



# District Plan for English Learners

## Guidelines for Meeting the Educational Needs of English Learners

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## **FORWARD**

The purpose of this document is to provide support to Western Line School District in its effort to serve the needs of English Learners. The materials in the document are intended to provide educators with appropriate services and resources necessary for English Learners to attain English proficiency and reach high academic standards.

This document is based on the Mississippi English Learner Guidelines: Regulations, Funding Guidance, and Instructional Supports (2018) and the U.S. Department of Education's English Learner Toolkit. To ensure consistency in understanding the purpose and the plan and to accomplish successful implementation, key sections of the Mississippi Guidelines have been duplicated.

This plan provides the procedures and practices necessary for ensuring all EL students enrolled in Western Line School District receive a quality education.

## **RIGHTS OF ENGLISH LANGUAGE LEARNERS AND THEIR FAMILIES**

The following federal laws clarify the obligation of every school not only to enroll students from diverse language backgrounds but also to provide the foundation for guidance in establishing an equitable, quality education for Mississippi students, including ELs:

- Title VI of the Civil Rights Act of 1964
- May 25, 1970 Memorandum
- Lau vs. Nichols – 1974
- Equal Education Opportunities Act of 1974
- Plyler vs Doe – 1982
- Presidential Executive Order 13166
- Title III of the Every Student Succeeds Act of 2015

## IDENTIFICATION AND PLACEMENT

### Guidelines for Registration:

1. Proof of Age – A valid birth certificate, a valid passport or other official document listing date and place of birth. Birth certificate is not required. Other documentation of birth date must be accepted in the absence of a valid birth certificate.
2. Registration Forms – School registration forms are to be completed and filed at the school
3. Home Language Survey – This districtwide form will be completed through the registration process by the parent/guardian of ALL NEW STUDENTS registering for grades K – 12.

A social security card is NOT necessary for enrollment or school lunch forms. If the student does not have a social security card, the school should assign a number.

### Grade Level Placement:

ELs should be placed at their age-appropriate grade level. Some situations allow for exceptions. If a student is less than seven years old and has not attended school before, it is often best to place the student in kindergarten. Grade level placement should be on a case-by-case basis, using information available such as previous school records (if available) and personal history.

### Transferring Foreign Credits:

The school guidance counselor should be trained in assessing non-U.S. school transcripts for appropriate awarding of credits. Students should not be required to repeat content classes they had in their native language just because of their lack of English skills. Every efforts should be made to review previous school records and transcripts to evaluate and award transfer credits.

Any transfer student from a school or program (correspondence, tutorial, or home study) not accredited regionally or by a state board of education [or its designee(s)] is given either a standardized achievement test(s) or teacher-made special subject test(s) to determine the appropriate classification of the student within thirty (30) days after filing for transfer. Notice of the administering of such test(s) shall be given to the application not less than five (5) days prior to the date of the administration of such test. {MS Code §37-15-33}

## Definition:

An English Learner (EL) may be defined as

- A student who was not born in the United States or whose native language is other than English and comes from an environment where a language other than English is dominant,
- A student who is a Native American of Alaska or a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency
- A student who is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant.

## Procedures:

In order to effectively serve EL students and make appropriate educational decisions, procedures are necessary for the identification, assessment, and placement of these students. The Western Line School District will follow the three-step process for identifying and placing a student in the EL program.

### Step 1 – Identification

Parents/guardians are asked to complete the Home Language Survey (HLS) during the registration process. Western Line School District uses the HLS provided by the Mississippi Department of Education in order to meet the requirement of the law which requires schools to ask about students' language backgrounds. The HLS is also important in ensuring that all students receive the education services they need. The answers to the following questions indicates whether a student's proficiency in English should be evaluated and help the school ensure that important opportunities to receive programs and services are offered to students who need them. A copy of the HLS can be found in the appendix of this document.

The questions of the HLS are as follows:

1. What is the dominant language **most often** spoken by the student?
2. What is the language **routinely** spoken in the home, regardless of the language spoken by the student?
3. What language was **first** learned by the student?
4. Does the parent/guardian need **interpretation** services?
5. Does the parent/guardian need **translated** materials?
6. What was the date the student first enrolled in a school in the United States?
7. In what country was the student born?

If any question indicates a language other than English is spoken in the home, the student is referred to the EL coordinator for administration of the placement test. The HLS is not the sole identifier for placement in the EL program. Despite identification/assessment results, teacher recommendation can be used to determine final EL status.

## Step 2 – Initial Assessment

A student whose HLS indicates the need for a placement test must be administered within thirty (30) days of enrollment at the beginning of the school year. Students who register after the beginning of the school year must be assessed within two (2) weeks of enrollment.

The placement test assesses English proficiency in all four domains of language development – listening, speaking, reading, and writing – as well as comprehension, to ensure that a student's language needs are properly identified and addressed through the district's EL program.

Students who were previously administered the LAS Links placement assessment or have taken the annual state-adopted English Language Proficiency Test (ELPT) do not need to be rescreened.

## Step 3 – Parental Notification

Prior to the initial placement of a student in an EL program, the district must notify the student's parent(s) or guardian(s).

Each Local Education Agency (LEA) or school serving ELs shall inform the parents that their child(ren) have been placed in an instructional program for ELs no later than 30 days after beginning of the school year. If the student is identified after the beginning of the school year, the LEA/school shall notify parents within two (2) weeks of the student's placement in a program for ELs. Once a student has been identified as eligible for language assistance, the parent must be notified in the parent's native language.

Parents are not required to respond to the notification for the student to participate in the district's EL program; parents do have the right to waive EL services and decline any services provided. However, the student remains in the EL program. If a student has been identified as an EL, the student is still required by federal law to take the annual ELPT until the student meets the state exit criteria, regardless of parental refusal of services.

## Step 4 – Student Assessment

Western Line School District will evaluate each ELs language attainment annually during the designated time frame as established by the MDE using the ELPT. EL students are expected to meet the academic requirements set forth by the LEA/SEA for promotion/graduation. Assessment requirements for high school students are outlined in Mississippi School Board Policies 3801, 3802, 3803, and 3804. Third grade students will be required to meet expectations of MDE's *Literacy-Based Promotion Act*. Students who do not meet the requirements of the *LBPA* may qualify for a Good Cause Exemption.

## Step 5 – Exiting and Monitoring

### Exiting:

Per MDE, an EL student is required to obtain the following proficiency levels on the LAS Links ELPT to exit the EL program:

Las Links: Overall 4-5; Reading 4-5; Writing 4-5

The Student Evaluation Team (SET) makes the final decision, using the criteria set forth by the district.

### Monitoring:

EL students will be in monitored status for four years after exiting the EL program. While being monitored, if it appears the student is falling behind in classroom work and/or English language skills, the student must immediately receive support services appropriate to his/her needs. If these means of support and services are not successful, a student may be re-entered into the EL program. If the need to reverse a decision occurs, districts must allow students to re-enter the EL program if evidence indicates the English language proficiency is in question. Additionally, the district will allow students meeting the exit criteria to remain in the program if the parents so desire.

## SERVICES

### Staffing and Resources:

The EL **District Coordinator** will serve as liaison between schools, district administrators, school board members and the community. The district EL Coordinator is responsible for ensuring that schools within the district know and understand federal and state mandates, policies and procedures for EL students, and the importance of collecting and submitting data in accordance with the Every Student Succeeds Act (ESSA) and the Mississippi Department of Education (MDE).

### Responsibilities of the EL **DISTRICT Coordinator**

- Administer placement test for identification of ELs

Each school within Western Line School District will have a **EL School Coordinator**. The responsibility of this position is to ensure EL students are identified in an efficient and timely manner and that quality EL services are provided to meet student needs. This person functions as a liaison for all persons involved with the school EL program: students, teachers, parents, and administrators.

### Responsibilities of the EL **SCHOOL Coordinator** –

- Obtain Home Language Surveys in which a language other than English is indicated from MSIS/Cohort clerks
- Ensure all original EL documents are filed in the students' cumulative folder
- Maintain and distribute EL rosters to stakeholders as changes occur
- Collaborate with the Student Evaluation Team to ensure exiting and monitoring criteria are met (in absence of EL Teacher)
- Collaborate with stakeholders to ensure best practices and supports for ELs are made available (in absence of EL Teacher)

As ESOL certified staff become available, each school will be provided with the services of an **EL teacher**.

### Responsibilities of the EL **TEACHER**

- Provide English language instruction for students
- Collaborate with school staff in the language development of ELs
- Advocate for EL students to ensure maximum student learning is taking place
- Continue to participate in opportunities which will further expand expertise in the field
- Collaborate with the Student Evaluation Team to ensure exiting and monitoring criteria are met

- Collaborate with stakeholders to ensure best practices and supports for ELs are made available
- Perform tasks and assume responsibilities as may be assigned by the EL School Coordinator of EL District Coordinator or superintendent

In addition to the EL teacher, all Western Line School District teachers are language teachers. All teachers should hold ELs to the same high academic standards that are expected of all students; however, content teachers must understand that to do this, differentiated instruction, modifications, and accommodations must be provided to each EL for instruction and assessment to be meaningful and to meet individual needs as required by law.

### **Student Evaluation Team:**

The Student Evaluation Team (SET) is a school team responsible for guiding and monitoring the placement, services, and assessment of students who are ELs. The SET must be comprised minimally of the school EL coordinator, the EL teacher, the student's teacher(s), a school counselor, administrator, and a parent representative, if needed.

### **Language Service Plan (LSP):**

Each student designated as an EL must have a LSP, which should be updated annually until the student exits the program.

The SET should use the following guidelines in implementing the LSP:

1. Convene as needed to discuss changes or adjustments in the EL's instructional services.
2. Review student's progress in language acquisition and academic achievement annually.
3. Identify accommodations needed on state assessments. Additional classroom strategies and accommodations should be identified as appropriate.
4. Communicate in a timely manner the student's LSP with faculty and staff who interact with and provide instruction for the student.



## GRADING

### Grading Guidelines for ELs:

Kindergarten – 12th grade

ELs at Levels 1 – 3

65% - 100%	Passing	Satisfactory
46% - 64%	Passing	Needs Improvement
0% - 45%	Not Passing	Unsatisfactory

\* EL will be noted on the student's report card

ELs at Levels 4 – 5

- District criteria for assigning grade (with necessary accommodations and modifications)
- EL noted on the report card

If an EL student is retained, the LEA must have documentation of all interventions, accommodations, and modifications attempted. The student should be referred to the Multi-Tiered System of Support (MTSS) when it becomes evident the student is struggling.

Though the decision to promote or retain must be made on a case-by-case basis, any decision to retain an EL must be accompanied by documentation demonstrating that appropriate accommodations and modifications were employed throughout the year to assure compliance with Federal requirements.

## ENGLISH LEARNERS AND OTHER PROGRAM SERVICES

### Guidelines for Gifted Education Students:

In the identification of ELs for gifted services, students must meet the criteria determined by the state, LEA or school.

Gifted students who are also ELs should receive programming services designed to develop their specific area(s) of strength or ability and should be conducted in the language that would give the student the greatest advantage for optimal learning and performance. This does not preclude continuing English language instruction and developing proficiency in English use; developing English proficiency should complement and supplement, not substitute for, the development of the student's significant strengths and abilities.

The time spent in the development of English proficiency should not take precedence over appropriate instruction and learning in the student's areas of strength and talent. For example, a mathematically gifted, non-English proficient student should receive advanced and accelerated mathematics instruction and opportunities to perform at optimal levels. The language of instruction should serve the optimal development of the student's mathematics ability. The student should spend as much quality time in high-level mathematics learning and production as would a highly English proficient, mathematically gifted student.

### **Guidelines for Students with Disabilities:**

As with other populations, one expects a range of abilities among students whose English proficiency is limited. The difficulty often comes in determining whether a learning problem is related only to the English language issue or whether there is an actual disability present. Students learning English, because of their cultural and linguistic background, have special instructional needs. When a student is having difficulty mastering specific skills, it is important for the teacher to accommodate the instructional strategies and/or instructional pace for the student. Just because the student requires accommodations to his/her program does not necessarily mean that he/she has a disability or that he/she should be referred to special education.

If, however, the student continues to have difficulty after consistent language accommodations and instructional interventions have been attempted for a reasonable amount of time and the interventions from Tiers 1 and 2 have not resolved the issues, the student should be referred to the SET.

Knowledge of second language acquisition, along with the following information, is essential in determining the possible need for different interventions or future referrals for additional services:

At this point, one of two things may happen: (1) the SET may recommend additional interventions and accommodations for the classroom. If these supports are successful, the student may be served successfully in the general education classroom with the recommended supports in place. IF the additional interventions and accommodations are not successful, (2) the SET can then make a referral for special education testing to determine if the student has a specific disability. Once a referral is made to special education, testing is completed to determine if the student qualifies as a student with a disability under the Individuals with Disabilities Education Act (IDEA). If so, he/she may be served through the special education program.

Depending on the extent of the student's disability, it may be appropriate for the general education teacher, EL teacher, and the special education teacher to work collaboratively in order to meet the needs of the student. The fact that an EL has a disability does not replace the need for language assistance. The plan for providing language assistance and support should be delineated in the student's Individual Education Plan (IEP). ELs should be dually served through both programs. In the event another means of support will be more beneficial to the student, the

Special Education team and the EL teacher should work together to determine the most effective plan and to provide needed support for implementation.

The SET and the Special Education Committee members should consider meeting together to set both language and academic goals for the ELs identified as SPED based on their areas of expertise.

Specific procedures for special education assessment are provided in the Mississippi Policies and Procedures Regarding Children with Disabilities under the Individuals with Disabilities Education Act amendments of 2004 (2009). Proficiency assessment in both English and the child's first language can identify the dominant language for the purpose of further evaluation and assessment if needed. Non-verbal tests are another alternative.

All students who qualify for services under IDEA, regardless of the type or degree of disability, share certain rights and needs, including

- The right to a free and appropriate public education,
- The right to an Individualized Education Program (IEP) specifying the student's unique needs along with the special education and related services the student is to receive,
- The need to have cognitive, linguistic, academic, and social/emotional characteristics considered and appropriate environmental modifications or accommodations made.

### **Guidelines for ELs and Multi-Tiered Systems of Support (MTSS):**

Response to Intervention (RtI) integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce discipline infractions.

With RtI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions, and adjust the intensity and nature of those interventions depending on a student's responsiveness and identify students with learning disabilities or other disabilities (National Center on Response to Intervention). EL students are eligible for intervention services, and EL teachers will assist with the documentation process.

# HOME LANGUAGE SURVEY

## FOR K-12 SCHOOL DISTRICTS



### STUDENT INFORMATION

Student Name \_\_\_\_\_ Grade: \_\_\_\_\_  
First      Middle      Last

Date of Birth \_\_\_\_\_ Gender \_\_\_\_\_ School \_\_\_\_\_

1. What is the dominant language **most often** spoken by the student? \_\_\_\_\_
2. What is the language **routinely** spoken in the home, regardless of the language spoken by the student? \_\_\_\_\_
3. What language was **first** learned by the student? \_\_\_\_\_
4. Does the parent/guardian need **interpretation** services?     Yes                       No  
 If so, what language? \_\_\_\_\_
5. Does the parent/guardian need **translated** materials?     Yes                       No  
 If so, what language? \_\_\_\_\_
6. What was the date the student first enrolled in a school in the United States? \_\_\_\_\_  
MM/YYYY
7. In what country was the student born? \_\_\_\_\_

\_\_\_\_\_  
*Parent / Guardian Signature*

\_\_\_\_\_  
*Date (MM/DD/YYYY)*

### DISTRICT USE ONLY

Designated English Learner on the LAS Links Screener

DOCUMENTATION OF LAS LINKS SCREENER FOR STUDENT					
Date	Speaking Score	Listening Score	Reading Score	Writing Score	Composite Score

# RIGHTS OF ENGLISH LEARNERS

## **1964 Civil Rights Act, Title VI**

What the law says:

No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. 42 U.S.C. § 2000d.

What this means:

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance. Public institutions (like schools) must provide equal quality of educational services to everyone including those who are Limited English Proficient (LEP). Title VI covers all educational programs and activities that receive Federal financial assistance from the United States Department of Education.

## **May 25, 1970, Memorandum**

What the law says:

The purpose of this memorandum is to clarify policy on issues concerning the responsibility of the LEAs to provide equal educational opportunity to national origin minority group children deficient in English language skills.

What this means:

Where inability to speak and understand the English language excludes national origin-minority group children from effective participation in the education program offered by a LEA, the LEA 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 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.

## **Lau v. Nichols (SS Supreme Court Decision 1974)**

What the law says:

The failure of school system to provide English language instruction to national origin students who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program, and thus violates § 601 of the Civil Rights Act of 1964, which bans discrimination based "on the ground of race, color, or national origin" in "any program or activity receiving Federal financial assistance," and the implementing regulations of the Department of Health, Education, and Welfare. Pp. 414 U.S. 565-569

What this means:

The Supreme Court stated that these students should be treated with equality among the schools. Among other things, Lau reflects the widely-accepted view that a person's language is so closely intertwined with their national origin (the country someone or their ancestors came from) that language-based discrimination is effectively a proxy for national origin discrimination.

### **Equal Opportunities Act of 1974**

What the law says:

No state shall deny equal educational opportunity to an individual based on 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.

What this means

The EEOA prohibits discriminatory conduct, including segregating students on the basis of race, color or national origin, and discrimination against faculty and staff serving these groups of individuals, as it interferes with their equal educational opportunities. Furthermore, the EEOA requires LEAs to take action to overcome students' language barriers that impede equal participation in educational programs.

### **Plyler v Doe (S.S. Supreme Court Decision 1982)**

What the law says

The illegal aliens who are plaintiffs in these cases challenging the statute may claim the benefit of the Equal Protection Clause, which provides that no State shall...deny to any person within its jurisdiction the equal protection of the laws... The undocumented status of these children does not establish a sufficient rational basis for denying them benefits that the State affords other residents...No national policy is perceived that might justify the State in denying these children an elementary education. -457 U.S. 202

What this means

The right to public education for immigrant students regardless of their legal status is guaranteed. Schools may not require proof of citizenship or legal residence to enroll or provide services to immigrant students.

- Schools may not ask about the student or parent's immigration status.
- Parents are not required to give a Social Security number.
- Students are entitled to receive all school services.

### **Presidential Executive Order 13166**

What the law says

Entities receiving assistance from the federal government must take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access to the programs, services, and information those entities provide.

What this means

Recipients of federal assistance are required to help students overcome language barriers by implementing consistent standardized language assistance programs for LEP. In addition, persons with limited English proficiency cannot be required to pay for services to ensure their meaningful and equitable access to programs, services, and benefits.

### **Title III of the No Child Left Behind Act of 2001**

What the law says

All English Learners (ELs) must receive quality instruction for learning both English and grade-level academic content. NCLB allows local flexibility for choosing programs of instruction, while demanding greater accountability for ELs' English language and academic progress.

What this means

Under Title III, states are required to develop standards for English Language Proficiency and to link those standards to the state's Academic Content Standards. Schools must make sure that ELs are part of their state's accountability system and that ELs' academic progress is followed over time by:

- establishing learning standards, that is, statements of what children in that state should know and be able to do in reading, math, and other subjects at various grade levels; creating annual assessments (standardized tests, in most states) to measure student progress in reading and math in grades 3 – 8 and once in high schools;
- setting a level (cut-off score) at which students are considered proficient in tested areas; and
- reporting to the public on what percentages of students are proficient, with the information broken down by race, income, disability, language proficiency, and gender subgroups.