

# Alabama State Department of Education

## English Learner Guidebook



Updated February 2024

# ENGLISH LEARNERS (ELs) GUIDEBOOK

This document, *English Learners (ELs) Guidebook*, is an outgrowth of the Alabama State Department of Education's voluntary agreement with the U.S. Department of Education, Office for Civil Rights (Compliance Review #04-98-5023), for providing services to students who are English learners (ELs). It incorporates requirements and applicable references to Title III of the *Every Student Succeeds Act of 2016* (ESSA). This document is intended to provide basic requirements and guidance for policies, procedures, and practices for identifying, assessing, and serving ELs. Questions about the responsibilities of local education agencies (LEAs) in providing English language services may be directed to:

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# PREFACE

## A. EQUAL EDUCATION OPPORTUNITY AND NON-DISCRIMINATION STATEMENT

It is the policy of the Alabama State Board of Education and the Alabama State Department of Education (SDE) that no student will be excluded from participation in, be denied the benefit of, or be subjected to discrimination in any program or activity on the basis of sex, race, color, creed, religion, belief, national origin, ethnic group, or disability.

## B. INTRODUCTION

The number of limited-English speaking families in Alabama has increased significantly in recent years. These families include U.S.-born children whose first language is other than English, immigrants, migrants, and others with limited-English proficiency. These children are in Alabama schools acquiring academic English that facilitates mastery of the content standards. Their ability to learn this content may be hampered by the lack of appropriate instruction and accommodations in the classroom. The SDE recognizes that there are national origin minority school children in the state who require services in order to become proficient in the English language and are classified as English learners. English learners are likely to have trouble with the dual weight of acquiring a language while learning academics taught in that language. These students are at a higher risk of dropping out of school and may consequently have reduced opportunities for employment.

The SDE is committed to providing all students equal opportunity to benefit from educational programs and services. Further, the SDE is committed to supporting evidence-based and effective programs, practices, training, and accountability so that all students can become proficient in English and achieve the state's academic content and standards. The SDE has the responsibility for implementing *Title III Language Instruction for English Learners and Immigrant Students* of the *Every Student Succeeds Act (ESSA)*.

The SDE is also responsible for enforcing Title VI of the *Civil Rights Act of 1964*, which prohibits discrimination in programs and activities that receive federal financial assistance. Local education agencies (LEAs) that receive federal financial assistance cannot discriminate, on the basis of race, color, or national origin. These Title VI regulatory requirements prohibit denial of equal access to education because of a student's limited proficiency in English, causing the possible inability to participate in or benefit from regular or special education instructional programs.

Consequently, LEAs may not:

- Provide services, financial aid, or other benefits **that are different** or in a different manner from what all students receive.
- **Restrict** an individual's enjoyment of an advantage or privilege enjoyed by others.
- **Deny an individual the right** to participate in federally assisted programs.
- **Hamper or substantially impede** the objectives of federally assisted programs.

### C. STATE DEFINITION OF IMMIGRANT, MIGRANT & ENGLISH LEARNERS

Under ESSA, an **English Learner**, means an individual —

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C) who was not born in the United States, or whose native language is a language other than English;
  - (i)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
  - (II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or
  - (ii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
  - (i) the ability to meet the challenging State academic standards;
  - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
  - (iii) the opportunity to participate fully in society.

Under ESSA, the term “**Immigrant children and youth**”, means individuals who—

- (A) are aged 3-21;
- (B) were not born in any state, including Puerto Rico and Washington D.C.; and
- (C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

The term “**Migrant**” when used with respect to an individual, means:

According to sections 1115(c)(1)(A) (incorporated into the MEP by sections 1304(c)(2), 1115(b), and 1309(3) of the ESEA, and 34 C.F.R. § 200.103(a)), a child is a “migratory child” if the following conditions are met.

1. The child is not older than 21 years of age; **and**
2.
  - a. The child is entitled to a free public education (through grade 12) under State law, **or**
  - b. The child is not yet at a grade level at which the LEA provides a free public education, **and**
3. The child made a qualifying move in the preceding 36 months as a migratory agricultural worker or a migratory fisher, or did so with, or to join a parent/guardian or spouse who is a migratory agricultural worker or a migratory fisher; **and**
4. With regard to the qualifying move identified in paragraph 3, above, the child moved due to economic necessity from one residence to another residence, and –
  - a. From one school district to another; **or**

- b. In a State that is comprised of a single school district, has moved from one administrative area to another within such district; **or**
- c. Resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence.

#### **D. LEGAL CASES RELATING TO ENGLISH LEARNERS**

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

*“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.*

##### **Lau vs. Nichols (US Supreme Court Decision 1974)**

*“The failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry 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.”*

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

*“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*

##### **Castañeda vs. Pickard, [5th Cir., 1981] 648 F.2d 989 (US COURT OF APPEALS)**

*“In 1981, in the most significant decision regarding the education of language-minority students since Lau v. Nichols, the 5th Circuit Court established a three-pronged test for evaluating programs serving English language learners. According to the Castañeda standard, schools must base their program on educational theory recognized as sound or considered to be a legitimate experimental strategy, – implement the program with resources and personnel necessary to put the theory into practice, and – evaluate programs and make adjustments where necessary to ensure that adequate progress is being made. [648 F. 2d 989 (5th Circuit, 1981)].”*

***Additional laws, court decisions, and memoranda related to English learners can be located in the Appendices.***



# PART I

## ALABAMA FRAMEWORK FOR ENGLISH LEARNER SUCCESS

### A. OVERVIEW

Alabama developed the Framework for English Learner Success to make needed shifts to instructional practices that lead to English learner success. This plan is aligned with the Priority Areas of the Alabama Achieves Strategic Plan and is designed with the goal of helping children find success in school and their lives thereafter.

The Alabama Framework for English Learner Success focuses on closing the achievement gap between English learners and their English-speaking peers and attaining English language proficiency. The core principles of the Alabama Framework for English Learner Success center upon four principles for EL success.

These Principles are:

1. Asset Oriented System
2. High-Quality Instructional System
3. Conditions that Support Responsive Educators and Staff
4. Alignment and Coherence Within and Across Systems that Support ELs

The ALSDE State Implementation Team analyzed current state practices and determined areas of strength and growth to strategically increase outcomes for English learners. This framework is intended to support EL students at all levels of the educational system. Five Strategic Goals were identified that provide specific steps to focus efforts to achieve lasting improvements efficiently and effectively.

The Strategic Goals are:

<b>Strategic Goal 1</b>
Increase the use of high-quality instruction and assessment in every classroom every day to engage ELs
<b>Strategic Goal 2</b>
Foster and build the capacity of all school and district staff to serve ELs
<b>Strategic Goal 3</b>
Establish, communicate, and implement coherent and equitable systems
<b>Strategic Goal 4</b>
Utilize data and research to refine EL education in order to provide individualized and systematic supports
<b>Strategic Goal 5</b>
Mobilize and actively engage families, caregivers, community members, and the public to support ELs

**Source:** [Alabama Framework for English Learner Success](#)

## B. HIGH-QUALITY INSTRUCTION AND ASSESSMENT FOR ELs GUIDANCE (HQIA)

Strategic Goal 1 focuses on increasing the use of high-quality instruction and assessment in every classroom, every day to engage ELs. Part of this goal has been the development of the *HQIA for ELs Guidance* (HQIA).

### IMPLEMENTATION OF HQIA

The ALSDE will partner with LEAs to support schools with high-quality instruction and assessment that aligns with the Alabama Framework for English Learner Success. Training will be available in a variety of formats beginning in the summer of 2024. Training opportunities will be communicated with LEAs.

Through this partnership we will create:

- Supports for educators to continually improve their use of evidence-based practices to effectively teach English learners
- Equitable academic outcomes for English learners
- Sustainable processes and organizational structures that will last through changes in staff and administration

### FOCUS OF HQIA

HQIA Guidance for ELs is comprised of five criteria:

1. Asset-Based Instruction
2. Student-Centered Engagement
3. Academic Discourse
4. Scaffolding
5. Formative Assessment

Professional learning on HQIA includes exploration of each criteria and their corresponding indicators along with coaching support to increase educators' use of high-quality, evidence-based practices for teaching English learners in the content area and ESL classroom environments.

The criteria identified in HQIA directly align with the four principles set forth in the Alabama Framework for English Learner Success as shown in the graphic below.

**ALSDE Guidance for HQIA for ELs**

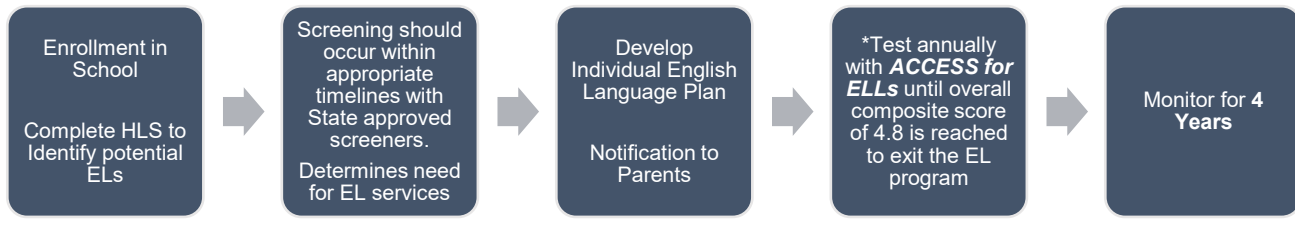


## PART II

# GUIDANCE FOR LOCAL EDUCATION AGENCIES SERVING ENGLISH LEARNERS

### A. IDENTIFICATION, ENROLLMENT, AND SCREENING PROCEDURES

**Figure 1: Identification Procedures for English Learners**



**Note: Exit criteria for WIDA Alternate ACCESS will be established in fall of 2024. See the Student Assessment Resource Guide for English Learners for more information about WIDA Alternate ACCESS.**

### HOME LANGUAGE SURVEY

English learners (ELs) **must** be identified at the point of enrollment. A consistent enrollment procedure for identifying language-minority students, which includes the use of a Home Language Survey (HLS), facilitates their entry into the new school environment. A language-minority student is one whose home language is other than English. It is vital to have trained school personnel who are dedicated to meeting the needs of students from different cultures with different levels of English proficiency.

A Home Language Survey (HLS) **must** be completed and entered in PowerSchool for each student registering for enrollment in an Alabama public school. ***It is beneficial to conduct an interview with the student and/or parents during the enrollment process.*** Information such as limited or interrupted formal education, emotional trauma, cultural awareness, and other special circumstances will support the EL committee decisions when considering the development of the individual English language plan for the student. The assistance of an interpreter or translator may be required to complete the interview and survey. The completed survey becomes part of the student's permanent record and should be available for future reference.

The Home Language Survey contains, at a minimum, a version of the following questions:

- What language is spoken by you and your family most of the time?
- Is your child's native language anything other than English?
- What is the language the student first acquired?

When all responses on the HLS indicate that English is the only language used by the student and by individuals in the home, the student is considered an English-only speaker. Procedures established by the school system for placement in the general student population should be

followed. If any response on the HLS indicates the use of a language other than English by the student or an individual in the home, then further assessment must be conducted to determine the student's English-language proficiency level. However, the presence of a language other than English does not automatically signify that the student is not a proficient speaker of English.

It is essential that enrollment personnel are trained on the importance of using forms in a language that parents and/or guardians understand. Interpretation supports, such as MasterWord, may also be utilized for interviewing the parent and during the enrollment process to ensure that non-English-speaking caregivers understand all aspects of the enrollment process and the intent and purpose of the Home Language Survey. Thorough training of essential enrollment personnel and the use of translated documents and forms minimizes the risk of misidentifying students as potential English learners and/or erroneously screening students for English proficiency.

## ENROLLMENT

**All language-minority students must be allowed to attend school, regardless of their ability to produce a birth certificate, social security number, or immigration documentation.** Children may not be excluded from school because they do not have a social security number (*Plyler v. Doe*). Application forms to obtain social security numbers may be distributed, but the option of completing the forms must be left to the parents.

**If parents do not have student immunization records available, the dates of immunization may be obtained by calling the previous school that the child attended.** The LEA may need to contact the former school system. If necessary, students can begin the immunization series at the local public health department. *If appropriate immunization documentation cannot be obtained within a reasonable period, the student's case should be handled in accordance with approved State and local board of education procedures.*

## ENROLLMENT SUPPORT: TRANSLATION AND INTERPRETATION SERVICES

LEAs have the responsibility to communicate with families in a language they understand. LEAs should have a plan in place to facilitate communication so that all families have access and support. Enrollment forms should be in a language that parents and/or guardians understand.

It is important to also remember that students who do not qualify as English learners may have parents or guardians whose primary language is other than English and may have limited English proficiency in one of the four domains of language (listening, speaking, reading, writing). School districts and SEAs have an obligation to ensure meaningful communication with parents in a language they can understand and to adequately notify parents of information about any program, service, or activity of a school or LEA that is communicated to parents who are proficient in English. At the school and district levels, this essential information includes but is not limited to information regarding language assistance programs, special education and related services, IEP meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in district or school activities, parent-teacher conferences, parent handbooks, gifted and talented programs, magnet and charter schools, and any other school and program choice options. School districts must develop and implement a process for determining whether parents have limited English proficiency or additional language needs.

**Source: U.S. Department of Education, Office for Civil Rights, & U.S. Department of Justice. (2015, January). Dear Colleague Letter: English Learner Students and Limited English Proficient Parents. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>**

To supplement the language support services offered by the LEA, the SDE currently offers supplemental assistance for language access. Translated forms are available in a variety of languages through the TransACT database. To obtain credentials visit <https://www.transact.com/> or contact your EL Regional Specialist for support.

MasterWord is a resource provided by the SDE that provides access to video remote interpretation services and limited document translation services. MasterWord interpretation and translation services may be used to facilitate the enrollment process. To obtain training and credentials for MasterWord contact your EL Regional Specialist.

MasterWord is an additional tool provided by the SDE to assist districts in their responsibility to provide communications in a language understood by the parents. MasterWord does not replace the districts' responsibilities to provide language access; therefore, districts may choose to utilize additional tools and personnel for purposes not covered under our current MasterWord plan. ***The SDE's contract with MasterWord is renewed on an annual basis and is contingent on continued funding.***

## **INITIAL LANGUAGE PROFICIENCY ASSESSMENT AND PROGRAM PLACEMENT**

Alabama is a member of the WIDA consortium and has adopted the *WIDA Screener Online* to determine eligibility for placement for students in grades 1-12, and the *WIDA Screener for Kindergarten* for students in kindergarten and first semester 1<sup>st</sup> graders.

Initial assessment of English language proficiency is conducted using *WIDA Screener for Kindergarten*, and *WIDA Screener Online* to determine the level of English proficiency and to facilitate appropriate instructional and program placement decisions.

- ***WIDA Screener for Kindergarten*** is used for students in Pre-K4 through first semester of Grade 1. In this context, Pre-K4 refers to the spring or summer prior to Kindergarten enrollment when children are participating in the registration and screening process for kindergarten entrance for the first time. Students are screened to determine language proficiency in the listening and speaking domains.
- ***WIDA Screener Online*** is used for students in the second semester of Grade 1 through Grade 12. The *WIDA Screener Online* assesses English language proficiency in all four domains of language – listening, speaking, reading, and writing.

Test administrators must be qualified to administer these state-approved screening instruments. See the ***Student Assessment Resource Guide for English Learners (2023-2024) for more information on the following topics:***

- Screener Test Procedures
- Test Administrator Qualifications
- Screening Students Enrolling from Another WIDA State
- Screening Potential ELs With Disabilities
- Alabama State Department *Alternate Screener Checklist*

**Source: *Student Assessment Resource Guide for English Learners (2023-2024).***

## **TIMELINES FOR SCREENING, DETERMINATION OF ELIGIBILITY, PLACEMENT, AND PARENT NOTIFICATION**

During registration, parents complete a Home Language Survey (HLS) to identify the student's primary language(s). When a student registers, the following steps should be taken:

1. Review responses on Home Language Survey (HLS) to identify potential English learners (ELs).
2. Administer the appropriate WIDA English language proficiency (ELP) screener to potential ELs.
  - Note: For students transferring from another state or district, it is incumbent on the receiving district to contact the previous state/school to determine EL status before screening. Follow the procedures regarding screening for these students in the ***Student Assessment Resource Guide for English Learners 2023-2024.***
3. Identify if the student meets the state EL eligibility criteria for English as a Second Language services. (See Qualifying Scores for Potential ELs on pg. 11 of this document)
4. Place identified EL students in appropriate language instruction educational program.
5. For students enrolled by the beginning of the school year, the district must notify parents of their child's English learner identification and eligibility for participation in the language development program within 30 calendar days after the beginning of the district's school year.
6. If a student enrolls **during the school year and is a first-time enrollee in a U.S. school**, then the LEA has 30 days to screen and notify parents.
7. **For other students identified as English learners entering during the school year**, parents must receive notification of language instruction program eligibility within two weeks of enrollment.
8. Report student status in PowerSchool.

Under ESEA/ESSA Sec. 3113(b)(2), every effort should be made to identify students who are EL students as soon as possible to provide timely support for students who may be in need of language services. (See September 23, 2016, Nonregulatory Guidance: English Learners and Title III, Addendum Selected Topic 2.)

**Source: ESEA and ESSA Sections 3113(b)(2) and 1112(3)(B)**

**NOTE:** The LEA should record the registration date as “original entry date” in PowerSchool or if the child is newly arrived in the country, “date first enrolled in US school,” when completing the demographics page.

## QUALIFYING SCORES FOR POTENTIAL ELs

The *WIDA Screener Online* yields an overall composite score based on the language domains tested. The *WIDA Screener for Kindergarten* and the *WIDA Screener Online* may be used. The following guidelines determine eligibility for placement in the English language instruction educational program:

### QUALIFYING SCORES FOR POTENTIAL ELs

#### *WIDA SCREENER FOR KINDERGARTEN* or *WIDA SCREENER ONLINE*

WIDA SCREENER FOR KINDERGARTEN			
GRADE	REQUIRED DOMAINS	QUALIFIES STUDENT AS EL	DOES NOT QUALIFY STUDENT AS EL
Pre-K4 Pre-registration period for kindergarten entry through 1 <sup>st</sup> semester of Grade 1	Listening, Speaking	Less than 4.5 Oral Language Score	4.5 or higher Oral Language Score
WIDA SCREENER ONLINE			
GRADE	REQUIRED DOMAINS	QUALIFIES STUDENT AS EL	DOES NOT QUALIFY STUDENT AS EL
2 <sup>nd</sup> semester of Grade 1 through Grade 12	Reading, Listening, Writing, Speaking	Less than 5.0	5.0 or higher

**NOTE:** In cases where students score too high and do not qualify for services (NOMPHLOTE) but are experiencing difficulty with language in the classroom, it may be necessary to reassess the student. It is permissible to readminister the initial screener to the student, with the parent/guardian(s) permission, in order to determine if the student does qualify to receive services.

**NOTE:** If a student scores a 4.0 or below on the *WIDA Screener for Kindergarten*, they will be exempt from AlaKids and marked as “Not Observed.” See [AlaKIDS – Early Childhood Education \(alabama.gov\)](http://AlaKIDS – Early Childhood Education (alabama.gov))

Refer to the ***Student Assessment Resource Guide for English Learners (2023-2024)*** for additional information on available screeners and assessment policy and procedures.



## MISIDENTIFICATION OF AN EL

There may be some instances where misidentification of an EL can occur. For example, the HLS may be misinterpreted by parent/guardian(s) or by the educator reviewing the information, which could lead to misidentification. This same misinterpretation is possible as educators review initial screening assessment scores, also resulting in misidentification. If it is suspected that a student has been inaccurately identified as an EL, contact ALSDE EL Administrator, Maria Franco via email at [maria.franco@alsde.edu](mailto:maria.franco@alsde.edu) or by phone at (334) 694-4922 for guidance.

## B. INDIVIDUAL ENGLISH LANGUAGE PLAN AND PROCEDURES

### INDIVIDUAL ENGLISH LANGUAGE PLAN

It is highly recommended, due to *Castañeda vs. Pickard* and ESEA Section 3113(b)(2) of Title III of the *ESSA of 2016*, that each student designated as EL have an Individual English Language Plan (I-ELP) which should be updated annually until the student achieves Former EL (FEL) status.

### INDIVIDUAL ENGLISH LANGUAGE PLANS (I-ELPs) & ELLEVATION

1. In order to provide a uniform platform to create and communicate I-ELPs, access to Ellevation is provided to all districts by the SDE. **I-ELPs are required to be completed in the Ellevation platform.**
2. Ellevation is used to create student Individual English Language Plans (I-ELP), track student progress over time, generate reports, monitor students, plan for instruction, and collaborate with colleagues. For information and/or training on Ellevation, please contact your EL Regional Specialist or visit <https://www.Ellevationeducation.com/district/alabama#>.
3. I-ELPs in Ellevation are required to include the following items:
  - a. Student demographic information
  - b. Most Recent Test Results (May include the following- Kindergarten screener, *WIDA Online Screener*, and/or *ACCESS* scores)
  - c. WIDA Can Do Indicators
  - d. EL Services and Programs
  - e. State Testing Accommodations
  - f. Instructional Accommodations

**Note:** Instructional accommodations are recommended for use during regular classroom instruction, assignments, and assessments. They should be based on proficiency levels and individual student needs. **For more information on instructional accommodations, see the Instructional Accommodations section below.)**

- g. Language Goals

Refer to the ***Student Assessment Resource Guide for English Learners 2023-2024*** for additional information and requirements on State Testing Accommodations for I-ELPs.



## INSTRUCTIONAL ACCOMMODATIONS

Instructional accommodations and supports should occur as part of Tier I classroom instruction, classroom assignments, and classroom assessments. They should be flexible and responsive to student needs. These may be updated as needed to reflect the needs of the student. It is good practice to reconvene with the EL Committee to discuss necessary adjustments and document when changes are made.

When determining appropriate instructional accommodations and supports, data should be considered from a variety of sources. Teacher input, academic performance, and historical assessment data from *ACCESS for ELs* and other assessment sources may be considered. Accommodations should be selected that help reduce the language barrier and provide the student with access to content area instruction. Care should be taken to ensure that high-quality instruction and assessment practices are implemented and that the appropriate level of support needed by the student is determined to avoid over or under-accommodation.

## PARENT NOTIFICATION

A. According to ESEA section 1112(3)(A) Title III requirements, districts must, not later than 30 days after the beginning of the school year, or two weeks if later in the school year, provide notification to parent(s) of ELs identified for participation in an English language instruction educational program of:

1. The reasons for the identification.
2. The child's level of English proficiency.
  - a. How such level was assessed.
  - b. The status of the child's academic achievement.
3. The method of instruction used in the program.
4. How the program will meet the educational strengths and needs of the child.
5. How the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation.
6. The specific exit requirements for such program, expected rate of transition from such program into the regular education classroom, and the expected rate of graduation from secondary school.
7. In the case of a child with a disability, how the program meets the objectives of the individualized education program of the child.
8. Information pertaining to parental rights that includes written guidance detailing:
  - The right of the parents to have their child immediately removed from supplemental Title III programs upon request.
  - The options that parents have to decline to enroll their child in such supplemental Title III programs or to choose another program or method of instruction if available.
  - The various programs and methods of instruction if more than one program or method is offered by the eligible entity.

B. It is recommended for LEAs to have a plan in place to notify parents whose children underwent screening and were not identified as an English learner.

## ELLEVATION REPORT AND PARENT LETTER GALLERY

To help schools comply with notification requirements, a variety of parent letters are available in the Ellevation Platform. Parent letters are available in 35 languages and include the following:

- EL Committee Meeting
- Parent Invitation Letter
- Notification of Not Qualifying
- Notification of EL Program Exit
- Notification of Initial EL Program Placement
- Notification of EL Program Continuation

To access these forms, click **Reports** and then **Report & Parent Letter Gallery**.

## PARENT WAIVER OF SUPPLEMENTAL TITLE III SERVICES

Some parents of students identified as ELs may choose to waive Supplemental Title III Language Assistance services for their child. However, this does not negate the responsibility of the LEA to provide language support under the Office of Civil Rights law. The LEA must find alternate means of providing the student with support for language development and proficiency outside of the structured ESL classes that may include pull out or push in services. Parents who choose to waive services must do so in writing on an annual basis, and the LEA must maintain the written documentation.

Students who will not receive supplemental language services must still participate on the *ACCESS for ELLs* or *WIDA Alternate ACCESS* assessments in order to determine the student's level of English proficiency and to provide educators with valuable information attained from test scores so that appropriate supports may be provided. ELs whose parent/guardian(s) have chosen to waive services will still be eligible for the appropriate EL accommodations on state assessments.

Although parent/guardian(s) may choose to waive Supplemental Title III Language Assistance for formal language assistance, the student will be identified and coded as an EL in PowerSchool and will continue to be coded as EL until the student attains a 4.8 composite score on *ACCESS for ELLs* or an alternate score on *WIDA Alternate ACCESS*.

A parent meeting is required to explain the screener scores, why the student qualified for services, what services are available to the student had those services not been waived, how the student will be supported in the classroom, and why participation on *ACCESS for ELLs* or *WIDA Alternate ACCESS* cannot be waived and is federally required.

School districts may not recommend that parents decline all or some services within an EL program for any reason, including facilitating scheduling of special education services or other scheduling reasons. A parent's decision to opt out of an EL program or particular EL services must be knowing and voluntary. Thus, school districts must provide guidance in a language parents can understand to ensure that parents understand their child's rights, the range of EL services that their child could receive, and the benefits of such services before voluntarily waiving them.

An I-ELP will still need to be created for these students. I-ELPs will denote the parent waived services and will be reviewed annually with the parent/guardian(s)' request for attendance. If the parent/guardian(s) refuse to attend, the I-ELP will remain in place until the student demonstrates English proficiency, which is a 4.8 composite score on *ACCESS for ELLs*. Refer to the *WIDA Alternate ACCESS Exit Criteria* located in Section 4 of the Student Assessment Resource Guide for English Learners for exit criteria for this assessment.

For additional information on this topic, refer to the ***Student Assessment Resource Guide for English Learners (2023-2024)***.

## STATE CODES FOR ENGLISH LEARNERS AND DATA COLLECTION

Upon identification and placement, the student's designation as an English learner should be entered into PowerSchool Special Programs along with their corresponding EL status. The table below contains codes the EL Status Descriptions used in PowerSchool along with a definition of codes.

**Table 1-EL STATUS CODES & DESCRIPTIONS**

EL Status Codes	Definitions of Codes
<b>Non-ELs</b>	Students whose home language surveys do <i>not</i> indicate a language other than English spoken in the home. These are <i>not</i> students classified as NOMPLOTE.
<b>EL-1 EL Year 1</b>	English learner students who are in their first year in a U.S. school.
<b>EL-2 EL Year 2 or more</b>	English learner students who are in their second year or more in a U.S. school.
<b>FEL-1 1<sup>st</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their first year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL-2 2<sup>nd</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their second year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL-3 3<sup>rd</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their third year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL-4 4<sup>th</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their fourth year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL Completed 4 Years Monitoring</b>	Former English learner students who have successfully completed four years of monitoring and are no longer English learners.
<b>NOMPLOTE</b>	National Origin Minority Student Whose Primary Home Language is Other Than English. These students have a non-English language background but are fluent in English and do not require ESL services. Parents, however, may need information in their home language.

**NOTE: English learners whose parents have waived supplemental Title III services will still be coded in PowerSchool as English learners. These students should have an additional entry into the “EL Waived Title III Services” field in PowerSchool indicating their waiver option. These students must be assessed on the *ACCESS for ELLs* English proficiency test until they are proficient in English with a composite score of 4.8 or above.**

## YEARLY EL STATUS UPDATE

It is important to remember that student EL Status codes should not be changed in PowerSchool when *ACCESS for ELLs* scores are released in the spring. LEAs must wait until the key dates memo is communicated from ALSDE. This process is typically finalized by the end of June or early July. ***Please wait for notification from the SDE before updating students' EL status codes in PowerSchool.***

## C. PLACEMENT IN GENERAL EDUCATION SETTING

### GENERAL EDUCATION PLACEMENT

**The goal for students who are ELs is that they attain fluency in English, master the state's academic content standards as demonstrated by proficiency on the state's required student assessments, and pass any other current state required tests.**

ELs should be placed age-appropriately in the mainstream classroom. This provides them with access to challenging, grade-level content instruction and the opportunity to interact with their English-speaking peers and is considered to be the least restrictive educational environment.

**Source: U.S. Department of Education, Office for Civil Rights, & U.S. Department of Justice. (2015, January). Dear Colleague Letter: English Learner Students and Limited English Proficient Parents. <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>**

At the high school level, credits should be awarded based on transcripts provided by the students/parents, even if the coursework was taken in another country. **If transcripts are in a language other than English, translations should be sought so that credits can be awarded. Schools may request the translation of student transcripts or other enrollment documents by contacting their EL Regional Specialist.**

### ADVANCED PLACEMENT (AP) COURSES

English learners are eligible to participate in advanced placement courses; however, according to the College Board Advanced Placement Program, accommodations for ELs are not permitted on AP Exams. Please note that ELs enrolled in AP courses should receive classroom accommodations so that they have access to content. It is important that this information is shared with parents and students.

### FOREIGN EXCHANGE STUDENTS

The District will provide a HLS to any foreign exchange student who enrolls in school. If the foreign exchange student has a language other than English identified on the HLS, the foreign exchange student will be administered the *WIDA Screener for Kindergarten* or *WIDA Screener Online*.

There are no special exceptions for Foreign Exchange, or F-1 Visa students, who are English learners for the purposes of English Language Proficiency assessments if they attend a

school in the United States. Foreign Exchange, or F-1 Visa students, who qualify as English learners must receive ESL services, and, if applicable, Title III supplemental services.

Foreign Exchange students **are included in the State’s immigrant count** for Title III funding purposes:

- If the Foreign Exchange student is also an English learner, s/he would be included in an LEA’s count of EL students for the Title III formula subgrant.
- If the Foreign Exchange student meets the definition of “immigrant” student under section 3201(5) of ESEA, s/he would also be included in an LEA’s count of immigrant children and youth.
- If the Foreign Exchange student qualifies as an English learner, they must participate in the Title I required assessments, including the ELP assessment *WIDA® ACCESS for ELLs*. Foreign exchange students will also participate on any of the state’s content assessments.

## D. SYSTEMS OF SUPPORT FOR ENGLISH LEARNERS

### SCHOOL-LEVEL ENGLISH LEARNER COMMITTEE

LEAs should outline procedures for the establishment of an English Learner (EL) Committee at the school level. The EL Committee is a school team responsible for guiding and monitoring the placement, services, progress, and assessment of students who are ELs.

Members of the EL Committee may include classroom teachers, counselors, instructional specialists, school administrators, ESL staff, and other members as appropriate (e.g., parents, central office administrators, support staff). Although there is nothing to prohibit members of the *Response to Instruction (RtI)* or *Problem Solving Team (PST)* from participating on EL Committees, ***these committees serve very different purposes.***

### RESPONSIBILITIES OF THE EL COMMITTEE

1. Ensure full consideration of each student’s language background before placement in an English language instruction educational program.
2. Ensure implementation of systematic procedures and safeguards related to appropriateness of identification, placement, notice of eligibility, assessment, transcript review, scheduling, instructional and support programs, and program exit.
3. Review student’s progress in language acquisition and academic achievement regularly.
4. Convene as needed to discuss changes or adjustments in the ELs instructional services.
5. Identify accommodations needed on State assessments. Additional classroom strategies and accommodations should be identified as appropriate.
6. Communicate in a timely manner the student’s I-ELP with faculty and staff who interact with and provide instruction for the child.
7. Ensure there is a process for determining how **the school will communicate** with the student’s parents in a language the parent can understand.
8. Reconvene, when necessary, to review students’ progress and adjust instructional and assessment accommodations to suit the needs of the student.
9. Ensure there is a process for monitoring FELs 1-4. The EL Committee may reconvene to address needs that may arise for FELs 1-4 during the four-year monitoring period.

## THE ROLE OF THE PROBLEM SOLVING TEAM (PST)

1. The Problem Solving Team (PST) process plays a central role in the implementation of academic, behavioral, and foundational wellness supports for all students. Academic supports for all students are met through the implementation of Response to Instruction (RTI); the purpose of RTI is to combine standards-based core instruction, assessment, and interventions within a multi-tier system of supports to increase student achievement through eliminating barriers of teaching and learning. The PST is responsible for guiding supports and interventions for any student at risk of facing barriers to academic, behavioral, and/or foundational wellness success. A student is considered at-risk if their grades in core subject areas (English Language Arts, Mathematics, Science, and/or Social Studies) are below C, if they score below proficient on state standardized assessments, if they have chronic absenteeism, chronic behavioral referrals, and so on. Although a referral to PST is a required step prior to special education testing, a PST referral is not used only for pre-special education testing purposes.
2. ELs should not be referred to PST if language is the only barrier to achievement. Differentiated instruction should be provided for a reasonable amount of time to include instructional accommodations in accordance with the student's I-ELP. Other data sources may also be considered and reviewed to determine that the barrier is not related to language or the student's lack of instruction.
3. **Once language has been eliminated as the barrier** to achievement, EL students must be served in the same way as all other students. If an EL student is being discussed for possible special education issues and language is clearly not the issue, then PST is the appropriate vehicle, provided EL staff member(s) are part of the team.
4. **PST committees may need to seek specialized training in order to write appropriate strategies or accommodations for students whose primary language is other than English** (See *Lau v Nichols*).
5. The EL and PST committees are separate entities but may include some of the same members. In smaller school districts, there are a limited number of personnel available for these important roles. The issue is not the duplication of personnel on the committees; it is the purpose of the committees. Appropriate personnel to serve on the PST Committee include content-area or general classroom teachers of ELs, assessment specialists, school administrators, school counselors, and ESL staff.

**NOTE: For information regarding grading and retention of ELs, see Part II Section C of this document. For information regarding special education testing for ELs, see Part I Section I of this document.**

**NOTE: Refer to [Guidance Manual for Problem Solving Team \(2023\)](#) for issues pertaining to ELs in the PST process.**

## E. ANNUAL ACCESS TESTING, EXIT CRITERIA, AND MONITORING

### **ACCESS FOR ELLs and WIDA Alternate ACCESS**

In order to determine if ELs are progressing toward the attainment of the English language, *ACCESS for ELLs* and *WIDA Alternate ACCESS* are administered annually to all EL students in Grades K-12, including those whose parents/guardians have waived services. Students who have attained English language proficiency and are coded as FEL-1, FEL-2, FEL-3, FEL-4, or FEL **WILL NOT** take either of these assessments.

***ALSDE approval is required for any student to take the paper-based or WIDA Alternate ACCESS test. IEP AND I-ELP teams must communicate to determine whether the WIDA Alternate ACCESS is the best assessment for an English learner to demonstrate their understanding of English. The EL student must meet the definition of an English learner with Significant Cognitive Disabilities as well as additional State requirements for the administration of the WIDA Alternate ACCESS. Districts who administer this test without ALSDE approval will be required to pay for the cost of the test, and the student's scores will be invalidated.***

Refer to the ***Student Assessment Resource Guide for English Learners (2023-2024)*** for additional guidance related to the *ACCESS for ELLs* and *WIDA Alternate ACCESS* as well as the required *WIDA Alternate ACCESS Student Verification and Approval* form.

### **ACCESS For ELLs Overview: Tiers**

*ACCESS for ELLs Online* is semi-adaptive, meaning the test platform tracks student progress in the Listening and Reading tests and presents test items based on students' previous performance. When students finish the Listening and Reading tests, the test platform evaluates their performance to assign them to the appropriate tier of the Speaking and Writing tests. Students are placed into one of three tiers for Speaking (Pre-A, A, or B/C) and one of two tiers for Writing (A or B/C). Students then complete all tasks in the non-adaptive Speaking and Writing domain tests.

WIDA recommends students take the Listening test first, followed by the Reading test. However, Listening and Reading can be administered in either order, followed by Speaking and Writing in either order.

Refer to the ***Student Assessment Resource Guide for English Learners (2023-2024)*** for additional guidance related to *ACCESS for ELLs Online* tiers.

### **WIDA ALTERNATE ACCESS**

*WIDA Alternate ACCESS* will replace the *Alternate ACCESS for ELLs* in 2024. The assessment remains a paper-based test that is individually administered and designed specifically for those EL students with the most significant cognitive disabilities who, due to their disabilities, would be unable to meaningfully participate on the *ACCESS for ELLs*



assessment. *WIDA Alternate ACCESS* meets the U.S. Federal requirements under the Individuals with Disabilities Education Act (IDEA) and the *Every Student Succeeds Act* (ESSA), for monitoring and reporting ELs' progress toward English language proficiency. EL students will be tested on the same four domains as students participating on *ACCESS for ELLs* – Reading, Listening, Speaking, and Writing. Test scores can be used to guide instruction and monitor progress. All domains are scored by the Test Administrator

*WIDA Alternate ACCESS* score reports provide score information for eight categories: four domains and four composite scores (Oral Language, Literacy, Comprehension, Overall *WIDA Alternate ACCESS* scores have many potential uses, from determining the placement of individual students to guiding instruction. Test scores can be used to:

- A. Monitor student progress annually (using scores from two years or more)
- B. Guide IEP teams in making determinations about the types of language acquisition supports the student needs
- C. Inform classroom instruction
- D. Guide the decision-making process

**Note: ALSDE approval is required for any student to take the *WIDA Alternate ACCESS* assessment. Districts who administer this assessment without ALSDE approval will be required to pay for the cost of the test, and the students' scores will be invalidated.**

### ALTERNATE PROFICIENCY LEVEL DESCRIPTORS

The Alternate Proficiency Level Descriptors (Alternate PLDs) have changed. The Alternate PLDs are an extension of the PLDs found in the *WIDA English Language Development (ELD) Standards, 2020 Edition*, and describe the continuum of language development for ELs with the most significant cognitive disabilities. The Alternate PLDs are organized into five levels of English language proficiency for two communication modes: Interpretive and Expressive. These Alternate PLDs are unique to *WIDA Alternate ACCESS*.



***For more information on Exit Criteria and Alternate Proficiency Level Descriptors for WIDA Alternate ACCESS, refer to the Student Assessment Resource Guide for English Learners (2023-2024)***

**Source: Student Assessment Resource Guide for English Learners 2023-2024**

**WIDA MODEL™ (Measure of Developing English Language)** is a suite of English language proficiency assessments available for grades K-12. *WIDA MODEL™* may be administered at any point during the year to monitor progress, guide instructional and curricular decisions, and predict performance on *ACCESS for ELLs*. Districts may purchase access to *WIDA MODEL™* using ESSER funds. For more information about the different *WIDA MODEL™* assessments visit <https://wida.wisc.edu/assess/model>.

### **EXIT CRITERIA for ACCESS for ELLs**

Alabama has determined that EL students who achieve a 4.8 composite score on *ACCESS for ELLs* are considered to be English language proficient. These students will exit the program and will no longer receive English language support services. At such time, an EL student has exited, the student will be classified as an FEL-1 and will be monitored for four years.

Students who have exited may continue to receive the same EL accommodations on state assessments as they did while they were classified as an EL1 or EL2. **FELs may receive any of the allowable accommodations on the state assessments as long as they are used regularly in the classroom and are written into an I-ELP for the student.** At the end of the four-year monitoring period, the student will no longer receive EL accommodations.

Again, it is important to remember that the EL Status codes in PowerSchool should not be changed to reflect an exited student's FEL status upon release of *ACCESS for ELLs* score in the spring. It is essential to wait until the key dates memo is communicated by ALSDE.

**Refer back to pg. 19 of this document for EL Status codes and descriptions.**

## TRANSITION FROM EL PROGRAM SERVICES

EL students who make an overall proficiency level of **4.8** on *ACCESS for ELLs* will exit the EL program. If a student does not make an overall proficiency score of 4.8 they will continue receiving English language services.



Students who make the required score to exit from ESL services are placed on monitoring status for **four** academic years. EL stakeholders and teachers must communicate regularly during the monitoring phase. ***It is recommended that EL stakeholders and teachers communicate at least once each nine weeks during the first year and at least once each semester during consecutive years with documentation to ensure that the exited student is functioning successfully in the mainstream classroom.*** Students are classified as Former English Learners Monitoring Years 1-4 (**FEL-1-4**) during this monitoring period. Upon successful completion of four years of monitoring, ELs are classified Former English Learner (**FEL**) and are no longer included in the EL subgroup for accountability purposes.

### ALTERNATE EXIT CRITERIA FOR WIDA ALTERNATE ACCESS

***\*\*Due to the new WIDA ALTERNATE ACCESS assessment and the need to establish new cut scores, new alternate exit criteria will be determined in the fall of 2024.***

**Source: *Student Assessment Resource Guide for English Learners 2023-2024***

## MONITORING EXITED STUDENTS

EL students who attain a 4.8 composite score on *ACCESS for ELLs* or who meet the Alternate Exit Criteria are exited from the English as a Second Language Services and placed on monitoring status for four academic years. During this monitoring phase, general education classroom teachers and EL teachers must communicate regularly – preferably once every 9 weeks – to ensure students are functioning in the mainstream without EL support.

If a FEL student is not progressing academically as expected and monitoring suggests a persistent language need, the EL committee must reconvene and determine if the student needs to be retested with the appropriate version of the *WIDA Screener Online* test. Parent permission must also be obtained before rescreening occurs. If the parent/guardian refuses rescreening the student, this refusal should be documented, and a statement of the parent/guardian’s refusal should be included in the I-ELP. If this is the case, the LEA will continue to provide the necessary English language supports for the remainder of the four-year monitoring period.

If the student scores below 5.0 on the appropriate version of the *WIDA Screener*, the team may reconsider returning the student to EL 2 status and begin providing English language supports. The student will then take *ACCESS for ELLs* or *WIDA Alternate ACCESS* at such time the test is administered.

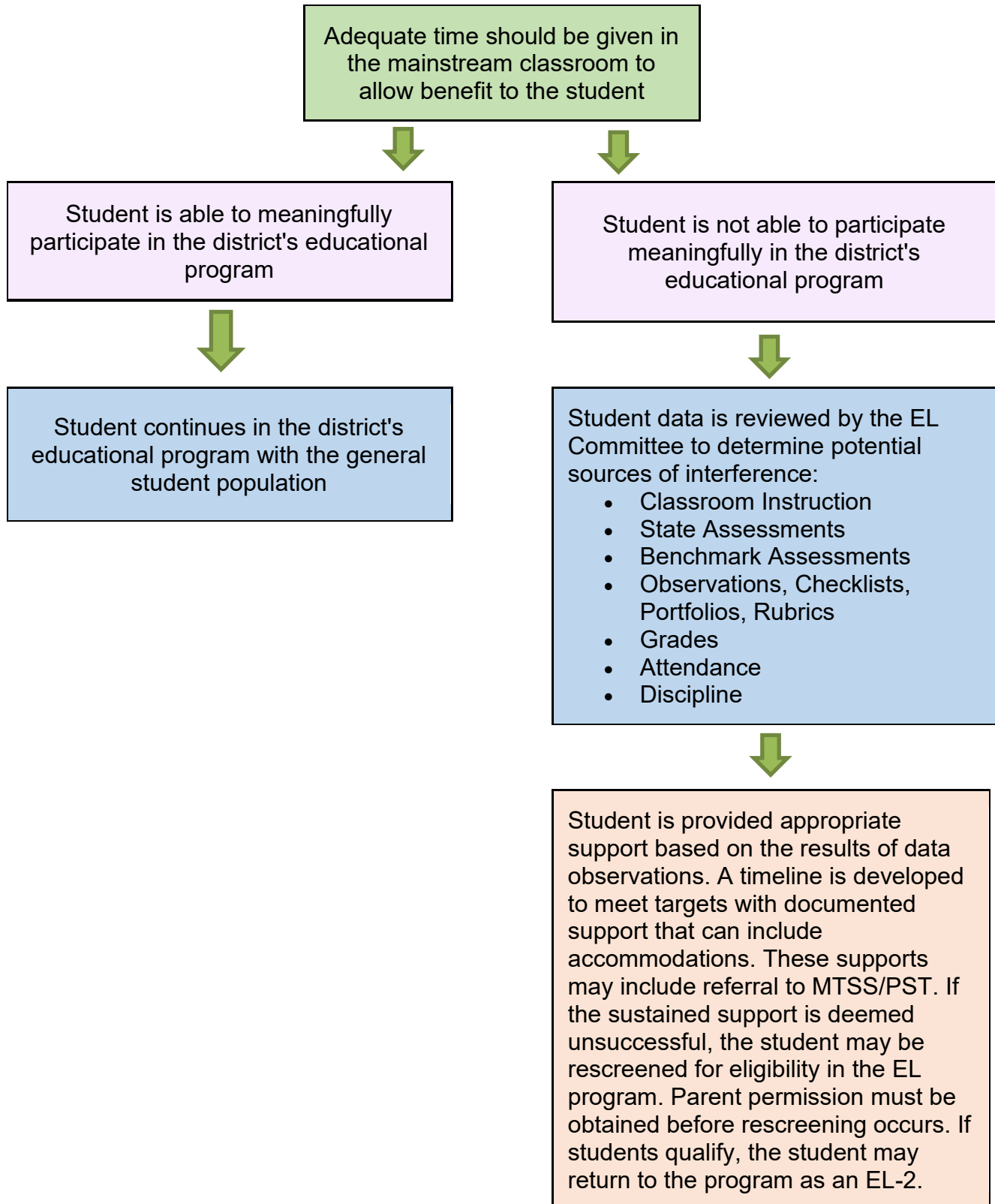
### FEL Codes and Definitions

EL Status Codes	Definitions of Codes
<b>FEL-1 1<sup>st</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their first year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL-2 2<sup>nd</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their second year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL-3 3<sup>rd</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their third year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL-4 4<sup>th</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their fourth year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL Completed 4 Years Monitoring</b>	Former English learner students who have successfully completed four years of monitoring and are no longer English learners.

Upon successful completion of four years of monitoring, ELs are classified as ***FEL Completed 4 Years Monitoring***.

For additional information on monitoring exited EL students, refer to ***Monitoring EL Students Who Exit*** in **Section 4** of the ***Student Assessment Resource Guide for English Learners (2023-2024)***.

## MONITORING EXITED STUDENTS FLOWCHART



## F. COMPREHENSIVE ENGLISH LEARNER PLAN

### COMPONENTS OF THE COMPREHENSIVE ENGLISH LEARNER PLAN

All LEAs in Alabama must develop, implement, and frequently update a Comprehensive EL Plan, in accordance with Section 3116 of Title III of the *Every Student Succeeds Act*, for serving students who are English learners and immigrant students, regardless of whether any students are determined to need support.

The Comprehensive EL Plan should address each aspect of the LEA's program for all ELs, at all grade levels, and in all schools in the school system. The Comprehensive EL Plan should contain sufficient detail and specificity so that each staff person can understand how the plan is to be implemented and should contain the procedural guidance and forms used to carry out responsibilities under the plan. **The LEA is required to have a Comprehensive EL Plan whether the LEA currently has ELs enrolled and regardless of Title III eligibility (*EL Plan Template can be found in the [eGAP2.0 Document Library](#)*).** At a minimum, the local plan must include five (5) parts: Required Theory and Goals, Identification and Placement Procedures, Programs and Instruction, Assessment and Accountability, and Parent, Family, and Community Engagement.

- A. Required Theory and Goals
  1. Describe The LEA's educational **theory and goals** for its program of services – **to improve the education of English learners by assisting the children in learning English and meeting the challenging state academic standards. (Sec. 3102)**
- B. Identification and Placement Procedures
  1. Include the LEA's procedures for **identifying members for the EL Advisory Committee**
  2. Include the LEA's **methods for identifying, placing, and assessing** the students to be included in the English language instruction educational program. The following components must be explained in the plan
    - Home Language Survey
    - *WIDA Online Screener*
    - *WIDA Screener for Kindergarten*
    - *ACCESS for ELLs*
  3. Include the **method and procedures for exiting students from the English Language Instruction Educational program (LIEP) and for monitoring their progress** for a period of at least four years (*new in ESSA*), and at a minimum, follow SDE exiting requirements for ELs. All school personnel should be aware of the State established exit criteria of a composite score of 4.8 on the *ACCESS for ELLs* English language proficiency test.
- C. Programs and Instruction
  1. Describe the programs and activities that will be developed, implemented, and administered to ensure that ELs acquire academic language as part of the core LIEP.
    - Process the system uses to conduct a comprehensive needs assessment
    - Rationale for selecting the particular EL program/s and how they are evidence-based

2. Describe how language instruction educational programs will **ensure** that ELs develop English proficiency:
    - How data is used to improve the rate of language acquisition for ELs
    - How the LEA supports each school with respect to continuous improvement practices and specific professional development
    - How WIDA English Language Development (WIDA ELD) standards are integrated into the curriculum
  3. Describe the **grading and retention** policy and procedures. NOTE: ELs cannot fail or be retained if language is the barrier
  4. Include details on the specific staffing and other resources to be provided to English learners under the LIEP in the district. ESL staff should be qualified with academic preparation in English as a Second Language, e.g. as documented in the 1991 Office of Civil Rights (OCR) Memorandum.
    - **Qualified personnel (state certification and/or ESL licensure)**
    - **ESL staff development**
    - **Content teacher and administrator staff development**
    - **Annual Training for all other LEA employees (based on the needs of the LEA)**
  5. Describe how the LEA will collect and submit data in accordance with SDE requirements.
    - How schools are trained to use the state system/database to code ELs and enter reliable and accurate data
  6. Include the LEA's method for evaluating the effectiveness of its program for English learners and
    - LEA engagement in the continuous improvement cycle
    - In relation to English proficiency and challenging state academic standards
  7. Include LEA's method of identification and referral of ELs for special services (including Gifted Ed). Note that the Individual English Language Plan must describe how the school will communicate with the child and parent in their native language.
- D. Assessment and Accountability
1. Describe how the LEA will encourage and hold schools accountable for **annually measuring the English proficiency** of ELs and for participating in the state-administered testing program.
    - Including coordination with the LEA Test Coordinator/Director
    - Including communication of assessment and accountability requirements to schools
  2. Describe how the LEA will **hold schools accountable** for meeting proficiency and long-term goals
    - Monitoring and evaluating school engagement with continuous improvement plan
- E. Parent, Family, and Community Engagement
1. Describe how the LEA will inform EL parents using information and notification in the following format:

*According to current federal requirements, LEAs must, not later than 30 days after the beginning of the school year, provide notification to parents related to...*

- i. The reasons for the identification
- ii. The child's level of English proficiency.
- iii. How such level was assessed.
- iv. The status of the child's academic achievement
- v. The method of instruction used in the program.
- vi. How the program will meet the educational strengths and needs of the child.
- vii. How the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation.
- viii. The specific exit requirements for such program, expected rate of transition from such program into the regular classroom, and the expected rate of graduation from secondary school.
- ix. In the case of a child with a disability, how the program meets the objectives of the individualized education program of the child.
- x. Information pertaining to parental rights that includes written guidance detailing:
  - a. The right of the parents to have their child immediately removed from supplemental Title III programs upon request. (IF APPLICABLE)
  - b. The options that parents have to decline to enroll their child in such supplemental Title III programs or to choose another program or method of instruction if available. (IF APPLICABLE)
  - c. The various programs and methods of instruction if more than one program or method is offered by the eligible entity

## **LOCAL EDUCATION AGENCY ENGLISH LEARNER ADVISORY COMMITTEE**

Each LEA shall establish an **EL Advisory Committee** for the purpose of program needs, assessment, evaluation, and for developing the Comprehensive EL Plan. This committee must include central office administrators, assessment specialists, school administrators, school counselors, and ESL staff. The committee should also include parents and community representatives who work with these students and their families in other settings. By working with a group that includes these stakeholders, the LEA can receive valuable input from those whose support and efforts may be important to the success of the English language instruction educational program.

The LEA EL Advisory Committee shall make recommendations to the LEA regarding its ESL program. Some examples of committee responsibilities would be to make recommendations regarding:

- a. Developing elements of the Language Instruction Educational Program.
- b. Providing high-quality professional development for staff.
- c. Facilitating successful parental involvement programs to further student success.
- d. Budgeting of state, local, and federal funds.
- e. Evaluating the effectiveness of the Language Instruction Educational Program.



## **G. TITLE III CONSORTIA**

In order to receive a Title III Grant as a single district, LEAs must have sufficient numbers of ELs to generate a minimum grant of \$10,000. If an LEA is ineligible to receive Title III funds, they may form a consortium with other LEAs. To be a member of a consortium, the LEA must have less than the number of ELs required to generate the minimum allocation of \$10,000.

- Each consortium must select an LEA to be the lead or fiscal agent; this responsibility is often rotated among the members. The fiscal agent is responsible for initiating meetings among consortium members and applying for Title III funds through the SDE's Electronic Grant Application Process (e-GAP 2.0).

## H. NON-PUBLIC SCHOOL PARTICIPATION AND TITLE III - LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

### **EVERY STUDENT SUCCEEDS ACT OF 2016**

**ESSA 8501(a) PRIVATE SCHOOL PARTICIPATION – (1) IN GENERAL-** Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

**ESSA 8501 APPLICABILITY-(1) IN GENERAL-** This section applies to programs under —

- (A) Title I-C;
- (B) Title II-A;
- (C) Title III-A;
- (D) Title IV-A;
- (E) Title IV-B;

**ESSA Section 1117(b)(1) CONSULTATION-(1) IN GENERAL-** To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as —

- (A) how the children's needs will be identified;
- (B) what services will be offered;
- (C) how, where, and by whom the services will be provided;
- (D) how the services will be assessed and how the results of the assessment will be used to improve those services;
- (E) the size and scope of the equitable services to be provided to the eligible private school children, and the proportion of funds that is allocated for such services, and how the proportion of funds is determined.
- (F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.
- (G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
- (H) how, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;

- (I) whether the agency shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
- (J) whether to provide equitable services to eligible private school children—
  - by creating a pool or pools of funds with all the funds allocated under subsection (a)(4)(A) based on all the children from low-income families in a participating school attendance area who attend private schools; or
  - in the agency’s participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(A) based on the number of children from low-income families who attend private schools;
- (K) when, including the approximate time of day, services will be provided; and
- (L) whether to consolidate and use funds provided under subsection (a)(4) in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 8501(b)(1) to provide services to eligible private school children participating in programs.

## WHAT ARE THE REQUIREMENTS?

- LEAs and non-public schools must engage in **timely and meaningful** consultation regarding services available to ELs in non-public schools that are located within the geographic boundaries of the LEA.
- The responsibility for initiating contact with appropriate non-public school officials lies with the LEA.
- “Timely and meaningful consultation” must include, but is not limited to, issues such as:
  - a. How ELs will be identified.
  - b. How the needs of ELs will be identified.
  - c. How, when, where, and what services will be provided.
  - d. How the services will be assessed.
  - e. The amount of funds/services available.
    - Title III services provided must be equitable and timely and address the educational needs of the identified students.
    - Services provided to ELs and educational personnel in the non-public schools do not have to be the same as those services provided to public school students. The services must be equitable, comparable, and suitable to the needs of the identified students and teachers.
    - Funds/services provided for private school children and educational personnel must be equal, considering the number and educational needs of those children, to the funds provided for participating public school children.
    - The LEA is responsible for any administrative costs (including assessments) associated with the implementation of the services for Title III students in non-public school students.
    - Non-public schools must have a means of determining and documenting that a language other than English is spoken at home (comparable to the public school Home Language Survey).
    - Non-public schools must provide the LEA “notice” that the non-public school believes they have EL students that should be screened to determine need and eligibility for services.
    - The LEA is responsible for screening students to determine “eligibility.” LEAs can use the *WIDA Screener for Kindergarten* or *WIDA Screener*

*Online.* The final responsibility for determining whether a non-public school student is an EL and eligible for services under Title III lies with the LEA.

- The LEA and non-public school's meaningful consultation must determine a recognized assessment that will be used to measure progress. This may be *ACCESS for ELLs* or an assessment comparable to *ACCESS for ELLs*. {NOTE: If *ACCESS for ELLs* is used for assessment, students must be coded separately to indicate non-public status.}
- LEAs and non-public school officials, through meaningful consultation, must determine what programs will be implemented to provide quality and effective instruction to the identified students. Programs must be designed to impact student progress and achievement.
- The LEA must annually evaluate the program effectiveness of the services provided to non-public schools.

## REMINDERS:

- Title III services provided must be secular, neutral, and non-ideological.
- Services provided must be supplemental in nature and cannot replace or supplant services that would, in the absence of Title III, be available to participating non-public school students.
- The control of funds used to provide services and the title to materials and equipment purchased with those funds must be retained by the LEA.
- Services for private school children and educational personnel must be provided by employees of the LEA or through a contract made by the LEA with a third party.
- During timely and meaningful consultation, LEAs must inform the non-public school officials of the complaint process.
  - If non-public school officials believe that timely and meaningful consultation has not occurred, they should first discuss the matter with the LEA. The LEA letter inviting the non-public school officials should contain contact information for filing a complaint. For example, giving the address for the ALSDE Ombudsman, P. O. Box 302101, Montgomery, AL, 36130; or 334-242-8199 to allow the entity to contact the SDE if they remain dissatisfied. See reference in *ESSA (Sec. 1117(b)(6)(A))*

## ADDITIONAL RESOURCES REGARDING ESSA AND NON-PUBLIC SCHOOL PARTICIPATION WITH TITLE III:

- Office of Non-Public Education (ONPE) – Private School Participation in Title III Programs <https://www2.ed.gov/about/inits/ed/non-public-education/index.html>
- Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under The Elementary and Secondary Education Act of 1965 (ESEA), As Amended by the Every Student Succeeds Act (ESSA) <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>

## I. EQUAL ACCESS TO APPROPRIATE CATEGORICAL AND OTHER PROGRAMS

### TITLE I, PART A, BASIC PROGRAMS

School systems are required by federal law to provide appropriate language acquisition services for students who are limited-English proficient. The language acquisition services are considered an integral part of a free and appropriate public education for all students. Title I, Part A, funds are to be used to coordinate and **supplement** state and locally funded services, as well as provide other direct services to EL students who are failing or are at risk of failing to meet the state's academic standards. Title I, Part A, funds may be used to pay the salaries of instructional staff to work with students who are experiencing academic difficulties, including limited-English proficient students. Title I staff should coordinate services with ESL and regular classroom teachers to provide the most appropriate instructional approach.

English learners are eligible for programs and services provided by Title I, Part A, on the same basis that non-ELs are eligible. In schools operating Title I schoolwide programs, all children, including ELs, are intended to benefit from the program, and the needs of all students are to be considered in the program design. In Title I - Targeted Assistance programs, ELs are eligible and must be selected for services on the same basis as other children. The LEA is not required to demonstrate that the needs of ELs stem from educational deprivation or solely from their limited-English proficiency.

### TITLE I, PART C, MIGRANT EDUCATION PROGRAM

A student may be eligible for services under Title I, Part C, the Migrant Education Program (MEP), if he/she has traveled with a parent or guardian across school system boundaries to obtain temporary or seasonal work in agriculture, fishing, or chicken processing. Migrant funds may be used to support and supplement ESL services, as well as provide direct services to migrant students who are also ELs. Migrant education services do not replace the need or requirement for an English language instruction educational program, and Title I, Part C, may not be the only source of funds used to provide the English language instruction educational programs and/or services.

The MEP is supplemental to the basic, regular education program and addresses needs that may be attributed to the migratory status of the student's family. Remember, not all migrant students are language-minority nor are all language-minority students migrant.

### EDUCATION OF HOMELESS CHILDREN AND YOUTH

Title VII–B of the *McKinney-Vento Homeless Act of 2001*, promotes access to public schools for homeless children and youth. Local education agencies must ensure that barriers to enrollment for homeless students are eliminated. Barriers may include requirements for residency, guardianship, school records, immunization records, and transportation, among others.

A student who is limited-English proficient and meets the federal definition of “homeless” is eligible to receive services provided through the Title VII–B of the *McKinney Vento Homeless Education Act of 2001* as are other children who meet that definition.

## OTHER PROGRAMS, SERVICES, AND FACILITIES

Language-minority students must have access to instructional programs and related services for special populations in a school system. Such programs include, but are not limited to, pre-school programs, career/technical programs, special education programs, gifted and talented programs, and extracurricular activities. All student support programs and services and extracurricular activities must be available to language-minority students or ELs on the same basis that they are available to other students in a school or school system. Similarly, each LEA must ensure that ELs have access to comparable instructional materials, facilities, and other resources as other students.

Circumstances and situations regarding participation of ELs in programs and services, whether in school or in an extracurricular setting, that are not clearly addressed in this document may be referred to the applicable program office within the SDE.

## ENGLISH LEARNERS WITH DISABILITIES AND SPECIAL EDUCATION SERVICES

Local Education Agencies (LEAs) are required to follow procedures for the education of ELs with disabilities. Among the requirements are identification, evaluation, eligibility determination, and service provision for ELs suspected of having a disability. Special education programs and services must be provided in accordance with the *Individuals with Disabilities Education Act of 2004* (P.L. 108-446).

The Comprehensive EL Plan must describe how the LEA will secure the services of someone to administer assessments, tests, or other evaluations and how the person will communicate with the child/parent in the native language. The education of ELs with disabilities must be addressed in the LEA's Comprehensive EL Plan and in the Special Education LEA Plan.

Uncertainty often exists regarding the referral of ELs for Special Education Services (SES). ELs are eligible to receive Special Education Services on the same basis as all other students. Care should be used to ensure that limited-English proficiency is not the basis of a referral. **Note that ELs with disabilities should be provided English language acquisition services as determined appropriate by the ESL specialist and the IEP Team and this information should be included as part of the Individualized Education Program (IEP) on the Profile Page. Eligible EL students receive both special education and English language acquisition services.**

All students with disabilities are guaranteed the right to:

- A Free, Appropriate Public Education (FAPE).
- An IEP outlining special education and related services (if needed) to provide access to the general curriculum and to meet their unique needs.
- Access to dispute resolution processes.
- An educational experience provided in the Least Restrictive Environment (LRE).
- Have tests administered in a way that is not culturally discriminatory.

The EL student who is determined eligible for special education services has a right to the same individualized special education services as other students with disabilities. Public Law 108-446 requires that state and local education agencies ensure that the students are

assessed in all areas related to the suspected disability prior to determining eligibility. The materials and procedures used to assess a limited-English proficient student must be selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than measuring the student's English language skills. The *Alabama Administrative Code* (AAC) (290-8-9.04(1)(e)) states that for an EL student to be deemed eligible, the Eligibility Committee (or IEP Team) must determine that the communication disorder exists in the child's native language and is not the result of learning English as a second language. The English proficiency level of ELs should be considered by the IEP Team prior to assessment to determine eligibility for special education services, with the assistance of the ESL specialist. If the English proficiency level is determined to be comparable to peers, then assessments may be administered in English. If the proficiency level is not comparable to peers, then the assessments must be administered in the EL's native language. If the IEP Team determines that information from administration of the assessments in both languages is appropriate, then this procedure should be completed. Any nonstandard administration of assessments should be documented on the *Notice and Eligibility Decision Regarding Special Education Services* form.

A child may not be determined to be eligible for special education if **the** determinant factor is the child's lack of instruction in reading, math, or limited-English proficiency. The IEP for an EL with a disability must include all the components listed in the *Alabama Administrative Code* (see Appendix A, Online Resources, Item 2). The IEP Team shall consider the language needs of the student as those needs relate to the student's IEP. Parent participation is a required part of the special education process and to ensure active participation, accommodations must be made at all meetings and in written communications for the non-English speaking parent. This may also be necessary for parents of students who are National Origin of Minority whose Primary Home Language is Other Than English (NOMPHLOTE). These accommodations must include an interpreter for oral communication, and written communication must be provided in the parent's native language.

You may find additional information on ELs and the special education process on the Alabama State Department of Education (ALSDE) SES web site at:  
[https://www.alabamaachievers.org/wp-content/uploads/2023/01/EL\\_2022110\\_English-Learners-and-the-Special-Ed-Process\\_V1.0.pdf](https://www.alabamaachievers.org/wp-content/uploads/2023/01/EL_2022110_English-Learners-and-the-Special-Ed-Process_V1.0.pdf)

## **GIFTED AND TALENTED EDUCATION**

The Alabama SDE and the U. S. Department of Education, Office for Civil Rights (OCR) signed a Title VI Resolution Agreement focusing on underrepresented populations in gifted programs in Alabama. In the agreement, the SDE committed to a variety of actions related to screening/referral criteria and procedures, evaluation processes and eligibility criteria, program oversight, and technical assistance.

## J. TRANSACT® COMPLIANCE AND COMMUNICATION CENTER™

The Alabama SDE sponsors statewide, unlimited district access to the TransACT Compliance & Communication Center. TransACT is available at: [www.transact.com](http://www.transact.com) and is being provided by the state for LEAs at no cost to the LEA.

TransACT is an on-line service that enables educators to comply with the parental communication requirements mandated by the ESSA as well as federal and state requirements to effectively communicate legal and policy matters to parents in languages they can understand.

School systems and schools will have access to the following services from TransACT®:

- **ESEA (ESSA) Parent Notifications** – A collection of more than 44 documents fully supporting the parent communication mandates (Title I, III, IV, X and FERPA) of ESSA available in English, Spanish, Arabic, Hmong, Russian, and Vietnamese.
- **GenEd Translation e-Library** - A collection of 60-plus general education letters and forms covering Health and Medical, School Administration, National School Lunch Program, and Special Services. These resources are available in 20-plus priority languages and include all relevant Office for Civil Rights (OCR) guidance information.



## PART III LANGUAGE INSTRUCTION EDUCATIONAL PROGRAMS

### A. LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM (LIEP) ADMINISTRATION

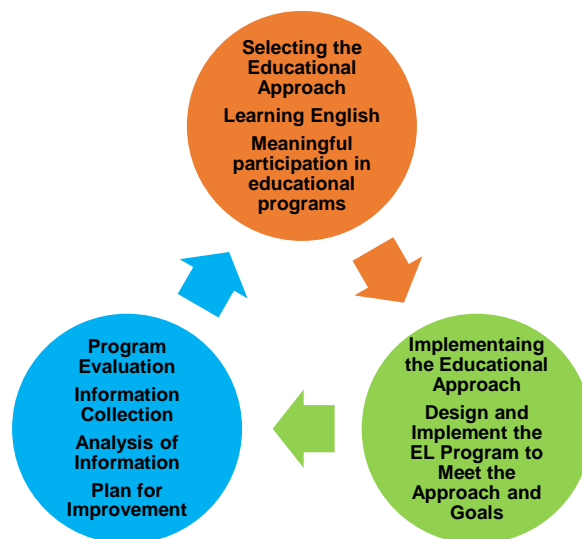
#### COMPREHENSIVE NEEDS ASSESSMENT

The SDE does not prescribe the type of LIEP model for LEAs to implement. Decisions concerning the instructional program model must be made by each LEA. Not all program models are suitable for an LEA's particular situation; therefore, the SDE encourages LEAs to select a program after conducting a comprehensive needs assessment. When conducting a needs assessment, LEAs should collect and analyze data from various sources that will help inform program selection. A comprehensive needs assessment allows LEAs to set data-driven goals and strategies for meeting those goals.

#### ***CASTAÑEDA V. PICKARD***

The court case *Castañeda vs. Pickard* established a three-pronged test for evaluating programs that serve ELs. The SDE has developed a model to provide LEAs with technical assistance to comply with this law (see Figure 1 below).

#### Three Principles for Serving EL Students Based on *Castañeda vs. Pickard*



This case established a three-part test to evaluate the adequacy of a district's program for the English language learner:

- Is the program based on an educational theory recognized as sound by some experts in the field or is it considered by experts as a legitimate experimental strategy?
- Are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively?
- Does the school district evaluate its programs and make adjustments where needed to ensure that language barriers are actually being overcome?

## PROGRAM SELECTION

Once a needs assessment has been conducted, LEAs are well-positioned to select an appropriate program model. The program that an LEA selects should be of sound educational theory recognized by experts in the field.

The LIEP must ensure that students gain the English language skills necessary to function successfully in an English-speaking academic setting. If academic deficiencies exist, the LEA must provide additional support as needed to ensure that ELs meet the same challenging state academic standards that all students are expected to meet.

Depending on the needs of ELs and current available resources, these programs may be implemented in various ways to best meet the needs of students and the LEA. **Whatever program model is selected, instruction in English language instructional programs must be provided by qualified and appropriately trained teachers.** Students must receive core ESL instruction from certified teachers versus paraprofessionals.

## LANGUAGE ASSISTANCE PROGRAMS AND SERVICES

English as a Second Language programs (versus bilingual programs) are likely to be used in school systems where the EL population is diverse and represents many different languages or where teachers are not certified in bilingual education. ESL programs can accommodate students from different language backgrounds in the same class, and teachers do not need to be proficient in the home language(s) of their students.

## EXAMPLES OF LANGUAGE ASSISTANCE PROGRAMS CONSIDERED EDUCATIONALLY SOUND IN THEORY ACCORDING TO THE OFFICE OF CIVIL RIGHTS (OCR) AND DEPARTMENT OF JUSTICE (DOJ):

1. ***English as a Second Language (ESL) or English Language Development (ELD):*** Program of techniques, methodology, and special curriculum designed to teach ELs explicitly about the English language, including the academic vocabulary needed to access content instruction, and to develop their English language proficiency in all four language domains (i.e., speaking, listening, reading, and writing).
2. ***Structured English Immersion (SEI):*** Program designed to impart English language skills so that the ELs can transition and succeed in an English-only mainstream classroom once proficient.
  - The goal of this program is acquisition of English language skills so that the EL student can succeed in an English-only mainstream classroom. All instruction in an immersion strategy program is in English. Teachers have specialized training in meeting the needs of EL students, possessing either a bilingual education or ESL teaching credential and/or training, and strong receptive skills in the students' primary language.

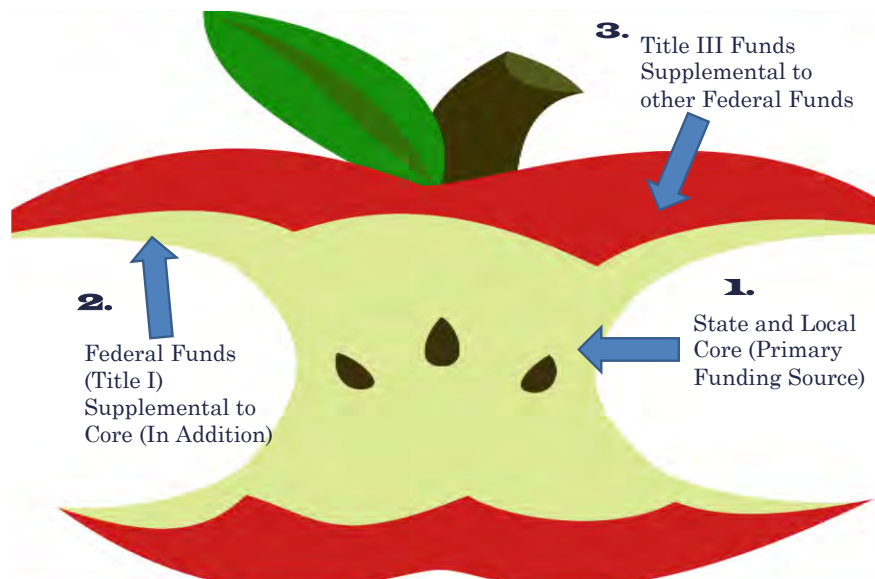
## EXAMPLES OF TECHNIQUES, METHODOLOGY, AND SPECIAL CURRICULUM:

- **SDAIE:** *An instructional approach that allows EL students full access to content in the classroom while supporting levels of English proficiency. ELs comprehend key concepts in content areas without needing full comprehension of the English language. This is achieved using highly effective teaching strategies using comprehensible input. This especially supports intermediate levels of proficiency within a positive, affective environment.*
- **Sheltered Instruction:** *An instructional approach used to make academic instruction in English understandable to EL students. In the sheltered classroom, teachers use physical activities, visual aids, and the environment to teach vocabulary for concept development in mathematics, science, social studies, and other subjects.*
- **Structured Immersion:** *Use only English, but there is no explicit ESL instruction. As in sheltered English and content-based programs, English is taught through the content areas. Structured immersion teachers have strong receptive skills in their students' first language.*
- **ESL push-in** *is in contrast with ESL pull-out instruction. The ESL teacher goes into the regular classrooms to work with ELs. Communication and collaboration between ESL teachers and content-area teachers are essential for this model to be successful.*
- **ESL pull-out** *is generally used in elementary school settings. Students spend part of the school day in a mainstream classroom but are pulled out for a portion of the day to receive instruction in English as a second language. Although schools with a large number of ESL students may have a full-time ESL teacher, some systems employ an ESL teacher who travels to several schools to work with small groups of students scattered throughout the district.*
- **Newcomer Program** *addresses the specific needs of recent immigrant students, most often at the middle and high school levels, especially those with limited or interrupted schooling in their home countries. Major goals of newcomer programs are to acquire beginning English language skills along with core academic skills and to acculturate the student to the school system of the United States. Some newcomer programs also include an orientation to the student's new community. English learners in newcomer programs must be assessed regularly to monitor their language progress. Students typically remain in newcomer programs for less than one year.*
- **ESL class period** *is generally used in secondary school settings. Students receive ESL instruction during a regular class period and usually receive course credit. They may be grouped for instruction according to their level of English proficiency.*
- **An ESL resource center** *is a variation of the pull-out design, bringing students together from several classrooms or schools. The resource center concentrates ESL materials and staff in one location and is usually staffed by at least one full-time ESL teacher.*
- **Sheltered English or content-based programs** *group language minority students from different language backgrounds together in classes where teachers*

*use English as the medium for providing content area instruction, adapting their language to the proficiency level of the students. They may also use gestures and visual aids to help students understand. Although the acquisition of English is one of the goals of sheltered English and content-based programs, instruction focuses on content rather than language.*

**NOTE: Language Instruction Educational Program (LIEP)**

Districts must provide the Language Instruction Educational Program (LIEP) with state and/or local funds. The following illustration is used to illustrate the supplement of federal funds. The LIEP (apple core) must be defined by each district. Other federal funds (flesh) will supplement the core LIEP and Title III funds (skin) will supplement after both have been implemented.



**LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM IMPLEMENTATION**

After the LEA conducts a needs assessment and selects an appropriate ESL program, the next step is **program implementation**. LEAs are encouraged to convene a committee to develop an action plan that will indicate how and when goals and strategies will be met, the personnel responsible for each action step, and the funding required to implement the program.

## **B. LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM CURRICULUM AND INSTRUCTION**

### **WIDA CONSORTIUM**

WIDA is a consortium of many states dedicated to the design and implementation of high standards and equitable educational opportunities for English language learners. The WIDA Consortium developed English language proficiency standards and an English language proficiency test aligned with those standards (*ACCESS for ELLs*). More information about the WIDA Consortium may be found at [wida.wisc.edu](http://wida.wisc.edu).

By joining the WIDA consortium, Alabama adopted the WIDA English Language Proficiency (ELD) Standards that are designed to assess the progress of children in attaining English proficiency, including a child's level of comprehension in the four recognized domains of speaking, listening, reading, and writing. The WIDA English Language Proficiency Standards are based on the academic language content of PreK-12 students.

### ***ACCESS for ELLs***

*ACCESS for ELLs* stands for Assessing Comprehension and Communication in English State-to-State for English Language Learners. This large-scale test addresses the academic English language development (ELD) standards at the core of the WIDA Consortium's approach to instructing and evaluating the progress of English language learners.

*ACCESS for ELLs* is administered annually to all English language learners in Alabama. It is a standards-based, criterion-referenced English language proficiency test designed to measure English language learners' social and academic proficiency and progress in English. It assesses social and instructional English as well as the language associated with language arts, mathematics, science, and social studies within the school context across the four language domains of listening, speaking, reading, and writing. *ACCESS for ELLs* meets Every Student Succeeds Act of 2016 mandate, requiring states to evaluate EL students in grades K through 12 on their progress in learning English. All students identified as ELs must take the *ACCESS for ELLs*, including students whose parents have waived supplemental Language Instruction Educational Program; however, students who have formally exited language assistance services and are in monitored status are not administered the assessment.

### ***WIDA SCREENER FOR KINDERGARTEN OR WIDA SCREENER ONLINE***

*WIDA Screener for Kindergarten* or *WIDA Screener Online* are assessment tools, known as "screeners", and are used by educators to measure the English language proficiency of students who have recently arrived in the U.S. or in a particular district. It can help to determine whether a child needs English language instructional services, and if so, at what level.

## COURSE OF STUDY (COS) AND WIDA ENGLISH LANGUAGE DEVELOPMENT (WIDA ELD) STANDARDS

ELs are a diverse group of students with personal, cultural, and educational backgrounds that often differ significantly, and thus require instruction that meets their needs. Like all students in Alabama, ELs must be provided with access to the Alabama COS and require different instructional pathways to master those standards.

ELs require instruction that makes content comprehensible, accelerating acquisition of academic language proficiency and literacy. Appropriate instructional support increasing academic English and achievement may include an adequate number of pre-activities and modeling, access to reading material in their native language for classroom and homework assignments, availability of bilingual books (both fiction and non-fiction), meaningful hands-on activities that contextualize abstract concepts, and use of their native language in writing and speaking activities (even if the teacher does not know this language). “Any modification of instruction that depends on supports to bolster the students’ access to meaning” (Gottlieb, 2006) is considered a classroom accommodation. As the ELs attain fluency in English, fewer variations or accommodations in classroom activities will be necessary.

English learners must simultaneously learn English and content. The WIDA ELD Standards facilitate the design of language development objectives that support, guide, and develop content knowledge and skills at the appropriate level of English proficiency. Educators must go beyond teaching ELs “survival English” by developing their academic English within the context of all content areas.

Students who are acquiring a new language undergo six stages of language development: Entering, Emerging, Developing, Expanding, Bridging, and Reaching until they attain English proficiency. (See Table 2 for the WIDA Consortium’s description of the Performance Definitions.)

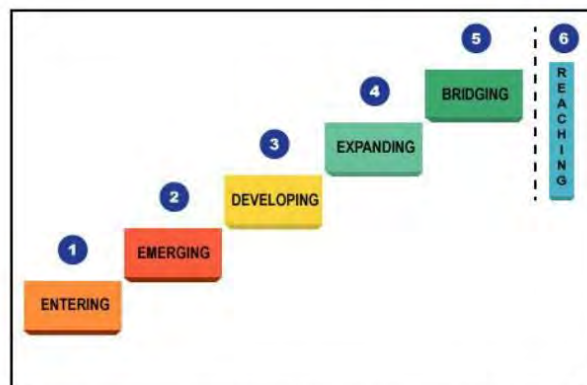


Figure 1. The language proficiency levels of the WIDA ELD Standards.

By implementing the WIDA ELD standards in the classroom, teachers can provide ELs with meaningful access to local curriculum as they progress through the stages of language acquisition.

**WIDA PROFICIENCY LEVEL DESCRIPTORS (GRADES 1-12)****LISTENING**

<b>LEVEL</b>	<b>STUDENTS AT THIS LEVEL GENERALLY CAN...</b>
<b>6</b>	<p>understand oral language in English and participate in all academic classes, for example:</p> <ul style="list-style-type: none"> <li>• Synthesize information from multiple speakers</li> <li>• Recognize language that conveys information with precision and accuracy</li> <li>• Create models or visuals to represent detailed information presented orally</li> <li>• Identify strengths and limitations of different points of view</li> </ul>
<b>5</b>	<p>understand oral language in English and participate in all academic classes, for example:</p> <ul style="list-style-type: none"> <li>• Expand on others' ideas</li> <li>• Distinguish events, people, or situations from oral descriptions</li> <li>• Recall key information and details about processes or concepts discussed orally</li> <li>• Identify examples and reasons that support an opinion or viewpoint</li> </ul>
<b>4</b>	<p>understand oral language in English related to specific topics in school and can participate in class discussions, for example:</p> <ul style="list-style-type: none"> <li>• Exchange information and ideas with others</li> <li>• Connect people and events based on oral information</li> <li>• Apply key information about processes or concepts presented orally</li> <li>• Identify positions or points of view on issues in oral discussions</li> </ul>
<b>3</b>	<p>understand oral language related to specific common topics in school and can participate in class discussions, for example:</p> <ul style="list-style-type: none"> <li>• Connect spoken ideas to own experiences</li> <li>• Find, select, and order information from oral descriptions</li> <li>• Identify the causes and effects of events or situations discussed orally</li> <li>• Classify pros and cons of issues in discussions</li> </ul>
<b>2</b>	<p>understand oral language related to specific familiar topics in school and can participate in class discussions, for example:</p> <ul style="list-style-type: none"> <li>• Identify main topics in discussions</li> <li>• Categorize or sequence information presented orally using pictures or objects</li> <li>• Follow short oral directions with the help of pictures</li> <li>• Sort facts and opinions stated orally</li> </ul>
<b>1</b>	<p>understand oral messages that include visuals and gestures and may contain a few everyday words or phrases in English, for example:</p> <ul style="list-style-type: none"> <li>• Recognize familiar words and phrases in conversations</li> <li>• Match information from oral descriptions to objects, figures, or illustrations</li> <li>• Follow one-step oral directions</li> <li>• Show agreement or disagreement with oral statements</li> </ul>

**Source:** [WIDA ACCESS FOR ELLS INTERPRETIVE GUIDE FOR SCORE REPORTS](#)

**WIDA PROFICIENCY LEVEL DESCRIPTORS (GRADES 1-12)****SPEAKING**

<b>LEVEL</b>	<b>STUDENTS AT THIS LEVEL GENERALLY CAN...</b>
<b>6</b>	<p>use English to communicate orally and participate in all academic classes, for example:</p> <ul style="list-style-type: none"> <li>• React and respond to multiple points of view</li> <li>• Organize and present research-based information</li> <li>• Clarify how or why something happens</li> <li>• Persuade others based on opinions, examples, and reasons</li> </ul>
<b>5</b>	<p>use English to communicate orally and participate in all academic classes, for example:</p> <ul style="list-style-type: none"> <li>• Discuss the causes and impact of events</li> <li>• Summarize and relate information</li> <li>• Present and justify ideas showing how or why</li> <li>• Express and defend opinions backed by examples and reasons</li> </ul>
<b>4</b>	<p>communicate orally in English using language related to specific topics in school and can participate in class discussions, for example:</p> <ul style="list-style-type: none"> <li>• Compare stories, issues, and concepts</li> <li>• Paraphrase and summarize information</li> <li>• State ideas to show how or why with examples</li> <li>• Give opinions supported by detailed reasons</li> </ul>
<b>3</b>	<p>communicate ideas and information orally in English using several connected sentences and can participate in short conversations and discussions in school, for example:</p> <ul style="list-style-type: none"> <li>• Relate stories or events</li> <li>• Share ideas and provide details</li> <li>• Describe processes or procedures</li> <li>• Give opinions with reasons</li> </ul>
<b>2</b>	<p>communicate ideas and details orally in English using language that contains short sentences and everyday words and phrases, for example:</p> <ul style="list-style-type: none"> <li>• Share about what, when, or where something happened</li> <li>• Compare objects, people, pictures, and events</li> <li>• Describe steps in cycles or processes</li> <li>• Express opinions</li> </ul>
<b>1</b>	<p>communicate orally in English using gestures and language that may contain a few words, for example:</p> <ul style="list-style-type: none"> <li>• Ask and answer simple questions about what, when, or where something happened</li> <li>• Name familiar objects, people, and pictures</li> <li>• Show how to solve problems using words and gestures</li> <li>• Express personal experiences</li> </ul>

**Source:** [WIDA ACCESS FOR ELLS INTERPRETIVE GUIDE FOR SCORE REPORTS](#)



**WIDA PROFICIENCY LEVEL DESCRIPTORS (GRADES 1-12)****READING**

<b>LEVEL</b>	<b>STUDENTS AT THIS LEVEL GENERALLY CAN...</b>
<b>6</b>	<p>understand written language in English from all academic classes, for example:</p> <ul style="list-style-type: none"> <li>• Evaluate written information from various sources of information</li> <li>• Conduct research and synthesize information from multiple sources</li> <li>• Distinguish various processes based on details in written texts</li> <li>• Recognize different ideas, claims, and evidence about a variety of issues</li> </ul>
<b>5</b>	<p>understand written language in English from all academic classes, for example:</p> <ul style="list-style-type: none"> <li>• Summarize information on a variety of topics and for a variety of purposes</li> <li>• Compare ideas and information across various texts</li> <li>• Identify causes, effects, and consequences of events from written information</li> <li>• Recognize claims and supporting evidence around specific issues or concepts</li> </ul>
<b>4</b>	<p>Understand written language related to specific topics in school, for example:</p> <ul style="list-style-type: none"> <li>• Distinguish viewpoints and justifications described in editorials and other written texts</li> <li>• Identify main ideas and details in informational and fictional texts</li> <li>• Recognize biases and diverse perspectives in written text</li> <li>• Connect claims, evidence, and examples in a variety of written sources</li> </ul>
<b>3</b>	<p>understand written language related to common topics in school and can participate in class discussions, for example:</p> <ul style="list-style-type: none"> <li>• Classify main ideas and examples in written information</li> <li>• Identify main information that tells who, what, when, or where something happened</li> <li>• Identify steps in written processes and procedures</li> <li>• Recognize language related to claims and supporting evidence</li> </ul>
<b>2</b>	<p>understand written language related to specific familiar topics in school and can participate in class discussions, for example:</p> <ul style="list-style-type: none"> <li>• Identify main ideas in written information</li> <li>• Identify main actors and events in stories and simple texts with pictures or graphs</li> <li>• Sequence pictures, events, or steps in processes</li> <li>• Distinguish between claim and evidence statements</li> </ul>
<b>1</b>	<p>understand written texts that include visuals and may contain a few words or phrases in English, for example:</p> <ul style="list-style-type: none"> <li>• Interpret information from graphics, charts, and other visual information</li> <li>• Comprehend short text with illustrations and simple and familiar language</li> <li>• Identify steps in processes presented in graphs or short texts with illustrations</li> <li>• Identify words and phrases that express opinions and claims</li> </ul>

**Source:** [WIDA ACCESS FOR ELLS INTERPRETIVE GUIDE FOR SCORE REPORTS](#)

**WIDA PROFICIENCY LEVEL DESCRIPTORS (GRADES 1-12)****WRITING**

<b>LEVEL</b>	<b>STUDENTS AT THIS LEVEL GENERALLY CAN...</b>
<b>6</b>	<p>communicate in writing in English using language from all academic classes, for example:</p> <ul style="list-style-type: none"> <li>• Produce clearly organized commentaries and editorials on various issues</li> <li>• Elaborate narratives with rich, descriptive language and complex organization</li> <li>• Create formal written reports on a variety of issues, ideas, and information</li> <li>• Produce well-organized persuasive essays using complex and technical language</li> </ul>
<b>5</b>	<p>communicate in writing using language from all academic classes, for example:</p> <ul style="list-style-type: none"> <li>• Create detailed opinion pieces about a variety of topics</li> <li>• Write summaries of various types of text</li> <li>• Describe causes, effects, and consequences of processes and events</li> <li>• Express and defend positions supported by examples and reasons</li> </ul>
<b>4</b>	<p>communicate in writing in English using language related to specific topics in school, for example:</p> <ul style="list-style-type: none"> <li>• Produce papers describing specific ideas or concepts</li> <li>• Narrate stories with details of people, events, and situations</li> <li>• Create explanatory text that includes details or examples</li> <li>• Provide opinions supported by reasons with details</li> </ul>
<b>3</b>	<p>communicate in writing in English using language related to common topics in school, for example:</p> <ul style="list-style-type: none"> <li>• Describe ideas or concepts using phrases or short sentences</li> <li>• Create stories or short narratives</li> <li>• Describe processes and procedures with some details</li> <li>• Give opinions with reasons in a few short sentences</li> </ul>
<b>2</b>	<p>communicate in writing in English using language related to familiar topics in school, for example:</p> <ul style="list-style-type: none"> <li>• Describe ideas or concepts using phrases or short sentences</li> <li>• Label illustrations describing what, when, or where something happened</li> <li>• State steps in processes or procedures</li> <li>• Express opinions about specific topics or situations</li> </ul>
<b>1</b>	<p>communicate in writing using visuals and symbols that may contain few words in English, for example:</p> <ul style="list-style-type: none"> <li>• Express ideas or concepts using text and illustrations</li> <li>• Share personal experiences through drawings and words</li> <li>• Label steps in processes presented in graphs or short texts</li> <li>• State opinions or preferences through text and illustrations</li> </ul>

**Source:** [WIDA ACCESS FOR ELLS INTERPRETIVE GUIDE FOR SCORE REPORTS](#)

## C. GRADING AND RETENTION GUIDELINES FOR ENGLISH LEARNERS

### GRADING

Grading of ELs should be based on students' level of English proficiency. The teacher ensures the continual use of high-quality instruction and assessment as well as instructional and assessment accommodations in accordance with the student's I-ELP. This complies with the federal law, *Every Student Succeeds Act of* (ESSA). Appropriate instruction and differentiation must be adjusted according to language proficiency level to appropriately accommodate the student. Documentation of these components (lesson plans, work samples, and ongoing assessments) should be maintained by the classroom teacher.

### RETENTION

Retention of ELs shall not be based solely upon level of English language proficiency (Section I, Part G, Guidelines to Satisfy Legal Requirements of *Lau v. Nichols*). Prior to considering retention of an EL, the following points should be addressed in consultation with the EL Committee.

- What is the student's level of English language proficiency?
- Has an Individual English Language Plan (I-ELP) been implemented to document classroom accommodations and student progress?
- To ensure meaningful participation, are classroom accommodations being made in the areas of:
  - Teacher lesson delivery at student's level of English proficiency?
  - Activities and assignments?
  - Homework?
  - Formal and informal assessments (e.g., quizzes and tests)?
- How much individual English language development instruction is the student receiving during the school day?
- Has an alternate grading strategy been implemented (e.g., a portfolio, checklist, teacher observation, or rubric assessment on content and language objectives)?
- Has the student's classroom teacher been adequately trained with EL instructional and assessment strategies specifically designed for students learning English?
- Do the report cards indicate that students were graded according to their I-ELPs?

## D. LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM EVALUATION

### PROGRAM EVALUATION

Source: [1991 OCR policy memorandum](#)

Federal law does not prescribe a particular program model or evaluation approach, the approach to, and design of, an effective EL program evaluation will vary from district to district. The evaluation components set forth are provided for districts to consider in developing their own approach.

### LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM EVALUATION (LIEP)

Every year of program implementation, the LEA must conduct a **program evaluation** to determine the effectiveness of the program. Evaluating the EL program involves collection and analysis of data to determine whether the goals set forth during the comprehensive needs assessment (or previous program evaluation) were met. The data analysis should be summarized to illustrate the status of the EL program and should include the LEA's future goals and plans to improve the program the following school year.

According to Chapter 9 of the U. S. Department of Education English Learner Tool Kit for State and Local Education Agencies (SEAs and LEAs), updated November 2016, LEA's should consider the following when evaluating the effectiveness of the EL Program:

- Successful EL programs enable EL students to attain both English proficiency and parity of participation in the standard instructional program within a reasonable period of time.
- LEAs should collect longitudinal data to monitor and compare the performance of current ELs, former ELs, and never-ELs in the LEA's standard instructional program. Data should not be limited to *ACCESS for ELLs*.
- When EL programs do not produce both English proficiency and parity of participation within a reasonable period of time, SEAs and LEAs must modify the EL program.

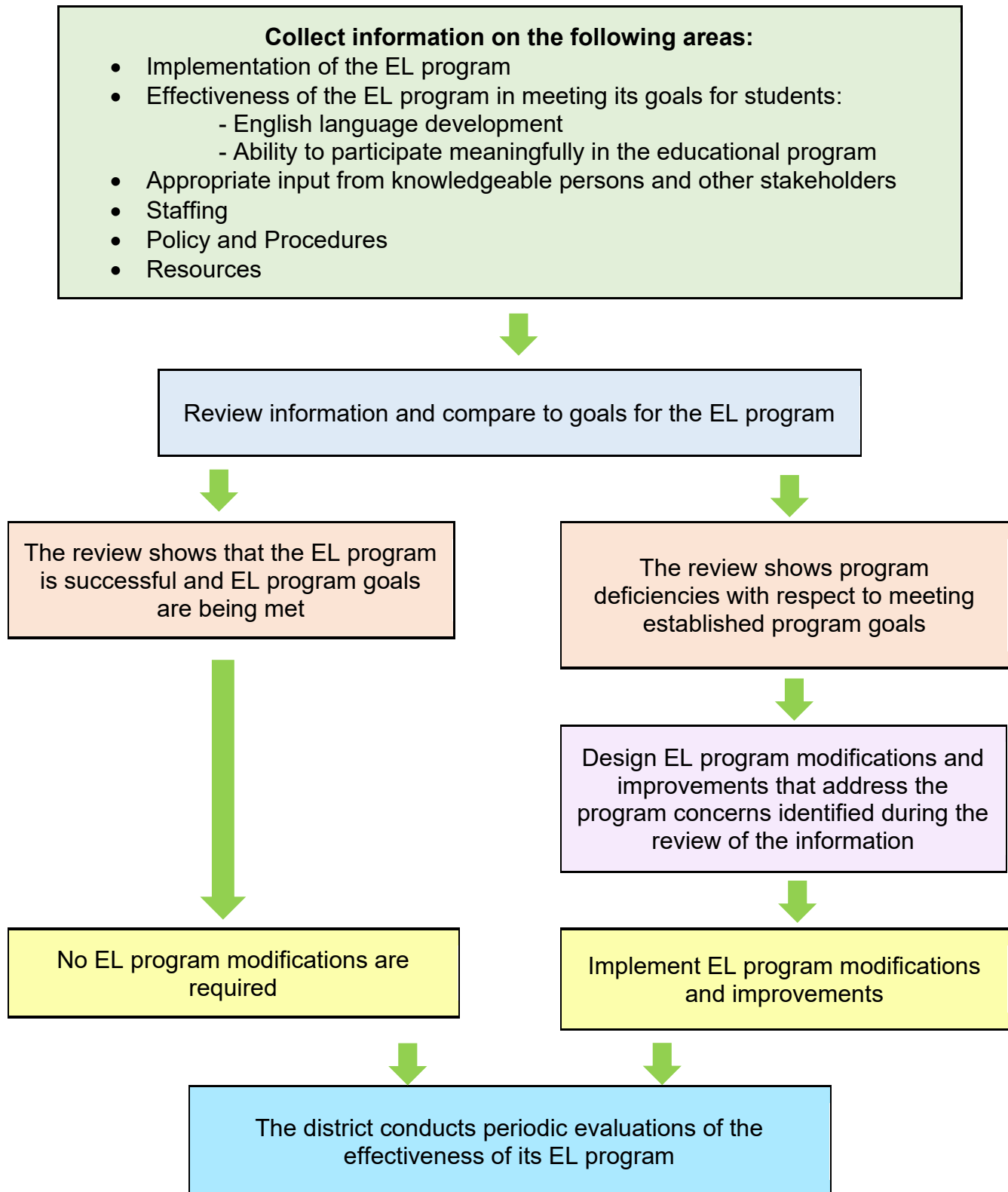
The EL Tool Kit, available at <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>, has an excellent sample for evaluating programs and services for English learners.

### OCR POLICY

Districts are required to modify their programs if they prove to be unsuccessful after a legitimate trial. As a practical matter, recipients cannot comply with this requirement without evaluating their programs every one to two years.

Generally, districts measure "success" in terms of whether the program is achieving the particular goals the district has established for the program and its students. If the district has established no particular goals, the program is successful if its participants are achieving proficiency in English and are able to participate meaningfully in classrooms without EL services.

## PROGRAM EVALUATION FLOWCHART



## E. ENGLISH AS A SECOND LANGUAGE TEACHER CERTIFICATION

### STATE REQUIREMENTS FOR TEACHING ENGLISH AS A SECOND LANGUAGE

Teaching English to non-native speakers requires knowledge and skills that differ from teaching other subjects such as science and math. Although certain educational theories and instructional strategies are interdisciplinary, teacher preparation courses may be inadequate in providing methodology and theory that address English language development within core subject areas.

To keep pace with the growing EL population, more ESL certified teachers and content area teachers with ESL endorsements or dual certification are in demand throughout Alabama. The information provided below illustrates current state minimum requirements for teaching ESL; however, LEAs may apply more rigorous ESL teacher certification requirements as part of their school board policy.

The options for obtaining certification in ESOL are as follows:

- Complete an Educator preparation program in ESOL at an Alabama institute of higher learning. Information on this option can be gained by speaking with the certification officer in the College of Education at the Alabama institute of higher learning.
- Individuals who hold a valid Alabama Professional Educator Certificate in a teaching field can add ESOL to their existing certificate by taking the current Alabama-approved Praxis assessment for ESOL. Information in this option can be found on the Certification Based on Test application on our website at [www.alabamaachieves.org](http://www.alabamaachieves.org). Once on the Teacher Certification page click on Other Approaches and Certification Based in Test.
- Individuals who hold a valid professional certificate from another state in ESOL can apply for Alabama certification through our Certificate Reciprocity Approach. Information on reciprocity can be found on [www.alabamaachieves.org](http://www.alabamaachieves.org) under Out of State certificates.
- The Provisional Certificate in a Teaching Field (PCTF) Approach. Up to 3 one-year certificates can be requested by the employing superintendent for an individual who meets the degree, GPA, and testing requirements. Over the 3-year time frame the educator must complete 4 courses at an Alabama institute of higher learning and earn their experience while holding the certificate. Once all requirements as outlined on the application have been met, the educator can apply for the professional certificate.
- The employing superintendent can request an Emergency Certificate in ESOL for an individual who meets the degree requirement. The individual cannot have a valid AL professional certificate for this option. This certificate does not lead to professional certification, and the years of employment earned while holding this certificate will not count toward tenure.

***For additional information regarding teacher certification, please visit <https://www.alabamaachieves.org/teacher-center/teacher-certification/>***

## ALABAMA UNIVERSITIES OFFERING ENGLISH AS A SECOND LANGUAGE DEGREE AND CERTIFICATION PROGRAMS

### ESL Teacher Preparation Programs Offered by Universities in the State of Alabama

The following information was retrieved from university websites in 2023.

For updated information, contact the \*Program Coordinator.

ESL – ESOL – TESOL Teacher programs offered by universities in Alabama	ESOL P-12 teacher certification programs offered			Graduate degrees without certification		Non-degree options without certification		
	Alt Class A Master's	Class A Master's	Class AA Ed.S.	ESL master's for teaching adults	PhD	UG minor	Certificate	
							UG	Grad
<b>Education programs that lead to P-12 ESOL teacher certification</b> (perhaps also some non-cert.)								
Auburn University (Auburn)		X		X				X
University of Alabama at Birmingham	X <sup>1</sup>	X <sup>1</sup>	X <sup>2</sup>	X				X X
University of Alabama at Huntsville	X	X						X
University of Alabama (Tuscaloosa)	X	X	X					
University/North Alabama (Florence)	X	X		X				X
University/South Alabama (Mobile)	X	X						
<b>Programs in ESL, TESOL, or related but that do not lead to ESOL teacher certification</b>								
Athens State University: COE						X	X X	
Troy Univ: COE (grad.); English (ug)				X		X		X
Univ/Alabama (Tusc.): English Dept.				X	X			

<sup>1</sup>This ESL master's degree offers the possibility of pursuing dual certification options in ESOL/Spanish and in ESOL/French.

<sup>2</sup>Certification Class AA Track (#1 with non-ESOL Class A; #2 with ESOL Class A) and Professional Track (non-certification).

**Source:** [AMTESOL | ESL Teacher Education and Degree Programs](#)

For additional information and questions related to certification and ALSDE-approved ESOL programs, contact please visit <https://www.alabamaachievers.org/teacher-center/teacher-certification/>

#### UNIVERSITY PROGRAM CONTACTS AND WEBSITES

##### A. AUBURN UNIVERSITY - College of Education (Department of Curriculum & Teaching)

- **Program Contact(s)**

- \*Dr. Jamie Harrison, Associate Professor of ESOL Education – [jlh0069@auburn.edu](mailto:jlh0069@auburn.edu)
- Dr. Gwendolyn Williams, Associate Professor of ESOL Education [gmw0015@auburn.edu](mailto:gmw0015@auburn.edu)

##### B. UNIVERSITY OF ALABAMA AT BIRMINGHAM - School of Education (Department of Curriculum & Teaching)

- **Program Contact(s)**

- \*Dr. Josephine Prado, Associate Professor of English Learner Education – [jprado@uab.edu](mailto:jprado@uab.edu)
- Dr. Susan Spezzini, Professor of English Learner Education – [spezzini@uab.edu](mailto:spezzini@uab.edu)

- Dr. Lori Edmonds, Assistant Professor of English Learner Education – [lmedmond@uab.edu](mailto:lmedmond@uab.edu)
  - **Website:** <https://www.uab.edu/education/home/graduate/esl/>; <https://www.uab.edu/education/esl/>
- C. UNIVERSITY OF ALABAMA AT HUNTSVILLE - College of Education (Department of Curriculum & Instruction)**
- **Program Contact(s)**
    - \*Dr. Andrea Word, Assistant Professor of Curriculum & Instruction (ESOL) – [worda@uah.edu](mailto:worda@uah.edu)
  - **Website:** <https://www.uah.edu/education/departments/curriculum-and-instruction/graduate-programs/master-of-education/esol-concentration>
- D. UNIVERSITY OF ALABAMA (TUSCALOOSA) – College of Education (Department of Curriculum and Instruction)**
- **Program Contact(s)**
    - \*Dr. Miguel Mantero, Professor of Educational Linguistics – [mmantero@ua.edu](mailto:mmantero@ua.edu)
    - \*Dr. Dorothy Worden-Chambers, Associate Professor of Applied Linguistics – [dlworden@ua.edu](mailto:dlworden@ua.edu) (Note: This is an additional MA-TESOL program, focused on teaching adults, offered by College of Arts & Sciences.)
  - **Website:** <https://online.ua.edu/degrees/ma-in-secondary-education-english-for-speakers-of-other-languages-p-12-certification/>
- E. UNIVERSITY OF NORTH ALABAMA – College of Education and Human Science (Dept. of Teaching, Learning, & Leadership)**
- **Program Contact(s)**
    - \*Dr. Joy Brown, Professor of Education (ESOL) – [jmbrown@una.edu](mailto:jmbrown@una.edu)
  - **Website:** <https://www.una.edu/esol/>; <https://www.una.edu/education/graduate-programs/english-for-speakers-of-other-languages-esol.html>
- F. UNIVERSITY OF SOUTH ALABAMA, College of Education and Professional Studies (Department of Leadership & Teacher Education)**
- **Program Contact(s)**
    - \*Dr. Susan Ferguson, Associate Professor of Teaching ESL – [ferguson@southalabama.edu](mailto:ferguson@southalabama.edu)
  - **Website:** <https://www.southalabama.edu/colleges/ceps/lte/esol-p-12.html#alt-medesol>

**NOTE: For updated information about programs at a given university, contact the program coordinator as indicated by an asterisk (\*).**

**Source:** [AMTESOL | ESL Teacher Education and Degree Programs](#)



## F. CLASS SIZE

Caseloads for itinerant teachers vary and must be based on student needs. For example, two schools may have the same number of ELs, but may require different levels of language support. Points to consider in the placement and number of itinerant ESL teachers are:

- The number of schools that have ELs who require services.
- The number of ELs enrolled in each school/classroom.
- The students' English proficiency and literacy level in both their native language and English.
- The amount of planning and collaboration time necessary for the ESL and classroom teachers.

## PART IV

### STUDENT ASSESSMENT AND PROGRESS IN ACHIEVING ENGLISH LANGUAGE PROFICIENCY

#### A. PARTICIPATION IN STATEWIDE ASSESSMENT PROGRAM

All EL students must participate in the statewide Student Assessment Program for accountability purposes. EL students, during their first 12 months of enrollment in U.S. schools, **will not be required** to participate in the Reading/Language Arts test of the *Alabama Comprehensive Assessment Program (ACAP) Summative* or the Reading/ Language Arts test of the *ACAP Alternate*. Flexibility is not given to EL students in their first 12 months of enrollment in U.S. schools for any of the ACT assessments.

EL students in their first 12 months of enrollment in U.S. schools **must participate** in the Mathematics and Science tests of *ACAP Summative and ACAP Alternate*. These students **must participate** in all parts of the *PreACT, ACT with Writing* and the *ACT WorkKeys* assessments.

EL students, for which this is not their first 12 months of enrollment in U.S. schools, must participate in all subjects and all tests in the statewide Student Assessment Program. EL students in Grades K-12, regardless of the number of years of enrollment in U.S. schools must participate in *Assessing Comprehension and Communication in English State-to-State for English Language Learners (ACCESS for ELLs™)*, the state-administered English language proficiency test, **or** the *WIDA Alternate ACCESS™*, the state-administered English language proficiency test for students in Grades 1-12 who have a significant cognitive disability.

All ELs, whether they receive or waive supplemental Title III services, must be tested annually on *ACCESS for ELLs™* or *WIDA Alternate ACCESS™*. Students in their first 12 months of enrollment in U.S. schools who take *ACCESS for ELLs™* or *WIDA Alternate ACCESS™* will be counted as participants toward meeting the 95% participation requirement for Reading/Language Arts.

EL students who score a 4.0 or below on the *WIDA Screener for Kindergarten*, will be exempt from AlaKids and marked as “Not Observed.” See [AlaKids – Early Childhood Education \(alabama.gov\)](http://alabamagov.com/AlaKids)

Participation of EL students in any of the assessments that allow flexibility during the first 12 months of enrollment in U.S. schools, will not result in their scores being used for accountability determination. However, these students will be counted as participants toward meeting the 95% participation requirement for accountability purposes.

Refer to the ***Student Assessment Resource Guide for English Learners (2023-2024)*** for additional information on assessment policy and procedures.

## B. ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNERS ON THE STATEWIDE STUDENT ASSESSMENT PROGRAM

Decisions regarding appropriate accommodations for EL students must be made on an individual basis by the EL Committee. The EL Committee should consider the content and nature of each specific assessment and the level of the student’s language proficiency when making decisions about appropriate accommodations for assessments and the students’ instructional program.

Refer to the ***Student Assessment Resource Guide for English Learners (2023-2024)*** for additional information on accommodations and approved accommodations checklists.

## C. ALABAMA’S ESSA INDICATORS: INTERIM PROGRESS IN ACHIEVING ENGLISH LANGUAGE PROFICIENCY (TITLE I, SECTION 1111(C)(4)(A)(II))

**What does “interim progress” mean in terms of accountability regarding English Learners?**

- Making annual increases in the percent of children making progress in learning English

**How is interim progress for ELs determined?**

- Proficiency level of the EL
- Targets for annual increases in English proficiency and attainment of English using a baseline
- Consistent methods and measurements to indicate progress in English proficiency (*WIDA ACCESS for ELLs*)

### **Progress in Achieving English Language Proficiency – Cumulative Growth**

Title I of *ESSA* requires long-term goals for English learners for increases in the percentage of such students making progress in achieving **English Language Proficiency (ELP)** as measured by the statewide English language proficiency assessment. Alabama will use *ACCESS for ELLs* to evaluate progress toward English language proficiency.

**Cumulative Growth** is used to calculate the expected progress ELs make toward English language proficiency. **Cumulative Growth** is when the previous year’s growth is compared to the current year’s growth target to determine the student’s expected level of proficiency. Student growth expectations will increase each year, so students meet the proficiency cut score within seven years after their initial year. The proficiency cut score is a composite score of 4.8 on *ACCESS for ELLs*.

The number of years to achieve proficiency varies based on the student’s initial level of proficiency. Students at lower levels of English language proficiency will have more ambitious annual growth targets. Refer to **Table 1** below.

## GROWTH CALCUATIONS

Prior Year	Current Year
1.0	1.6
1.1	1.7
1.2	1.8
1.3	1.9
1.4	2.0
1.5	2.1
1.6	2.1
1.7	2.2
1.8	2.3
1.9	2.4
2.0	2.6
2.1	2.6
2.2	2.7
2.3	2.8
2.4	2.9
2.5	3.0
2.6	3.0
2.7	3.1
2.8	3.2
2.9	3.3
3.0	3.5
3.1	3.5
3.2	3.6
3.3	3.7
3.4	3.8
3.5	3.8
3.6	3.9
3.7	4.0
3.8	4.1
3.9	4.1
4.0	4.3
4.1	4.3
4.2	4.4
4.3	4.5
4.4	4.5
4.5	4.6
4.6	4.7
4.7	4.7
4.8	4.8

The overall goal of the EL student data in the annual accountability system is to identify actual growth of EL students, year-over-year, towards proficiency attainment. Therefore, the data loaded within the student assessment portal recognizes the annual growth of each student utilizing the student's ACCESS proficiency score from the previous year compared to the current year's score.

Growth is determined when the prior year's score on the *ACCESS for ELLs* assessment is compared to the current year's score to determine if there is growth. For example, using the table to the left: Prior year score was 3.1. In order to demonstrate growth, the current year's score must be a 3.5 or higher. If the student makes a 3.5 that student met the growth target and will be counted as showing growth in the accountability calculations. If the student made a 3.2, the student did not meet the growth target and will not be counted as making growth in the accountability calculations.

Since growth is determined based upon the prior year's score, students who do not have a score from the previous year will not receive a growth report. N/A will represent a non-score.

Currently, there is no growth requirement for *WIDA Alternate ACCESS*.

Students' growth can be calculated even if the student moves to another district, as long as the SSID numbers match.

**Source: *Student Assessment Resource Guide for English Learners (2023-2024)***

## D. INTERIM PROGRESS

For the purpose of accountability, interim progress refers to the annual increases in the percent of students making progress in learning English. Progress is calculated by using the scores from *ACCESS for ELLs*.

### GROWTH TARGETS

The table below shows the percentage of EL students within a district that must make the progress target in order to meet the English Language Proficiency (ELP) indicator. Each year, the proportion of students in a district is expected to make progress in ELP gains.

#### TARGET PERCENTAGES

Progress Targets Based on Previous Year's Data	
YEAR	TARGETS
2022	52%
2023	54%
2024	56%
2025	58%
2026	60%
2027	62%
2028	64%

**For example:** In 2024, 56% of ELs in a district who took *ACCESS for ELLs* would need to meet/exceed their growth target to meet the interim progress indicator.

**Source:** *Student Assessment Resource Guide for English Learners (2023-2024)*

## **PART V**

### **IMMIGRANT CHILDREN AND YOUTH**

#### **RESERVATION FROM TITLE III**

The SEA can reserve funds, up to 20%, off the top of the Title III allocation for Immigrant Children and Youth.

To determine if an LEA is eligible for funding, take the two preceding years' average and compare it to the current year. If there has been a significant increase, then the LEA may be eligible for the immigrant grant.

#### **USE OF FUNDS**

An entity receiving funds under section 3115(e) of Title III of the Every Student Succeeds Act shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth and parent, family, and community engagement. Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such Federal, State, and local public funds (ESSA Section 3115(g)).

#### **GRANT PURPOSE**

The purpose of this program is to assist local educational agencies (LEAs) that experience significant increases in their student population due to immigration. The grant will allow LEAs to enhance educational opportunities for immigrant children and youth. Under ESSA, the term “**Immigrant children and youth**”, means individuals who—

- (A) are aged 3-21;
- (B) were not born in any state, including Puerto Rico and Washington D.C.; and
- (C) have not been attending one or more schools in any one or more States for more than 3 full academic years.

#### **DEFINITION OF SIGNIFICANT INCREASE**

A significant increase is a district that experiences growth in the number of immigrant students by 10% over the previous two years.

## ALLOWABLE USE OF FUNDS

*LEAs receiving funds under section 3114(d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, which may include:*

- family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;
- recruitment of, and support for, personnel including teachers and paraprofessionals specifically trained to provide services to immigrant children and youth;
- provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;
- identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program;
- basic instruction services that are directly attributable to the presence in the school system involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services;
- other instruction services that are designed to assist immigrant children and youth to achieve in elementary schools and secondary schools in the United States, such as programs of introduction to the educational system and civics education;
- activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant children and youth by offering comprehensive community services.

## PART VI POWERSCHOOL, EL, AND IMMIGRANT CODING

See the table below for PowerSchool Codes pertaining to English learners.

**Table 1-EL STATUS CODES & DESCRIPTIONS**

EL Status Codes	Definitions of Codes
<b>Non-ELs</b>	Students whose home language surveys do <i>not</i> indicate a language other than English spoken in the home. These are <i>not</i> students classified as NOMPHLOTE.
<b>EL-1 EL Year 1</b>	English learner students who are in their first year in a U.S. school.
<b>EL-2 EL Year 2 or more</b>	English learner students who are in their second year or more in a U.S. school.
<b>FEL-1 1<sup>st</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their first year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL-2 2<sup>nd</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their second year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL-3 3<sup>rd</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their third year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL-4 4<sup>th</sup> Year Monitoring</b>	Students who have exited the ESL program and are in their fourth year of systematic monitoring. These students no longer take <i>ACCESS for ELLs</i> .
<b>FEL Completed 4 Years Monitoring</b>	Former English learner students who have successfully completed four years of monitoring and are no longer English learners.
<b>NOM PHLOTE</b>	National Origin Minority Student Whose Primary Home Language is Other Than English. These students have a non-English language background but are fluent in English and do not require ESL services. Parents, however, may need information in their home language.

**NOTE:** English learners whose parents have waived supplemental Title III services will still be coded in PowerSchool as English learners. These students should have an additional entry into the “EL Waived Title III Services” field in PowerSchool indicating their waiver option. These students must be assessed on the *ACCESS for ELLs* English proficiency test until they are proficient in English with a composite score of 4.8 or above.

\*See pg. 20 for guidance on yearly EL Status code updates.



**Language Codes: [Refer to ISO 639-2](#)**

For codes formerly on ALSDE Language Codes Not Listed on ISO 639-2 refer to this table.

LANGUAGE CODE LIST			
LANGUAGE	CODE	LANGUAGE	CODE
Abkhazian	abk	Bantu languages	bnt
Achinese	ace	Basa	bas
Acoli	ach	Bashkir	bak
Adangme	ada	Basque(B)	baq
Adyghe; Adygei	ady	Basque(T)	eus
Afar	aar	Batak languages	btb
Afrihili	afh	Beja; Bedawiyet	bej
Afrikaans	afr	Belarusian	bel
Afro-Asiatic languages	afa	Bemba	bem
Ainu	ain	Bengali	ben
Akan	aka	Berber languages	ber
Akkadian	akk	Bhojpuri	bho
Albanian(B)	alb	Bihari languages	bih
Albanian(T)	sqi	Bikol	bik
Aleut	ale	Bini; Edo	bin
Algonquian languages	alg	Bislama	bis
Altaic languages	tut	Blin; Bilin	byn
Amharic	amh	Blissymbols; Blissymbolics; Bliss	zbl
Angika	anp	Bokmal, Norwegian; Norwegian Bokmal	nob
Apache languages	apa	Bosnian	bos
Arabic	ara	Braj	bra
Aragonese	arg	Breton	bre
Arapaho	arp	Buginese	bug
Arawak	arw	Bulgarian	bul
Armenian(B)	arm	Buriat	bua
Armenian(T)	hye	Burmese(B)	bur
Aromanian; Arumanian; Macedo-Romanian	rup	Burmese(T)	mya
Artificial languages	art	Caddo	cad
Assamese	asm	Catalan; Valencian	cat
Asturian; Bable; Leonese; Asturleonese	ast	Caucasian languages	cau
Athapascan languages	ath	Cebuano	ceb
Australian languages	aus	Celtic languages	cel
Austronesian languages	map	Central American Indian languages	cai
Avaric	ava	Central Khmer	khm
Avestan	ave	Chagatai	chg
Awadhi	awa	Chamic languages	cmc
Aymara	aym	Chagatai	chg
Azerbaijani	aze	Chamic languages	cmc

LANGUAGE CODE LIST			
LANGUAGE	CODE	LANGUAGE	CODE
Balinese	ban	Chamorro	cha
Baltic languages	bat	Chechen	che
Baluchi	bal	Cherokee	chr
Bambara	bam	Cheyenne	chy
Bamileke languages	bai	Chibcha	chb
Banda languages	bad	Chichewa; Chewa; Nyanja	nya
Chinese(B)	chi	English, Middle (100-1500)	enm
Chinese(T)	zho	English, Old (ca.450-1100)	ang
Chinook jargon	chn	Erzya	myv
Chipewyan; Dene Suline	chp	Esperanto	epo
Choctaw	cho	Estonian	est
Church Slavonic; Old/Church Slavonic; Old Bulgarian	chu	Ewe	ewe
Chuukese	chk	Ewondo	ewo
Chuvash	chv	Fang	fan
Classical Syriac	syc	Fanti	fat
Classical/Old Newari; Classical Nepal Bhasa	nwc	Faroese	fao
Coptic	cop	Fijian	fij
Cornish	cor	Filipino; Pilipino	fil
Corsican	cos	Finnish	fin
Cree	cre	Finno-Ugrian languages	fiu
Creek	mus	Fon	fon
Creoles and pidgins	crp	French(B)	fre
Creoles and pidgins, English based	cpe	French(T)	fra
Creoles and pidgins, French-based	cpf	French, Middle (ca.1400-1600)	frm
Creoles and pidgins, Portuguese-based	cpp	French, Old (842-ca.1400)	fro
Crimean Tatar; Crimean Turkish	crh	Friulian	fur
Croatian	hrv	Fulah	ful
Cushitic languages	cus	Ga	gaa
Czech(B)	cze	Gaelic; Scottish Gaelic	gla
Czech(T)	ces	Galibi Carib	car
Dakota	dak	Galician	glg
Danish	dan	Ganda	lug
Dargwa	dar	Gayo	gay
Delaware	del	Gbaya	gba
Dinka	din	Geez	gez
Divehi; Dhivehi; Maldivian	div	Georgian(B)	geo
Dogri	doi	Georgian(T)	kat
Dogrib	dgr	German(B)	ger
Dravidian languages	dra	German(T)	deu
Duala	dua	German, Middle High (ca.1050-1500)	gmh
Dutch, Middle (ca.1050-1350)	dum	German, Old High (ca.750-1050)	
Dutch; Flemish(B)	dut	Germanic languages	gem
Dutch; Flemish(T)	nld	Gilbertese	gil
Dyula	dyu	Gondi	gon
Dzongkha	dzo	Gorontalo	gor

LANGUAGE CODE LIST			
LANGUAGE	CODE	LANGUAGE	CODE
Eastern Frisian	frs	Gothic	got
Efik	efi	Grebo	grb
Egyptian (Ancient)	egy	Greek, Ancient (to 1453)	grc
Ekajuk	eka	Greek, Modern (1453-) (B)	gre
Elamite	elx	Greek, Modern (1453-) (T)	ell
English	eng	Guarani	grn
Gujarati	guj	Kalaallisut; Greenlandic	kal
Gwich'in	gwi	Kalmyk; Oirat	xal
Haida	hai	Kamba	kam
Haitian; Haitian Creole	hat	Kannada	kan
Hausa	hau	Kanuri	kau
Hawaiian	haw	Kara-Kalpak	kaa
Hebrew	heb	Karachay-Balkar	krc
Herero	her	Karelian	krl
Hiligaynon	hil	Karen languages	kar
Himachali languages; Western Pahari languages	him	Kashmiri	kas
Hindi	hin	Kashubian	csb
Hiri Motu	hmo	Kawi	kaw
Hittite	hit	Kazakh	kaz
Hmong; Mong	hmn	Khasi	kha
Hungarian	hun	Khoisan languages	khi
Hupa	hup	Khotanese; Sakan	kho
Iban	iba	Kikuyu; Gikuyu	kik
Icelandic(B)	ice	Kimbundu	kmb
Icelandic(T)	isl	Kinyarwanda	kin
Ido	ido	Kirghiz; Kyrgyz	kir
Igbo	ibo	Klingon; tlhIngan-Hol	tlh
Ijo languages	ijo	Komi	kom
Iloko	ilo	Kongo	kon
Inari Sami	smn	Konkani	kok
Indic languages	inc	Korean	kor
Indo-European languages	ine	Kosraean	kos
Indonesian	ind	Kpelle	kpe
Ingush	inh	Kru languages	kro
Interlingua (IALA)	ina	Kuanyama; Kwanyama	kua
Interlingue; Occidental	ile	Kumyk	kum
Inuktitut	iku	Kurdish	kur
Inupiaq	ipk	Kurukh	kru
Iranian languages	ira	Kutenai	kut
Irish	gle	Ladino	lad
Irish, Middle (900-1200)	mga	Lahnda	lah
Irish, Old (to 900)	sga	Lamba	lam
Iroquoian languages	iro	Land Dayak languages	day
Italian	ita	Lao	lao
Japanese	jpn	Latin	lat

LANGUAGE CODE LIST			
LANGUAGE	CODE	LANGUAGE	CODE
Javanese	jav	Latvian	lav
Judeo-Arabic	jrb	Lezghian	lez
Judeo-Persian	jpr	Limburgan; Limburger; Limburgish	lim
Kabardian	kbd	Lingala	lin
Kabyle	kal	Lithuanian	lit
Kachin; Jingpho	kac	Lojban	jbo
Low German; Low Saxon; German, Low Saxon, Low	nds	Mongolian	mon
Lower Sorbian	dsb	Montenegrin	cnr
Lozi	loz	Mossi	mos
Luba-Katanga	lub	Multiple languages	mul
Luba-Lulua	lua	Munda languages	mun
Luiseno	lui	N'Ko	nqo
Lule Sami	smj	Nahuatl languages	nah
Lunda	lun	Nauru	nau
Luo (Kenya and Tanzania)	luo	Navajo; Navaho	nav
Lushai	lus	Ndebele, North; North Ndebele	nde
Luxembourgish; Letzeburgesch	ltz	Ndebele, South; South Ndebele	nbl
Macedonian(B)	mac	Ndonga	ndo
Macedonian(T)	mkd	Neapolitan	nap
Madurese	mad	Nepal Bhasa; Newari	new
Magahi	mag	Nepali	nep
Maithili	mai	Nias	nia
Makasar	mak	Niger-Kordofanian languages	nic
Malagasy	mlg	Nilo-Saharan languages	ssa
Malay(B)	may	Niuean	niu
Malay(T)	msa	Nogai	nog
Malayalam	mal	Norse, Old	non
Maltese	mlt	North American Indian languages	nai
Manchu	mnc	Northern Frisian	frf
Mandar	mdr	Northern Sami	sme
Mandingo	man	Norwegian	nor
Manipuri	mni	Norwegian Nynorsk; Nynorsk, Norwegian	nno
Manobo languages	mno	Nubian languages	nub
Maori(B)	mao	Nyankole	nyn
Maori(T)	mri	Nyoro	nyo
Mapudungun; Mapuche	arn	Nzima	nzi
Mari	chm	Official Aramaic; Imperial Aramaic	arc
Marshallese	mah	Ojibwa	oji
Marwari	mwr	Oriya	ori
Masai	mas	Oromo	orm
Mayan languages	myn	Osage	osa
Mende	men	Ossetian; Ossetic	oss
Mi'kmaq; Micmac	mic	Otomian languages	oto
Minangkabau	min	Pahlavi	pal

LANGUAGE CODE LIST			
LANGUAGE	CODE	LANGUAGE	CODE
Mirandese	mwI	Palauan	pau
Mohawk	moh	Pali	pli
Moksha	mdf	Pampanga; Kapampangan	pam
Mon-Khmer languages	mkh	Pangasinan	pag
Mongo	lol	Panjabi; Punjabi	pan
Papiamento	pap	Sicilian	scn
Papuan languages	paa	Sidamo	sid
Pedi; Sepedi; Northern Sotho	nso	Sign Languages	sgn
Persian(B)	per	Siksika	bla
Persian(T)	fas	Sindhi	snd
Persian, Old (ca.600-400 B.C.)	peo	Sinhala; Sinhalese	sin
Philippine languages	phi	Sino-Tibetan languages	sit
Phoenician	phn	Siouan languages	sio
Pohnpeian	pon	Skolt Sami	sms
Polish	pol	Slave (Athapascan)	den
Portuguese	por	Slavic languages	sla
Prakrit languages	pra	Slovak(B)	slo
Provençal, Old (to 1500); Occitan, Old (to 1500)	pro	Slovak(T)	slk
Pushto; Pashto	pus	Slovenian	slv
Quechua	que	Sogdian	sog
Rajasthani	raj	Somali	som
Rapanui	rap	Songhai languages	son
Rarotongan; Cook Islands Maori	rar	Soninke	snk
Romance languages	roa	Sorbian languages	wen
Romanian; Moldavian; Moldovan(B)	rum	Sotho, Southern	sot
Romanian; Moldavian; Moldovan(T)	ron	South American Indian languages	sai
Romansh	roh	Southern Altai	alt
Romany	rom	Southern Sami	sma
Rundi	run	Spanish; Castilian	spa
Salishan languages	sal	Standard Moroccan Tamazight	zgh
Samaritan Aramaic	sam	Sukuma	suk
Sami languages	smi	Sumerian	sux
Samoan	smo	Sundanese	sun
Sandawe	sad	Susu	sus
Sango	sag	Swahili	swa
Sanskrit	san	Swati	ssw
Santali	sat	Swedish	swe
Sardinian	srd	Swiss German; Alemannic; Alsatian	gsw
Sasak	sas	Ugaritic	uga
Scots	sco	Uighur; Uyghur	uig
Selkup	sel	Ukrainian	ukr
Semitic languages	sem	Umbundu	
Shan	shn	Upper Sorbian	
Shona	sna	Urdu	
Sichuan Yi; Nuosu	scn	Uzbek	

LANGUAGE CODE LIST			
LANGUAGE	CODE	LANGUAGE	CODE
Syriac	syr	Vai	vai
Tereno	ter	Venda	ven
Tetum	tet	Vietnamese	vie
Thai	tha	Volapuk	vol
Tibetan (B)	tib	Votic	vot
Tibetan (T)	bod	Wakashan languages	wak
Tigre	tig	Walloon	wln
Tigrinya	tir	Waray	war
Time	tem	Washo	was
Tiv	tiv	Welsh(B)	wel
Tlingit	tli	Welsh(T)	cym
Tok Pisin	tpi	Western Frisian	fry
Tokelau	tkl	Wolaitta; Wolaytta	wal
Tonga (Nyasa)	tog	Wolof	wol
Tonga (Tonga Islands)	ton	Xhosa	xho
Tsimshian	tsi	Yakut	sah
Tsonga	tso	Yao	yao
Tswana	tsn	Yapese	yap
Tumbuka	tum	Yiddish	yid
Tupi Languages	tup	Yoruba	yor
Turkish	tur	Yupik languages	ypk
Turkish, Ottoman (1500-1928)	ota	Zande languages	znd
Tuvalu	tlv	Zaza; Dimili; Dimli; Kirdki; Kirmanjki; Zazaki	zza
Tuvinian	tyv	Zenaga	zen
Tagalog	tgl	Zhuang; Chuang	zha
Tahitian	tah	Zulu	zul
Twi	Twi		
Udmurt	Udm		

## APPENDIX

### Legal Precedent Related to English Learners

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

*“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.*

- 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 (ED).

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

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

- 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 (US Supreme Court Decision 1974)**

*“The failure of the San Francisco school system to provide English language instruction to approximately 1,800 students of Chinese ancestry 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.”*

- The Supreme Court stated that these students should be treated with equality among the schools. Among other things, Lau reflects the now-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.

#### **1974– Equal Education Opportunities Act**

*“The Equal Education Opportunities Act of 1974 states: “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.”*

- The EEOA prohibits discriminatory conduct against, 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 (U.S. Supreme Court Decision 1982)**

*“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*

- 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 a parent’s immigration status.
- Parents are not required to give a Social Security number.
- Students are entitled to receive all school services, including the following: Free or reduced breakfast or lunch, – transportation, – educational services, and – NCLB, IDEA, etc.

### **Presidential Executive Order 13166 (Clinton; 2000)**

*“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.”*

- 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.
- See The United States Department of Justice: <https://www.justice.gov/crt/executive-order-13166>

### **2016 – Title III of the Every Student Succeeds Act**

*“Title III of the Every Student Succeeds Act requires that all English Learners (ELs) 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.”*

- 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 ELLs 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.

### **Castañeda v. Pickard, [5th Cir., 1981] 648 F.2d 989 (US COURT OF APPEALS)**

*“In 1981, in the most significant decision regarding the education of language-minority students since Lau v. Nichols, the 5th Circuit Court established a three-pronged test for evaluating programs serving English language learners. According to the Castañeda standard, schools must base their program on educational theory recognized as sound or considered to be a legitimate experimental strategy, – implement the program with resources and personnel necessary to put the theory into practice, and – evaluate programs and make adjustments where necessary to ensure that adequate progress is being made. [648 F. 2d 989 (5th Circuit, 1981)].”*

This case established a three-part test to evaluate the adequacy of a district's program for the English language learner:

1. Is the program based on an educational theory recognized as sound by some experts in the field or is it considered by experts as a legitimate experimental strategy?
2. Are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively?
3. Does the school district evaluate its programs and make adjustments where needed to ensure that language barriers are actually being overcome?



## Key Terms for English Learners

- ❖ **ACCESS for ELLs™**: Standards-based, criterion referenced English language proficiency test. It assesses social and instructional English as well as the language associated with language arts, mathematics, science, and social studies within the school context across the four language domains.
- ❖ **BICS**: Basic Interpersonal Communicative Skills. The language ability required for verbal face-to-face communication. Students are generally proficient in BICS in 1-2 years.
- ❖ **CALP**: Cognitive Academic Language Proficiency. The language ability required for academic achievement. Students are generally proficient in CALP in 5-7 years.
- ❖ **EL: English learner**. Student who is not yet proficient in English.
- ❖ **ELD: English Language Development**. Program of instruction for English learners
- ❖ **ESL: English as a Second Language**. Program of instruction for English learners
- ❖ **ELP**: English proficiency level
- ❖ **FEL**: Former English learner; monitored for four years.
- ❖ **HQIA**: High-Quality Instruction and Assessment
- ❖ **Language Dominance**: The measurement of the degree of bilingualism, which implies a comparison of the proficiencies in two or more languages.
- ❖ **Language Proficiency**: The degree to which the student exhibits control over the use of language, including the measurement of expressive and receptive language skills in the areas of phonology, syntax, vocabulary, and semantics and including the areas of pragmatics or language use within various domains or social circumstances. Proficiency in a language is judged independently and does not imply a lack of proficiency in another language.
- ❖ **LEP**: Limited-English-proficient. No longer used. (See EL)
- ❖ **LIEP**: Language Instruction Educational Program
- ❖ **L1**: Student's native language.
- ❖ **L2**: Student's second language (possibly more than two languages).
- ❖ **ML**: Multilingual learner
- ❖ **NOMPHLOTE**: National Origin Minority whose Primary Home Language is Other Than English: A student whose native language is other than English and who does NOT qualify for EL services.
- ❖ **SEI**: Structured English Immersion. Program of instruction for English learners.
- ❖ **WIDA™ ELD Standards**: Rigorous academic language standards provided by WIDA™ for the purposes of guiding social and academic content instruction through the four domains of language: listening, speaking, reading, and writing, at the ELs' English language proficiency levels.
- ❖ **I-ELP**: An individualized EL language plan for an EL student.
- ❖ **WIDA MODEL™**: An EL benchmark assessment
- ❖ **WIDA™**: Alabama is a part of the WIDA™ consortium and adopted the WIDA™ Consortium's ELD Standards for Pre-Kindergarten–Grade 12 encompass:
  - Social and Instructional language
  - Language for Language Arts
  - Language for Mathematics
  - Language for Science
  - Language for Social Studies

- ❖ **WIDA Screener Online:** English language proficiency assessment given to students in grades 1-12 to help identify and designate English learners

## Frequently Asked Questions

### **When are EL students able to participate in AP, gifted, extracurricular and co-curricular programs?**

SEAs and LEAs must provide equal opportunities for EL students to meaningfully participate in curricular, co-curricular, and extracurricular programs and activities. ([EL Tool Kit, Chapter 4](#))

### **What is the federal authority requiring districts to address the needs of English language learners?**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin. In *Lau v. Nichols*, the U.S. Supreme Court affirmed the Department of Education memorandum of May 25, 1970, which directed school districts to take steps to help limited-English proficient (EL) students overcome language barriers and to ensure that they can participate meaningfully in the district's educational programs

### **What is required to comply with Civil Rights laws for English learner students?**

Federal law requires programs that educate children with limited English proficiency to be:

1. based on a sound educational theory.
2. adequately supported, with adequate and effective staff and resources, so the program has a realistic chance of success.
3. periodically evaluated and, if necessary, revised.

### **How do we determine grade placement for EL newcomer students with limited or interrupted formal education?**

Students should be placed in age-appropriate grade level and setting.

### **What if parents do not want their child to have supplemental services to address their English needs?**

Parents may opt to not have their children enrolled in a Title III/Supplemental EL program. When a parent declines participation, the district still retains the responsibility to ensure that the student has an equal opportunity to have his or her English language and academic needs met. Districts can meet this obligation in a variety of ways (e.g. adequate training to classroom teachers on second language acquisition and monitoring the educational progress of the student). Students whose parents waive supplemental services are still required to be assessed annually with the state English proficiency test until the student meets the exit criteria. For more information on Alabama's ELP assessment see [ACCESS for ELLs | WIDA \(wisc.edu\)](#).

## How long does a district have to provide support services to EL students?

EL students are assessed annually using the *ACCESS for ELLs* assessment. The results are used to create the students Individual English Language Plan (I-ELP). Students are reclassified as Former ELs (FEL) when they meet the state's exit criteria. FELs are monitored for four years.

### RESOURCES

Inclusion of a link is not an endorsement of the views expressed, the products or services offered, or of the organizations sponsoring the web sites.

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#### Agencies and Organizations

**WIDA®** Alabama is a member of the WIDA Consortium. WIDA is dedicated to the research, design, and implementation of high-quality, standards-based system for K-12 English learners. <https://wida.wisc.edu/>

Locate the Alabama Identification and Placement Guidance and ACCESS for ELLS Checklist here:

<https://wida.wisc.edu/memberships/consortium/al>

**The U.S. Department of Education.** This is the Department's home page and serves as a resource and a gateway to other useful web pages. <https://www.ed.gov/>

**The U.S. Department of Education, Office of English Language Acquisition.** Provides national leadership to help ensure that English learners and immigrant students attain English proficiency and academic success. <https://www2.ed.gov/about/offices/list/oela/index.html>

**National Clearinghouse for English Language Acquisition.** Supports the U.S. Department of Education's Office of English Language Acquisition. <https://ncela.ed.gov/>

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#### Professional and Non-Profit Organizations

**Center for Applied Linguistics.** CAL is a private non-profit organization that aims to promote and improve the teaching and learning of languages. This is a resource for information on teaching and learning languages, and information about language and culture. <http://www.cal.org>

**¡Colorín Colorado!** A bilingual site for educators and families of English language learners. <https://www.colorincolorado.org/>

**ERIC Clearinghouse on Language and Linguistics.** This site contains a long list of articles relating to language learning, using resources from within language-minority communities, model programs, and

integrating world language-learning with other subject matter classes.  
<http://www.cal.org/ericcll/digest/>

**Southeast Regional Educational Laboratory.** The center provides information on educational programs and general school improvement to meet the needs of special populations of children and youth, including EL students. <https://ies.ed.gov/ncee/rel/region/southeast>

**National Association for Bilingual Education.** NABE is a national membership organization dedicated to address the educational needs of language-minority students in the U.S. and to advance the language competencies and multicultural understanding of all Americans.  
<http://www.nabe.org/>

©**TESOL International Association.** TESOL's mission is to develop the expertise of its members and others involved in teaching English to speakers of other languages to help them foster effective communication in diverse settings while respecting individuals' language rights. This international organization is one of the largest professional organizations for professionals in second language acquisition and contains a variety of information about the subject.  
<https://www.tesol.org/>

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### Resources for Developing EL Programs

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**U.S. Department of Education: English Learner Tool Kit (OELA).** OELA's EL Tool Kit was published in 2015 as a companion to support the 2015 Dear Colleague Letter (DCL) produced by the Department of Education, Office for Civil Rights, and the Department of Justice, outlining legal obligations for ELs.

Some chapters of the tool kit have been updated related to Every Student Succeeds Act of 2015

(ESSA). <https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>

**U.S. Department of Education: Newcomer Tool Kit (OELA).** The Newcomer Tool Kit is designed to help U.S. educators; elementary and secondary teachers, principals, and other school staff who work directly with immigrant students—including asylees and refugees—and their families.

<https://www2.ed.gov/about/offices/list/oela/newcomers-toolkit/index.html>

**Alabama Identification and Placement Guidance.**

<https://wida.wisc.edu/memberships/consortium/al>

**U.S. Department of Education | Developing Programs for English Language Learners: Other Resources**

<https://www2.ed.gov/about/offices/list/ocr/ell/otherresources.html>

### Identification of Potential EL Students

**Alabama Identification and Placement Guidance.** [Alabama | WIDA \(wisc.edu\)](#)