



We Teach Alabama

ALABAMA STATE DEPARTMENT *of* EDUCATION

IMPLEMENTATION GUIDANCE OF THE ALABAMA LITERACY ACT FOR ENGLISH LEARNERS

General Overview: In 2019, the [Alabama Literacy Act \(ALA\)](#) was signed into law to ensure that public school students are able to read at or above grade level by the end of third grade. *See Ala. Code Section 16-6G-1, et. seq.* To assist educators, parents, and community partners with the implementation of the ALA, the Alabama State Department of Education (ALSDE) has worked collaboratively with various state and national organizations and stakeholders to develop a repository of resources and guidance. These resources include, but are not limited to the following:

- [The ALA Implementation Guide: Phase I,](#)
- [Alabama Literacy Act Implementation Guide Phase II;](#)
- An Administrators Guide for Implementing the ALA (Official release in fall 2021);
- [The Alabama Coaching Framework;](#) and
- The Alabama English Learner (EL) Framework (Official release by January 2022).

It was through the collaborative efforts during the development of the Alabama EL Framework document that ALSDE and other stakeholders. Because this resource has been developed to further assist EL educators in the decision-making process, there will be direct references (EL) from state and federal guidance to align with the original verbiage from the ALA and Dear Colleague letter.

I. End of Grade Three Promotion: Any student in third grade who scores below the lowest achievement level on the Alabama Comprehensive Assessment Program (ACAP) reading assessment shall not be promoted to the fourth grade (See Appendix A).

Local Education Agencies (LEAs) Should:

- Exercise “Good Cause Exemptions” (Appendix A) specific to ELs, which states that an EL who has had less than two years of instruction in English as a second language be promoted to fourth grade.
- Use an English Learner portfolio to demonstrate mastery of third-grade minimum essential state reading standards as determined by the Literacy Task Force.
- Use a state approved “alternative” standardized reading assessment.
- Utilize guidance from the Office of Civil Rights (OCR) to ensure ELs are guaranteed meaningful access to age-appropriate curricula. (*See generally US Department of Justice, Office of Civil Rights (OCR), [Dear Colleague Letter January 7, 2015](#), pg. 18*).
 - “School districts also should place EL students in age-appropriate grade levels so that they can have meaningful access to their grade-appropriate curricula and an equal opportunity to graduate.” (OCR, [Dear Colleague Letter January 7, 2015](#), pg. 18.)

Additional Considerations:

Jim Cummins' studies of second language learners indicates that students require **five to seven years of instruction to acquire Cognitive Academic Language Proficiency (CALP)**.

- Students who demonstrate language proficiency at the level 1: Entering or level 2: Emerging English proficiency levels, according to WIDA assessments, are developing Basic Interpersonal Communication Skills (BICS) and most likely may not have the CALP to be successful on the ACAP Summative, the ALSDE's statewide summative assessment. Therefore, retention of these students who have had less than 5 – 7 years of instruction and score in the level 1 or 2 range may not be appropriate.
- Students currently demonstrating intermediate proficiency (level 3: Developing or level 4: Expanding) levels of WIDA assessments may also not have sufficient academic language levels of CALP to be successful on the state's ACAP Summative assessment. Careful consideration should be given to this point, and additional data may provide a clearer analysis of the students' reading proficiency.
- "Good Cause Exemptions" described in the ALA should be used in cases where students' language proficiency in listening, speaking, reading, and writing influence overall reading proficiency.
- It is important to engage parents early around their rights, roles, and responsibilities pertaining to the "Good Cause Exemption" process.

II. Student Reading Improvement Plan (SRIP): Any K-3 student exhibiting a reading deficiency at any time shall receive an individual SRIP no later than 30 days after the identification of the reading deficiency (See Appendix B).

LEAs Should:

- Develop a student reading plan for any EL exhibiting a consistent reading deficiency. (See the considerations below to determine the best option for your LEA when developing a SRIP). A model SRIP can be accessed in the [ALA Implementation Guide Phase II](#).
- Involve *pertinent school personnel* in the creation of the SRIP. "Pertinent school personnel" includes staff who are knowledgeable of second language acquisition as well as evidence-based strategies to support ELs and the specific student referenced in the reading improvement plan.
- Utilize reading interventions that have evidence of positive results for improving EL reading proficiency and align to the needs of the student.
- Implement the following regarding the determined reading deficiency of an EL student:
 - Integrate oral language activities in each reading lesson to build oral language proficiency skills;
 - Teach similarities and differences between students' first language and English;
 - Include students' first language and their literacy knowledge to help further develop their oral language and reading skills;
 - Incorporate opportunities for ELs to practice targeted skills; and
 - Develop academic vocabulary and emphasize reading and writing equally.

Additional Considerations:

- SRIPs **may be part** of the Individual English Language Plan (I-ELP). I-ELPs are usually developed at the beginning of the school year to address academic goals for mastery of English language skills, as well as mathematics, science, and social studies to enable ELs to participate equitably in school. During I-ELP meetings, it would be appropriate to address students' reading deficiencies.
- If SRIPs are developed as a component of the I-ELP, consider the following in the development and monitoring of the portion of the I-ELP that is written to provide support as prescribed by the ALA:

- Development of the interventions, parental communication requirements, and monitoring deadlines must adhere to the requirements outlined in the ALA (regardless of the plan the reading deficiency is addressed in for the student).
- Address additional supports and services that will be provided.
- Address additional instructional time that will be added.
- Include the evidence-based reading strategies or program(s).
- Include daily targeted small group reading intervention to address specific reading deficiencies.
- Include a description of the explicit and systematic instruction that will be provided.
- Ensure that **all** ALA requirements regarding SRIP components are included and followed whether the I-ELP includes the SRIP components, or the LEA develops separate plans.
- Address how often progress will be monitored.
- Include an at-home-reading plan that considers the caregivers’ native language and level of literacy in their language.
- Consider prioritizing a few (two or three) reading deficiencies at a time, if the student has many deficiencies that need to be addressed, so not to overwhelm the student or the teachers. Sequential foundational skills should be highlighted.
- Work with your Alabama Reading Initiative (ARI) Regional Literacy Specialists, regional EL Specialists, or building-level reading coaches to coordinate and develop a plan.
- Finally, please remember that English as a Second Language (ESL)/English Language Development (ELD) services **do not take the place of reading intervention services** as prescribed in the *Alabama Literacy Act*.

III. PARENT ENGAGEMENT AND COMMUNICATION: For students in grades K-3 who exhibit a reading deficiency, parents must be provided with a written notice of the deficiency and strategies and resources to support and remedy the deficiency at home (See Appendix C).

LEAs Should:

- Engage families/caregivers in meaningful ways to support students’ language and literacy development.
- Provide written notification of the reading deficiency, current services, proposed evidence-based reading interventions, and the SRIP in a language that caregivers understand.
- Have procedures in place for supporting caregivers of ELs whose children may qualify for the “Good Cause Exemption”.
- Ensure the procedures are communicated in a way that caregivers feel comfortable in participating. This includes communicating the Rights of Parents to request a meeting to discuss the “Good Cause Exemption” process.

Additional Considerations:

- The Office of Civil Rights (OCR) requires that schools communicate information to limited English proficient parents in a language they can understand regarding any program, service, or activity that is directed towards parents who are proficient in English. This includes, but is not limited to, the content of the SRIP.

- LEAs are required to provide interpretation and/or translations. *(See generally US Department of Justice, Office of Civil Rights (OCR): [Information for Limited English Proficient \(LEP\) Parents and Guardians and for Schools and School Districts that Communicate with Them](#))*

IV. ASSESSMENT: LEAs shall use the ALSDE’s comprehensive assessment system, including the Early Years (EY) reading and math assessments from the vetted and approved list for students in grades K-3 to screen for deficiencies and monitor student progress toward a reading growth target. Students should be assessed at least three times per year. The first assessment shall be conducted within the first 30 school days (See Appendix D).

LEAs Should:

- Plan for a consistent method of assessing students’ progress in English language proficiency.
- Ensure participation in the LEA-determined early reading assessment systems.
- Ensure that language proficiency data (*ACCESS for ELLs, Alternate ACCESS for ELLs, WIDA Screener for Kindergarten, WIDA Screener Online, and/or MODEL*) are considered when analyzing results and planning instruction.
- **New for 2021-2022 Academic Year: LEAs may exempt ELs who score a 4.0 or below on the Oral (Listening and Speaking) domains only on the WIDA Screener for Kindergarten assessment from the AlaKiDS assessment.**
- Use the WIDA assessments in conjunction with the early reading assessment system to help determine if a student is experiencing a language barrier and/or reading deficiency.
- Plan for a consistent method of reporting progress to caregivers in a language they can understand. The ALSDE has included sample forms in Alabama’s top five languages to report reading progress to aid parent communication in the *ALA Implementation Guide Phase II*.
- Exempt recently arrived English Learners (EL-1) who are in their first 12 months of enrollment in U.S. schools from taking the ELA tests of the ACAP Summative.
- Ensure participation in the second and third grade ACAP Summative or ACAP Alternate (if applicable).

Additional Considerations:

- Standardized reading assessments do not always depict a student’s actual reading level or skill. An English Learner portfolio can help educators determine a student’s overall reading proficiency. Portfolios provide authentic opportunities for students to demonstrate their understanding of grade level reading standards over time. English Learner portfolios should be created throughout students’ education with work samples that demonstrate attainment of grade level essential standards. Additionally, the Literacy Task Force in collaboration with ARI, has diligently been developing portfolio guidance for the 2021-2022 school year which is expected to be provided for release the fall of 2021.
- Consider using universal screening assessments to determine which students may have reading deficiencies **and** diagnostic assessments to identify students’ strengths and weaknesses to help determine reading goals **and** progress monitoring assessments to measure progress towards reading goals.
- Review the following resources that can be used to assist ELs in preparation for assessments:
 - Allow students to practice using the kind of device they will be tested on and teach them how to navigate online assessments. (e.g., online tools training for ACAP [Tutorials \(drccdirect.com\)](#), ACCESS for ELLS [test demo](#))
 - Prepare students by exposing them to the different item types they will see on the assessments and format of the test.

V. SUMMER READING CAMPS: LEAs shall provide summer reading camps to all K-3 students identified with a reading deficiency (See Appendix E).

LEAs Should:

- Ensure that language proficiency data (*ACCESS for ELLs*, *Alternate ACCESS for ELLs*, *WIDA Screener for Kindergarten*, *WIDA Screener Online*) are considered when analyzing results and planning instruction.
- Consider providing a program orientation informing parents of the curriculum and expectations which includes sharing advice and/or materials on how caregivers could support their child’s education at home.
- Utilize translators and interpreters.
- Scaffold instruction by breaking up learning into chunks and providing a tool or structure.
- Plan for consistent method of reporting progress to families/caregivers.
- Plan for consistent method of assessing students’ proficiency levels.
- Plan to address the affective, linguistic, and cognitive needs of ELs.

Additional Considerations:

Summer learning opportunities provide opportunities for individual attention for our youngest English Learners (PreK-Grade 2 students) for success in early grades. They can develop, enhance, and practice skills to make them more confident students and have a successful upcoming school year.

- Consider working in conjunction with existing EL summer programs in the school district or in partnership with heritage language-based summer programs. A heritage language-based program is any language development program that is designed to address the needs of heritage language learners. For these options, programs should include the following:
 - Staff a highly effective teacher of reading **and** an appropriately certified EL teacher.
 - Ensure at least 70-hours of scientifically based reading instruction and intervention.
 - Include intensive reading instruction in multiple formats (whole group, small group, one-on-one).
 - Focus instruction on language development and essential knowledge and skills appropriate to the level of the student.
 - Ensure the program addresses the affective, linguistic, and cognitive needs of ELs.
- Consider including activities to focus on reading, writing, listening, speaking, and oral language.
- Consider including math and/or STEM activities to build content knowledge to help close content gaps.
- Consider using students’ native language **and** English for instruction.

VI. ALSDE ENGLISH LEARNER CONTACTS

- **Maria Franco:** English Learner Education Administrator – maria.franco@alsde.edu
- **Michele Lee:** English Learner Education Specialist – mlee@alsde.edu
- **Katrina Todd:** English Learner Education Specialist – ktodd@alsde.edu
- **Susan Beard:** Student Assessment - sbeard@alsde.edu
- **Dr. Calandra Hawkins:** Federal Programs - calandra.hawkins@alsde.edu
- **Regional EL Contacts:** Northern Regions - Robin Stutts - rstutts@alsde.edu and Rebecca Padin - rebecca.padin@alsde.edu and Southern Regions - Mayté Cotton - mcotton@alsde.edu and Susan Penton - spenton@alsde.edu

APPENDIX A

End of Grade Three Promotion

[Ala. Code Section 16-6G-5 \(h\)](#):

(h) Commencing with the 2021-2022 school year, third grade students shall demonstrate sufficient reading skills for promotion to fourth grade. Students shall be provided all the following options to demonstrate sufficient reading skills for promotion to fourth grade, and the State Superintendent of Education shall provide guidelines for the implementation of this subsection:

- (1) Scoring above the lowest achievement level, as determined by rule of the State Board of Education, on a board approved assessment in reading as provided in Section 3.
- (2) Earning an acceptable score on an alternative standardized reading assessment as determined and approved by the State Superintendent of Education.
- (3) Demonstrating mastery of third grade minimum essential state reading standards as evidenced by a student reading portfolio.

Good Cause Exemptions

[Ala. Code Section 16-6G-5 \(j\)](#):

(j) A local education agency may only exempt students from mandatory retention, as provided in subsection (i), for good cause. A student who is promoted to fourth grade with a good cause exemption shall continue to receive intensive reading intervention that includes specific reading strategies prescribed in the individual reading improvement plan of the student until the deficiency is improved. The local education agency shall assist schools and teachers with the implementation of reading strategies that research has shown to be successful in improving reading among students with reading difficulties. Good cause exemptions shall be limited to the following:

- (1) Students with disabilities whose Individual Education Plan indicates that participation in the statewide assessment program is not appropriate, consistent with state law.
- (2) Students identified as English language learners who have had less than two years of instruction in English as a second language.**
- (3) Students with disabilities who participate in the statewide English language arts reading assessment and who have an Individual Education Plan or a Section 504 plan that reflects that the student has received intensive reading intervention for more than two years and who still demonstrates a deficiency in reading and was previously retained in kindergarten, first grade, second grade, or third grade.
- (4) Students who have received intensive reading intervention for two or more years and who still demonstrate a deficiency in reading and who were previously retained in kindergarten, first grade, second grade, or third grade for a total of two years.

Providing Meaningful Access to All Curricular Programs

US Department of Justice, Office of Civil Rights, [Dear Colleague Letter January 7, 2015](#) (p. 18):

1. Core Curriculum - During their educational journey from enrollment to graduation, EL students are entitled to instruction in the school district's core curriculum (e.g., reading/language arts, math, science, and social studies). This includes equal access to the school's facilities, such as computer, science, and other labs or facilities, to ensure that EL students can participate meaningfully in the educational programs. Meaningful access to the core

curriculum is a key component in ensuring that EL students acquire the tools to succeed in general education classrooms within a reasonable length of time. One way to meet this obligation is to provide full access to the grade-appropriate core curriculum from the start of the EL program while using appropriate language assistance strategies in the core instruction so that EL students can participate meaningfully as they acquire English. In adapting instruction for EL students, however, school districts should ensure that their specialized instruction (e.g., bilingual or sheltered content classes) does not use a watered-down curriculum that could leave EL students with academic deficits when they transition from EL programs into general education classrooms. Such specialized instruction should be designed such that EL students can meet grade-level standards within a reasonable period of time. School districts also should place EL students in age-appropriate grade levels so that they can have meaningful access to their grade-appropriate curricula and an equal opportunity to graduate.

APPENDIX B

Student Reading Improvement Plan (SRIP)

[Ala. Code Section](#) 16-6G-5 (d):

(d) Any K-3 student who exhibits a reading deficiency at any time, as provided in subsection (b), shall receive an individual reading improvement plan no later than 30 days after the identification of the reading deficiency.

- (1) The reading improvement plan shall be created by the teacher, principal, other pertinent school personnel, and the parent or legal guardian of the student, and shall describe the evidence-based reading intervention services, including dyslexia specific intervention services, that the student shall receive to improve the reading deficit.
- (2) Each identified student shall receive intensive reading intervention until the student no longer has a deficiency in reading, as determined by a State Board of Education approved reading assessment.
- (3) Funds allocated to procuring curricula for student interventions pursuant to subdivision (5) of subsection (a) of Section 4 shall be divided, based on a per pupil allocation determined by the number of students of each local education agency who are not proficient on a state approved reading assessment during the prior academic year, and distributed by the State Superintendent of Education.

Pertinent Personnel

US Department of Justice, Office of Civil Rights, [Dear Colleague Letter January 7, 2015](#) (p. 14):

School districts have an obligation to provide the personnel and resources necessary to effectively implement their chosen EL programs. This obligation includes having highly qualified teachers to provide language assistance services, trained administrators who can evaluate these teachers, and adequate and appropriate materials for the EL programs.

Resources

- WIDA Website [ELD Standards Framework, 2020 Edition](#)
- WIDA Website [Can Do Descriptors, Key Uses Edition](#)
- The [Alabama Literacy Act Implementation Guide Phase II](#) has sample SRIPs in five languages (Arabic, Chinese, Korean, Spanish, and Vietnamese).
- [Sample SRIP/PST Plan](#)
- Student Reading Improvement Plan (SRIP) [Flow Chart](#)

APPENDIX C

Parent Engagement and Communication

[Ala. Code Section 16-6G-5](#) (c):

(c) The parent or legal guardian of any K-3 student who exhibits a consistent deficiency in letter naming fluency, letter sound fluency, nonsense word reading, sight words, oral reading accuracy, vocabulary, or comprehension at any time during the school year shall be notified in writing no later than 15 school days after the identification. The written notification shall include all of the following:

- (1) A statement that the student has been identified as having a deficiency in reading or exhibits the characteristics of dyslexia, and that a reading improvement plan shall be developed by the teacher, principal, other pertinent school personnel, and the parent or legal guardian.
- (2) A description of the current services that are provided to the student.
- (3) A description of the proposed evidence-based reading interventions and supplemental instructional services and supports that shall be proposed for discussion while establishing the student's reading improvement plan as provided in subsection (d).
- (4) Notification that the parent or legal guardian shall be informed in writing at least monthly of the progress of the student towards grade level reading.
- (5) Strategies and resources for the parent or legal guardian to use at home to help the student succeed in reading.
- (6) A statement that if the reading deficiency of the student is not addressed by the end of third grade, the student will not be promoted to fourth grade unless a good cause exemption is satisfied.
- (7) A statement that while the statewide reading assessment is the initial determinant for promotion, the assessment is not the sole determiner at the end of third grade. Additionally, students shall be provided with a test—based student portfolio option and an alternative reading assessment option to demonstrate sufficient reading skills for promotion to fourth grade.

Translation/Interpretation Communications

US Department of Justice, Office of Civil Rights, [Information for Limited English Proficient \(LEP\) Parents and Guardians and for Schools and School Districts that Communicate with Them](#)

Resources

The [Alabama Literacy Act Implementation Guide Phase II](#) has sample parent notification letters of student support, parent notification of deficiencies, SRIPs, and Summer Reading Camp letters in five languages (Spanish, Vietnamese, Chinese, Arabic, and Korean).

APPENDIX D

Assessments

[Ala. Code Section 16-6G-3](#) (a):

(a) The State Superintendent of Education shall convene a standing task force, within three months after the effective date of this act, to provide recommendations for comprehensive core reading and reading intervention programs, a state continuum of teacher development for approved science of reading pursuant to subsection (e) of Section 6, and an annual list of vetted and approved assessments which are valid and reliable reading screening, formative, and diagnostic assessment systems for selection and use by local education agencies.

Alabama’s Vetted and Approved Early Years Reading Assessments

- [2021 –2022 Early Years Assessments Information](#)
 - Recommended by the Literacy Task Force: aimsweb Plus by Pearson Assessments; ISIP by Istation; and MAP Suite for Early Learners by NWEA
 - Additional Approved Assessments: Star Early Literacy & Star Reading by Renaissance; i-Ready Assessment by Curriculum Associates; and mCLASS Alabama Edition by Amplify

Assessment for English Learners

US Department of Justice, Office of Civil Rights, [Dear Colleague Letter January 7, 2015](#) (p. 21):

To meet their obligation to design and implement EL programs that enable EL students to attain English proficiency and equal participation in the standard instructional program, school districts must use appropriate and reliable evaluation and testing methods that have been validated to measure EL students’ English language proficiency and knowledge of the core curriculum. Only by measuring the progress of EL students in the core curriculum during the EL program can districts ensure that students are not incurring “irreparable academic deficits.”

Exceptions for Recently Arrived English Learners

Section 111(b)(3) of [ESSA]:

- (A) ASSESSMENTS. -With respect to recently arrived English learners who have been enrolled in a school in one of the 50 States in the United States or the District of Columbia for less than 12 months, a State may choose to—
- (i) exclude—
- (I) such an English learner from one administration of the reading or language arts assessment required under paragraph (2); and
 - (II) such an English learner's results on any of the assessments required under paragraph (2)(B)(v)(I) or (2)(G) for the first year of the English learner's enrollment in such a school for the purposes of the State-determined accountability system under subsection (c);

APPENDIX E

Summer Reading Camps/The Alabama Summer Achievement Program

[Ala. Code Section 16-6G-5](#)(e):

(e) Each local education agency shall provide summer reading camps to all K-3 students identified with a reading deficiency as described in subsection (b).

- (1) Summer reading camps shall be staffed with highly effective teachers of reading as demonstrated by student reading performance data, completion of multisensory structured language education, and teacher performance evaluations.
- (2) The highly effective teacher of reading shall provide direct, explicit, and systematic reading intervention services and supports to improve any identified area of reading deficiency.
- (3) Summer reading camps, at a minimum, shall include 70 hours of time in scientifically based reading instruction and intervention.
- (4) A State Board of Education approved reading assessment system shall be administered at the beginning and end of the summer reading camp to measure student progress.
- (5) Summer reading camps may be held in conjunction with existing summer programs in the school district or in partnership with community—based summer programs, designated as effective by the State Superintendent of Education and the task force established under subsection (a) of Section 3.

[Ala. Code Section 16-6G-5\(f\)](#):

(f) The Alabama Summer Achievement Program is established and shall be available to all K-3 students in public elementary schools that are among the lowest performing five percent of elementary schools.

Providing Meaningful Access to All Curricular Programs

US Department of Justice, Office of Civil Rights, [Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs](#)

- Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), public schools must ensure that EL students can participate meaningfully and equally in educational programs.
- EL students must have access to their grade-level curricula so that they can meet promotion and graduation requirements.

Resources

The [Alabama Literacy Act Implementation Guide Phase II](#) has sample parent notification letters of student support, parent notification of deficiencies, SRIPs, and Summer Reading Camp letters in five languages (Spanish, Vietnamese, Chinese, Arabic, and Korean).