a child based on limited performance consistent with their disability.

Special Education

English Learners may be identified for Special Education placement if they meet the following criteria.

General Criteria:

1. Consistent, objective monitoring indicates that the EL is significantly struggling, and as collaboratively identified by EL program staff, classroom teacher(s), and other staff.
2. The student’s academic struggles are **not related** to second language acquisition.
3. An interpreter must be furnished if the child’s dominant language is other than English. It is preferable that the psychologist is proficient in the native language of the child, but if that is not possible, an interpreter may be used who is from the culture and language of the child. It **cannot** be a family member and must represent a non-biased party.

EL and Special Education Staff Roles:

Staff	Role
EL Teacher	<ul style="list-style-type: none"> • Identify home language • Assess English proficiency • Develop Individual Learning Plan (ILP) and share with the classroom and/or content area teacher
Classroom or Content Area Teacher	<ul style="list-style-type: none"> • Identify teaching and learning concerns • Discuss concerns with EL staff AND Special Education Staff
Special Education Teacher (Including Speech and Language Teacher)	<ul style="list-style-type: none"> • Discuss concerns with EL Staff
Principal	<ul style="list-style-type: none"> • Be aware of student needs and how EL Staff and Special Education Staff are coordinating services and provide support as needed

Alternate ACCESS for Students with Disabilities

Testing English learners with disabilities

No LEP student is exempt from participating in the annual English language proficiency assessment. Nearly all LEP students who also have an identified disability will participate in ACCESS for ELLs 2.0. The Individuals with Disabilities Education Act (IDEA) 2004 requires all students to participate in statewide assessments, which includes the state adopted ACCESS for ELLs 2.0 that is required under Title I and Title III of No Child Left Behind (NCLB) 2001. LEP students with a disability may receive accommodations on ACCESS 2.0 per the student's Individual Education Plan (IEP).

For LEP students with disabilities who need a paper-based version of ACCESS for ELLs 2.0 as an IEP accommodation, the Test Coordinators will order these within the DOE-TL (WIDA) file upload. Administrators should note that grade clusters changed to the following clusters in 2015-2016: Grade 1, Grades 2-3, Grades 4-5, Grades 6-8, and Grades 9-12. Within each grade-level cluster there are three tiers (Tiers A, B, C). LEP students will have to be assigned a tier respective to their language proficiency level on the request form. The tier specificity of WIDA allows a more exact language domain and comprehensive score.

For LEP students who need a paper-based version of ACCESS for ELLs 2.0, **Tier B and Tier C will be the only versions allowed to formally exit a student from English learner services and reclassify him/her as fluent English proficient when the student achieves a 5.0 Grade Adjusted Overall Composite Score.**

If the case conference committee determines that an alternate English language proficiency assessment is needed for LEP students with significant cognitive disabilities in grades 1-12, Alternate Access for ELLs will be used. Alternate ACCESS for ELLs for eligible students will be ordered within the DOE-TL (WIDA) file upload. Currently, there is no Alternate ACCESS assessment available for Kindergarten students, so LEP Kindergarten students with significant cognitive disabilities should participate in the Kindergarten ACCESS for ELLs.

For more information, view the guidance from the U.S. Department of Education titled *Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments* at <http://www2.ed.gov/about/offices/list/osers/index.html>.

Important Notes:

- If the case conference committee determines that the LEP student will take ISTAR Alternate Assessment, then the student qualifies to take the Alternate ACCESS for ELLs assessment. However, because a student cannot formally exit EL services based on Alternate ACCESS results, the committee may decide to administer the general ACCESS for ELLs assessment instead to provide the student with the opportunity to demonstrate fluent English proficiency.
- If the case conference committee determines that the student will participate in ISTEP+ testing, then the student **must** take WIDA ACCESS for ELLs 2.0.

The ***Alternate ACCESS for ELLs*** aligns with the WIDA Alternate English Language Proficiency levels. Additional information can be found on the [WIDA Alternate ACCESS page](#). Currently, students taking Alternate ACCESS may not be reclassified as Fluent English Proficient (FEP) based on their Alternate ACCESS proficiency levels.

RTI and English Learners Research

RTI is an opportunity to use the school's existing resources, programs, personnel, effective teaching practices and assessment in a comprehensive way to offer an optimal learning environment for all students. In each tier of the RTI process, instruction and intervention must be tailored to meet the unique needs of the English learners and **language acquisition** must be taken into account when servicing students through RTI.

Title I, Part A funds are regularly used to provide RTI. For more information on the intersection of Title I, Part A, the core EL program, and Title III, please review [English Learners and Title I, Part A: Purposeful Design and Coordination](#).

EL Services/Lau Requirements

- The Lau required English language development is in addition to the core instruction. EL classes/services do not take the place of an intervention for English Learners.
- If an EL student needs a formal intervention, he/she must be provided with that formal intervention **in addition to** the Lau required English language development.
- EL students may get EL services AND a reading and/or math Tier 2 or 3 intervention.
- EL students may receive a Tier 2 intervention, but not be categorized as a Tier 2 student due to language acquisition.

Collaboration with EL teachers

- Working collaboratively as a community is the key to success with RTI and English learners.
- The role of the EL teacher should be to provide English language development services (even if they receive a Tier 2 or Tier 3 intervention), and to participate as a member on the RTI team and decision making.

Questions to guide RTI collaboration with English learners

- Have English learners had sufficient opportunity to learn (time and quality of instruction)?
- Does Tier 1 instruction reflect best practice, and is it being implemented to a high degree?
- How are we documenting and progress monitoring?
- Are our teachers respectful of and supportive of English learner students' cultures and language learning needs?
- Are we using only evidence-based intervention and curriculum?
- Are we giving our English learners enough time in Tiers 1, 2, and 3 before considering moving to the next Tier or special education?
- Are we utilizing the expertise on our staff in a collaborative way to provide a comprehensive instructional program for all students?
- Are we working collaboratively with EL teachers?

RTI for English Learners Structure Examples

Responsive Instruction

A Multi-tiered System of Support

What is Responsive Instruction?

Responsive Instruction (RI) is a multi-tiered system of support (MTSS) through which teams make instructional decisions based on data in order to provide differentiated classroom instruction and the necessary academic and behavioral support for all students across all schools.

In Fairfax County Public Schools, RI is built upon the foundation of a Professional Learning Community along with core instructional factors. The RI framework provides increasingly intensive student specific interventions based on individual needs.

How are intervention decisions made?

Schools implementing Responsive Instruction use a collaborative problem solving approach to address the needs of students at the different tiers. Standard decision rules are utilized to provide greater consistency and fidelity of implementation.

At all tiers, intervention decisions are based upon data. Teams apply decision rules to monitor progress of core instruction and determine the appropriate instructional support.



Tier 3: RI Core Team problem solves for individual students.

Tier 2: RI Core Team and CLT problem solve for smaller groups of students.

Tier 1: CLTs problem solve for specific groups of students by name and by need.

How can schools prepare for RI implementation?

- Develop strong Collaborative Learning Teams that focus on results
- Participate in the RI Implementation Survey
- Strengthen core instruction
- Implement differentiated instruction
- Establish a schedule with dedicated time for intervention
- Determine resources (e.g., materials, personnel) available within the school

What are the "Key Components" of RI?

- High Quality Core Instruction for academics and behavior
- A culture of collective responsibility for ALL students
- Use of universal screening
- Progress monitoring
- Multi-tiered support
- Early implementation of evidence-based interventions with fidelity

RI Training and Support

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FAIRFAX COUNTY
PUBLIC SCHOOLS

2014-2015

RTI for English Learners Structure Examples

Tier 1 Core Instruction for English Learners	Tier 2 Targeted Support for English Learners	Tier 3 Intensive Intervention for English Learners
<p>Core instruction that is based on best practices for English learners and follows the student’s Individual Learning Plan (ILP) that includes modification and accommodations.</p> <p>Differentiation aligns assessment and instruction with flexible grouping for instruction and practice.</p> <p>Student progress is monitored with reliable, ongoing, and authentic assessments (universal screening), with multiple indicators that are linked explicitly to instruction.</p> <p>EL services are in addition to the student’s core instruction. EL services do not take the place of an intervention.</p>	<p>Targeted instruction that is focused and targeted on specific skills that are associated with broader academic successes.</p> <p>Designed for students who are not making adequate progress on core skill(s).</p> <p>Explicit instruction that emphasizes key instructional features that are important for English learners: opportunities to develop and practice oral language, key vocabulary emphasis, interaction, learning strategy instruction, etc.</p> <p>Tier 2 is not a replacement of the EL services, core curriculum, or time to teach a particular standard again.</p>	<p>Intensive and strategic instruction that promotes learning for each student based on individual need.</p> <p>Intended for a specific duration of time using frequent progress monitoring to inform on-going decisions about placement.</p> <p>Documentation that shows a student is not making adequate progress despite having been provided evidence-based instruction for English learners.</p>
Progress Monitoring	Progress Monitoring	Progress Monitoring
<p>EL students who are ONLY receiving EL services and are not in a reading and/or math intervention group should NOT be progress monitored every 1-2 weeks.</p> <p>EL students may receive an intervention, but might not be categorized as a Tier 2 student due to language acquisition. These students should be strategically monitored once a month.</p>	<p>EL students may get EL services AND a reading and/or math Tier 2 intervention. These students should be progress monitored by the interventionist or educator who is providing the intervention every 1-2 weeks.</p>	<p>EL students may get EL services AND a reading and/or math Tier 3 intervention. These students should be progress monitored by the interventionist or educator who is providing the intervention weekly.</p>

Retention Guidelines

Retention of LEP students shall not be based solely upon level of English language proficiency (Section I, Part G, Guidelines to Satisfy Legal Requirements of *Lau v. Nichols*). Prior to considering retention of a LEP student, the following points should be addressed in consultation with the EL staff.

- **Has the student's level of English language proficiency been assessed?**
Each spring, all LEP students must participate in the annual English proficiency assessment. Newly enrolling K and out-of-state transfer students must be assessed for identification as LEP using the Placement Test within thirty (30) days of enrollment at the beginning of the school year or within two (2) weeks during the school year.
- **Has the student been enrolled in the school district for more than one full academic year?**
- **To ensure meaningful participation, are classroom modifications being made in the areas of:**
 - **teacher lesson delivery;**
 - **assignments;**
 - **homework; and**
 - **formal assessments (quizzes and tests)**
- **Has an Individual Learning Plan (ILP) been implemented to document classroom modifications and student progress?**
- **How much individual English language development instruction is the student receiving via pullout or an EL course during the school day?**
- **Has an alternate grading strategy been implemented including a portfolio, contract or rubric assessment?**

If the above points have not occurred in a sufficient manner, retention is **not** appropriate. Retention policies, especially for LEP students, should not be based on one specific piece of data alone or any sole criterion. Retention of LEP students will not facilitate English language acquisition. The process of language acquisition should occur at all grade levels.

Additionally, Lau (1974) states three criteria to examine whether former LEP students are able to participate meaningfully in the regular education program:

- 1) Whether students are able to keep up with their non-LEP peers in the regular education program
- 2) Whether students are able to participate successfully in essentially all aspects of the school's curriculum without the use of simplified English materials; and
- 3) Whether their retention in-grade and dropout rates are similar to those of their non-LEP peers

RETENTION GUIDELINES CHART FOR LEP STUDENTS

<p style="text-align: center;">CONSIDER RETENTION</p> <p style="text-align: center;">Retention can be considered in consultation with ESL staff if the points have been addressed and student still is not successful.</p>	YES ←	① English proficiency assessment	NO →	<p style="text-align: center;">DO NOT RETAIN</p> <p style="text-align: center;">If all of the points have not been implemented student should not be retained.</p>	
		+	② Length of enrollment		NO →
		+	③ Classroom modifications		NO →
		+	④ Individual Learning Plan		NO →
		+	⑤ Minimum recommended amount of English language		NO →
		+	⑥ Grading alternatives		NO →

Identifying Gifted and Talented English Learners

*“Gifted and talented English Learners are unique and challenging students. Like all gifted and talented students, **they are curious, creative, observant, and sensitive**. All gifted and talented students are the best and brightest of any community in which they live... They are members of our community and **future leaders of their generation**”* (Sosa, Colangelo, et al. 9).

By law, English Learners have a right to an education that addresses their specific needs as they are learning a new language (Sosa et al. 9). (See the *Civil Rights Act of 1964*, the *Equal Education Opportunity Act of 1974*, and Titles I and III of the 2001 reauthorization of the *Elementary and Secondary Education Act of 1965* or *No Child Left Behind*.)

English Learners can often be overlooked in the gifted and talented search **simply because they are not thought of in the same context as their English-speaking peers**. “What is different for English Language Learners is the emphasis on their gifts *within the cultural context of learning a second language*” (Sosa et al. 13).

Even if a district decides to use academic assessments to screen all students for gifted/talented programs, that doesn’t necessarily mean English Learners’ scores have to be compared to English-speaking students’ scores. ...Instead of using national norms to evaluate giftedness it is recommended to use local norms (which are available from many group-administered ability and achievement tests) to determine eligibility” (Sosa et al. 22).

Necessary for the identification of Gifted and Talented English Language Learners:

1. Collaboration of classroom educators, gifted and talented educators, and EL educators
2. Increase ease of ELs’ ability to express knowledge and minimize dependence on English
3. Find a way to fuse together the gifted and talented culture with the culture of the ELs
4. Break the equation of non-English speaking with poor academic potential
5. Rather than the English-speaking minimum requirement for admission into gifted and talented, **use a combined context** of the specific culture and other ELs’ test scores to determine an English Language Learner’s acceptance into the gifted and talented program.

Translation and Interpretation Considerations: “When a student’s caregivers are not fluent in English, it’s important to provide an interpreter... Having a member who can communicate with the student’s parents will increase the chance that the selection process is sensitive to the student’s cultural and language learning context. It will also **help parents participate** in the important discussion of their child’s educational future” (Sosa et al. 19).

Identification for Teachers

An English Learner's English proficiency should not be the only consideration when looking at Gifted and Talented placement. Though not limited to the following, *some* prominent characteristics that can help teachers identify Gifted and Talented English Learners are:

School Based

- May be able to read in their native language two grade levels above their current grade (if student is proficient or has received formal education in the native language)
- Shows high ability in mathematics
- Is advanced in creative domains (fluency, elaboration, originality, and flexibility)
- Is a leader in multiple settings (playground, home, clubs, etc.)

Culture Based

- Balances behaviors expected in both the heritage and the new culture
- Navigates appropriate behaviors successfully within both cultures
- Is willing to share his/her heritage and culture
- Shows pride in his/her culture and ethnic background
- Displays a mature sense of diverse cultures and languages
- Demonstrates a global sense of community and respect for culture differences

Language Based

- Demonstrates language proficiency levels above non-gifted students who are also English Learners
- Learns multiple languages at an accelerated pace
- Shows the ability to code switch/think in both languages
- Wants to teach others words from their heritage language
- Is willing to translate for others; interprets at an advanced level (oral),
- Has superior phrases and heritage dialects along with the ability to translate the meanings in English
- Demonstrates an advanced awareness of American expressions

(Project GOTCHA: Galaxies of Thinking and Creative Heights of Achievement and Sosa et al.)

Foreign Exchange Students

Under the Elementary and Secondary Education Act (ESEA), a foreign exchange student is not exempt from any Title III required assessment, specifically the English language proficiency placement test. LEAs are required to administer a Home Language Survey to all first-time enrollees (i.e. incoming Kindergarteners) and students enrolling from out of state. If a student, including a foreign exchange student, has a language other than English identified on the Home Language Survey, then an English language proficiency placement test must be administered within 30 days of the beginning of the school year or two weeks after enrollment.

If a foreign exchange student receives a score of limited English proficiency on the English language proficiency placement test, then the student is considered Limited English Proficient (LEP) and begins receiving federally required English language development services.

This policy applies even if the student's foreign exchange program required an English proficiency assessment, unless it was the state adopted English language proficiency assessment, because that assessment was not aligned to Indiana's English proficiency assessment. A score that a foreign exchange program considers as English proficient may not correlate to Indiana standards. Therefore, foreign exchange students should be treated like any other student if they indicate a language other than English on a home language survey.

A foreign exchange student that indicated a language other than English on the Home Language Survey would also be included in an LEA's Language Minority (LM) count for purposes of allocating funds under 3114(a) of the ESEA.

Adopted Students

Under the Elementary and Secondary Education Act (ESEA), adopted students, including those from a foreign country, are not exempt from any Title I or III required assessment, specifically the English language proficiency placement test. LEAs are required to administer a Home Language Survey to all first-time enrollees (i.e. incoming Kindergarteners) and students enrolling from out of state. If a student, including an adopted student, has a language other than English identified on the Home Language Survey, then an English language proficiency placement test must be administered within 30 days of the beginning of the school year or two weeks after enrollment. This requirement applies no matter the age of the student when he/she was adopted. The adoptive parents must fill out the HLS as instructed.

If the student receives a score of limited English proficiency on the English language proficiency placement test, then the student is considered Limited English Proficient (LEP) and begins receiving federally required English language development services.

An adopted student who indicated a language other than English on the Home Language Survey would also be included in an LEA's Language Minority (LM) count for purposes of allocating funds under 3114(a) of the ESEA.

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