

**Lake Local Schools
Services for English Learners (ELs)**



2021-2022 EL Handbook and Guidelines

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Legal Responsibilities

There exists a substantial body of Federal Law which establishes the rights of EL students and which defines the legal responsibilities of school districts serving these students. Administrators and school boards who are responsible for local policies and programs can turn to this body of law for guidance and direction. Lake Local Schools adheres to the following laws so as to provide an equal opportunity education for LEP students enrolled in the district.

1868 Constitution of the United States, Fourteenth Amendment

“...No State shall...deny to any person within its jurisdiction the equal protection of the laws.”

1964 Title VI of the Civil Rights Act of 1964

No person in the United States, on the ground of race, color, or national origin...be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. Two U.S. Supreme Court rulings, one interpreting the Fourteenth Amendment and one interpreting the Civil Rights Act of 1964, have exercised considerable influence over the education rights of language minority students. These cases may be summarized as follows:

1974 Lau vs. Nichols (414 U.S., 1974)

The U.S. Supreme Court ruled that a school

district's failure to provide English language instruction to ELL students denied them meaningful opportunity to participate in the district's educational program in violation of the Title VI of Civil Rights Act of 1964; the Court further noted that equality of opportunity is not provided by providing ELL students the same facilities, textbooks, teachers, and curriculum (which non-ELL students receive): for students who do not understand English are effectively foreclosed from any meaningful education (414 U.S. at 556, 1974).

This case upheld a memorandum issued by the former U.S. Department of Health, Education and Welfare, which stated:

Where the inability to speak and understand the English Language excludes 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 (35 Federal Regulation 11595, May 25, 1970).

1982 Plyer vs. Doe (457 U.S. 202)

The U.S. Supreme Court ruled that the Fourteenth Amendment to the U.S. Constitution prohibits states from denying free public education to undocumented immigrant children regardless of their immigrant status. The Court emphatically declared that school systems are not agents for enforcing immigration law, and determined that the burden undocumented aliens may place on any educational systems is not an accepted argument for excluding or denying educational service to any student.

2001 No Child Left Behind (NCLB)*

Federal policy for language-minority students learning English changed dramatically with the passage of the **No Child Left Behind Act of 2001 (NCLB)** (Public Law 107-110), President George W. Bush's plan for the reauthorization of the ESEA. The following table summarizes some of the major changes of NCLB:

Before No Child Left Behind	After No Child Left Behind
Bilingual Education Act	Title III: Language Instruction for Limited English Proficient and Immigrant Students.
Office of Bilingual Education and Minority Language Affairs (responsible for administering Title VII grants)	Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient (LEP) Students
The National Clearinghouse for Bilingual Education	National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs

LEP student issues are also featured prominently in changes to Title I, "Improving the Academic Achievement of the Economically Disadvantaged," which addresses issues of accountability and high-stakes testing.

* excerpt from *Foundations for Teaching English Language Learners: Research, Theory, Policy, and Practice* (Caslon, 2010)

2015- Every Student Succeeds Act (ESSA)

On December 10, 2015, President Obama signed the bipartisan Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act of 1965.

Key point of the legislation:

- Using multiple measures instead of only standardized tests to track improvement
- Increased state accountability for ELLs
- Continued commitment of federal funding for ELLs
- Required reporting not only for newer ELLs, but long-term ELLs as well
- Required reporting for ELLs with special needs
- Exclusion from testing for newcomers for a short time (Participation vs Accountability for first 2 years in US Schools)
- Inclusion in reporting for ELLs 4 years after they are exited from ESL services

ESL:

English as a Second Language. This is the instructional methodology used to teach English language components (grammar, vocabulary, pronunciation) and language skills (reading, writing, speaking, listening and comprehending) as well as content areas. ESL refers to the *program* that is used by a district to help second language learners master English.

Pull-Out Program:

This is a method of ESL instruction in which students are pulled out of their regular classroom to receive special ESL instruction.

Push-In Program:

This is a method of ESL instruction in which the ESL instructor assists and guides ELL's in the students' regular classroom setting when they are working on a project, lab experiment, etc...to ensure maximum comprehension of the assignment.

LEP:

Limited-English Proficiency. Refers to the *students* who are enrolled in U.S. schools but speak a language other than English and haven't yet mastered English. They are also called ELL's (see below). They are either immigrants or children born in the United States.

FEP:

Full-English Proficiency. Refers to *students* who have acquired mastery of the English language when English is the non-native language of the student. An FEP classified student is deemed to be capable of reading, writing, listening, speaking and comprehending academic English instruction as well as his/her native English speaking peers.

EL:

English Learner. This is a term used to identify *students* who are in the process of acquiring English language skills to function in a school setting. These are students who speak or hear a language other than English and haven't yet

mastered English. They are also known as Limited English Proficient (LEP) students.

EMIS: This is a statewide database to keep individual student records.

HLS/LUS:

Home Language Survey/Language Usage Survey. A document used to identify whether or not a language other than English is spoken in the home. It is a standard form issued during the school registration process and given to *every* student upon enrollment. (See Appendix A).

BICS:

Basic Interpersonal Communication Skills or *Social English*. Day-to-day language needs expressed by an English Language Learner. Students employ BICS while they are on the playground, in the lunchroom, on the bus, while playing sports and talking with friends. Research indicates that children are able to acquire social English in 6-18 months.

CALP:

Cognitive Academic Language Proficiency or *Academic English*. The language used in academic learning provided in the school setting. This includes speaking, listening, reading, and writing about subject area content material. It includes content vocabulary and understanding of academic concepts. This level of language proficiency is essential for students to succeed in school. It typically takes 5-7 years to acquire cognitive academic language proficiency.

OTELA/OELPA

Ohio Test of English Language Acquisition/Ohio English Language Proficiency Assessment.

Standardized tests to measure the progress of limited English proficient students in reaching English proficiency. Annual tests are given in the four (4) language domains of reading, writing, listening and speaking.

OELPS: Ohio English Language Proficiency Screener. Standardized state screener to initially

identify if a student qualifies as an EL. Testing need is determined from HLS/LUS.

Goals of Lake Local Schools' EL Program

The goals of the EL program, developed and administered by the District EL teacher(s) in accordance with state and federal law, are

- to identify all English Learner students in the district and notify parents of qualifying status of students under the time set forth by law.
- to establish effective communication between the school district and parents in a language comprehensible to the parents.
- to notify parents of their child's eligibility in the EL program via a letter sent no later than fifteen (15) days after the initial language proficiency screening.
- to provide effective EL instruction using sound, up-to-date theories and best practices that will lead to academic achievement and timely acquisition of English proficiency in the four (4) language domains of listening, speaking, reading and writing.
- to provide meaningful instruction based on language needs guided by Ohio's English Language Proficiency Standards for EL students, which are designed to help students participate successfully in classrooms in which English is the primary language of instruction.
- to help English Learner students to successfully learn the curriculum based on Common Core State Standards in all areas of the curriculum.
- to prepare students to be successful in passing the state mandated Ohio State Tests appropriate to students' grade level.
- to help students acculturate into the American school culture and prepare them to fully participate in U.S. society as productive members of society.
- to additionally identify EL students with learning needs and abilities beyond the scope of language limits such as in areas of giftedness or learning disabilities (not related to limited English proficiency)
- to provide appropriate accommodations and modifications for all testing, assignments and classroom learning determined by each individual's limited English proficiency needs up to the maximum allowed by the Ohio Department of Education to ensure academic success.

● to encourage a safe classroom environment where cultural differences are valued, while promoting inclusiveness and respect by all students and staff.

● to work with classroom teachers and staff to ensure English Learners are given modified assessments and EL modified instruction to appropriately measure content progress in all areas of the curriculum, regardless of level of English proficiency, and to work closely with these teachers to develop any further necessary modifications and/or accommodations to aid English comprehension.

Policies and Procedures for EL Program Goals

1. IDENTIFICATION OF EL STUDENTS

Overview

School administrators are responsible by the Every Student Succeeds Act (ESSA) for ensuring that identification and assessment of all Primary or Home Language Other Than English (PHLOTE) students occurs and services are delivered to all English Learner (EL) students. A variety of district procedures and safeguards will support administrators in the provision of these services and help ensure the identification and assessment process is carried out in an appropriate and timely fashion.

Ohio follows the same federal government definition of Limited English Proficient as described in the *No Child Left Behind Act of 2001* (P.L. 107-110, Title III, Part A, Sec. 9101, (25)). The term “limited English Proficient,” when used with respect to an individual, means an individual

(A) who is aged 3 through 21; (and)

(B) who is enrolled or preparing to enroll in an elementary school or secondary school ;
(and)

(C) who was not born in the United States or whose native language is a language other than English; (or)

who is a native American or

Alaska Native, or a native resident of outlying areas; and who comes from an environment where a language

other than English has had a significant level of impact on the individual’s level of English Language Proficiency; or

who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the ability to meet the State's proficient level of achievement on State assessments described in section 1111 (b) (3); the ability to achieve successfully in classrooms where the language of instruction is primarily English; or the opportunity to participate fully in society.

Administrators will be expected to follow procedures defined in a district-approved manual for identification and assessment of LEP students.

Home Language Usage Survey (HLUS)

The first level of identification of students who may be in need of alternative language services is part of the registration process for **all** students.

As part of the registration process, parents will complete the HLUS (see Appendix A). The district registration secretary is responsible for checking the new HLS/LUS forms and red-flagging when any home language other than English is listed on the form (see **Criteria for EL Identification** section). Each building secretary should send a copy of the HLS/LUS of potential ELs to the District EL Teacher. The EL Teacher will contact the student's teacher to set up a time for initial testing to see if the student qualifies for the EL program.

After the initial testing, the student is labeled with an EMIS rating according to his/her English Language proficiency level (see section under **Records of Testing**). The HLS/LUS information is then entered into the district's EMIS as part of the enrollment process for all students.

Communication with Parents

Ensuring that the HLS/LUS is presented to parents in the most appropriate form of communication is a collaborative effort of school staff and District support staff. The HLS/LUS is part of the required enrollment forms for all students, so translations of these materials are a district responsibility.

Criteria for EL Identification

A student is identified as potentially EL when any single response to the HLS/LUS indicates a language other than English is used in the home. The District will identify a student to be tested for English language proficiency when a language other than English is indicated for any question, or when responses are inconsistent and may indicate a language other than English. The EL teacher may speak with the student/student's family to determine if OELPS screening is needed if any response listed on the HLS/LUS appears to indicate that the student is actually English proficient.

Following registration, the EL coordinator will compose a list of all students enrolled for the current school year who have indicated a language other than English on the HLS/LUS and determine which students need to be given the OELPs. The EL coordinator will provide a list of all students to each school's site administrator who qualified as EL after they have been administered the OELPs and their proficiency level scores have been determined.

2. ASSESSMENT TO DETERMINE ALTERNATIVE PROGRAM ELIGIBILITY

Testing Timeline

Within fifteen (15) days of enrollment, students who are identified as potentially eligible on the HLS/LUS must be assessed to determine if they are EL. Assessment will examine a student's language skills in reading, writing, speaking and comprehending spoken English (listening). Every effort must be made to complete the screening during this timeline.

Administration of Assessment

The District EL Teacher, certified in the area of TESOL (Teaching English to Speakers of Other Languages) for grades K-12, is responsible for administering the EL qualification screening.

Testing Instruments

The district-supported and state required instrument for testing English language proficiency upon enrollment for K-12 students is the Ohio English Language Proficiency Screener (OELPs). PreSchool will be screened using the Pre-IPT Oral (3-5) or the Pre-LAS (Language Assessment Scales), or another age appropriate commercial screener. Other criteria used in determining placement will be an oral interview, teacher observation of the student in a classroom setting, and/or previous EL placement from a prior school district (if applicable). If a student transfers in from another U.S. school district, and has been previously screened and identified as EL, then no further screening is necessary as the EL status will transfer along with the student and the student will continue as EL. Documentation of these initial assessments for qualification and placement purposes will be kept in the student's EL file in the EL office.

Placement Levels for ESL Services

The EL Teacher will interpret the screening results and determine student's level of English proficiency as (1) Emerging, (2) Progressing, or (3) Proficient. Students who receive a score of (3) Proficient are *not* considered ELs and therefore are reclassified or not identified based on OELPS or OELPA results. (See Appendix C).

Records of Testing

EL screening scores will be maintained in EMIS as part of the individual student record. Additionally, the student's test results will be kept in the student's EL file as part of the cumulative record maintained at the school. Students will be marked in EMIS under the following categories:

Y= Yes. The student is EL, and has been in U.S. schools for more than two years, but has not yet reached exit criteria scoring on the OELPA.

L=LEP and enrolled for the first time in US Schools on or after the first day of the current school year (under 180 days in US schools)

S=Second year enrolled in U.S. Schools. The student is identified as an English learner and has been enrolled in U.S. schools for more than 180 days and fewer than 360 days.

M=Proficient-Trial Mainstream means the student is still considered LEP until passing the OELPA with a combination of 4's and 5's on the OELPA domains with only one score of 3.

N= No. A student does not qualify as an EL based on initial screening (OELPS), or an English learner has

received a composite score of 3 (Proficient) on the OELPA and is reclassified.

3. ALTERNATIVE PROGRAM AND SERVICE MODEL

One of the goals of Lake's EL program is to help EL students acquire the language skills and content knowledge needed to participate effectively in classrooms where English is the only language of instruction (mainstream classes). Students identified as EL and who are determined to be at the Emerging and Progressing levels in any of the English Language Proficiency categories will be given additional English instruction as needed in the form of sheltered content instruction or pull-out/push-in classes instructed by the EL Teacher, certified in TESOL (Teaching English to Speakers of Other Languages) for grades K-12.

4. PARENT/GUARDIAN NOTIFICATION

Once a student is screened, an explanation of the services used to provide EL students with equal educational opportunities (in the form of sheltered content instruction or pull-out/push-in classes instructed by the EL Teacher) will be provided to parents/guardians in a language and medium of communication that is understandable to them. This notification will be sent to parents within thirty (30) days of the start of the school year (or within two (2) weeks of placement if enrolling in the district after the start of the school year) if the student is determined to need services. Such notification will indicate that parents/guardians may choose to have their child **not** receive EL services, and parents/guardians will be required to sign a consent form either allowing or denying their child's participation in Lake's EL program. Even though a parent/guardian declines/denies consent for EL services for an identified EL, the student will still be given the annual OELPA (per the Ohio Department of Education) unless the parent (s) notify the school in writing that they refuse to have their child take the test. This must be received in writing prior to the start of the test administration window (February) for each year the child is eligible to take the OELPA test, or the student will be required to take the OELPA tests. Students will continue to remain in EL status in EMIS until they meet the score of Proficient (level 3) on the OELPA. If a parent opts out of OELPA testing, there is no path to exit from EL status in EMIS as the OELPA is the only recognized exit path per the Ohio Department of Education.

Rights of the parent/guardian:

- To remove child from the program;
- To decline enrollment in the program or other program options available;
- To obtain assistance in selecting from available programs
- To put into writing the refusal of their EL child to take the OELPA.

All signed consent forms will be kept in students' files in the ESL office.

5. EXIT CRITERIA

All EL's who have not been determined to be Proficient (level 3) on the OELPA will be re-evaluated annually with the OELPA until the student meets the following criteria to exit from EL status and services: Score of (3) Proficient on the OELPA.

The exit criteria will help ensure that ELL's achieve and maintain the level of English proficiency they need to participate effectively in their academic classes. However, because the state recognizes that recently exited students may need time to adjust to not receiving ESL supports, recently exited students

will be monitored for a period of four (4) years from the date of exit to ensure they are successful in the mainstream classroom setting. This monitoring may include any or all of the following:

- Checking in with the student or classroom teacher
- periodic monitoring of grades (typically every 9 weeks)
- monitoring pass/fail scores of state mandated annual tests (Ohio State Tests)

If a student is determined to be struggling to maintain passing grades/ scores, and the reason is attributed to English proficiency, then the student will be offered additional classroom/tutoring supports that may help them to be successful. However, exited students receiving these additional supports will not be re-entered into EMIS as LEP, given the OELPS or OELPA, or be eligible for any EL accommodations allowable for ELs on state mandated testing or district testing.

6. FACILITIES

To the extent that the space is managed for other classes within the regular education setting, EL services will be delivered consistently in each building within the district that is:

- designed and equipped for academic instruction
- furnished appropriately for the age-groups served
- not subject to undue disruption from other classrooms or facilities
- not likely to produce undue disruption for other classroom or facilities
- not subject to frequent interruptions or displacements
- available for use within the time frames and frequency it will be needed to provide determined services

The EL Teacher and building administrator will review the EL instructional setting annually. It is the responsibility of the building administrator to provide a space for EL services to be administered.

7. ROLE OF THE EL TEACHER

Teacher of Record

The teacher of record will be the student's regular classroom teacher(s) for all subjects in the curriculum as long as the EL instruction is pull-out/push-in. If a sheltered content instruction class is implemented as a specialized EL class in one of the core subject areas (Language Arts, Math, Science, or Social Studies), then the EL teacher shall become the teacher of record in the specialized core class only (sheltered content instruction). Any other mainstream classes/subjects the student is taking will continue to have the regular classroom teacher as the teacher of record.

Responsibilities of EL Teacher for K-12 instruction

1. Provide English language development instruction based on the Ohio English Language Proficiency (ELP) Standards.
2. Assume the same functions as the mainstream classroom teacher when teacher of record.
3. Meet regularly with classroom teachers, administrators and other district staff to determine the academic needs of English language learners and their families.
4. Teach basic classroom survival skills to the most limited English proficient students [(1) Emerging].
5. Assist general education staff/administrators/school staff in learning about the culture and

- language needs of EL student(s) and their families.
6. Provide mainstream teachers with cultural and linguistic background of the EL students in their classes, including current English Language Proficiency levels.
 7. Work collaboratively with staff to develop and modify curriculum as needed based on EL proficiency level and individual student needs. Identify, assess and teach each limited English student in conjunction with the classroom content teachers.
 8. Provide staff development on best practices for English language instruction and cultural awareness topics.
 9. Keep current with changing laws and guidelines regarding EL students.
 10. Annually assess the progress of each EL student using the OELPA.
 11. Secure interpreters to ensure effective communication as required during, but not limited to: Ohio State Tests administrations, IATs, IEP and ETR meetings, MFE testing when a language other than English must be considered, and home-school communications of an urgent or sensitive nature.
 12. Work with staff and outside translators/interpreters to ensure that school/home communications are done in a language that the families can understand (as marked on the HLS/LUS as the preferred language for home/school communications by the family at registration).

8. GRADING SCALE POLICY

Grading Scale

All ELs will follow the current district grading scale for each applicable grade level. No modified or adjusted grading scale will be used when figuring regular grading period marks or cumulative scores for yearly averages.

However, in compliance with Title III of ESSA and ESEA, Lake Local Schools agrees that an EL student cannot receive a failing grade due to the content not being accessible at the student's English proficiency level. The EL teacher will ensure limited English students are given a level playing field during classroom learning and assessments, both formal and informal, by determining accommodations and modifications and then counseling classroom teachers/staff on individual student needs. An EL's curriculum may only be modified in such a way as to allow the student to access the content, but not in such a way that would reduce or eliminate the Common Core State Standards expectations required for all students. ELs' curriculum is modified and accommodated on an individual basis so as to allow identified Limited English Proficient students to access the curriculum and be able to show what they know during assessments in the manner that is most effective based on their English Proficiency level. If an EL is on a modified curriculum, the report card will reflect the following statement for all marking periods in which the student is receiving the modified curriculum support: "Working with ESL/EL modifications and accommodations to support limited English proficiency needs."

Role of the ELL Teacher in Determining Accommodations

The EL teacher will work in conjunction with the regular classroom teacher(s) to develop an individual plan for each student based on English language proficiency. This includes, but is not limited to: providing alternative assessments for students when applicable, modifying tests and assignments as needed based on language limitations, training teachers to use proven teaching strategies to enhance English language learners' ability to comprehend instruction, providing accommodations per the Ohio Department of Education's list of allowable accommodations based on student qualifications, and ensuring an open line of communication between teachers, parents and the District when language is a barrier by providing the necessary level of translation for effective communication.

9. ADDITIONAL DISTRICT SERVICES

Special Education

When indicators suggest that an English language learner is having difficulties attaining academic and social expectations which are unrelated to the students EL status, the student will be referred to the schools Intervention Assessment Team for intervention strategies. The EL teacher must be included as part of this team. Periodic reviews will be conducted to determine the success or failure of intervention strategies, and what further strategies may be necessary. In the event the previous strategies developed by the IAT have not been successful, the student may be referred for a multi-factored evaluation. A student will never be referred for an evaluation based solely on limited English proficiency, and every effort will be made to rule out limited English proficiency as a factor in the referral. Students who have a suspected disability not related to limited English proficiency will receive the same timely referral process as students who are fully English proficient.

Lake Local School District follows the State of Ohio policies and procedures for referring students for multi-factored evaluations which may possibly lead to special education services. The special intervention strategies must be utilized to ensure that such students are not referred for formal Special Education multi-factored evaluations when the lack of academic progress is primarily related to limited language background or a need for EL or other support services. The student may require an evaluation administered in his/her native language to rule out limited language factors and to establish the language of dominance. Upon request, parents will be provided an interpreter for due process, and to assist in understanding test results and IAT reports if needed.

Title I Services

Lake Local School District ensures that limited English proficient students will be eligible for and provided Title I services on the same basis as other students who receive such services. They will be placed on the Title I priority list following the same criteria as all other non-EL students.

Gifted Programs

Lake Local School District ensures that limited English proficient students will be eligible for and provided Gifted services on the same basis as other students who receive such services. Further, the student may require the evaluation be administered in his/her native language and/or be provided with an interpreter on an English- formatted test. Parents will be provided an interpreter to aid in understanding of test results and/or other reports if needed.

Appendix A: Home Language Usage Survey (HLUS)

Student Name: <i>(First Name and Last Name)</i>	Student Date of Birth: <i>(mm/dd/yyyy)</i>
<p>Communication Preferences Indicate your language preference so we can provide an interpreter or translated documents at no cost when you need them. All parents have the right to information about their child's education in a language they understand.</p>	<p>1. In what language(s) would your family prefer to communicate with the school?</p> <p style="text-align: center;">_____</p>
<p>Language Background Information about your child's language background helps us identify students who qualify for support to develop the language skills necessary for success in school. Testing may be necessary to determine if language supports are needed.</p>	<p>2. What language did your child learn first? _____</p> <p>3. What language does your child use the most at home?</p> <p>4. What languages are used in your home?</p>
<p>Prior Education Responses about your child's birth country and previous education give us information about the knowledge and skills your child is</p>	<p>5. In what country was your child born? _____</p>

bringing to school and may enable the school to receive additional funding to support your child.

6. Has your child ever received formal education outside of the United States?

- Yes
- No

If yes, how many years/months?

If yes, what was the language of instruction?

7. Has your child attended school in the United States?

- Yes
- No

If yes, when did your child first attend a school in the United States?

Additional Information

Please share additional information to help us understand your child's language experiences and educational background.

Parent/Guardian First Name: _____

Parent/Guardian Last Name:

Parent/Guardian Signature: _____ Today's Date: _____
(mm/dd/yyyy)

Source:
<http://education.ohio.gov/Topics/Student-Supports/English-Learners/Teaching-English-Language-Learners/Guidelines-for-Identifying-English-Learners>