

Chapter 3

Serving English Learners

Indiana English Language Development Standards

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), requires state education agencies to adopt challenging English language proficiency 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 that all children are expected to meet [Sec. 1177, (b)(1)(F)]. ESSA requires each state to demonstrate English language proficiency standards derived from the four language domains: speaking, listening, reading, and writing.

Indiana adopted the WIDA English Language Development (ELD) standards as the state English language proficiency standards in 2013. The WIDA ELD standards address the academic language English learners need in order to engage with peers, educators, and the core curriculum in all classrooms and all content areas. There are five WIDA ELD standards, which are to be implemented 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 on the [WIDA website](#) and the [IDOE WIDA page](#).

English Learner Plans

Under the ESEA (as amended by the ESSA), Title VI of the Civil Rights Act of 1964, and the Equal Educational Opportunities Act, the IDOE is legally responsible for ensuring that all Indiana local education agencies meet federal requirements to properly identify, assess, and support English learners through an effective English language development program.

Each year, all local education agencies are required to submit an English Learner Plan detailing their plan to meet the needs of English learners at all proficiency levels and across all grade levels. Local education agencies who participate in Title III meet the English Learner Plan requirements through the annual Title III application process. All others submit the English Learner Plan as a separate document. The IDOE English Learner team reviews the English Learner Plans and provides technical assistance and support for districts as they ensure effective instruction for their English learners.

Additional information on submission of the English Learner Plan can be found on the [IDOE website](#).

Individual Learning Plans (ILPs)

As established in Chapter 1, all students identified as English learners are legally entitled to receive English Language Development instruction designed to promote their growth towards English proficiency. An Individual Learning Plan (ILP) must be created for each English learner enrolled in a school or district and must be implemented with fidelity by all teachers and staff who work with the student. The ILP is a locally-created document which details strategies, instructional and assessment accommodations, modifications, and goals for the student, as well as the student's English language proficiency levels and state and local assessment data. The ILP should be revised at least once annually to reflect students' language proficiency growth, but can be updated as needed in response to student needs.

The ILP is designed to outline a plan to ensure English Learners have meaningful access to the same rigorous content and college-and-career ready standards as their native English-speaking peers. While grading and credit assignment are determined locally, the IDOE has provided guidance specific to the unique needs of secondary English Learners on the [English Learner Policy](#) webpage.

The ILP is a legally binding document, and all staff who work with the student are responsible for its implementation. The IDOE recommends that the ILP be created by EL staff in collaboration with content-area teachers to promote ongoing communication across programs and to ensure that all responsible staff are aware of its implications.

Assessment accommodations should be documented on the ILP and implemented with fidelity on all local and state assessments. Allowable state testing accommodations for English learners are outlined by the [IDOE Office of Assessment](#).

The ILP for each student should be stored locally in the student's cumulative or EL folder and be sent with the student in the event of transfer to another school or district. The ILP should also be shared with the student's parent or guardian. A sample ILP is included in Appendix A.

Maintaining Documentation of Services

To ensure that English learners are properly identified, assessed, and served in Indiana schools, schools are expected to maintain local documentation of EL instruction and assessment.

See Appendix A for a detailed list of required local documentation for English learners.

Retention of English Learners

Federal law states that the retention of English learners cannot be based solely upon level of English language proficiency (Section I, Part G, Guidelines to Satisfy Legal Requirements of *Lau v. Nichols*). Language acquisition is a long-term process and should be facilitated across all grade levels. The retention of English learners will not facilitate more rapid growth towards English proficiency. Retention policies, especially for English learners, should not be based on one specific piece of data alone or any sole criterion. Prior to considering retention of an

English learner, the following points should be addressed in consultation with the EL staff and the parents:

- Has the student’s level of English language proficiency been assessed?
- Has the student been enrolled in the school district for more than one full academic year?
- Are classroom modifications being made in teacher lesson delivery, assignments and homework, and formal assessments?
- Has an Individual Learning Plan (ILP) been implemented by all teachers with fidelity to document classroom modifications and student progress? How has this been documented?
- 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?

Retention is **not** appropriate if all of the above have not been sufficiently addressed. Please see the retention flowchart in appendix A for additional guidance.

Long-Term English Learners

While the ESEA, as amended by ESSA, does not give a definition of a “long-term English learner,” Section 3121(a)(6) mandates a report every two years of the number and percentage of “ELs who have not yet attained English language proficiency within five years.” SEAs and LEAs may consider these students as long-term ELs (LTELs) after this time (U.S. Department of Education, Office of Elementary and Secondary Education, 2016, p. 38).

District and school leadership should make every effort in monitoring and exiting their LTELs with exemplary programming and services. A [checklist](#) for addressing the needs of LTELs is available in the U.S. Department of Education’s English Learner Toolkit, as well.

Gifted and Talented English Learners

Federal law asserts that all English learners have a right to an education that addresses their specific needs as they are learning a new language (*Civil Rights Act of 1964*, the *Equal Education Opportunity Act of 1974*, and Titles I and III of the *Elementary and Secondary Education Act of 1965*, as amended by the ESSA). This includes access to all curricular and extracurricular programming, including gifted and talented programs.

English learners may not be denied access to gifted and talented programs because of their limited English proficiency. Schools and districts must ensure that their procedures for identifying gifted and talented students do not depend on English proficiency (explicitly or implicitly). In identifying gifted and talented students, procedures should compare English learners with other peers at similar English language proficiency levels, not only with native English speakers.

Additional resources regarding the identification of gifted and talented English learners can be found in Appendix A.

English Learners and Special Education

If an English learner has a suspected disability, referral and evaluation should happen in a timely manner, as required for any other student. Special education evaluation for an English learner is only appropriate if consistent, objective monitoring conducted by EL and general education staff indicates that the student is significantly struggling, and that the student's academic struggles are not related to English proficiency. The following considerations for English Learners must be addressed throughout the special education evaluation process:

- Designated EL and special education staff in each school/district should lead this process. Educators who are knowledgeable about and familiar with the student's language acquisition must be involved at every step.
- All notices and consents are required to be provided in the parents' native language, unless the language does not have a written form or if it is clearly not feasible to do so. Qualified interpreters should provide all other information in a language the parents understand.
- 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](#) and [Section 504](#) provide specific information and answer common questions in order to assist school and district personnel to best serve students with special academic needs. Additional guidance from the IDOE regarding the language of evaluation can be found in the resource document linked below.
- 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.
- If a child's disability affects his or her functioning in any academic area, it is likely that it will also affect the student's growth toward English proficiency. As such, it is neither appropriate nor allowable to withdraw language instruction from a child based on limited performance consistent with their disability.

For additional, detailed information on this process, see the [joint guidance](#) from the IDOE Office of Special Education and Office of English Learning and Migrant Education and additional resources on the IDOE [English Learner Policy](#) page. The US Department of Education EL Toolkit provides additional [helpful resources](#).

Opting Out of EL Services

Parents of English learners have the right to opt out of the formal EL program and refuse EL services. Further information on parent rights, the process for opting out, and required documentation for local education agencies is provided in *Chapter 6: Engaging English Learner Families*.