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Service Model Guidance for English Learners

Introduction

The mission of the Indiana Department of Education is “working together to build an education system of equity and high quality, focused on student-centered accountability.” Several federal laws¹ and the Office for Civil Rights at the U.S. Department of Education state that English learners must receive additional English language development services in order to participate meaningfully in the regular education program. *Please note that this guidance is not meant to supersede federal and state regulations regarding statutory requirements to serve English learners nor provide exhaustive guidance. School corporations and schools will use local and contextual information to inform programming decisions for their students.*

Purpose

The IDOE recognizes that a one size fits all approach is not effective for students, and this guidance is meant to provide clarity for school districts to provide a program for English learners that helps close the opportunity and achievement gaps for English learners. All public school corporations and schools, including those that do not accept Title III funds, are held accountable for providing meaningful access to the regular education program and an English language development program for their English learners. Observations of Indiana school districts with varying sizes of English learners demonstrate many effective models are present in our schools. Other school districts can utilize this guidance to help replicate these exemplar models in their own districts. This document provides general information that covers many different scenarios and models and does not seek to answer every question that may arise. For additional information, we encourage you to contact [IDOE’s Office of English Learning and Migrant Education](#) for technical assistance. More information can be found by visiting the [National Clearinghouse for English Language Acquisition](#) and [U.S. DOE Office of English Language Acquisition](#).

Blended approach of multiple models within a district or school

Federal law states that all English learners, level 1-4, must be provided English language development services. However, the services provided for newcomer students will often need to differ in delivery and organization than a student that is advanced but not yet fluent. School districts that provide the same service model of all English learners or remove services prematurely for students will not be effective in meeting the unique needs of English learners or be in compliance with federal law if the program is found to be ineffective. The following scenarios are examples meant to be a point of reference for districts when developing different types of delivery models.

Example 1: An elementary school provided multiple methods of instruction based upon the language proficiency level and needs of the individual students in order to fulfill federally mandated Lau requirements. The EL teacher works

¹ Lau v. Nichols 1974, Castaneda v. Pickard 1981, Equal Education Opportunities Act 1974

collaboratively with classroom teachers to co-teach during the 90 minute reading block, ensuring best practice for providing language development for English learners exist throughout the lesson delivery. The teachers work as a collaborative team to pre-plan lessons and activities that will help ensure English learners have meaningful access to the content throughout the day in accordance with the ILP. This collaboration and co-teaching satisfies federally mandated English language development instruction (Lau) to ensure English learners are academically successful when research-based, adequately supported, and regularly evaluated. Title I staff work collaboratively in order to provide **additional** small group instruction to facilitate language development, beyond the Lau required English learner program and regular education program. An additional period of instruction for newcomers is provided in addition to the support received in order to further advance the rate in which they acquire language.

Example 2: A middle school schedules an ENL class for its level 1-3 students with an EL certified teacher in addition to the core E/LA class. The EL teacher differentiates the English language development instruction based upon the students' English proficiency levels and Individual Learning Plans. Since level 4 students are federally entitled to services as well, the school schedules the students with a core ELA teacher trained in sheltered instruction, such as SIOP, or utilizes an EL staff member to push in during the E/LA class period to provide ELD based on the ILP.

Example 3: A high school provides a heritage language course for many of its English learners, including newcomer students to develop the native language skills that research shows are directly transferable to being successful in English.² The students are placed in a core E/LA classroom with a teacher that is highly trained in second language acquisition and/or receives EL support.

Example 4: District utilizes a mixed approach of examples 1-3 and utilizes its supplemental funding such as NESP, Title I, II, or III to employ instructional coaches to support teachers and staff regarding best practices for teaching English learners.

Equal Access

Parents have the right to refuse EL services for their child. A parent who does not want their child to have EL services is required to sign a letter of refusal that is then placed in the student's permanent record each year. However, if a parent refuses EL services, meaningful education must still be provided. When a parent refuses EL services, the parent's refusal of EL services must be documented, but it does not release the school or IDOE from its responsibility for providing meaningful education for the English learner. Additionally, a parent cannot refuse "education" and if an English learner cannot access education without support (which is determined locally), then the school/IDOE must support the academic learning of the English learner.

Process for Waiver

Language minority students, identified via the HLS, must be assessed within 30 days of the beginning of the school year or within 2 weeks after enrollment. If the assessment identifies the student as limited English proficient, the school shall notify the parent of the students' placement in a language instruction program. If the parent subsequently objects to additional language development services, the school should thoroughly explain the assessment results and how the EL program will support the student's academic achievement. Parents who maintain their desire to waive services must then document their wishes via a written notice or waiver. It is important to note that schools should not allow a parent

² Cummins, J. (2001). *Negotiating identities: Education for empowerment in a diverse society*. Ontario, CA: California Association of Bilingual Education.

to waive any English language development services prior to the administration of the language proficiency assessment, as any discussion surrounding services and delivery models should be based on the results of the assessment. Eligibility for English language development services must be based on the information collected in the HLS and performance on the English language proficiency assessment and not race, ethnicity, or national origin.

Magnet EL Sites

School districts that have a low incidence of EL students may choose to concentrate their EL staff at specific school sites within the district. In these cases, parents are given the option of enrolling their students at the sites with specified EL staff members to receive services. Castañeda requires that programs be reasonably calculated for success, and IDOE has found that schools that have a specified EL teacher within the building increases teacher collaboration to improve language acquisition. Although this model is allowable, the school district shall not require a limited English proficient student to attend the magnet EL site in order to receive services or transfer enrollment of a student to the EL site prior to determining eligibility. The district may discuss with the parent an alternative service delivery model that can be provided at the student's boundary school via the classroom/homeroom teacher. The school district would incorporate the teachers that are providing services in professional development opportunities organized to improve language instruction. The school district may wish to have their EL teachers travel between sites to ensure equitable services are provided.

Service Model Guidance

LEA Responsibilities <i>all LEAs, including those who do NOT accept Title III funds, are responsible for these activities due to state and federal law</i>	Parent waives EL services	Site with school-based EL staff	Site without school-based EL staff
Administer Home Language Survey (HLS) <i>(Plyler 1982, Sec 1111 of ESEA 2001)</i>	✓	✓	✓
Assess students via LAS links placement test whose Home Language Survey (HLS) indicates a non-English language for any of the three questions <i>(Lau 1974, Castaneda 1981, Title I of ESEA 2001)</i>	✓	✓	✓
Testing all LEP students and 1 st year FEP annually <i>(Sec 1111 of ESEA 2001)</i>	✓	✓	✓
Ensure meaningful access to core curriculum via differentiation by English language development needs (see WIDA standards) and implementation of the Individual Learning Plan (ILP) <i>(Lau 1974, Sec 1111 of ESEA 2001)</i>	✓	✓	✓
Provide English language development services (i.e. ESL, sheltered instruction, two-way immersion) above & beyond core E/LA instruction that are research based, reasonably calculated to implement the program effectively via resources and personnel, and evaluated regularly to ensure language barriers are being overcome <i>(Lau 1974, Castaneda 1981)</i>		✓ LEA may use a blended approach of multiple models within a school/district	✓ LEA may use a blended approach of multiple models within a school/district
Annual Parent Notification <i>(IC 20-30-9-9, Sec 3302 of ESEA 2001)</i>	✓	✓	✓

Glossary:

Parent Waives EL Services: A parent may waive EL services, in writing, for the student after school staff thoroughly explain the assessment results and how the EL service model will support the student’s academic achievement; waiving EL services does not release the school from its accountability to provide meaningful access to the core instruction for the English learner.

Site with school-based EL staff: School utilizes a licensed EL staff member(s) (paid with state/local funds), located at the building level, to provide English language development services, above and beyond the core E/LA instruction, to all limited English proficient students (Levels 1-4) to be in compliance with the federal requirements.

- Additionally, schools that utilize noncertified instructional assistants to help support the Lau required English language development services should be working under the direct supervision of certificated classroom teachers. Students should not be getting instruction from aides rather than teachers. 4 C.F.R. § 100.3(b)(1)(ii)

Site without school-based EL staff: Schools with low incidence of English learners utilize the homeroom/content area teacher with an instructional license (paid with state/local funds), located at the building level, to provide English

language development services, above and beyond the core E/LA instruction, to all limited English proficient students (Levels 1-4) to be in compliance with the federal requirements. **The [Office of Civil Rights](#) states that appropriateness of staff is indicated by whether their training, qualifications, and experience are consonant with the requirements of the program. For example, their appropriateness would be questioned if a district has established an English-as-a-Second-Language (ESL) program, but the staff had no ESL training and there was no provision for ESL teacher training.*

- Additionally, schools that utilize noncertified instructional assistants to help support the Lau required English language development services should be working under the direct supervision of certificated classroom teachers. Students should not be getting instruction from aides rather than teachers. 4 C.F.R. § 100.3(b)(1)(ii)

Administer Home Language Survey (HLS): This [form](#) is administered to all students enrolling in Indiana for the first time only (i.e. KDG or out-of-state transfers). Schools will request the original HLS for any student transferring from another Indiana school. Any student whose original HLS has a language other than English for any of the three questions is assessed for current English proficiency.

Assess students via LAS links placement test whose HLS indicates a non-English language for any of the three questions: The results of the placement test will indicate whether the student is proficient in English, including all modalities (speaking, listening, reading, and writing) or is limited English proficient. All limited English proficient students, levels 1-4, are federally entitled to services.

Testing LEP students annually and 1st year FEP: English learners who are limited English proficient (level 1-4) and first year level 5s are tested with the LAS links annual exam in the January/February window of each year.

Ensure meaningful access to the core curriculum via differentiation by English language development needs (see WIDA standards) and implementation of the Individual Learning Plan (ILP): All English learners, including those whose parents have denied services, must still be provided equal access to the regular education program. This will occur through the utilization of the WIDA standards, differentiation by the students' needs, and the implementation of the Individual Learning Plan (ILP). The ILP is a locally created form (sample found [here](#)) where the school can provide the service plan for the student and provide accommodations on classroom and state assessments, such as ISTEP+, IREAD, ECA etc.

Provide English language development services (i.e. ESL, sheltered instruction, two-way immersion) above & beyond core E/LA instruction that are research based, reasonably calculated to implement the program effectively via resources and personnel, and evaluated regularly to ensure language barriers are being overcome: The Office for Civil Rights at the U.S. Department of Education has created an ELL guide titled [Programs for English Language Learners: Resource Materials for Planning and Self-Assessments](#). The LEA can utilize this document to guide the development and implementation of their EL program.

Annual Parent Notification: A [form](#) sent to parents of limited English proficient (levels 1-4) students to notify the parent of the student's current English language proficiency, service plan, and parental rights.