

Retention Guidelines for Identified English Learners

The landmark court case *Lau v. Nichols* upheld Title VI policy stating: “There is not 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.” School corporations are required to take affirmative steps to rectify the language deficiency in order to open up their programs to identified English Learners (*OCR, “Identification of Discrimination and Denial of Services on the Basis of National Origin”, July 1970*). Therefore, retention of an English learner **should not** be based solely upon their level of English language proficiency.

Prior to considering retention of an English Learner, the following points should be addressed in an Individual Learning Plan (ILP) meeting comprised of the student’s teacher(s), EL staff member(s), administrator(s), and the student’s parents/ guardians. Documentation and results of the ILP meeting must be kept in the student’s cumulative folder.

1. Has the student’s level of English language proficiency been assessed?

Newly-enrolled students must be assessed for identification as an existing English learner using the Kindergarten W-APT or WIDA Screener within thirty (30) days of enrollment at the beginning of the school year or within two (2) weeks during the school year. Each spring, all English learners must participate in the WIDA ACCESS assessment.

2. How long has the student been enrolled in the school corporation?

The ILP committee should consider the length of time a student has been enrolled in the school corporation in order to determine whether retention is an appropriate choice. Consider whether the student has been enrolled in the school long enough for the committee to make an informed decision.

3. Has the student’s parent(s)/ guardian(s) been contacted if the student is not performing at grade level from the onset of academic struggle?

The student’s parent(s)/ guardian(s) should be communicated with from the onset of when a student is not performing at grade level. All communication should be documented and in the parent(s)/ guardian(s) native language. Documentation may include phone calls, progress reports, report cards, sample work, etc.

4. Has the Individual Learning Plan (ILP) or another source to document classroom modifications and adaptations been implemented?

Every identified English learner is required to have an Individual Learning Plan (ILP). Teachers are required to have copies of ILPs for any student that they have, and all modifications and adaptations must be followed. Classroom modifications must be made in teacher lesson delivery, assignments and homework, and formal assessments. It is important to ensure that the ILP has been fully implemented and documentation has been provided for any changes or updates made to the ILP. The ILP is a fluid

document that should be re-visited and updated as new data becomes available but not less than once per school year.

5. How much individual English language development instruction is the student receiving throughout the school day?

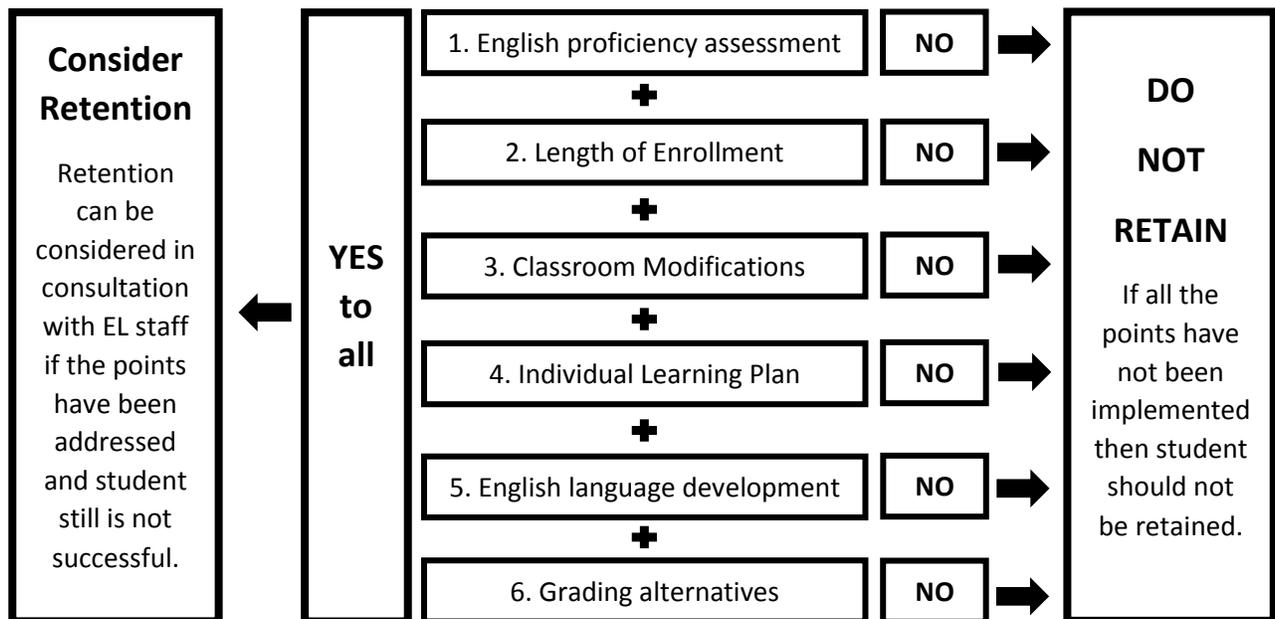
An English learner should be receiving English language development throughout the school day via a push-in, pull-out or an ENL course specifically designed to support language development.

6. Is there sufficient screening and progress monitoring data to show that the student is below grade level?

There must be a collection of multiple data point showing that an English learner is consistently failing to meet grade level expectations on screening and progress monitoring instruments. Has an alternate grading strategy been implemented including a portfolio, contract, or rubric assessment? Retention decisions for English learners should not be based on one specific piece of data.

If the above points have not occurred in a sufficient manner and have not been documented, retention is **not** appropriate. The decision to retain a student should be based on several pieces of criterion to determine if retention is appropriate.

Retention Flowchart





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