

# English Learner Guidebook

## Indiana Department of Education

Office of English Learning & Migrant Education

Division of Title Grants & Support

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# Chapter 1

## ***An Introduction to English Learners***

### **An Introduction to English Learners in Indiana**

More than 112,000 Indiana students speak a language other than English at home, and there are over 275 different languages represented in Indiana schools. Of these, over 50,000 students have been formally identified as English learners due to limited proficiency in speaking, listening, reading, and writing academic English.

English learners make up roughly 5% of Indiana's total student population, and they are enrolled in schools and districts in every corner of the state. Some of these students are immigrants and refugees, but the vast majority of Indiana's English learners were born in the United States. English learners have rich potential - culturally, linguistically, and academically. Indiana assessment data shows that students who achieve fluency in English often end up outperforming their native-speaking peers on state content assessments.

Whether a local education agency has one English learner or thousands, they are obligated to meet certain federal requirements for their students.

This living document is designed as a reference for district and school personnel working with English learners (ELs). The content of the guide represents a compilation of information, examples and resources for your use. We will be continuously updating this document to provide further clarity and information to district and school personnel working with ELs.

If you find an error, or feel this guide needs to be updated to reflect new or additional information, please email the Office of English Learning and Migrant Education at [titleiii@doe.in.gov](mailto:titleiii@doe.in.gov).

### **Legal Background & Federal Requirements for English Learners**

Years of legislation and landmark court rulings have defined equal educational opportunity and federal requirements for local education agencies as they serve English learners. These events and their implications for schools educating English learners are detailed below.

**Title VI of the Civil Rights Act of 1964 and its regulations at 34 CFR Part 100 2)** -"No person in the U.S. shall, on the ground of race, color, or national origin be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

**May 25, 1970, Memorandum, Department of Health, Education, and Welfare** – In 1970, the federal Office for Civil Rights (OCR) issued a memorandum which interpreted the Civil Rights Act. The memo delineates school districts' responsibilities under civil rights law to provide an equal educational opportunity to national origin minority group students whose English language proficiency is limited. The following quotes discuss some major areas of concern with respect to compliance with Title VI and have the force of Law:

*"Where inability to speak and understand the English language exclude national origin minority group children from effective participation in the educational program offered by a school district, the district 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 adequately 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."*

*"School districts must not assign national origin minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin minority group children access to college preparation courses on a basis directly related to the failure of the school system to inculcate English language skills."*

ELs are required to have equal access to the full range of district programs, including special education, Title I, gifted and talented programs, and nonacademic and extracurricular activities.

Although the memo requires school districts to take affirmative steps, it does not prescribe the content of these steps. It does, however, explain that federal law is violated if:

- students are excluded from effective participation in school because of their inability to speak and understand the language of instruction;
- national origin minority students are inappropriately assigned to special education classes because of their lack of English proficiency;
- programs for students with limited English proficiency are not designed to teach them English as soon as possible, or if these programs operate as a dead end track; or
- parents whose English proficiency is limited do not receive school notices or other information in a language they can understand.

***Lau v. Nichols (1974)*** – The basis for the case was the claim that the students in question could not understand the language in which they were being taught; therefore, they were not being provided with an equal education. The U.S. Supreme Court agreed, and its decision upheld the OCR's 1970 memo, **If English is the mainstream language of instruction, then measures have to be taken to ensure that instruction is adapted to address those children's linguistic characteristics** (Lau v. Nichols, 414 U.S. 563, 94 S. Ct. 786, 1974). The Lau ruling stated:

*"There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education."*

The case reaffirmed that all students in the United States, regardless of native language, have the right to receive a quality education. It also clarified that equality of opportunity does not necessarily mean the same education for every student, but rather the same opportunity to

receive an education. An equal education is only possible if students can understand the language of instruction.

**Equal Educational Opportunities Act (EEOA) - 1974** - This legislation defined what constituted the denial of education opportunities, stating:

*“No state shall deny equal educational opportunity to an individual on account of 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.”*

**Castaneda v. Pickard (1981)**, The 5<sup>th</sup> Circuit set out a widely adopted three-part test to determine whether districts have taken “appropriate action” to remedy the language deficiencies of their ELLs: (1) is the school “pursuing a program informed by an educational theory recognized as sound by some experts in the field, or at least, deemed a legitimate experimental strategy”; (2) are the programs and practices actually used by the school “reasonably calculated to implement effectively the educational theory adopted by the school”; and (3) does the program “produce results indicating that the language barriers confronting students are actually being overcome.” Congress intended that schools make a “genuine and good faith effort, consistent with local circumstances and resources, to remedy the language deficiencies of their students.”



**Plyler v. Doe (1982)** The United States Supreme Court stated that school systems must enroll and educate children residing in their district even if their parents do not possess legal residency documents.

**Title II of the Americans with Disabilities Act of 1990, 42 USC 12131-12161** - Title II of the ADA prohibits discrimination against qualified individuals with disabilities on the basis of disability in all programs, activities, and services of public entities. Public entities include state and local governments and their departments and agencies. Title II applies to all activities, services and programs of a public entity.

**Individuals with Disabilities Educational Act (IDEA) of 2004** - The purpose of IDEA 2004 is to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; to ensure that the rights of children with disabilities and their parents are protected; to assess and ensure the effectiveness of efforts to educate children with disabilities.

## Equal Opportunity for English Learners

The U.S Department of Education's Office of Civil Rights oversees school districts' broad discretion concerning how to ensure equal educational opportunity for ELs. OCR does not prescribe a specific intervention strategy or program model that a district must adopt to serve ELs, but provides guidelines to ensure that programs are serving ELs effectively. Local education agencies should:

- identify students as potential ELs;
- assess students' need for EL services;
- develop a program which, in the view of experts in the field, has a reasonable chance for success;
- ensure that necessary staff, curricular materials, and facilities are in place and used properly;
- develop appropriate evaluation standards, including program exit criteria, for measuring the progress of students; and
- assess the success of the program and modify it where needed.

The Office for Civil Rights provides fact sheets, guidance, and resources for education officials about their obligations to EL students and their families. For additional information regarding the provision of equal education opportunity to ELs, contact the Office for Civil Rights at:

Phone: (800) 421-3481

Email: [ocr@ed.gov](mailto:ocr@ed.gov)

URL: <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

Additional federal guidance regarding the rights of English Learners can be found on the [IDOE website](#).

## **Chapter 2**

### ***Identifying English Learners***

#### **Identifying English Learners**

The Elementary and Secondary Education Act, as amended by the ESSA, requires state education agencies to establish and implement standardized, statewide entrance and exit procedures for English learners (Section 3113). Indiana has established standardized statewide entrance procedures to identify and screen potential English learners based upon the accurate and timely administration of the Home Language Survey and the English language proficiency placement exam (WIDA Screener and the Kindergarten W-APT). The standardized entrance and exit procedures are used to determine whether a student is considered an English learner and therefore entitled to an English language development program required by Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA).

All students enrolling in an Indiana school for the first time, including foreign exchange and preschool students, should be given the Home Language Survey. Any student enrolling in grades K-12 with a language other than English included on the Home Language Survey is screened for English proficiency with the WIDA Screener or the Kindergarten W-APT, unless transferring from another WIDA state. A student who scores below a 5.0 overall composite score on the WIDA Screener or the Kindergarten W-APT is formally identified as an English Learner. Although the HLS is administered for preschool students, they are not given the Kindergarten W-APT until they enroll in Kindergarten.

#### **Home Language Survey**

The Home Language Survey (HLS) is a legally binding document that should only be completed once during a child's Indiana academic career, upon their first enrollment in Indiana schools. To avoid duplicate administration, the HLS should not be included in the school enrollment packet, but only given to those students who have confirmed that they are enrolling in an Indiana school for the first time. The HLS must be kept in the student's cumulative folder as part of the permanent record and, in case of transfer, should follow the student to the receiving school.

The school administering the Home Language Survey must explain the purpose of the HLS and the questions in a language the parent or guardian understands. The Indiana Home Language Survey is provided in English and Spanish in Appendix A. Although use of this particular form is not mandated, the three included questions are required, and are the only allowable questions to determine the student's language background.

- 1. What is the native language of the student?**
- 2. What language(s) is spoken most often by the student?**
- 3. What language(s) is spoken by the student in the home?**

If a language other than English is indicated for any of the three questions, the English language proficiency screener (WIDA Screener or Kindergarten W-APT) must be administered to determine whether or not the student qualifies as an English learner.

As many school districts move to online registration and record keeping, the Home Language Survey may be administered online instead of using a paper format. The Indiana HLS may only be administered once in a student's academic career, and so should not be included in the general online registration packet. However, electronic registration may allow for the registrant to indicate that the student is enrolling for the first time in an Indiana school, and then trigger the HLS for completion. Even if administered online, the HLS must be signed by the parent or guardian (electronic signature is sufficient). Additionally, the HLS must be accessible in case of IDOE on-site monitoring or student record transfer.

In the case of student transfer, the sending school should send the original Indiana HLS to the receiving school. If a receiving school does not have the original Indiana HLS for an incoming student, the receiving school must contact the previous school to request that the HLS be transferred. The receiving school should make at least three documented attempts to obtain the original HLS from the previous school or schools.

The IDOE has a formal Home Language Survey Amendment Request process to address students who were misidentified as speaking a language other than English. This process is designed to address true cases of data entry error, where the student was mistakenly coded with a language other than that documented on the original HLS. School districts must submit an amendment request form with parent and administrator signatures, including cause of misidentification, student English language proficiency assessment data if applicable, and the original HLS. The IDOE English Learner team reviews the HLS Amendment Request, determines whether the student was misidentified as a language minority student, and approves or denies the request. The Home Language Survey Amendment Request is included in Appendix A.

## **Language Reporting Requirements**

If a student's Home Language Survey includes a language other than English, the other language should be reported to the IDOE as the primary language in the STN App Center. If multiple other languages are included on the HLS, the first language should be coded as the primary language. Regardless of EL status, the student will be permanently considered a language minority student and will be reported on the DOE-LM (Language Minority) data collection each year until graduation.

All Indiana local education agencies are required to submit the DOE-LM (Language Minority) data collection annually. The purpose of this data collection is to gather student information on English learners and immigrant students enrolled on November 1 of the collection year. The DOE-LM collection provides a count of English learners to generate per-pupil funding counts for Title III and the Non-English Speaking Program (NESP) and a count of immigrant students for Title III Significant Immigrant Influx grant. The DOE-LM collects testing results from the English language proficiency placement and annual assessments for accountability purposes and for public schools to report the Lau-required 1974 English language development program.

More information on the DOE-LM collection, including the data collection layout, can be found on the [IDOE-Data Collection](#) Learning Connection community.



## Enrolling First-Time Indiana Students

### Initial Home Language Survey

An Indiana Home Language Survey must be provided to parents for completion, ensuring that the purpose of the HLS is clearly explained.

### HLS Indicates a Language Other Than English

A copy of the original HLS should be placed in the student's cumulative folder. The WIDA Screener or Kindergarten W-APT should be administered to determine English proficiency.

*\*If coming from a WIDA consortium member state, previous WIDA ACCESS or WIDA Screener/W-APT scores may be used to determine EL status.*

### HLS Indicates All English

A copy of the original HLS should be placed in the student's cumulative folder. No further action is required.

### Student Scores Below Proficient on Placement Test

If the student scores below proficient on the WIDA Screener or Kindergarten W-APT (below a 5.0 overall composite), the student is considered an English learner.

### Student Scores Proficient on Placement Test

If the student scores proficient on the WIDA Screener or Kindergarten W-APT (5.0 or higher overall composite), the student is considered fluent upon enrollment. The student is not considered to be an English learner and does not enter a monitoring period. Student will be reported annually on DOE-LM until graduation. A copy of the placement test results should be placed in the student's cumulative folder.

### Student Identified as an English Learner

An ILP must be created for any student who has been identified as an English learner. The ILP must document accommodations or strategies that the student is able to use both in the classroom and on state assessments.

The student will begin receiving federally required English language development instruction and will be annually assessed for proficiency.

## Enrolling Transfer Students From Another Indiana School

1. Check the student's cumulative folder for the original HLS
2. If the original HLS cannot be located, call the student's previous school to obtain the original HLS.

*Note: If the original HLS cannot be obtained from the student's previous school, administer a new HLS to the student. Documentation of the attempts made to obtain the original Home Language Survey must be maintained locally.*

### Original HLS Indicates a Language Other Than English

The previous Indiana school was required to have already administered the English language proficiency placement assessment. Check the cumulative folder for the assessment results and contact the previous school to obtain the results if they have not been provided.

### Original HLS Indicates All English

A copy of the original HLS should be placed in the student's cumulative folder. No further action is required.

### Student Scored Below Proficient on Placement Test

If the student scored below proficient on the WIDA Screener or Kindergarten W-APT (below a 5.0 overall composite), and has not achieved a proficient score on the WIDA ACCESS assessment in years since, the student is considered an English learner.

### Student Scored Proficient on Placement Test or Annual Assessment

If the student scored proficient on the WIDA Screener or Kindergarten W-APT (5.0 or higher overall composite), the student is considered fluent upon enrollment. If the student scored below proficient on the placement test, but has since achieved a proficient score (5.0 or higher overall composite) on the WIDA ACCESS annual assessment, the student is not considered to be an English learner. If the proficient score was achieved within the previous two years, the student should be placed in the district's formal monitoring system for former English learners. The student will be reported annually on the DOE-LM until graduation.

### Student Identified as an English Learner

Parents must be notified of the student's placement in the EL program. An ILP must be created for any student who has been identified as an English learner. The ILP must document classroom and assessment accommodations or strategies provided for the student

The student will begin receiving federally required English language development instruction and will be annually assessed for proficiency.

## **Chapter 3**

### ***Serving English Learners***

#### **Indiana English Language Development Standards**

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), requires state education agencies to adopt challenging English language proficiency standards and assessments so that English learners may attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging Indiana academic content and achievement standards that all children are expected to meet [Sec. 1177, (b)(1)(F)]. ESSA requires each state to demonstrate English language proficiency standards derived from the four language domains: speaking, listening, reading, and writing.

Indiana adopted the WIDA English Language Development (ELD) standards as the state English language proficiency standards in 2013. The WIDA ELD standards address the academic language English learners need in order to engage with peers, educators, and the core curriculum in all classrooms and all content areas. There are five WIDA ELD standards, which are to be implemented by all educators with English learners in their classrooms:

- 1) Social and instructional language
- 2) Language of language arts
- 3) Language of mathematics
- 4) Language of science
- 5) Language of social studies

More information regarding the WIDA ELD Standards Framework can be found on the [WIDA website](#) and the [IDOE WIDA page](#).

#### **English Learner Plans**

Under the ESEA (as amended by the ESSA), Title VI of the Civil Rights Act of 1964, and the Equal Educational Opportunities Act, the IDOE is legally responsible for ensuring that all Indiana local education agencies meet federal requirements to properly identify, assess, and support English learners through an effective English language development program.

Each year, all local education agencies are required to submit an English Learner Plan detailing their plan to meet the needs of English learners at all proficiency levels and across all grade levels. Local education agencies who participate in Title III meet the English Learner Plan requirements through the annual Title III application process. All others submit the English Learner Plan as a separate document. The IDOE English Learner team reviews the English Learner Plans and provides technical assistance and support for districts as they ensure effective instruction for their English learners.

Additional information on submission of the English Learner Plan can be found on the [IDOE website](#).

## Individual Learning Plans (ILPs)

As established in Chapter 1, all students identified as English learners are legally entitled to receive English Language Development instruction designed to promote their growth towards English proficiency. An Individual Learning Plan (ILP) must be created for each English learner enrolled in a school or district and must be implemented with fidelity by all teachers and staff who work with the student. The ILP is a locally-created document which details strategies, instructional and assessment accommodations, modifications, and goals for the student, as well as the student's English language proficiency levels and state and local assessment data. The ILP should be revised at least once annually to reflect students' language proficiency growth, but can be updated as needed in response to student needs.

The ILP is designed to outline a plan to ensure English Learners have meaningful access to the same rigorous content and college-and-career ready standards as their native English-speaking peers. While grading and credit assignment are determined locally, the IDOE has provided guidance specific to the unique needs of secondary English Learners on the [English Learner Policy](#) webpage.

The ILP is a legally binding document, and all staff who work with the student are responsible for its implementation. The IDOE recommends that the ILP be created by EL staff in collaboration with content-area teachers to promote ongoing communication across programs and to ensure that all responsible staff are aware of its implications.

Assessment accommodations should be documented on the ILP and implemented with fidelity on all local and state assessments. Allowable state testing accommodations for English learners are outlined by the [IDOE Office of Assessment](#).

The ILP for each student should be stored locally in the student's cumulative or EL folder and be sent with the student in the event of transfer to another school or district. The ILP should also be shared with the student's parent or guardian. A sample ILP is included in Appendix A.

## Maintaining Documentation of Services

To ensure that English learners are properly identified, assessed, and served in Indiana schools, schools are expected to maintain local documentation of EL instruction and assessment.

See Appendix A for a detailed list of required local documentation for English learners.

## Retention of English Learners

Federal law states that the retention of English learners cannot be based solely upon level of English language proficiency (Section I, Part G, Guidelines to Satisfy Legal Requirements of Lau v. Nichols). Language acquisition is a long-term process and should be facilitated across all grade levels. The retention of English learners will not facilitate more rapid growth towards English proficiency. Retention policies, especially for English learners, should not be based on one specific piece of data alone or any sole criterion. Prior to considering retention of an

English learner, the following points should be addressed in consultation with the EL staff and the parents:

- Has the student’s level of English language proficiency been assessed?
- Has the student been enrolled in the school district for more than one full academic year?
- Are classroom modifications being made in teacher lesson delivery, assignments and homework, and formal assessments?
- Has an Individual Learning Plan (ILP) been implemented by all teachers with fidelity to document classroom modifications and student progress? How has this been documented?
- How much individual English language development instruction is the student receiving via pullout or an EL course during the school day?
- Has an alternate grading strategy been implemented including a portfolio, contract or rubric assessment?

Retention is **not** appropriate if all of the above have not been sufficiently addressed. Please see the retention flowchart in appendix A for additional guidance.

## **Gifted and Talented English Learners**

Federal law asserts that all English Learners have a right to an education that addresses their specific needs as they are learning a new language (*Civil Rights Act of 1964*, the *Equal Education Opportunity Act of 1974*, and Titles I and III of the *Elementary and Secondary Education Act of 1965*, as amended by the ESSA). This includes access to all curricular and extracurricular programming, including gifted and talented programs.

English Learners may not be denied access to gifted and talented programs because of their limited English proficiency. Schools and districts must ensure that their procedures for identifying gifted and talented students do not depend on English proficiency (explicitly or implicitly). In identifying gifted and talented students, procedures should compare English learners with other peers at similar English language proficiency levels, not only with native English speakers.

Additional resources regarding the identification of gifted and talented English learners can be found in Appendix A.

## **English Learners and Special Education**

If an English learner has a suspected disability, referral and evaluation should happen in a timely manner, as required for any other student. Special education evaluation for an English learner is only appropriate if consistent, objective monitoring conducted by EL and general education staff indicates that the student is significantly struggling, and that the student’s academic struggles are not related to English proficiency.

The following considerations for English Learners must be addressed throughout the special education evaluation process:

- Designated EL and special education staff in each school/district should lead this process. Educators who are knowledgeable about and familiar with the student's language acquisition must be involved at every step.
- All notices and consents are required to be provided in the parents' native language, unless the language does not have a written form or if it is clearly not feasible to do so. Qualified interpreters should provide all other information in a language the parents understand.
- Evaluations must be conducted by professionals who are able to select and administer procedures so that results are not biased by the child's culture or language. Both [IDEA](#) and [Section 504](#) provide specific information and answer common questions in order to assist school and district personnel to best serve students with special academic needs. Additional guidance from the IDOE regarding the language of evaluation can be found in the resource document linked below.
- IDEA requires that when an English learner has a disability, planning for the child's language needs and the effect of language development on the overall educational program be a consideration of the IEP team, which must include someone who is knowledgeable about the child's second language acquisition.
- If a child's disability affects his or her functioning in any academic area, it is likely that it will also affect the student's growth toward English proficiency. As such, it is neither appropriate nor allowable to withdraw language instruction from a child based on limited performance consistent with their disability.

For additional, detailed information on this process, see the [joint guidance](#) from the IDOE Office of Special Education and Office of English Learning and Migrant Education and additional resources on the IDOE [English Learner Policy](#) page. The US Department of Education EL Toolkit provides additional [helpful resources](#).

## **Opting Out of EL Services**

Parents of English learners have the right to opt out of the formal EL program and refuse EL services. Further information on parent rights, the process for opting out, and required documentation for local education agencies is provided in *Chapter 6: Engaging English Learner Families*.

## **Chapter 4**

### ***Assessing English Learners***

#### **Assessing English Learners in the General Education Classroom**

English learners are provided with access to the same core curriculum as their grade-level peers, and should also be held accountable to the same challenging academic standards. However, assessment for English learners must be differentiated to provide a variety of meaningful ways for students to demonstrate their understanding. Just as instruction for English learners should be personalized to meet their individual academic needs, assessments should be designed to consider English proficiency level and build on students' strengths and abilities to provide opportunities for success.

For example, an English learner at a beginning level of English proficiency in writing may not be able to show his mastery of a social studies standard by writing an essay explaining the cause and effects of a certain event in history. However, he may be able to show mastery of the same rigorous academic standard by creating a visual representation of cause and effects using pictures and simple labels, or through an oral interview with the teacher. In this way, the rigor of the standard is not compromised, but the means through which students demonstrate mastery are flexible and tailored to individual student needs. Grading processes for English learners are developed locally, but should be based on student mastery of academic standards, not on English language proficiency.

Additional examples of authentic, differentiated assessments for the general education classroom are provided in Appendix A.

#### **State Testing for English Learners**

English learners are required to participate in all state assessments and may be provided with state testing accommodations as documented in their Individual Learning Plan (ILP). Testing accommodations are designed to provide all students with the opportunity to demonstrate what they know and are able to do. Specific details regarding accommodations and accessibility for state assessments can be accessed through the [IDOE Indiana Assessment Program Manual](#).

The school staff responsible for creating the ILP should determine which accommodations are appropriate for each student and document these in the ILP. Note that translation of the exam into the student's native language in oral or written form is not a permissible Indiana testing accommodation.

The following state testing accommodations are allowable for English learners:

- Student provided access to a screen reader or text-to-speech (cannot be used for reading comprehension portion of test)
- Test read aloud to the student by test administrator (except items testing reading comprehension, as indicated in read aloud script)
- Student tested individually or in a small group setting by a familiar teacher

- Student allowed to use a bilingual word-to-word dictionary from the IDOE-approved list (appropriate only for students who are literate in their native language)
- Student provided extended testing time for test sessions

English learners with disabilities should be provided all documented IEP accommodations in addition to their documented ILP accommodations. For example, an English learner with a disability may have access to a bilingual dictionary as an ILP accommodation and access to a calculator as an IEP accommodation; both the ILP and IEP accommodations should be provided.

**Note:** *Because the WIDA ACCESS assessment is designed to measure English language proficiency, language-based accommodations may not be provided. Only English learners with disabilities may be provided with testing accommodations on the WIDA ACCESS assessment as documented on their IEP.*

### **IREAD-3 for English Learners**

House Enrolled Act (HEA) 1367, also known as Public Law 109 in 2010, requires the evaluation of reading skills for students who are in third grade, including English learners.

Good Cause Exemptions were included in HEA 1367 to allow for flexibility in determining access to grade four curriculum. These Good Cause Exemptions may be given to students who do not pass IREAD-3 **and** meet one of the following criteria:

1. Students who have previously been retained two times prior to promotion to grade four (Students may only be retained a maximum of two times in grades K-3 combined)
2. Students with disabilities whose case conference committee has determined that promotion is appropriate
3. English Learners (ELs) whose Individual Learning Plan (ILP) committee has determined that promotion is appropriate

The school is responsible for providing reading interventions to English learners who do not pass the spring IREAD-3. The school, in consultation with EL staff and with parents, must also determine whether the student should participate in the summer retest. If the student does not pass IREAD-3 in spring or summer, the school must convene an ILP committee to determine if promotion to 4<sup>th</sup> grade is appropriate for the student.

Note that retention of English learners shall not be based solely upon level of English language proficiency (Section I, Part G, Guidelines to Satisfy Legal Requirements of *Lau v. Nichols*). If the ILP committee, with corresponding English language proficiency assessment data, determines that the lack of English proficiency is the determinant factor for the English learner not passing IREAD-3, then the school district shall not retain the student.



The ILP Committee is a group of individuals responsible for determining whether an English learner who did not pass IREAD-3 should have access to fourth grade reading and literacy instruction. 511 IAC 6.2-3.1-3 (6) (C) (i) indicates that the ILP Committee must consist of:

- the student’s parent
- a building level administrator, or designee;
- a classroom teacher of service
- an English learner teacher, if one exists; and
- an English learner district administrator, if one exists

According to a May 1970 memorandum from the Office of Civil Rights, “school districts have the responsibility to adequately 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.” School districts should provide an interpreter for families who are not proficient in English so that they may meaningfully participate in the ILP committee. School districts should not use the English proficiency of the student to determine the English proficiency of the parents and whether an interpreter is needed, as the parents may be more/less proficient than their students.

Former English learners who have achieved English proficiency and exited English learner status are not eligible for a Good Cause Exemption. However, WIDA ACCESS scores for the current school year are typically released in late spring, after the initial IREAD-3 testing window has closed. A student who achieves English proficiency on the WIDA ACCESS assessment in the same school year as their IREAD-3 assessment should **not be disqualified** from eligibility for accommodations on state assessments nor from a Good Cause Exemption or waiver considerations in the current academic year or during the summer testing window. The WIDA ACCESS scores are to be used for planning and programming purposes for the next school year.

Additional guidance regarding IREAD-3 for English Learners can be found on the IDOE [English Learner Policy](#) page.

## **Chapter 5**

### ***Supporting Former English Learners***

#### **Reclassifying and Exiting English Learners**

An English learner is reclassified as fluent upon achieving English language proficiency as defined by the state English language proficiency assessment. In Indiana, English language proficiency is defined as a 5.0 overall composite score on the annual WIDA ACCESS assessment. After achieving a 5.0 on the WIDA ACCESS assessment, an English learner is reclassified as proficient in English and enters a two-year formal academic monitoring period. Although ESSA allows states to extend this timeline, Indiana has chosen to maintain the two-year minimum requirement for rigorous, ongoing monitoring of former English learners.

Former English learners will still be included in the DOE-Language Minority data collection annually, but will no longer generate state and federal EL funding. Students in their two year academic monitoring period may still be provided access to all support services provided through the district's English language development program, if needed; however, they are not eligible for state testing accommodations and will not have an Individual Learning Plan (ILP). Former English learners must have the same access to the academic supports and interventions available to all students.

Under ESSA, states may choose to include the state content assessment results of former English learners in the EL subgroup for up to four years for accountability purposes. Indiana has chosen to include former English learners in the EL subgroup for the full four years allowable under ESSA.

Parents and families of students reclassified as fluent should be notified of the change in EL status and receive notification of their child's academic monitoring throughout the two-year period following the child's reclassification as fluent.

A student who demonstrates proficiency on the initial English proficiency screener (WIDA Screener or Kindergarten W-APT) is considered fluent upon enrollment, and no formal monitoring period is required. However, if a student who is identified as fluent upon enrollment is later found to have language needs, the process for program reentry detailed below may be followed to reevaluate the student's English proficiency.

Students who transfer from another state or school and have met Indiana's criteria for English language proficiency by scoring a 5.0 on the WIDA ACCESS assessment will be considered proficient. If the student achieved proficiency on the WIDA ACCESS assessment within the previous two years, they should be provided with rigorous, ongoing monitoring in their receiving school until the two year period is complete.

## Monitoring Former English Learners

School districts must monitor the academic progress of former English learners for at least two years to ensure they are meaningfully participating in the district's educational program in a manner that is comparable to their native English speaking peers and comparable to other English learners who exited at the same time. Monitoring processes are defined locally, but local education agencies must establish rigorous monitoring systems that include benchmarks for expected growth in acquiring academic content knowledge during the academic year and take appropriate steps to assist students who are not making adequate progress.

Local education agencies must implement a formal process and maintain robust documentation for their EL and content teachers to monitor former English learners. This documentation must include essential data such as the student's grades in each content area, scores on district and state assessments and standardized tests, and teacher observations of student strengths and weaknesses in each of the four language domains and each academic subject. Although academic monitoring processes applied to all students should include former and current English learners, the monitoring system for former English learners must be in addition to general academic monitoring provided to all students, and must be conducted in collaboration with English learner and general education staff.

Upon completion of the two-year monitoring period, local education agencies must ensure:

- Former English learners who have been reclassified as fluent have full access to mainstream curricula
- Any academic deficits resulting from lack of English proficiency have been addressed and remedied
- Any recurring language needs identified through the monitoring process have been addressed and remedied
- Former English learners are meaningfully participating in the standard instructional program in a manner comparable to their native English speaking peers.

The Indiana Department of Education has a responsibility to monitor local education agencies to ensure that current and former English learners have meaningful access to grade-appropriate core content and language instruction. The United States Department of Education has provided additional guidance regarding monitoring and exiting English Learners from EL programming and services in [Chapter 8](#) of the English Learner Tool Kit, which was summarized above.

## Developing a Rigorous Monitoring System

When developing a formal, rigorous monitoring system for former English learners, consider the following points:

- What performance expectations and progress indicators do we have for former English learners in each academic subject?

- How carefully and how often do we monitor which former English learners are making adequate progress and which are not?
- Are measures used to monitor students' progress standards-based and do they maintain high expectations?
- How are former English learners meeting grade-level standards after reclassification?
- Are teachers who provide core instruction to former English learners adequately trained in language acquisition and are they aware that fluent students may still struggle with academic English?
- Is there ongoing evaluation of the core curriculum to ensure that former English learners are supported in the continuance of academic English acquisition?

## **Suggested Indicators for Monitoring Documentation**

The following are recommended components for documentation of rigorous monitoring. This list is not exhaustive and should be adjusted to include the most useful and actionable data for the local context.

- Frequency of monitoring checks (e.g. biweekly, quarterly, once a semester)
- Student grades in all content areas
- Summative and formative assessment data (including all state assessments)
- Content teacher observations
- EL staff observations
- Teacher observations of student progress in the four language domains of listening, speaking, reading, and writing
- Behavior and attendance data

A sample monitoring form can be found in Appendix A. Documentation of the monitoring process should be maintained locally.

## **Reentering Students in the English Learner Program**

When an academic or language need is identified during a former English learner's two-year monitoring period, it is important to consider that all students, regardless of English proficiency or native language, can struggle with core content areas. In order to protect the civil rights of all students, states and local education agencies have an obligation to ensure that state exit criteria allow for appropriate exit from English learner status for students who have achieved English proficiency.

In some instances, students may meet the state criteria for reclassification as fluent without having truly attained English proficiency. In these cases, formal reentry into the English learner program may be appropriate, if all of the following have been implemented:

- Implement a rigorous monitoring system for the student based on state and federal guidance to ensure students meet expected benchmarks and growth.

- Provide targeted interventions to address any academic deficits the student may have incurred as a result of prior limited English proficiency.
- Ensure the student is meaningfully participating in the standard instructional program in a manner comparable to native English speaking peers and other former English learners.
- Re-administer the WIDA Screener or Kindergarten W-APT to determine if the student meets the Indiana criteria for EL eligibility.
- Maintain local documentation of all supporting sources of data, evidence of interventions implemented, evidence of the student’s eligibility for reentry after re-administration of the WIDA Screener or Kindergarten W-APT, and secured parent/guardian consent.

This process may also be implemented to reevaluate the English proficiency of students who were identified as fluent upon enrollment through the W-APT of WIDA Screener.

A student who is formally reentered in the English learner program should be provided with an Individual Learning Plan (ILP), appropriate instructional and assessment accommodations, and access to an effective English language development program. The student’s updated language proficiency level, as identified by the re-administration of the WIDA Screener or Kindergarten W-APT, will be reported on the DOE Language Minority (LM) data collection. The student will be assessed annually with the state English language proficiency assessment until again meeting the Indiana exit criteria. Upon achieving a score of proficient, the student will again be formally reclassified as fluent and will enter a two-year rigorous monitoring period.

## Chapter 6

### ***Engaging English Learner Families***

#### **Strengthening School and Family Partnerships**

Family engagement is a key element of successful English Learner programming. Families who speak a language other than English may be reluctant to come to school events if they aren't sure an interpreter will be present. They may feel unable to help their child with homework in English, or afraid that sharing their opinions in educational decisions will undermine the authority of the school. Each family and each local context brings different assets and unique needs, which makes effective two-way communication in an appropriate language challenging, but essential.

Federal law requires that schools and districts effectively communicate with all parents and guardians, regardless of the percentage of students that speak a language other than English (ESEA, Sec. 3122 (c)). *Title I* of the ESEA, as amended by ESSA, now also requires LEAs to conduct effective outreach to parents of ELs, including regular parent meetings (Sec. 1112(e)(3)(c)).

Effective communication with national origin-minority parents is also a requirement of Title VI of the Civil Rights Act of 1964. According to the Office for Civil Rights May 25, 1970 memorandum, "school districts have the responsibility to adequately 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."

Schools must be aware that the English proficiency level of a student is not always indicative of a parent's language skills. For example, if a fluent English proficient *student* has *parents* with limited English proficiency, then the school must take steps to effectively communicate with the parents in accordance with state and federal law.

**Note:** *Due to the supplement not supplant provision of Title III (ESEA, Sec. 3115(g)), translation and interpretation services must be paid from state and local funds (e.g. general funds, NESP).*

#### **Parent Notification Requirements**

The Elementary and Secondary Education Act, as amended by the ESSA, requires that parents of English learner be provided with official notification of their child's EL status each year [Sec.1117, (3)]. Notification must be sent no later than 30 calendar days after the beginning of the school year for all English learners newly identified or previously identified through the LEA. For students enrolling after the beginning of the school year, LEAs must provide the parental notifications within two weeks of a child being placed in a program.

**Note:** *All parents of English learners must be notified annually of the students' placement or continued participation in a language instruction program—not just newly enrolled students.*

The following required components of the annual parent notification are outlined in the ESEA, as amended by the ESSA, [Sec. 1117, (3)]. The IDOE Parent Notification letter can be found in Appendix A. A locally-created form may be used, as long as all of the following required components are included:

1. Reasons for the identification of the child as an English learner and need for placement or continued participation in a language instruction educational program
2. The child's level of English proficiency, how the level was assessed, and the status of the child's academic achievement
3. The methods of instruction used in the program in which their child is placed and the methods of instruction used in other available programs, including how other available programs differ in content, instructional goals, and the use of English and native language in instruction
4. How the program will meet the educational strengths and needs of their 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 the program and the expected rate of graduation from high school
7. For English learners with disabilities, how the program placement and services coordinate with the IEP
8. Information regarding parent rights, explicitly including the following:
  - The parents' right to have their child immediately removed from the EL program upon their request
  - The parents' right to decline to enroll their child in the EL program or to choose another program or method of instruction, if available
  - Assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the local education agency.

The IDOE recommends that schools share Individual Learning Plans (ILPs) with students and parents annually, as well.

## **Parent Right of Refusal**

Parents have the right to refuse EL services for their child. Before making this decision which so seriously impacts a child, the parent should be informed of the benefits of EL services and of the potential difficulties that often accompany the lack of EL services. This information must be provided to the parent in a language they understand using a review of the placement or annual English language proficiency assessment results, (translated or interpreted, as needed). If, after reviewing the information, the parent decides to waive EL services, the school corporation must keep written documentation of the decision with the parent's signature and date the decision was made. Parents have the right to opt back into EL services at any time and must still be notified annually of their student's English proficiency level according to the requirements above.

Schools districts with a low incidence of English learners may decide to only provide specified EL staff at certain buildings and may request that English learners attend those buildings to receive direct services. However, if a parent chooses not to participate in this model but wishes to receive services at the school in which the student would normally attend, the school district must develop an alternate plan to provide services for this student with designated EL staff. EL students have the right to receive EL services at the elementary or secondary school which they would normally attend.

When a parent declines participation in the English learner program, the district retains a 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 various ways (e.g. adequate training to classroom teachers on second language acquisition; monitoring the educational progress of the student). Students not served by district programs are still required to complete state required assessments and are counted in the district's progress towards meeting academic and graduation outcomes.

Federal regulations require the annual assessment of English learners until they demonstrate proficiency in English. Parents who refuse direct language development services for their child must be aware that:

- The student will still be tested annually with the state English language proficiency assessment until reaching English proficiency
- The student will have an Individual Learning Plan (ILP) and will receive appropriate adaptations to classroom instruction and assessments based on the student's language level in order to ensure student's meaningful participation and learning in academic subject areas
- The student will receive appropriate testing accommodations for English learners on all state standardized tests (e.g. ISTEP+, ECAs, IREAD-3, etc.).

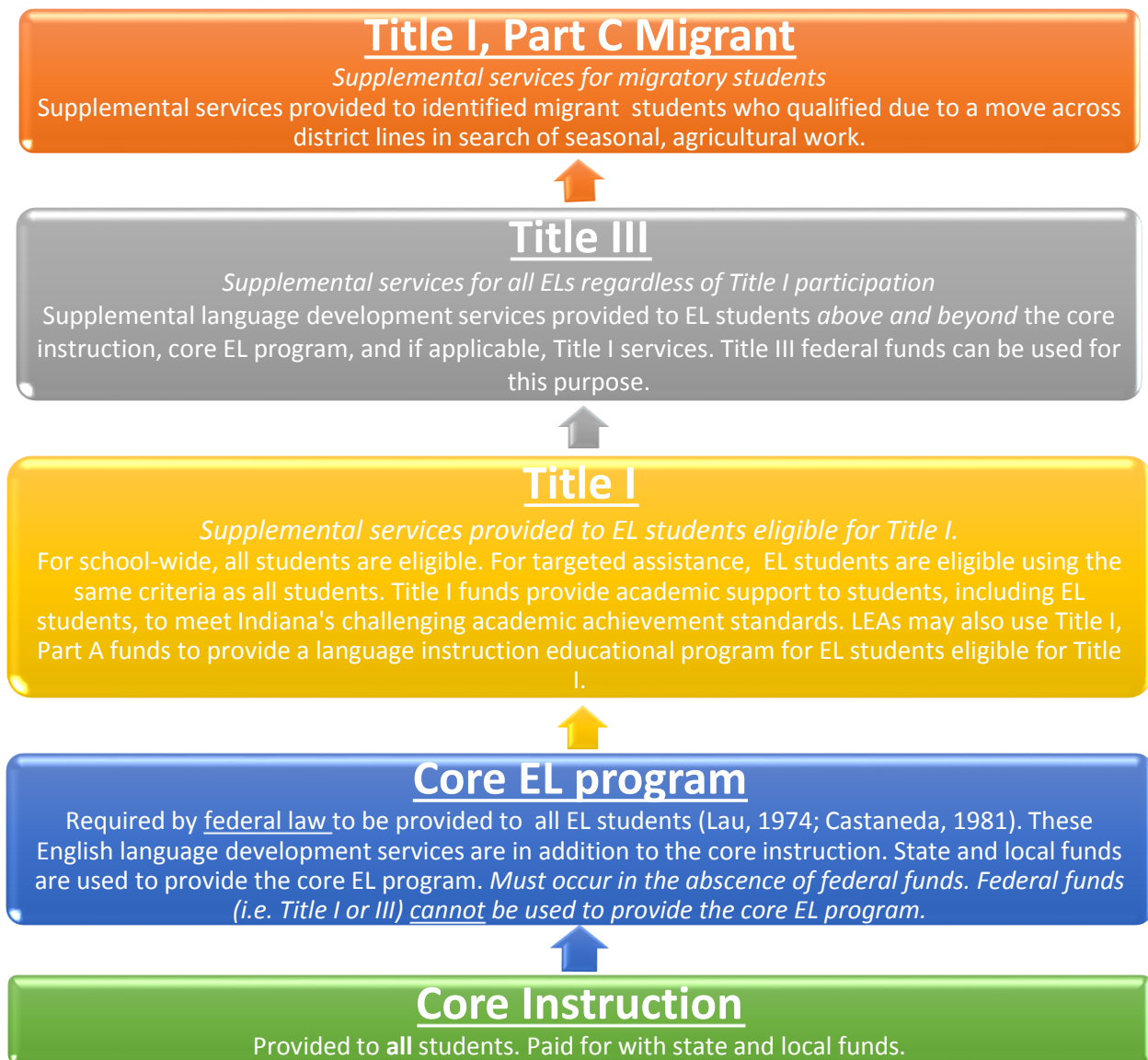


# Chapter 7

## ***Funding English Learner Programs***

### **Hierarchy of Related Laws and Programs**

The Office of Civil Rights (OCR) requires all local education agencies to identify students who need language assistance, develop a program that has a reasonable chance of success, support it with the appropriate number of staff and resources, and evaluate its success. A school district must provide a core EL program prior to utilizing Title I and Title III funds. The chart below shows the succession of programs if an English learner was eligible for Title I, Title III, and migrant services. Title III funds must “supplement and not supplant” [3115(g)] state and locally funded Lau Requirements. Supplement vs. Supplant requirements ensure that services provided with federal funds are ***in addition to*** and ***do not replace*** (or supplant) services that students would otherwise receive.



## **State Funding for English Learner Programs**

The state-funded Non-English Speaking Program (NESP) was first approved by the Indiana General Assembly in 1999. This program provides supplemental funding to eligible school corporations who serve English learners. The purpose of the Non-English Speaking Program is to provide English language development instruction to K-12 English learners in order to increase their English language proficiency and academic achievement.

All Indiana school corporations and charter schools are eligible to apply for NESP funding. NESP sub-grantees must identify and meet performance indicators related to student learning, professional development, and parent involvement. NESP funds are to be used for direct instructional costs including personnel, English language development, instructional materials, English language proficiency assessment, program administration costs, instructional computer software, professional development activities, and parent involvement activities.

There are three specific goals for the NESP program:

1. Student Performance – English learners will demonstrate growth in English language acquisition and in academic achievement.
2. Professional Development – School corporations and charter schools will provide increased opportunities for EL-related professional development to instructional staff.
3. Family Engagement – School corporations and charter schools will provide additional support to parents of English learners.

Additional information on NESP and instructions for applying can be found on the IDOE [NESP](#) webpage.

## **Federal Funding for English Learner Programs**

Title III of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, seeks to ensure that children who are limited English proficient attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and student academic achievement standards as all children are expected to meet.

Title III sub-grantees are required to provide English learners with high-quality English language development instruction beyond the Lau required English language development (ELD) program. Title III also requires sub-grantees to provide high-quality professional development to classroom teachers, principals, and administrators and to promote engagement of English learner families.

Additional information on Title III can be found on the IDOE [Title III](#) webpage.

## **Title III Significant Immigrant Influx Grants**

The ESEA, as amended by the ESSA, defines immigrant students as students between the ages of 3 and 21 who were not born in any U.S. State (or Puerto Rico) and have been enrolled in U.S. schools for less than 3 academic years [Title III, section 3301(6)].

In accordance with Title III, Sec. 3114(d)(2), the IDOE provides a portion of the state Title III appropriation to support schools and districts who have experienced a significant influx of immigrant students. These schools are identified and notified annually of their eligibility for the Title III immigrant influx funding.

As outlined in Title III, Section 3115(e)(1), Title III Immigrant Influx funds are to be used for instructional activities, such as:

- Family literacy services, parent outreach, and training to support parents' active participation in their children's education
- Support for personnel, including paraprofessionals, to provide services to immigrants
- Provision of tutorials, mentoring, and academic or career counseling for immigrants
- Acquisition of curricular materials, educational software, and technologies for use in the program carried out with funds
- Basic instructional services directly attributable to the presence of immigrants (supplies, transportation, etc.)
- Other instructional services designed to support immigrant achievement (e.g., civics education, introduction to US educational system)
- Comprehensive community services in coordination with community-based organizations

Additional information on the Title III Immigrant Influx program can be found on the IDOE [Title III](#) webpage.

## **English Learner Funding Counts**

The DOE-Language Minority data collection provides a count of English learners to generate per-pupil funding counts for Title III and the Non-English Speaking Program (NESP) and a count of immigrant students for the Title III Significant Immigrant Influx grant. The DOE-LM collects testing results from the English language proficiency placement and annual assessments for accountability purposes and for public schools to report the Lau-required 1974 English language development program.

The DOE-LM collection is discussed in greater detail in *Chapter 2: Identifying English Learners*. More information on the DOE-LM collection, including the data collection layout, can be found on the [IDOE-Data Collection](#) Learning Connection community.

# Appendix A

## ***Additional Resources and Sample Forms***

### **Home Language Survey (HLS)**

The Civil Rights Act of 1964, Title VI, Language Minority Compliance Procedures, requires school districts and charter schools to determine the language(s) spoken in each student's home in order to identify their specific language needs. This information is essential in order for schools to provide meaningful instruction for all students as outlined Plyler v. Doe, 457 U.S. 202 (1982).

The purpose of this survey is to determine the primary or home language of the student. The HLS must be given to all students enrolled in the school district / charter school. The HLS is administered one time, upon initial enrollment, and remains in the student's cumulative file.

Please note that the answers to the survey below are student-specific. If a language other than English is recorded for ANY of the survey questions below, the W-APT will be administered to determine whether or not the student will qualify for additional English language development support.

**Please answer the following questions regarding the language spoken by the student:**

1. What is the native language of the **student**? \_\_\_\_\_
2. What language(s) is spoken most often by the **student**? \_\_\_\_\_
3. What language(s) is spoken by the **student** in the home? \_\_\_\_\_

**Student Name:** \_\_\_\_\_ **Grade:** \_\_\_\_\_

**Parent/Guardian Name:** \_\_\_\_\_

**Parent/Guardian Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

By signing here, you certify that responses to the three questions above are specific to your student. You understand that if a language other than English has been identified, your student will be tested to determine if they qualify for English language development services, to help them become fluent in English. If entered into the English language development program, your student will be entitled to services as an English learner and will be tested annually to determine their English language proficiency.

#### **For School Use Only:**

School personnel who administered and explained the HLS and the placement of a student into an English language development program if a language other than English was indicated:

Name: \_\_\_\_\_

Date: \_\_\_\_\_

# Home Language Survey (HLS) Spanish Version

## Encuesta del Idioma en el Hogar

El Decreto de los Derechos Civiles de 1964, Título VI, Cumplimiento de Normas para Minorías en Lenguaje, requiere a los distritos escolares y escuelas semi-autónomas que determinen el idioma o idiomas que se hablan en el hogar de cada estudiante. Esta información es esencial para que las escuelas puedan ofrecer instrucción útil a todos los estudiantes de acuerdo con Plyler v. Doe, 457 U.S. 202 (1982).

El propósito de esta encuesta es determinar el idioma principal de su hijo/a en el hogar. Esta encuesta (HLS) tiene que darse a todos los estudiantes en el distrito escolar / escuela semi-autónoma. Esta encuesta (HLS) es administrada una vez, durante la matrícula inicial, y permanece en el archivo acumulativo del estudiante.

Por favor tenga en cuenta que las respuestas a la encuesta corresponden solamente a su hijo/a. Si en alguna de las tres preguntas escritas abajo, usted identifica un idioma diferente al inglés, la escuela administrará la Prueba del Desarrollo del Inglés (LAS Links) para determinar si su hijo/a calificará para el programa de desarrollo del idioma inglés.

**Por favor responda las siguientes preguntas acerca del idioma(s) hablado por su estudiante:**

1. ¿Cuál es el idioma o el dialecto nativo de su **hijo/hija**? \_\_\_\_\_

2. ¿Cuál es el idioma(s) más hablado por su **hijo/hija**? \_\_\_\_\_

3. ¿Cuál idioma(s) habla su **hijo/hija** en casa? \_\_\_\_\_

**Nombre del Estudiante:** \_\_\_\_\_ **Grado:** \_\_\_\_\_

**Nombre del Padre, Madre o Guardián:** \_\_\_\_\_

**Firma del Padre, Madre o Guardián:** \_\_\_\_\_ **Fecha:** \_\_\_\_\_

Al firmar aquí, usted certifica que las respuestas a las tres preguntas mencionadas arriba corresponden a su hijo/a. Usted entiende que si se ha identificado un idioma diferente al inglés, su hijo/a tendrá un examen para determinar si él o ella califica para el programa de desarrollo del idioma inglés, para ayudarlo/a a que sea fluente en inglés. Si entra en el programa de desarrollo del idioma inglés, su hijo/a, tendrá derecho a servicios que lo ayudarán a aprender el idioma inglés y tendrá un examen cada año para determinar su nivel de inglés.

**For School Use Only / Para Uso de la Escuela Únicamente:**

School personnel who administered and explained the HLS and the placement of a student into an English language development program if a language other than English was indicated:

Name: \_\_\_\_\_ Date: \_\_\_\_\_

# Home Language Survey (HLS) Amendment Guidance

**Purpose:** The HLS Amendment Form should only be used in very rare cases when a true coding mistake has been made in the STN app center. The guidance below should be read carefully and all supporting documentation should be provided so that IDOE staff can make an appropriate decision regarding the correct language listed for a specific student. All language minority students must be correctly identified and limited English proficient students must be served in accordance with federal law (*Lau v. Nichols 1974, Castaneda v. Pickard 1981, Plyler v. Doe 1982, and Sec. 111(b)(1) of ESEA 2001*)

- All language code information always depends on the language(s) listed on the original home language survey (HLS) when the student first enrolled in an Indiana school. LEAs need to reference the original home language survey when making language code change requests. If a non-English language is listed for any of the three required HLS questions, then the non-English language is reported in the STN app center.
- The HLS amendment form is only used when a student’s language code of a non-English language is **INCORRECTLY** listed in the STN app center and needs to be changed to English (code 211). The following items **must** be submitted or the form will be denied:
  - The original HLS from the student’s first enrollment in an Indiana school
  - All pertinent information requested that is available (i.e. testing data)
  - The parent’s signature
  - District administrator’s signature. If the district does not have an EL coordinator, then another administrator responsible for this student can sign the form.
- This form is **NOT** needed when a student’s language is currently listed as English (code 211) but needs to be changed to non-English code. If the original HLS lists a non-English language, then LEAs can make this change request in the STN app center without providing the HLS amendment form. Go to the STN app center > Lookup > STN Name Change Request. When making a language code change in this situation, please remember to:
  - Only submit the change request once; Repeated submissions for the same student will slow down the overall process
  - Use all CAPS when you input information regarding the student; Alternate spellings, including combinations of capital and lower case letters, affect the submitted information
  - Be sure to pick a reason in the drop down box (i.e. reported in error to application center)

# Home Language Survey (HLS) Amendment Form

*Fax to 317-232-0589; ATTN: EL/Title III*

*[Do **NOT** email this form or any of the supporting documentation]*

Student STN: \_\_\_\_\_ Date: \_\_\_\_\_

School Corporation: \_\_\_\_\_ Corp #: \_\_\_\_\_ School #: \_\_\_\_\_

Contact Email: \_\_\_\_\_

Original Language(s) on HLS: \_\_\_\_\_ Date of Original HLS: \_\_\_\_\_

Current DOE-LM Language Code: \_\_\_\_\_

Previous School(s) Attended: \_\_\_\_\_

Please include a brief overview indicating the reason the HLS should be amended.

**WIDA ACCESS Scores: Date Administered:**

Score Type	Proficiency Level	Score Type	Proficiency Level
Speaking		Oral Language	
Listening		Literacy	
Reading		Comprehension	
Writing		Overall	

Previous WIDA ACCESS Overall Score: \_\_\_\_\_ Date: \_\_\_\_\_

Previous LAS Links Overall Score: \_\_\_\_\_ Date: \_\_\_\_\_

W-APT/LAS Links Placement Score: \_\_\_\_\_ Date: \_\_\_\_\_

**ISTEP Results**

Date	Language Arts	Math

**ECA**

Date	English 10	Date	Algebra 1	Date	Biology

**Additional Data/Assessments:**

\_\_\_\_\_

EL Coordinator (or district administrator) Signature

\_\_\_\_\_

Parent Signature

*The EL Coordinator (or district administrator) and parent signatures ensure that the form, and the effects of a language code change, have been explained. The HLS Amendment Form **must** be accompanied by the original home language survey and parent signature in order for an amendment to be considered. Submission of the HLS Amendment form does not guarantee that a change will be approved; IDOE staff will review all submitted information and will contact the submitting school of the approval/denial via email.*

*Las firmas del administrador y de los padres afirman que se les ha explicado a los padres el formulario y el efecto del cambio de idioma indicado para el estudiante. Enviar el formulario no garantiza que el cambio será aprobado.*

# Individual Learning Plan (ILP) for English Learners

Name: \_\_\_\_\_ D.O.B. \_\_\_\_\_ Gender: \_\_\_\_\_ School ID: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_ Entered U.S. Schools: \_\_\_\_\_

Primary Language: \_\_\_\_\_ Secondary Language(s): \_\_\_\_\_

**Program Status:** EL Classes  Newcomer  Intervention  Push-In  Regular Ed.  SIOP

**Spring ELP Assessment Scores (1-6):**

**Date:** \_\_\_\_\_

**OVERALL:**

Score Type	Score	Proficiency Level	Score Type	Score	Proficiency Level
Speaking			Writing		
Listening			Oral Composite		
Reading			Comprehension Composite		
			Literacy Composite		

**Previous ELP Assessment Score:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Score:** \_\_\_\_\_

**ELP Placement:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Score:** \_\_\_\_\_

**Additional Assessments/Background Information:**

Can read/write in Native Language? Yes  No  Attended school in home country? Yes  No

Retained? School year: \_\_\_\_\_ IEP  504  Speech  G/T  LTELL

ISTEP+ and ECA Results

Date	LA	Math

ECA

Date	Eng 10	Date	Alegbra1	Date	Biology

Other: (AIMSweb, Lexile, IREAD3, DRA, Native Lang., etc.): \_\_\_\_\_

State Testing Accommodations:

- Extended Time (one and a half or double time)
- Small group testing by a familiar teacher
- Approved word-to word dictionaries (if literate in native language)
- Math/Science/Social Studies items and answers read verbatim
- Read test/assignment directions and questions

**Mainstream Adaptations:**

*Note: These are some adaptations that can be made for EL students, however, teachers must be differentiating their instruction and utilizing WIDA ELD standards so all students can be successful.*

**PACING:**

- Extend time requirements
- Omit assignments
- Other: \_\_\_\_\_

**ENVIRONMENT:**

- Assign preferential seating
- Assign peer buddy
- Other: \_\_\_\_\_

**TESTING:**

- Allow student to answer orally
- Use multiple-choice
- Read test to student
- Modify format
- Shorten test length

**GRADING:**

- Use S's and U's
- Other: \_\_\_\_\_

**ASSIGNMENTS:**

- Differentiated reading level
- Shorten assignments
- Read directions to students
- Alternate Homework w/Same Content

**MATERIALS:**

- Use supplementary materials
- Bilingual/Picture dictionaries/electronic translators
- Use visuals/realia/picture files

**PRESENTATION OF SUBJECT MATERIAL:**

- Use individual/small group instruction
- Simplify language
- Use manipulatives
- Pre-teach vocabulary/key concepts
- Use body movements and gestures
- Plan for cooperative learning
- Use graphic organizers
- Choose 5 key concepts/limit amount of information

**COMMENTS:**

EL Teacher \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_ Classroom Teacher \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_



## Cumulative Folder Guidance Specific to LEP Students

Cumulative folders are legal and confidential student education records. Cumulative folders and all information contained therein are only allowed by law to be viewed by school officials for whom the viewing of the record is required to fulfill his/her professional responsibility. Parents may request in writing to view their child's records and students over the age of 18 may request in writing to view their own records. (20 U.S.C. § 1232g (b): 34 CFR subpart D)

When working with cumulative folders, school staff must keep all information intact, confidential, and safe.

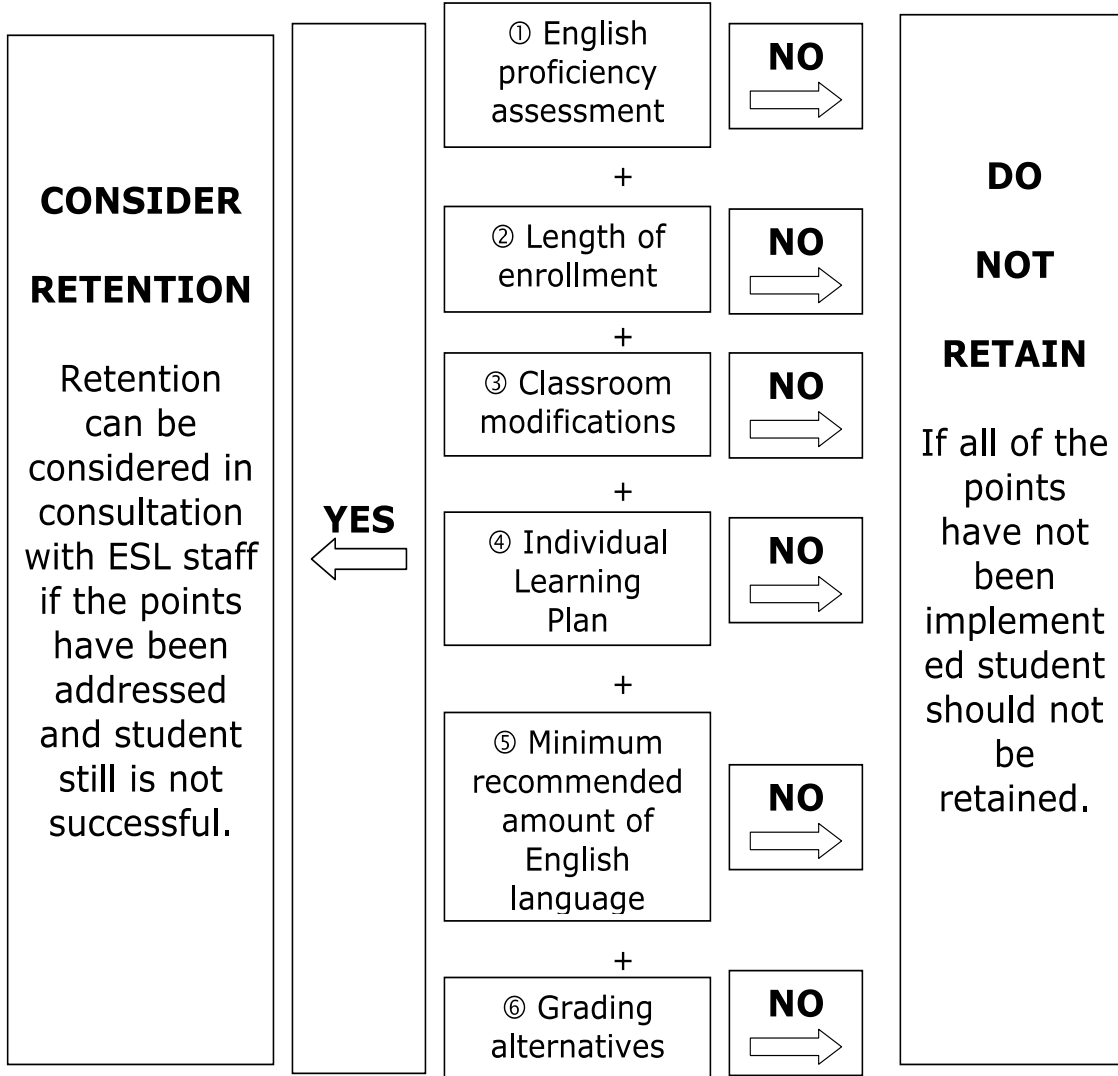
**Please use the following checklist to ensure that information specific to limited English proficient (LEP) students is included in the cumulative folder.** Update all information in cumulative folders at the end of each school year or when a student transfers to another school or school district.

- Original Home Language Survey (HLS) from when the student first entered school in Indiana
- Current Individual Learning Plan: a document that includes at least
  - ✓ the student's language level
  - ✓ a list of the accommodations and modifications that must be made for the student in all of their classes and on standardized examinations
  - ✓ An overview of the federally required English language development services being provided to the student
- Current copy of the parent notification letter that indicates the student's score on the English language proficiency assessment and their placement in a program aimed at helping Limited English Proficient students become Fluent English Proficient.
- A copy of the English language proficiency assessment results; student proficiency reports should remain in the cumulative folder for at least two years or be stored in an electronic format that is easily accessible and made available as needed.
- ISTEP + scores
- Exiting/Monitoring documents for students in the two-year monitoring period
- If the parents refuse services, written documentation should be included in the cumulative folder
- A log of updates, including the date and the name of the person who updated the folder

### **For Migrant Students, also include:**

- A record of any PASS or GED course work
- A copy of the student's Certificate of Eligibility (COE) and/or work survey
- COE number as provided by Migrant Regional Center staff
- Verification of enrollment in Migrant Education Program by Migrant Regional Center or State staff

# Retention Guidelines for English Learners



**Refer to Retention Guidelines form for more information related to each point. Contact the Office of English Language Learning and Migrant Education with any questions at (317) 232-0555 or (800) 382-9962.**

# Identifying Gifted English Learners

An English Learner's English proficiency should not be the only consideration when looking at Gifted and Talented placement. Though not limited to the following, *some* prominent characteristics that can help teachers identify Gifted and Talented ELs are:

## School-Based

- May be able to read in their native language two grade levels above their current grade (if student is proficient or has received formal education in the native language)
- Shows high ability in mathematics
- Is advanced in creative domains (fluency, elaboration, originality, and flexibility)
- Is a leader in multiple settings (playground, home, clubs, etc.)

## Culture-Based

- Balances behaviors expected in both the heritage and the new culture
- Navigates appropriate behaviors successfully within both cultures
- Is willing to share his/her heritage and culture
- Shows pride in his/her culture and ethnic background
- Displays a mature sense of diverse cultures and languages
- Demonstrates a global sense of community and respect for culture differences

## Language-Based

- Demonstrates language proficiency levels above non-gifted students who are also English Learners
- Learns multiple languages at an accelerated pace
- Shows the ability to code switch/think in both languages
- Wants to teach others words from their heritage language
- Is willing to translate for others; interprets at an advanced level (oral),
- Has superior phrases and heritage dialects along with the ability to translate the meanings in English
- Demonstrates an advanced awareness of American expressions

Adapted from resources from Project GOTCHA: Galaxies of Thinking and Creative Heights of Achievement.

# Authentic Assessments for English Learners

Authentic assessments include a variety of measures that can be adapted for different situations. These are some examples of authentic assessments.

Assessment	Description	Advantages
<b>Oral Interviews</b>	Teacher asks students questions about personal background, activities, readings, and interests	<ul style="list-style-type: none"> <li>• Informal and relaxed context</li> <li>• Conducted over successive days with each student</li> <li>• Record observations on an interview guide</li> <li>• Student produces oral report</li> </ul>
<b>Story or Test Retelling</b>	Students retell main ideas or selected details of text experienced through listening or reading	<ul style="list-style-type: none"> <li>• Can be scored on content or language components</li> <li>• Scored with rubric or rating scale</li> <li>• Can determine reading strategies and language development</li> </ul>
<b>Writing Samples</b>	Students generate narrative, expository, persuasive, or reference paper	<ul style="list-style-type: none"> <li>• Student produces written document</li> <li>• Can be scored on content or language components</li> <li>• Scored with rubric or rating scale</li> <li>• Can determine writing processes</li> </ul>
<b>Projects/ Exhibitions</b>	Students complete project in content area, working individually or in pairs	<ul style="list-style-type: none"> <li>• Students make formal presentation, written report, or both</li> <li>• Can observe oral and written products and thinking skills</li> <li>• Scored with rubric or rating scale</li> </ul>
<b>Experiments/ Demonstrations</b>	Students complete experiment or demonstrate use of materials	<ul style="list-style-type: none"> <li>• Students make oral presentation, written report, or both</li> <li>• Can observe oral and written products and thinking skills</li> <li>• Scored with rubric or rating scale</li> </ul>
<b>Constructed-Response Items</b>	Students respond in writing to open-ended questions	<ul style="list-style-type: none"> <li>• Student produces written report</li> <li>• Usually scored on substantive information and thinking skills</li> <li>• Scored with rubric or rating scale</li> </ul>
<b>Teacher Observations</b>	Teacher observes student attention, response to instructional materials, or interactions with other students	<ul style="list-style-type: none"> <li>• Setting is classroom environment</li> <li>• Takes little time</li> <li>• Record observations with anecdotal notes or rating scales</li> </ul>
<b>Portfolios</b>	Focused collection of student work to show progress over time	<ul style="list-style-type: none"> <li>• Integrates information from a number of sources</li> <li>• Gives overall picture of student performance and learning</li> <li>• Strong student involvement and commitment</li> <li>• Calls for student self-assessment</li> </ul>

From [Authentic Assessment for English Learners: Practical Approaches for Teachers](#) by J. Michael O'Malley and Lorraine Valdez Pierce

# Monitoring Form for Former English Learners

This student has demonstrated English proficiency by scoring a 5.0 or higher on WIDA ACCESS. The student will be monitored for two years.

Monitoring Year 1     Monitoring Year 2

**Student Name:** \_\_\_\_\_ **ID#** \_\_\_\_\_ **Date:** \_\_\_\_\_

**School:** \_\_\_\_\_ **Grade:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**Parent(s)/Guardian(s):** \_\_\_\_\_

**Address:** \_\_\_\_\_

School Year: _____					
Assessment	Reading	Language Arts	Math	Other (Specify)	Date
ISTEP:					
End of Course Assessments					
IREAD <i>(3<sup>rd</sup> grade only)</i>					
Formative Assessments <i>(i.e. DIBELS, Acuity)</i>					

The student is performing successfully in the mainstream classroom(s).

The student is having difficulties in one or more mainstream classroom(s).

**Recommended Action:**     Continue monitoring. Two-year required monitoring period still in progress.

Implement academic intervention (provide start date and description).

Implement language-based intervention (provide start date and description).

Reevaluate for English language proficiency (describe interventions provided and supporting data).

Formally exit from monitoring program (end of Year 2).

Signature of classroom teacher (elementary): \_\_\_\_\_

Signature of counselor (secondary): \_\_\_\_\_

Signature of EL teacher: \_\_\_\_\_

Signature of building principal: \_\_\_\_\_

# Annual Parent Notification Letter

<b>Last Name</b>		<b>First Name</b>	
<b>School</b>		<b>Grade</b>	

**[Insert Date]**

Dear Parent/Legal Guardian:

We are sending this letter to inform you of your child’s identification as an English learner (EL) and of his/her placement into an English language development program for the **[insert year]** school year. We are following federal law as required of all school corporations:

- (1) To identify English Learners;
- (2) To assess students’ progress in learning English; and
- (3) To provide students with services to increase their English proficiency and academic achievement

To identify students that are ELs and the educational services they will need, we use the Home Language Survey (HLS) and WIDA ACCESS (W-APT or WIDA Screener for new students). The WIDA assessments measure students’ English proficiency in listening, speaking, reading, and writing. Your child’s **overall** English language proficiency score on his/her most recent WIDA assessment was:

WIDA ACCESS K-12 or W-APT K-12			
Level 1.0-1.9 Entering	Level 2.0-2.9 Emerging	Level 3.0-3.9 Developing	Level 4.0-4.9 Expanding

Your child will participate in a program to help him/her attain English proficiency in listening, speaking, reading, and writing, succeed in academics and meet graduation requirements.

As a parent, you have the right to:

- (1) Remove your child from the English language development program; and
- (2) Decline your child’s participation in the program or choose another program or method of instruction

In order to exit the English language development program, your child must obtain an overall, composite score of 5.0 on the WIDA ACCESS 2.0. After exiting from the program, your child’s academic progress will continue to be monitored for two years. While the rate of attaining English language proficiency varies greatly from student to student, research has shown that it typically takes 3-7 years (depending on the student’s age/grade level) to attain English proficiency and exit from English language development services. Indiana’s expected rate of graduation is currently 90%.

The following table identifies the method(s) of instruction that will be used with your child: **[Put “x” in placement for this child; Delete programs that you do not use/offer]**

Name	Description	Placement
<b>Structured Immersion</b>	The goal is proficiency in English while focusing on learning content knowledge and skills in an all-English setting. Instruction is provided in English only and is adapted to a student’s proficiency in English. Instruction is supported by visual aids and support (as available) in the student’s native language.	
<b>Sheltered English/ Content-Based English</b>	The goal is fluency in English and typically serves only ELs in the classroom. All instruction is in English but has been adjusted to the student’s proficiency level so that subject matter is comprehensible.	
<b>Pull-out English Language Development (ELD)</b>	The goal is to develop fluency in English. Students leave the mainstream classroom part of the day to receive ELD instruction. ELD instruction must be provided by certified teachers.	
<b>Push-in English Language Development (ELD)</b>	The goal is to develop fluency in English. Students are served in the mainstream classroom, receiving instruction in English and native language support if needed.	
<b>Transitional Bilingual Education</b>	The goal is to develop English proficiency skills as soon as possible, without delaying learning of academic core content. Instruction begins in the student’s native language but rapidly moves to English. Students are typically transitioned into mainstream classrooms with their English-speaking peers as soon as possible.	
<b>Other</b>	<b>[Insert description, including content, instructional goals, and the use of English in instruction]</b>	
<b>Not Applicable</b>	Written confirmation has been received from the parent indicating the parent wishes to deny English language development instruction for their child	

*\*Descriptors taken from: [http://www.ncela.gwu.edu/files/uploads/5/Language\\_Instruction\\_Educational\\_Programs.pdf](http://www.ncela.gwu.edu/files/uploads/5/Language_Instruction_Educational_Programs.pdf)*

If your child has been identified with a disability in which they also require an Individual Education Plan (IEP), the English language development program will be used in coordination with your child’s existing IEP.

If you decide to not have your child participate in the English language development program, he/she will still be required to complete the WIDA ACCESS under federal law. If you have any questions about the placement of your child for this school year, please contact **[Insert Name, Title]** at **[Insert Phone Number]**.

Sincerely,  
**[Insert Director’s Name, Title]**

## Appendix B

### *Glossary of Terms*

<b>Bilingual/Bicultural Program</b>	A program that uses the student’s native language and cultural factors in instructing, maintaining, and further developing all necessary skills in the student’s native language and culture while introducing, maintaining, and developing all necessary skills in the second language and culture.
<b>Can Do Descriptors</b>	The WIDA Can Do Descriptors are commonly used by EL teachers in coaching general education teachers about differentiated instruction for English learners. They can also be used to plan lessons or observe students' progress.
<b>EL or ELL</b>	“English Learner” or “English Language Learner” – This refers to any student who may or may not be in the ENL program, but those who are continuing to acquire the English language.
<b>English Language Proficiency (ELP) Assessment</b>	Two versions: placement and annual; refers to the placement assessment used upon enrollment to determine if a language minority student is limited English proficient or fluent AND used annually for students with limited English proficiency.
<b>ENL</b>	“English as a New Language” – This term is used by the Indiana Professional Standards Board for purposes of license description and teacher dispositions. Also used to describe an ENL course for credit at middle school and high school.
<b>ESL</b>	“English as a Second Language” – This is the most commonly used term to describe language programming.
<b>ESOL</b>	“English to Speakers of Other Languages”
<b>FEP</b>	“Fluent English Proficiency” – A student is considered Fluent English Proficient (FEP) if he/she is able to demonstrate “near native” or “native like” English abilities as determined by a state adopted English language proficiency instrument, which measures competence in speaking, listening, reading, and writing.
<b>HLS</b>	“Home Language Survey” – Home Language Surveys are filled out by all families as part of the enrollment process once in the child’s educational career in Indiana to document the language history of the enrolling child.
<b>ILP</b>	“Individual Learning Plan” – Every year, or when a new EL arrives, the EL teacher will develop and share the ILP with the mainstream teachers. It includes the most recent English language proficiency assessment scores and appropriate accommodations, etc.
<b>INTESOL</b>	“Indiana Teachers of English to Speakers of Other Languages” – The local/state affiliate of the International Teachers of English to Speakers of Other Languages professional organization. <a href="http://www.intesol.org">www.intesol.org</a>



<b>Language Minority Student</b>	A student for whom at least one of the following statements is true: 1. The student’s first language is other than English; regardless of which is dominant; 2. The language most often spoken by the student is other than English; 3. The language most often spoken by the student in the home is other than English.
<b>LTELL</b>	“Long-term English Language Learner” – A student who has attended US schools for 5 or more years and has not reached fluent English proficient status.
<b>Migrant Student</b>	A student who moves across school district lines for the purpose of obtaining agricultural work and whose family’s source of income is generated from short term seasonal or temporary jobs related to food processing, crop harvesting, or fish catching. A migrant student may or may not also be an English learner. For more information on migrant services, including the Work Survey that must be annually administered to all Indiana students, please visit <a href="http://www.doe.in.gov/elme/title-i-part-c-education-migratory-children">http://www.doe.in.gov/elme/title-i-part-c-education-migratory-children</a>
<b>MPI</b>	“Model Performance Indicator” - Examples of how language is processed or produced within a particular context. MPIs are meant to be examples and not fixed guidelines.
<b>Sheltered Instruction</b>	Content area instruction that has been adapted for English learners’ meaningful participation at their level of English proficiency.
<b>SIOP</b>	“Sheltered Instruction Observation Protocol” – A lesson planner and framework for the specifically adapted and designed content area in order to make basic vocabulary and concepts comprehensible.
<b>TESOL</b>	“Teachers of English to Speakers of Other Languages” – An international organization designed to promote English language learning throughout the world.
<b>WIDA Screener</b>	An English language proficiency placement test given to incoming students who may qualify as English language learners based on their home language survey. It is used to identify English learners.
<b>WIDA ACCESS for ELLs</b>	English language proficiency assessment given annually to ELs in Kindergarten through 12th grade to monitor growth towards proficiency
<b>WIDA Standards Framework</b>	WIDA draws on multiple theories and approaches to describe language use in academic contexts; These multiple theories and approaches form a theoretical foundation supporting the WIDA standards framework.