

# English Learner Program Manual



IDAHO STATE DEPARTMENT OF EDUCATION

STATE EL & TITLE III PROGRAM



MARIA PUGA  
STATE EL & TITLE III COORDINATOR  
[MPUGA@SDE.IDAHO.GOV](mailto:MPUGA@SDE.IDAHO.GOV)  
208-332-6905

650 W STATE STREET, 2ND FLOOR  
BOISE, IDAHO 83702  
208-332-6800 OFFICE  
[WWW.SDE.IDAHO.GO](http://WWW.SDE.IDAHO.GO)

UPDATED 08/01/21



Greetings!

We welcome you to our updated English Learner Manual and hope this is a useful tool as you navigate the EL program at your district or charter. Our goal at the Idaho State Department of Education's English Learner Program is to be a partner in education. We want to ensure we provide you all the information you need to run a successful academic program for your English Learners, which meets their academic, social, and emotional needs.

I am always impressed with the wonderful and challenging work so many individuals are doing in their programs to ensure the success of their English Learners. This EL Manual will help you navigate through all of the various activities and record keeping procedures. From initial identification, screening, providing a core language instruction, coordination of services, legal guidelines, proficiency assessments, and more, you can find it in this manual. The goal was to create a "one-stop shop" for you and your staff, where our interactive table of contents (located on the left hand side of this document under Bookmarks) helps you find what you need easily.

I love working with educators and coordinators as a colleague and thought partner, thinking of ways to provide the best educational experiences for your ELs, while also meeting state and federal requirements. Please do not hesitate to contact me for assistance via email, phone call, zoom meeting, or an in-person visit. I am happy to provide technical support in any way possible.

Thanks so much!

Sincerely,

Maria Puga

Coordinator, English Learner Program & Title III-A Program  
Idaho State Department of Education  
[mpuga@sde.idaho.gov](mailto:mpuga@sde.idaho.gov)

# START HERE!

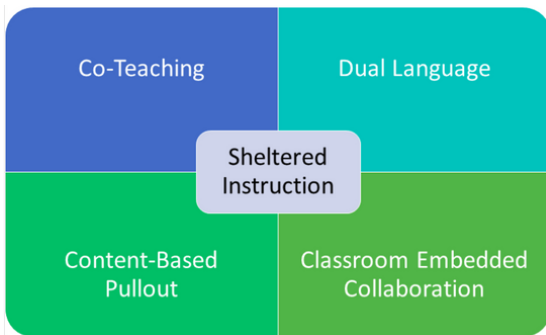
THIS IS A GREAT PLACE TO JUMP START IF YOU ARE BRAND NEW TO THE IDAHO ENGLISH LEARNER PROGRAM!

## HOW DO I KNOW WHO IS AN ENGLISH LEARNER?

Read about who is considered an English learner (EL) and what you use to identify those students here.

## WHAT IS A LANGUAGE INSTRUCTIONAL EDUCATION PROGRAM (LIEP)?

What is a core language program? How does it differ from a regular English Language Arts class? What type of instructional models qualify as an LIEP? Find your answers here.



## WHAT DOCUMENTS DO I NEED TO KEEP TRACK OF?

You will need to enter data into ELMS and also keep records in student cumulative files. Find out the requirements here.

## WHAT DATA SHOULD I BE REPORTING?

A district or charter must include English learner data in ISEE, ELMS, and end of year reports. You can learn more about each data reporting process here.

## WHERE CAN I GET MORE INFORMATION?

You can visit our official state webpage and sign up to our newsletter!

## WHAT IS THE ENGLISH LEARNER PROGRAM?

You can learn about the structure of Idaho's EL Program and legislative foundations here.

## HOW DO I SCREEN A STUDENT INTO THE PROGRAM?

You will first refer to the English Learner Management System (ELMS) to see if student is already identified. If not, read about screening for English language proficiency here.

## WHAT DO PARENTS NEED TO KNOW?

What information needs to be sent to parents and yearly notification requirements are found here.

## WHAT RESPONSIBILITIES DO TEACHERS HAVE?

All staff at a school have a responsibility to their English learners. All teachers are language teachers! Learn more about specific roles and duties here.

## WHAT DO I DO AFTER A STUDENT EXITS?

A student is required to test annually on the ACCESS test, which looks at English proficiency. Read about the exit criteria and the steps to take after a student passes the proficiency test here.



## GLOSSARY

The following terms either appear in this handbook, or are commonly found in other EL publications, federal statute, or state law.

### ACCESS for ELLs

The statewide English language proficiency test given annually to ELs. ACCESS for ELLs (often simplified to ACCESS) is purchased from the WIDA Consortium by the State, and is made available to all public school districts, as well as private schools who receive Title III funding.

### District

Any Local Education Agency (LEA) that is a recipient of federal financial assistance directly from ED or indirectly through an State Educational Agency (SEA) or LEA, including public school districts, public charter schools, public alternative schools, and choice schools opting into public reporting or receiving Title funds.

### EL/ELL

English Learner, formerly English Language Learner. ESEA defines an EL<sup>1</sup> as an individual

- who is aged 3 through 21;
- who is enrolled or preparing to enroll in an elementary school or secondary school;
- 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 the outlying areas, and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
  - 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;
- whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the ability to meet State academic standards.

<sup>1</sup> [20 CFR 7801 \(20\)](#)

**ELP**

English Learner Plan. This is a written plan for an EL which details strategies, accommodations, and supports to be implemented in the classroom and on assessments (Alternatively: English Language Proficiency, see pages 9, 43, 75, and 94).

**ELD**

English language development (ELD) means instruction designed specifically for English language learners to develop their listening, speaking, reading, and writing skills in English.

**ELMS**

English Learner Management System. Idaho's state data base for English Learner information, including screener results, ELPs, and assessment scores.

**EL Supports**

The language, literacy, and content supports, accommodation, and explicit language instruction a student may receive in either their first or second language to succeed socially and academically. Language programming, accommodations, scaffolding, mentoring and tutoring all fall into the realm of support and may vary by school, district, or program.

**ESEA**

The Elementary and Secondary Education Act of 1965. This was the first major education law passed in the United States, which mandates equal access to education for all students. The ESEA continues to be the foundational law governing how we administer public education programs in the United States. The ESEA has been amended several times, most recently by ESSA.

**ESSA**

The Every Student Succeeds Act, signed into law in December 2015, and implemented starting in the 2017-18 school year expands on the changes that were implemented by No Child Left Behind Act (NCLB) and amended by ESEA.

**Exchange Student**

A student from a country other than the U.S. and its territories who is temporarily enrolled in a U.S. school in order to gain a cultural experience. There are several types of visas which allow students to live temporarily in the U.S. as exchange students. Requirements and allowable activities (e.g., school or work) differ depending on visa type.

**Homeless**

Under the McKinney-Vento Homeless Assistance Act the term “homeless children and youths” -

- A. means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and
- B. includes—
  - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
  - ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) [1] of this title);
  - iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  - iv. migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).<sup>2</sup>

**HLS**

Home Language Survey. A Survey given to parents/guardians of newly enrolling students to confirm if a language(s) other than English is present in the student’s life.

**Immigrant**

Immigrant children and youths are individuals who:

- are aged 3 through 21;

<sup>2</sup> [42 U.S. Code § 11434a \(2\)](#)

- have not been born in any state (defined as each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico); and
- have not been attending one or more schools in any one or more states for more than three full academic years. (Months counted for schooling need not be consecutive.)<sup>3</sup>

### **Interpreter**

An individual employed by a district who is fluent in English and another language to provide verbal explanations to parents in a language they understand. An interpreter must be knowledgeable in both languages of any specialized terms or concepts and have training on the ethics of interpreting and the need to maintain confidentiality.

### **LEA**

Local Educational Agency - see District.

### **LIEP**

Language Instruction Educational Program. The program under which ELs are taught English. There are several different program models; however, all focus on building both English language development and academic content.

### **Migrant**

A student is considered a migrant<sup>4</sup> if:

- the student is younger than 22 and has not graduated from high school or does not hold a high school equivalency certificate; and
- the student is a migrant agricultural worker or a migrant fisher or has a parent, spouse, or guardian who is a migrant agricultural worker or a migrant fisher; and
- the student has moved, either alone, or with a parent, guardian, or spouse, within the preceding 36 months, in order to obtain (or seek) qualifying agricultural or fishing work; and
- such employment is a principal means of livelihood; and
- the student has moved from one school district to another.

<sup>3</sup> [20 CFR 7011 \(5\)](#)

<sup>4</sup> [WI Migrant Education FAQs](#)

**MTSS**

Multi-level system of supports. A system that provides equitable services, practices, and resources to every learner based upon responsiveness to effective instruction and intervention. In this system, high quality instruction, strategic use of data, and collaboration interact within a continuum of supports to facilitate learner success.

**NCLB**

The No Child Left Behind Act of 2001. This act amended the ESEA, promoted standards-based approaches to education, and required statewide testing to demonstrate student growth.

**Newcomer Program**

A short-term program, typically less than one year, with a focus on English acquisition and acculturation into U.S. schools. A Newcomer Program is designed for students who are recent immigrants to the United States, with limited English proficiency and/or limited education in their native countries.

**Parent**

Within this handbook, unless otherwise noted, parent is interchangeable with legal guardian. Parent is also interchangeable with the sponsors of unaccompanied minors placed in their care by DHS, regardless of guardian status.

**Refugee**

A refugee is any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided and who is unable or unwilling to return to and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.<sup>5</sup>

**SEA**

State Educational Agency (e.g., Idaho State Department of Education).

<sup>5</sup> [8 U.S. Code § 1101 \(a\) \(42\)](#)



**Title I**

Title I, Part A of ESEA provides financial assistance to LEAs with a high percentage of children from low-income families to help ensure that all children meet challenging state academic standards.

**Title III-A**

Title III-A of ESEA helps ensure that ELs attain English language proficiency and meet challenging state academic standards. Federal funding is provided through various grant programs to assist SEAs and LEAs in supporting their ELs.

**Translator**

An individual employed by a district who is fluent in English and another language to provide written explanations. A translator must be knowledgeable in both languages of any specialized terms or concepts and have training on the ethics of translating and the need to maintain confidentiality.

**WIDA**

A nonprofit organization housed at WCER which provides Idaho's ELD standards, ELP screeners, and end of year proficiency assessments. The WIDA Consortium is made up of approximately 40 states and territories, and these members drive decisions on the design and implementation of WIDA's assessments and standards.

# INTERVENTION AND EVALUATION FOR ENGLISH LEARNER (EL) STUDENTS: GUIDANCE FOR IDAHO SCHOOL DISTRICTS

This guidance document is intended to outline best practices for Idaho school districts when considering possible special education evaluation for students identified as English Learners (EL). "ELs are students whose native language is a language other than English and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny them the ability to successfully achieve in classrooms where the language of instruction is English."<sup>1</sup>

This guide does not comprise an exhaustive list of steps and procedures; rather it provides a framework to help ensure that:

- EL students are not **over identified** for special education services or make up a **disproportionate representation** of students with disabilities. A student cannot be identified as an individual with a disability if the “determinant factor” is limited English proficiency.<sup>2</sup>
- EL students are not **under identified** for special education services. School districts cannot deny the processes and procedures entitled to them under federal law, due to their EL status.<sup>3</sup>
- EL students (like all other students who may have a disability and need services under IDEA) must be located, identified, and evaluated for special education services in a **timely manner**.<sup>4</sup> A student suspected of having a disability must not be denied an evaluation, and if eligible, be denied access to special education until he/she becomes proficient in English.<sup>5</sup>
- EL students are evaluated using **appropriate tools and measures**. School districts must consider a student’s English language proficiency in determining appropriate assessments and other evaluation materials to be used when conducting a comprehensive special education evaluation.<sup>6</sup>

The following sections of this document outline integral practices to guide Idaho school districts when addressing the needs of EL students, including *problem solving* and *special education evaluation*. These practices can assist school teams in gathering sufficient converging evidence that allows for the determination that an EL student’s educational difficulties are not due solely to issues related to culturally and linguistically diversity, but rather, to a true disability.

---

<sup>1</sup> Elementary and Secondary Education Act, Sec. 9101(25).

<sup>2</sup> *Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15).

<sup>3</sup> *Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15).

<sup>4</sup> 34 CFR 300.111(a)(i).

<sup>5</sup> 34 CFR 100.3; *Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15).

<sup>6</sup> 20 U.S.C. 1414(b)(5); 34 CFR 300.306(b)(1)(iii)-(b)(2); *Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15).

## PROBLEM SOLVING PROCESS

As with any student experiencing educational difficulties, school teams should first employ a problem-solving approach when addressing the needs of English Learners.<sup>7</sup> Uniquely to EL students, presented difficulties should be analyzed in the context of their English language development.<sup>8</sup>

Different problem-solving models are available for school teams to utilize when addressing student need. Examples include Multi-Tiered System of Supports (MTSS), Response to Intervention (RTI), and Positive Behavior Interventions and Supports (PBIS)<sup>9</sup>. Defining specific procedures involved in implementing a particular problem-solving model is beyond the scope of this document. Please refer to other sources for additional guidance in this area.

**Pre-Intervention:** As part of the problem-solving process, school teams should first gather information that may include, but is not limited to, a comprehensive review of the student’s current level of performance and the student’s access to effective academic and language instruction. School teams should refer to the following guidelines to ensure consideration of language proficiency while engaging in the problem-solving process.

### 1. DETERMINE THE STUDENT’S NATIVE/DOMINANT LANGUAGE AND CULTURAL BACKGROUND:

- Review the student’s home language survey to determine his/her native language, and whether the student comes from an environment where a language other than English is dominant.<sup>10</sup>
- Consider whether the student is truly bilingual and assess for **both** native language proficiency, and English language proficiency to the extent feasible.
- Obtain additional information through multiple methods (language background questionnaire, observation, interviews), multiple sources (parents/caregivers, teacher, and/or student), and multiple settings (school, home, community, etc.).<sup>11</sup>
  - For example: what language does the student feel most comfortable speaking? Does the student tend to develop relationships with people who speak a certain language? Does the student have access to homework support at home? What is the structure of the home environment? Do parents notice similar difficulties in primary language?

---

<sup>7</sup> 34 CFR 100.3,

<sup>8</sup> 34 CFR 300.324a)(2)(ii).

<sup>9</sup> McInerney, M. & Elledge, A. (May 2013). *Using a Response to Intervention (RTI) Framework to Improve Student Learning*.

<sup>10</sup> *Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15) (“One of the most critical ‘affirmative steps’ and ‘appropriate action[s]’ that school districts must take to open instructional programs for EL students and to address their limited English proficiency is to first identify EL students in need of language assistance services in a timely manner.”)

## 2. DETERMINE THE STUDENT’S PROGRESS IN ATTAINING ENGLISH LANGUAGE PROFICIENCY:

- Review historical English language proficiency assessment scores (e.g., W-APT, WIDA Screener, WIDA Screener for Kindergarten, and ACCESS 2.0). This assessment data provides insight on social instructional language and academic language (i.e., Basic Interpersonal Communication Skills (BICS) and Cognitive Academic Language Proficiency (CALP)).

## 3. DETERMINE WHETHER THERE ARE DEFICIENCIES IN THE TEACHING-LEARNING ENVIRONMENT:

- The student has received **effective** instruction in the core curriculum.<sup>12</sup>
- The student has received **appropriate** and **effective** English language development instruction delivered with fidelity and with **sufficient** time to acquire English.
- Core and ELD instruction includes the use of research-based curricula.

## 4. DETERMINE IF THE FOLLOWING FACTORS HAVE ANY IMPACT ON AN EL STUDENT’S LEARNING. IF SO, HAS THE SCHOOL TEAM ADDRESSED THE STUDENT’S NEEDS APPROPRIATELY?

- Cultural acclimation (i.e., “culture shock”<sup>13</sup> )
- Cultural knowledge and norms
- Poverty/Low Socio-Economic Status (SES)
- Mobility
- Trauma/psychological factors
- Social/emotional/behavioral difficulties
- Educational background (e.g., Students with Interrupted Formal Education (SIFE), previous education in U.S and/or home country, educational gaps, sufficient education, prior academic experience)
- Language loss
- “Silent Period” (stage of second language acquisition)

## 5. CONSIDER THE INFLUENCE OF LANGUAGE DIFFERENCES VS. DISABILITY ON LEARNING BEHAVIORS (REFER TO THE “LANGUAGE DIFFERENCES VS DISABILITIES” TABLE AT THE END OF THIS DOCUMENT).

---

<sup>11</sup> Dear Colleague Letter, 115 LRP 524 (OCR/DOJ 1/7/15).

<sup>12</sup> 34 CFR 300.306(b)(1)(i)

<sup>13</sup> Collier, C. (2010). *Seven Steps to Separating Difference from Disability*. Newbury Park, CA: Corwin Publishing.

- 6. ANALYZE THE STUDENT’S ENGLISH LANGUAGE DEVELOPMENT GROWTH TO DETERMINE WHETHER IT IS SIGNIFICANTLY LOWER AS COMPARED WITH COMPARABLE PEERS (E.G., STUDENTS FROM THE SAME CULTURE AND LINGUISTIC BACKGROUND, GENDER, AGE, PREVIOUS SCHOOLING, ETC.).**

## **RESPONSE TO INTERVENTION**

**Response to Intervention (RTI):** Once sufficient information has been gathered to address the preceding considerations, a response to intervention (or similar) approach should be implemented to address the specific areas of concern. Such an approach is summarized as follows:

### **1. IMPLEMENT A HIGH-QUALITY, RESEARCH-BASED INTERVENTION:**

- with fidelity
- long enough to determine the effect of the intervention
- while monitoring student progress towards an appropriate goal, and
- adjusting the intervention if progress is not sufficient to meet the identified goal

### **2. ANALYZE PROGRESS MONITORING DATA TO DETERMINE THE EL STUDENT’S RATE OF IMPROVEMENT OVER TIME IN RELATION TO COMPARABLE PEERS. IF THE STUDENT IS NOT RESPONDING SIMILAR TO HIS/HER PEERS, THE SCHOOL TEAM MAY CONSIDER WHETHER MODIFICATIONS TO THE INTERVENTION ARE NECESSARY OR WHETHER A SPECIAL EDUCATION REFERRAL IS WARRANTED. AN EXAMPLE IS PROVIDED BELOW:**

“The target EL student had a baseline reading fluency of 33 correct words per minute (cwpm). Four comparable peers (closely matched for native language, time in the country, and grade) receiving the same (or similar) intervention were reading an average of 58 cwpm. In addition to daily core reading instruction, the target EL student received 30 minutes of intervention 5 days per week per day for 4 weeks in a research-based curriculum appropriate for EL students, designed to address reading fluency. After the 4 weeks of intervention, the target student was reading 31 cwpm, whereas comparable peers were reading an average of 67 cwpm. A change in intervention was implemented, whereas the target student received an additional 20 minutes per day in a research-based curriculum appropriate for EL students, designed to address reading fluency. After 4 more weeks, the target student was reading 34 cwpm, whereas peers were reading an average of 78 cwpm. The target student’s rate of improvement was 0.125 whereas the comparable peer’s rate of improvement was 2.5. Overall, data indicate that the target student’s rate of improvement in response to interventions is significantly less than that of comparable peers.”

### **3. CONSIDER ADDITIONAL INDICATORS THAT MAY SUPPORT THE NEED FOR A SPECIAL EDUCATION EVALUATION (IF APPLICABLE):**

- Limited communication or evidence of low skills in the home as compared to siblings and/or same-age peers, especially when these differences are noticed by parents.
- Developmental delays or other conditions (e.g., hearing, vision, social/emotional).

### **4. ENGAGE IN A PROCESS OF ANALYZING DATA TO DETERMINE IF A REFERRAL FOR SPECIAL EDUCATION IS APPROPRIATE. IF DATA SUPPORT A SUSPECTED DISABILITY, SCHOOL TEAMS MUST INITIATE THE REFERRAL PROCESS WITHOUT FURTHER DELAY.**

## **SPECIAL EDUCATION EVALUATION**

Once it has been determined there are sufficient data to analyze, a school team can then make a decision whether to proceed with a formal special education referral or whether the interventions have resolved the EL student’s educational difficulties:

- The school team may decide a referral is warranted if the student is not demonstrating positive response to the intervention, or if the level and intensity of intervention or interventions necessary for the student to succeed is not sustainable within the general education program.<sup>14</sup>
- The school team may decide a referral is *not* warranted if the student is demonstrating considerable improvement in response to the intervention and/or if it has been determined that social, cultural, linguistic, or socioeconomic issues are the primary factors contributing to the student’s educational difficulties.

The US Department of Education emphasizes that a problem-solving model, such as RTI (or other MTSS method), is only one component of the special education identification process. The problem-solving process does not replace the need for a comprehensive evaluation. “A public agency must use a variety of data gathering tools and strategies even if an RTI process is used.”<sup>15</sup>

Additional federal guidance warns that RTI cannot be used to delay or deny a special education evaluation for a student suspected of being a student with disabilities.

School teams should refer to the following guidelines when deciding to proceed with a special education evaluation for EL students:

---

<sup>14</sup> 34 CFR 300.301(b).

<sup>16</sup> 71 Fed. Reg. 46648.

### 1. PARENTAL INVOLVEMENT:

- As would be done with any other student suspected of having a disability, invite parents of the EL student to participate in the evaluation process.<sup>16</sup>
- Provide parents with a free interpreter and/or translation services during meetings in their primary language, to the extent feasible.<sup>17</sup>
- In order to ensure parents have meaningful access, provide all information to the parents in a language they can understand, including the Procedural Safeguards Notice to the extent practicable. If written translations are not practicable parents must be offered free oral interpretation of the written information.<sup>18</sup>

### 2. SELECT APPROPRIATE INSTRUMENTS AND STRATEGIES:

- Tailor an evaluation plan to the specific cultural, linguistic, and developmental characteristics of the student.<sup>19</sup>
- Utilize multiple sources of data to assess all areas of concern. Options include formal and informal methods, such as standardized/non-standardized assessments, non-verbal measures, observations of student, parent and teacher interviews, progress monitoring and peer comparison data, performance samples, etc. No single procedure can be used as a sole basis for making decisions about eligibility.<sup>20</sup>
- Ensure that assessment materials that are selected and administered are not culturally, linguistically, or racially discriminatory.<sup>21</sup>
- Examine test items for cultural bias/appropriateness and modify as needed.<sup>22</sup> If the modifications negatively impact the validity of the score, the results cannot be used as a primary source for eligibility determination, but rather may be used as descriptive information.

### 3. ADMINISTER SELECTED MEASURES:

- Provide and administer special education evaluations in the child’s native language or other form of communication, and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer. .<sup>23</sup>
- Ensure assessments are administered and interpreted by trained professionals who possess knowledge and skills related to cultural and linguistic variables, including knowing how to differentiate between language needs and a disability (refer to the “Language Differences vs. Disabilities” table at the end of this document).<sup>24</sup>

---

<sup>16</sup> 34 CFR 300.305.

<sup>17</sup> 34 CFR 300.322(e).

<sup>18</sup> 34 CFR 300.322(e); Dear Colleague Letter, 115 LRP 524 (OCR/DOJ 1/7/15); Letter to Boswell, 49 IDELR 196 (OSEP 9/4/07),

<sup>19</sup> 34 CFR 300.304(b)(1)-(3).

<sup>20</sup> 34 CFR 300.304(b)(1)-(3).

<sup>21</sup> 34 CFR 300.304(c)(1)(i).

<sup>22</sup> 34 CFR 300.304(c)(1)(i).

#### 4. INTERPRET EVALUATION RESULTS:

- Evaluate the extent to which cultural and linguistic differences may have affected the validity of scores obtained from standardized tests<sup>25</sup>.
- Determine whether the learning difficulties manifested over time are similar across multiple settings and contexts (home, school, community<sup>26</sup>).
- Determine whether the learning difficulties are evident in both English and the student’s native language.
- Summarize data from a variety of sources to establish a preponderance of evidence that supports or negates the presence of a disability, the adverse effect of a disability on performance and the need for specially designed instruction.
- An EL student may not qualify for special education if the determinant factor for eligibility is, among other things, limited English proficiency.<sup>27</sup>

#### GUIDELINES FOR USE OF INTERPRETERS

The use of trained interpreters is an invaluable resource to school teams when assessing English Learners. However, the law does not specifically define the parameters of using interpreters in evaluating EL students. The following general guidelines should be considered by school teams to work successfully with interpreters<sup>28</sup>:

- Rely on trained interpreters, rather than enlisting a cultural peer or a relative as an interpreter. When possible, choose interpreters who have prior experience as school interpreters.
- Remember that most interpreters are not professionally trained in assessments and may not have familiarity with or an understanding of the technical terms associated with the special education process.
- Review confidentiality requirements with the interpreter.
- Ensure that the interpreter has knowledge and understanding of the family’s cultural and linguistic background.
- Avoid portraying the interpreter as the family’s representative or advocate.
- Remind the interpreter to relay only the information provided by the team and parents, not editorialize or give opinion. Encourage direct interpretation of all questions and answers.
- When asking questions or relaying evaluation results, speak directly to the parent, rather than the interpreter. Speak in short, simple sentences. Avoid idioms, metaphors, or colloquialisms. Use specific terms.

---

23 34 CFR 300.304(c)(1)(ii).

24 Dear Colleague Letter, 115 LRP 524 (OCR/DOJ 1/7/15).

25 Flanagan, D., Ortiz, S. & Alfonso, V. (2013). *Essentials of Cross Battery Assessment*, 3rd Edition. Hoboken, NJ: John Wiley & Sons.

26 Butterfield, J. & Read, J. (2011). *ELLs with Disabilities: A Guide for Identification, Assessments, and Services*. Palm Beach Gardens, FL: LRP Publications.



---

27 34 CFR 300.309(a)(3)(vi).

28 Butterfield, J. & Read, J. (2011). *ELLs with Disabilities: A Guide for Identification, Assessments, and Services*. Palm Beach Gardens, FL: LRP Publications.

## FREQUENTLY ASKED QUESTIONS

### ***Are districts required to assess ELs in their native language in order to qualify them for special education?***

Answer: IDEA states that students must be assessed in their native language, unless it is clearly not feasible to do so.<sup>29</sup> The school team should determine the types of assessments that are most appropriate to assess the student's needs and/or determine eligibility.<sup>30</sup>

### ***Can we use an interpreter to help administer a standardized assessment?***

Answer: Qualified interpreters can be invaluable in helping school teams gather information when conducting evaluations for EL students. However, there are no standard guidelines for use of interpreters in administering standardized measures. It is important to remember that some test items cannot accurately be translated from English to another language without seriously distorting their original meaning or without suggesting the correct responses.

Furthermore, most standardized tests do not include English Learners in their norming samples. These factors impact the validity of standardized assessments for ELs, and results should be interpreted with caution. Limitations associated with using standardized measures, including using an interpreter to aid in any administration, should be acknowledged and explained in the evaluation results<sup>31</sup>.

### ***Can we use the Woodcock Johnson-IV to assess academic achievement for an EL student?***

Answer: When looking at an EL student's performance on a standardized English academic test, such as the (WJ-IV), it may be necessary to view the results of the test in the context of potentially assessing second language acquisition and not necessarily as a true measurement of the student's academic skill level. Evaluate and report the results with recognition of how language may have impacted the scores.

### ***Can't we use non-verbal assessments to test EL students?***

Answer: Although non-verbal assessments can be used as part of a comprehensive evaluation, school teams should not rely solely on the use of these types of measures to inform eligibility decisions. Non-verbal assessment data may provide limited information about the student's overall cognitive abilities. Experts in the field recommend assessing a range of abilities using cross battery assessment.<sup>32</sup>

### ***Should an EL student spend a certain amount of time in the MTSS/RTI process before the team can move forward with a special education evaluation?***

Answer: Just like for any student, there is no set period of time that a student must be engaged in the problem-solving process, nor is the problem-solving process intended to be a replacement for a comprehensive special education evaluation. EL students should receive high-quality, research-based interventions over a period of time sufficient enough to enable school teams to gather data regarding how the student is responding to interventions in relation to comparable peers.<sup>33</sup> Federal guidance, however, warns that RTI cannot be used to delay or deny a special education evaluation for a student suspected of being a student with disabilities.

***Is it true that schools must wait until the student has received EL services for 5-7 years before making a referral for special education?***

Answer: This is a common myth, but school teams DO NOT have to wait for any prescriptive amount of time. EL students, like all other students suspected of having a disability, should be located, identified, and evaluated for special education services in a timely manner.<sup>34</sup> However, teams should not move so quickly so as to overlook the potential impact of English language proficiency and other factors (e.g., social/emotional, cultural, educational background, poverty, etc.) on the student's learning. A student cannot be identified as an individual with a disability if the "determinant factor" is limited English proficiency.<sup>35</sup>

***Does an EL student have to achieve a certain proficiency level on the ACCESS 2.0 in order for a team to consider a special education evaluation?***

Answer: There is no required ACCESS 2.0 level that an EL student must achieve before a school team can consider a special education referral. A student suspected of having a disability must not be denied special education until he/she becomes proficient in English.<sup>36</sup>

***What must be considered when developing an IEP for an EL student?***

Answer: The IEP team must consider the language needs of an EL student as those needs relate to the student's IEP.<sup>37</sup> In order to meet this legal requirement, "it is important for members of the IEP team to include professionals with training, and preferably expertise, in second language acquisition and an understanding of how to differentiate between the student's limited English proficiency and the student's disability."<sup>38</sup> As with any other student suspected of having a disability, parents of EL students must be invited to participate in the process as well.<sup>39</sup>

***If an EL student qualifies for special education services, can the student just be exited from the EL program since the student won't be able to meet the Idaho exit criteria on the ACCESS 2.0 due to his/her disability?***

Answer: Students can only be exited from an EL program with qualifying ACCESS 2.0 assessment scores.<sup>40</sup>

***Can all EL students who are on IEPs and 504s take the Alternate ACCESS 2.0 for ELs?***

Answer: No. The Alternate ACCESS for ELLs is reserved for those students with most significant cognitive disabilities.<sup>41</sup> Ultimately, for a student to qualify to take Alternate ACCESS, the student must meet the IDAA Participation Criteria.

---

<sup>29</sup> 34 CFR 300.304(c)(1)(ii).

<sup>30</sup> 34 CFR 300.304(b).

<sup>31</sup> Butterfield, J. & Read, J. (2011). *ELLs with Disabilities: A Guide for Identification, Assessments, and Services*. Palm Beach Gardens, FL: LRP Publications.

<sup>32</sup> Flanagan, D., Ortiz, S. & Alfonso, V. (2013). *Essentials of Cross Battery Assessment, 3rd Edition*. Hoboken, NJ: John Wiley & Sons.

<sup>33</sup> *Answers and Questions on Response to Intervention (RTI) and Early Intervening Services (EIS)*, 47 IDELR 196 (OSERS 2007).

<sup>34</sup> 34 CFR 300.111(a)(i).

<sup>35</sup> *Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15).

<sup>36</sup> 34 CFR 100.3; *Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15).

<sup>37</sup> 34 CFR 300.324(a)(2)(ii).

<sup>38</sup> *Dear Colleague Letter*, 115 LRP 524 (OCR/DOJ 1/7/15).

<sup>39</sup> 34 CFR 300.321(a)(1).

<sup>40</sup> See the Idaho State Department of Education's State LEP and Title III Guidance for Idaho Schools for more information about the Idaho exit criteria

<sup>40</sup> See the Idaho State Department of Education's Idaho English Language Assessment Transition Document for more information regarding the qualifying criteria for Alternate ACCESS 2.0.

## LANGUAGE DIFFERENCES VS. DISABILITIES TABLE <sup>42</sup>

### Oral Comprehension/Listening

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Learning Disability
Student does not respond to verbal directions	Student lacks understanding of vocabulary in English but demonstrates understanding in L1	Student consistently demonstrates confusion when given verbal directions in L1 and L2; may be due to processing deficit or low cognition
Student needs frequent repetition of oral directions and input	Student is able to understand verbal directions in L1 but not L2	Student often forgets directions or needs further explanation in L1 and L2 (home & school); may be due to an auditory memory difficulty or low cognition
Student delays responses to questions	Student may be translating question in mind before responding in L2; gradual improvement seen over time	Student consistently takes a longer time period to respond in L1 & L2 and it does not change over time; may be due to a processing speed deficit

### Speaking/Oral Fluency

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Learning Disability
Student lacks verbal fluency (pauses, hesitates, omits words)	Student lacks vocabulary, sentence structure, and/or self-confidence	Speech is incomprehensible in L1 and L2; may be due to hearing or speech impairment
Student is unable to orally retell a story	Student does not comprehend story due to a lack of understanding and background knowledge in English	Student has difficulty retelling a story or event in L1 and L2; may have memory or sequencing deficits
Student does not orally respond to questions, or does not speak much	Lacks expressive language skills in English; it may be the silent period in 2nd language acquisition	Student speaks little in L1 or L2; student may have a hearing impairment or processing deficit

<sup>42</sup> Butterfield, J. & Read, J. (2011). *ELLs with Disabilities: A Guide for Identification, Assessments, and Services*. Palm Beach Gardens, FL: LRP Publications

U.S. Department of Education. (2015). *English learner toolkit for state and local education agencies (SEAs and LEAs)*

## Phonemic Awareness/Reading

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Learning Disability
Student does not remember letter sounds from one day to the next	Student will initially demonstrate difficulty remembering letter sounds in L2 since they differ from the letter sounds in L1, but with repeated practice over time will make progress	Student doesn't remember letter sounds after initial and follow-up instruction (even if they are common between L1/L2 ); may be due to due a visual/auditory memory deficit or low cognition
Student is unable to blend letter sounds in order to decode words in reading	The letter sound errors may be related to L1 (for example, L1 may not have long and short vowel sounds); with direct instruction, student will make progress over time	Student makes letter substitutions when decoding not related to L1; student cannot remember vowel sounds; student may be able to decode sounds in isolation, but is unable to blend the sounds to decode whole word; may be due to a processing or memory deficit
Student is unable to decode words correctly	Sound not in L1, so unable to pronounce word once decoded	Student consistently confuses letters/words that look alike; makes letter reversals, substitutions, etc. that are not related to L1; may be processing or memory deficit

## Reading Comprehension and Vocabulary

Learning Behavior Manifested	Indicators of a Language Difference due to 2nd Language Acquisition	Indicators of a Possible Learning Disability
Student does not understand passage read, although may be able to read w/ fluency and accuracy	Lacks understanding and background knowledge of topic in L2; is unable to use contextual clues to assist with meaning; improvement seen over time as L2 proficiency increases	Student doesn't remember or comprehend what was read in L1 or L2 (only applicable if student has received instruction in L1); this does not improve over time; this may be due to a memory or processing deficit
Does not understand keywords/ phrases; poor comprehension	Lacks understanding of vocabulary and meaning in English	The student's difficulty with comprehension and vocabulary is seen in L1 and L2

## Spelling

<b>Learning Behavior Manifested</b>	<b>Indicators of a Language Difference due to 2nd Language Acquisition</b>	<b>Indicators of a Possible Learning Disability</b>
Student misspells words	Student will “borrow” sounds from L1; progress seen over time as L2 proficiency increases	Student makes errors such as writing the correct beginning sound of words and then random letters or correct beginning and ending sounds only; may be due to a visual memory or processing deficit
Student spells words incorrectly; letters are sequenced incorrectly	Writing of words if reflective of English fluency level or cultural thought patterns; words may align to letter sounds or patterns of L1 (sight words may be spelled phonetically based on L1)	The student makes letter sequencing errors such as letter reversals that are not consistent with L1 spelling patterns; may be due to a processing deficit

## Mathematics

<b>Learning Behavior Manifested</b>	<b>Indicators of a Language Difference due to 2nd Language Acquisition</b>	<b>Indicators of a Possible Learning Disability</b>
Student manifests difficulty learning math facts and/or math operations	Student lacks comprehension of oral instruction in English; student shows marked improvement with visual input or instructions in L1	Student has difficulty memorizing math facts from one day to the next and requires manipulatives or devices to complete math problems; may have visual memory or processing deficits
Student has difficulty completing multiple-step math computations	Student lacks comprehension of oral instruction in English; student shows marked improvement with visual input or instructions in L1	Student forgets the steps required to complete problems from one day to the next, even with visual input; student reverses or forgets steps; may be due to a processing or memory deficit
Student is unable to complete word problems	Student does not understand mathematical terms in L2 due to English reading proficiency; student shows marked improvement in L1 or with visuals	Student does not understand how to process the problem or identify key terms in L1 or L2; may be a processing deficit/reading disability

## Handwriting

<b>Learning Behavior Manifested</b>	<b>Indicators of a Language Difference due to 2nd Language Acquisition</b>	<b>Indicators of a Possible Learning Disability</b>
Student is unable to copy words correctly	Lack of experience with writing the English alphabet	Student demonstrates difficulty copying visual material to include shapes, letters, etc. This may be due to a visual/motor or visual memory deficit

## Behavior

<b>Learning Behavior Manifested</b>	<b>Indicators of a Language Difference due to 2nd Language Acquisition</b>	<b>Indicators of a Possible Learning Disability</b>
Student appears inattentive and/or easily distracted	Student does not understand instructions in English due to level of proficiency	Student is inattentive across environments even when language is comprehensible; may have attention deficits
Student appears unmotivated and/or angry; may manifest internalizing or externalizing behavior	Student does not understand instruction due to limited English and does not feel successful; student has anger or low self-esteem related to 2nd language acquisition	Student does not understand instruction in L1 or L2 and across contexts; may be frustrated due to a possible learning disability
Student does not turn in homework	Student may not understand directions or how to complete the homework due to lack of English proficiency; student may not have access to homework support at home	Student seems unable to complete homework consistently even when offered time and assistance with homework during school; this may be due to a memory or processing deficit

## Writing

<b>Learning Behavior Manifested</b>	<b>Indicators of a Language Difference due to 2nd Language Acquisition</b>	<b>Indicators of a Possible Learning Disability</b>
Errors made with punctuation/capitalization	The error patterns seen are consistent with the punctuation and capitalization rules for L1; student's work tends to improve with appropriate	Student consistently or inconsistently makes capitalization and punctuation errors even after instruction; this may be due to deficits in organization, memory or processing

<b>Learning Behavior Manifested</b>	<b>Indicators of a Language Difference due to 2nd Language Acquisition</b>	<b>Indicators of a Possible Learning Disability</b>
	instruction in English	
Student has difficulty writing grammatically correct sentences	Student's syntax is reflective of writing patterns in L1; typical error patterns seen in 2nd language learners (verb tense, use of adverbs or adjectives); improves over time	The student makes more random errors such as word omissions, missing punctuation; grammar errors are not correct in L1 or L2; this may be due to a processing or memory deficit
Student has difficulty generating a paragraph or writing essays but is able to express his or her ideas orally	Student is not yet proficient in writing English even though they may have developed verbal skills; student makes progress over time and error patterns are similar to other 2nd language learners	The student seems to have difficulty paying attention or remembering previously learned information; the student may seem to have motor difficulties and avoids writing; student may have attention or memory deficits



# EL Identification and Screening

## TABLE OF CONTENTS

English Learner Defined.....	25
Home Language Survey.....	25
Identification of Native American Students.....	27
Identification of Immigrant Students.....	27
Using ELMS to Determine Eligibility.....	28
Screening for English Language Proficiency.....	28
Screening ELs with Disabilities for English Language Proficiency.....	29
WIDA Screener for Kindergarten and WIDA Screener.....	30
<b>WIDA Screener for Kindergarten Administration and Idaho’s Screen-Out Criteria</b> .....	32
Grades 1-12 WIDA Screener Administration and Idaho’s Screen-Out Criteria.....	33
Entering Screener Scores for EL Status Coding in ELMS.....	34
Entering Out-of-State Scores and Data in ELMS.....	35
Program Placement.....	36
Parental Notification.....	36
Parental Waiver of EL Services.....	37
Entering Waivers into ELMS.....	38
Identification Post-Enrollment.....	38
Erroneous EL Identification.....	39
Identification and Screening FAQs.....	41
Appendix A - EL Programming Flow Chart.....	43
Appendix B – Decision to Assess Matrix.....	44

## ENGLISH LEARNER DEFINED

The first step in providing services to English Learners (ELs) is to identify students registering for school who may qualify for placement into a district/charter Language Instruction Educational Program. EL students in Idaho are classified according to the Federal government definition as described in the Elementary and Secondary Education Act (ESEA) Section 3201(5). An English Learner student is classified as one:

- a. who is aged 3 through 21;
  - b. who is enrolled or preparing to enroll in an elementary school or secondary school;
  - c. (i.) who was not born in the United States or whose native language is a language other than English;  
 (ii.) (I) who is a Native American or Alaska Native, or a native resident of outlying areas; **-AND-**  
 (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; **-OR-**  
 (iii.) 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 -
    - (i.) the ability to meet the challenging State academic standards;
    - (ii.) the ability to achieve successfully in classrooms where the language of instruction is English; **-OR-**
    - (iii.) the opportunity to participate fully in society.
- Must meet either i, ii, or iii*
- Must meet either part i, ii, or iii*
- If part ii, then must meet both pieces I and II*

## HOME LANGUAGE SURVEY PURPOSE

The Elementary and Secondary Education Act (ESEA) has been reauthorized eight times since its inception in 1965. Under the most recent reauthorization which passed in December 2015, Every Student Succeeds Act (ESSA) requires states to adopt standardized statewide procedures and

criteria for entry into an English Learner status. 1. Districts/Charters must not discriminate in how they approach identifying students who may lack the English proficiency needed to achieve academic and career success. 2. To address these requirements the Idaho SDE in collaboration with the English Learner (EL) Advisory Group, developed a standardized Home Language Survey (HLS) that all districts must implement to start the EL identification process.

To accurately and efficiently identify students who are potential English Learners, districts/charters are required to administer the Idaho HLS to all newly enrolling students to the state. The HLS is given during enrollment to assist districts/charters to identify students who may need English language support services, due to a limited amount of previous English language exposure. This is the first step in the process to determine whether a language other than English is dominant and determine the degree in which the student's English language proficiency is sufficient to access grade-level content leading to ultimate academic success.<sup>1</sup>

The HLS is designed to be the first piece of evidence gathered in deciding to administer an English language proficiency screener to a student. All responses to the HLS should be stored in the student's cumulative file to assist school teams in understanding a holistic picture of the student's language background.

## **HOME LANGUAGE SURVEY IMPLEMENTATION**

The HLS is given to a parent/guardian during the initial enrollment of a student into an Idaho public district/charter school. Districts/Charters should communicate clearly to the parent/guardian on how the school uses the HLS to assure the responses given on the statewide HLS are accurate and reflect the possible influence of other language(s) on the child's ability to use English as a medium to access instruction within the classroom. Many factors can contribute to misleading data given on a HLS (e.g., parents may think English is the "right" answer; not understanding the intent of the HLS; and reporting languages their child is exposed to through studies or television). If the data seems incorrect or is unclear, the district/charter may choose to contact a parent/guardian for clarification on the information provided in the HLS. The "EL Programming Flowchart" (Appendix A) can be used along with the "Decision to Assess Matrix" (Appendix B) as tools to assist when evaluating a student's HLS to determine whether a student's English language proficiency should be screened.

<sup>1</sup> [20 U.S. Code § 6823 \(b\) 2](#)

It is important that district/charters implement reliable processes to ensure the HLS is interpreted accurately or that appropriate follow-up has been conducted by staff to determine the dominance of the other language. Not every HLS with a language other than English will require an English language proficiency screener to be administered, nor should it be assumed that a language other than English on the HLS automatically means that a screener should be administered. The Office for Civil Rights requires that districts/charters “identify EL students in need of language assistance services in a timely manner”. Districts/Charters have 30 days to identify whether a student is eligible to receive Language Instruction Educational Program (LIEP) services. The 30-day window allows the district/charter time to collect information on how the child performs in the classroom and also gives teachers and school teams time to perform and evaluate student observations to determine whether another language is causing the child difficulty in accessing the instruction delivered in English.

Idaho’s statewide HLS, in English and Spanish, is located in the ‘Forms’ section of the English Learner Program/ Title III webpage <https://www.sde.idaho.gov/federal-programs/el/index.html>. The HLS can be downloaded and put on district/charter personalized letterhead.

### Identification of Native American Students

All procedures for identifying ELs apply if a Native American student’s HLS indicates that a language other than English is spoken in the home. Native American students can be eligible for English language support services but should not be identified solely based upon being Native American.

### Identification of Immigrant Students

“Immigrant” is defined in Section 3201(5) of the ESEA, referring to an individual who:

- A. Is aged 3-21;
- B. Was not born in any State;
- C. Has not been attending one or more schools in any one or more States for more than three full academic years.

Immigrant status is not related to an individual’s legal status in the United States. Not all immigrant students are English Learners and not all English learners are immigrant students. Nor is immigrant status an immediate qualifier for EL status.

Through the enrollment process, District/Charter registration personnel may determine the student could qualify as immigrant. Through conversation, or through a conversation with an interpreter, district/charter staff can verbally follow up with parents to determine whether the student meets the criteria for an immigrant student. District/charter staff must ensure parents that all the information is entirely confidential, nothing will be documented in the cumulative file, and it has nothing to do with the family or student's immigration status. Furthermore, by gathering this information, the district/charter may be eligible for additional funding to support the unique needs of immigrant students and families.

District/Charters identify immigrant status for students through the Idaho System for Education Excellence (ISEE) uploads. Required data fields include "US Entry Date" and "Country of Origin." By identifying immigrant students, a district/charter may be able to qualify for additional Title III Immigrant funding based on a funding formula.

## **USING ELMS TO DETERMINE ELIGIBILITY**

Prior to administering an English language proficiency screener (WIDA Screener for Kindergarten or WIDA Screener), district/charter personnel are encouraged to first check the English Learner Management System (ELMS) to ensure an incoming student does not already have an existing EL status. District/Charter personnel assigned to an ELMS Editor or Viewer role (assigned by an ISEE Admin Tool User) are able to look up student profiles to view whether another Idaho district has assessed the child prior. If the child has an existing EL status, the district can make immediate programmatic decisions.

For more detailed information regarding ELMS, please reference the Idaho SDE Applications Portal webpage (<https://apps2.sde.idaho.gov/>) and click on ELMS. Users will find the "ELMS Manual" on the ELMS home page.

## **SCREENING FOR ENGLISH LANGUAGE PROFICIENCY**

The next step in the identification process, after administering the statewide HLS and checking ELMS, is to determine whether the student meets all components of the English Learner definition. The HLS identifies students for potential English language proficiency screening. District staff should also use incoming student cumulative records to see if there is

any information indicating that the student was previously identified and receiving EL services from their sending district/charter. Cumulative files can also be used to glean information regarding the student's performance and whether the language on the HLS impacts their ability to access content instruction delivered in English.

It is not necessary to administer a screener in the following scenarios:

- If the student already has an English learner status in ELMS. The student's EL status indicates: L1, LE, EW, X1, X2, X3, X4, FLEP, SO.
- If the student's cumulative file/record contains WIDA assessments from another state.
  - WIDA assessment score (W-APT, WIDA Screener, WIDA Screener for Kindergarten, ACCESS, ACCESS 2.0, Alternate ACCESS,) may be used to determine placement into the receiving district/charter's EL program.
  - If the student has screener scores that meet Idaho's screen out criteria.
  - If the student has ACCESS scores that meet Idaho's exit criteria.
- If the student has an EL Exit Form from another state regardless of the language proficiency test used to determine exit criteria.

\*\*All WIDA Screener(s) scores, ACCESS scores, or EL Exit forms must be uploaded into ELMS to exempt a provisional EL for English language support services. If you have specific questions, contact the SDE.

It is necessary to administer a screener in the following scenarios:

- If a student's EL History in ELMS states "No EL History." This student does not have an English language proficiency score that would have already qualified them as a current EL (any previous WIDA assessment(s) or IELA assessment).
- If the student has a language proficiency assessment score report from a non-WIDA member state (e.g., LAS, ELPA 21, TELPAS, etc.).

For students meeting the criteria for administration of an English language proficiency screener, district/charter EL staff must administer the appropriate language proficiency screener (WIDA Screener for Kindergarten or WIDA Screener) to determine district/charter LIEP eligibility.

### Screening ELs with Disabilities for English Language Proficiency

District/Charters must screen potential ELs for language proficiency even if they are a student with a disability. Qualification as an EL student does not exclude them from also participating in Special Education services if deemed appropriate, just as qualification for Special Education services does not exclude a student from also being qualified for EL services if they need to be. For students with an Individualized Education Plan (IEP) or 504 Plan, the accommodations

outlined in the plan must be used when the student takes a language proficiency screener to determine EL eligibility.

In the event that the student's disability precludes them from participating in a domain of the screener assessment (e.g. a deaf student not able to participate in the Listening and Speaking test domains the district/charter can apply the domain scores specific to the domains the student was able to participate in to determine eligibility.

- Scenario – A fifth grade student enrolls in a school with a HLS indicating Spanish but the student is also identified as deaf or hard of hearing under the Individuals with Disabilities Education Act. The student cannot participate in the Listening and Speaking domains of the assessment but can participate in the reading and writing domains. The school administers the WIDA Screener domains of Reading and Writing and applies the 4.0 domain specific criteria to those two domains. If the student scores a 4.0 or above in both the domains, then the student screens out. If the student scores below a 4.0 in either of the domains, then the student qualifies as an English learner.

If the student has a significant cognitive impairment, there is no alternate language proficiency screener at this time. Districts/Charters can administer either the WIDA Screener for Kindergarten or WIDA Screener with appropriate accommodations, to determine EL eligibility and language support services. Such students may be eligible to participate in the Alternate ACCESS summative English language proficiency testing if they meet the IDAA Participation Criteria. The IEP team, in conjunction with EL staff should make the best interest determination, for a student with the most significant cognitive impairments, that even with accommodations, cannot fully access and participate in the language proficiency screener.

### WIDA Screener for Kindergarten and WIDA Screener

Students in Kindergarten and first-semester grade one are screened using the WIDA Screener for Kindergarten. Students in second-semester grade one through grade 12 are screened using the WIDA Screener (Online or Paper). First and second-semester are defined as:


- First semester- from the school year start date through December 31
- Second semester- from January 1 through the end of the school year

*WIDA Screener for Kindergarten and WIDA Screener are to be used only as identification and placement test. They absolutely cannot be used as an exit, diagnostic, or progress-monitoring tool.*

Student's Grade	Screener Assessment to Administer
Kindergarten & First-Semester* Grade 1  * FIRST SEMESTER IS DEFINED AS START OF SCHOOL YEAR THROUGH DECEMBER 31	WIDA Screener for Kindergarten <ul style="list-style-type: none"> <li>• Free to download online at <a href="http://www.wida.us">www.wida.us</a></li> <li>• Must be printed out and administered 1-on-1</li> </ul> All domains are locally scored.  Please see “WIDA Screener for Kindergarten ” Section of this manual for determinations on which domains to administer depending on grade level and time of year.
Second-Semester**  Grade 1 - 12  **SECOND SEMESTER IS DEFINED AS JANUARY 1 THROUGH THE END OF THE YEAR.	WIDA Screener (Online / Paper) <ul style="list-style-type: none"> <li>• Paper forms can be requested by contacting the SDE</li> <li>• Online - Administered via the INSIGHT Browser inconjunction with sessions set up and scored in WIDA-AMS</li> </ul> Reading and listening scored via the INSIGHT system, Speaking and Writing are scored locally by Test Administrator

Individuals responsible for administering these assessments must be certified through the WIDA Secure Portal. Contact the WIDA Client Services Center, or your district/charter testing coordinator for assistance with obtaining an account. Testing Coordinators are responsible for managing accounts and permissions for district/charter personnel who are administering assessments.

### WIDA Client Services

 (866) 276-7735

 [help@wida.us](mailto:help@wida.us)

 <https://wida.wisc.edu>



## WIDA Screener for Kindergarten Administration and Idaho's Screen-Out Criteria

WIDA Screener for Kindergarten requires its own certification through the [WIDA Secure Portal](#). Kindergarten students enrolling in the first semester, are only administer the Listening and Speaking domains of WIDA Screener for Kindergarten. The purpose behind only administering half of the assessment is due to Kindergarten students not having had exposure to reading and writing instruction yet. Therefore, they should not be assessed for language proficiency in such domains. Second semester Kindergarten and first semester grade one are administered all four domains of WIDA Screener for Kindergarten assessment (listening, speaking, reading, and writing) during the samescreening session.

If a student scores at or above Idaho's Screen-Out Criteria he/she **does not qualify as an EL student**. All WIDA Screener for Kindergarten scores must be entered into ELMS, even for students who attain the screen-out criteria. After scores have been entered into ELMS, place the original score report in the student's cumulative file.

### WIDA Screener for Kindergarten Screen-Out Criteria

First Semester Kindergarten	Second Semester Kindergarten	First Semester Grade 1
≥ 5.0 Oral Language Proficiency Level	≥ 5.0 Oral Language Proficiency Level	≥ 5.0 Oral Language Proficiency Level
≥ 4.0 Listening Proficiency Level	≥ 4.0 Listening Proficiency Level	≥ 4.0 Listening Proficiency Level
≥ 4.0 Speaking Proficiency Level	≥ 4.0 Speaking Proficiency Level	≥ 4.0 Speaking Proficiency Level
	≥ 2.0 Literacy Score	≥ 4.0 Literacy Score

## Grades 1-12 WIDA Screener Administration and Idaho’s Screen-Out Criteria

For all other grade levels (second-semester grade 1 through grade 12), provisional ELs are administered the WIDA Screener. WIDA Screener organizes test content within grade-level clusters, because of this it is recommended that a student entering the first semester of a new grade-level cluster should be assigned to the lower grade-level cluster test (see table below).

The following figure shows the appropriate grade-level cluster test form for students, depending on the semester and grade-level when the test is administered.

### Recommended Grade-Level Cluster Test Form and Enrollment Semester

Grade	1		2		3		4		5		6		7		8		9		10		11		12	
Semester	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2
Grade-Cluster Form	K		Grade 1 Test		Grades 2-3 Test		Grades 4-5 Test		Grades 6-8 Test				Grades 9-12 Test											

WIDA Screener Online can be administered in a group setting with multiple clusters being assessed simultaneously. Approximate administration time is 60-90 minutes. Technology requirements are the same as for ACCESS. For more information, see the technology coordinator page:

<https://portal.wida.us/client/TrainingResource/TechnologyCoordinator.aspx>

Students take WIDA Screener Online entirely online through the INSIGHT browser (exception of grades 1-3 taking writing as paper/pencil, as it is more developmentally appropriate). The Insight browser will automatically score the listening and reading domains, but the speaking and writing domains must be scored at the local level by a WIDA Screener Test Administrator who has received certification and the permission set that allows them to evaluate responses in WIDA AMS. If student scores are at or above Idaho’s Screen-Out Criteria (see chart below) the student **does not qualify as an EL student**. All WIDA Screener scores must be entered into ELMS, even for students who screen out. After the scores have been entered into ELMS, place the score report in the student’s cumulative file.

### WIDA Screener (Online & Paper) Screen-Out Criteria

Second Semester Grade 1 – Grade 12
≥ 5.0 Overall Proficiency Level Score
≥ 4.0 Listening Proficiency Level
≥ 4.0 Speaking Proficiency Level
≥ 4.0 Reading Proficiency Level
≥ 4.0 Writing Proficiency Level

## ENTERING SCREENER SCORES FOR EL STATUS CODING IN ELMS

ELMS is the one source for all EL data reporting. ELMS will intuitively code and maintain EL status for students based on screener data entry and ACCESS scores.

The SDE uploads EL assessment data for ACCESS, Alternate ACCESS, ISAT, and IRI scores. Districts/Charters are responsible for entering EL screener scores, even for students who met the screen-out criteria.

*These tasks are imperative for accurate EL data. All SDE departments will use ELMS to pull EL status; therefore, the implications for assessments, accountability, and funding are critical.*

For students whose screener scores qualify them for the district/charter LIEP, the date the screener was administered will become their EL entry date. Once a screener has been entered for a student, additional screeners cannot be entered. ELs should have only one screener assessment administered for the duration of their Idaho EL tenure.

In the event you need to enter a screener score for a student with disabilities who was unable to participate in a domain due to their disability (e.g. a deaf student was unable to take the listening and speaking domains), please submit an ELMS Appeal with documentation of the scores available so they can be entered into ELMS for EL eligibility and correct EL status coding.

### *ELMS EL Status Coding Steps*

1. Screen the student with the appropriate screener.
2. Calculate scores and/or print out score report.
3. Log into ELMS.
4. Find Child.
5. Click on SCREENERS and “Add New Screener.”
6. Complete data entry for adding a new screener.
7. **The student’s HLS is required to be uploaded into ELMS prior to being able to successfully save and submit screener scores.**

Once a screener assessment has been entered, ELMS will:

- Determine whether the student qualifies based on the scores entered.
- Code the student as L1 or LE in the district SIS if their scores qualify them OR
- Code the student as SO if they met screen out criteria.

ELMS will calculate, determine, and assign appropriate EL status codes. For more detailed information regarding Screener Score entry in ELMS, please reference the Idaho SDE Applications Portal webpage (<https://apps2.sde.idaho.gov/>) and click on ELMS. Users will find the “ELMS Manual” on the ELMS home page.

## Entering Out-of-State Scores and Data in ELMS

Use the following scenarios for entering data into ELMS for student transferring to Idaho

- **For students enrolling from another WIDA state and have their original screener** in their cumulative file, district/charter staff can enter that screener into ELMS, using the date the screener was given, to qualify the student as an English Learner. Once the screener has been entered, the user can also enter subsequent years of ACCESS testing to build the student’s EL history and assessment history prior to transferring into an Idaho district/charter.
- **For students enrolling from another WIDA state with only summative ACCESS scores** in their cumulative file, submit an “Status Change Based on Out of State Records” Appeal in ELMS with all pertinent assessment information (attach the scores) and the student’s original EL entry date so that ELMS can update the status and scores accordingly.
- **For students enrolling from a non-WIDA state but have current EL paperwork** in their cumulative file, administer a screener to determine whether they qualify as EL in Idaho. Once the screener has been completed, enter it into ELMS, then submit an “Other” Appeal with the students original EL entry date so that ELMS can update the EL entry date to reflect when they first qualified as an EL. For historical information, users may also want to add a note in the District Notes section with a summary of the out of state results to provide additional information about the student and their EL history prior to transferring into an Idaho district/charter.
- **For students enrolling from any state with EL exit forms in their cumulative file**, submit an “Status Change Based on Out of State Records” Appeal, with supporting documentation of the exit, so that the SDE can update EL coding to an exited status. For historical information, users may also want to add a note in the District Notes section with a summary of the out of state scores and documentation to provide additional information about the student and their EL history prior to transferring into an Idaho district/charter.

*If you do not have access to ELMS, check with your District’s ISEE Coordinator, they can see who has rights to ELMS. That person can submit on your behalf or they can give you rights to submit*

*the appeals. If your District ISEE Coordinator needs help, they can contact our support desk. 208-332-6923 [support@sde.idaho.gov](mailto:support@sde.idaho.gov)*

## **PROGRAM PLACEMENT**

District/Charters must provide high-quality language instruction educational programs that are educationally sound and effective in increasing English proficiency and student academic achievement in the core academic subjects (ESEA Section 3115(c)(1)). EL students must be placed in the grade level that is age appropriate and cannot be placed in lower grades due to newcomer status or low language proficiency. For more detailed information regarding types of Language Instruction Educational Programs and how to appropriately staff such programs.

Please Note: The intensity of language services may vary based on the individual needs of the student as measured by the WIDA Screener for Kindergarten or WIDA Screener. For example, a first-semester Kindergarten student at the higher levels of language proficiency may be better served with language development supports within the general education classroom.

## **PARENTAL NOTIFICATION**

Districts/Charters are required (ESEA Section 1112(e)(3)) to notify parents of EL students regarding their child's placement, continuation, or exit from a LIEP. The chart below outlines the required components of the EL Parent Notification Letter.

<b>Federal Requirements for Parental Notification (ESEA Section 1112(e)(3))</b>
<p><b>- Parental Notification Must Include -</b></p> <p><b>Parents must be informed annually</b> regarding their child’s placement in a LIEP within 30 calendar days after the beginning of the school year or within the first two weeks of placement in the LIEP for students who enroll after the start of the school year. The letter must include the following required elements:</p> <ul style="list-style-type: none"> <li>• The reason for EL identification;</li> <li>• The child’s current level of English language proficiency, how it was assessed, and the status of the child’s academic achievement;</li> <li>• Type of LIEP the child is being placed into and other available district LIEP options;</li> <li>• How the program will meet the educational needs of the child;</li> <li>• Exit requirements, expected graduation rate, and expected rate of transition to a classroom not tailored for EL students;</li> <li>• In the case of a child with a disability, how the LIEP meets the goals in the child’s Individual Education Plan (IEP); and</li> <li>• Information for parents on how to withdraw their child from the district LIEP services or to choose another program or method of instruction.</li> </ul> <p>The notice and information must be provided, to the extent practicable, in a uniform format that is in a language understandable by the parents. (ESEA Section 1112(e)(4)).</p>

If the student’s screener scores qualifies them for participation in the district/charter’s LIEP, then a letter must go home—in a language understandable to the parents (to the extent practicable) indicating that their child was identified as needing specific English language development services. Parental notification of their child’s placement into a LIEP must occur within 30 calendar days of the child’s placement into the program if at the beginning of the school year or two weeks after the start of the school year. See a sample “Parent Notification Letter” in the Forms section of the Title III web page.

<https://www.sde.idaho.gov/federal-programs/el/index.html>. If the student does not qualify the district is not obligated to inform the parents since the child was not placed in the district/charter’s LIEP.

### Parental Waiver of EL Services

Districts/Charters are required to inform parents that they have the right to waive LIEP services for their child (ESEA 1112(e)(3)(A)(viii). Under Title VI of the Civil Rights Act and the Equal Education Opportunities Act (EEOA), a parent’s decision to opt out of a program for ELs must be knowing and voluntary, and a district/charter may not recommend that parent decline all or some of the services within a program for any reason. It is recommended that EL staff discuss the benefits of language instruction and address any misconceptions or questions parents/guardians may have about the program.

*It must be clear that the parental waiver of EL services does not exempt the child from annual ACCESS assessment and does not remove any EL designation. EL students, whose parents*

*waived services, are still required to be assessed annually for English language proficiency along with ALL district/charter EL students (ESEA Section 1111(b)(2)(G).*

*District assessment policies, if they include the right to opt a child out of assessments, do not override or diminish the district/charter's obligation to assess 100% of the ELs in their district on the annual English language proficiency assessment, ACCESS.*

Note however, that if an EL is not participating in the LIEP services due to parental waiver, the district still has an obligation under Title VI and EEOA to provide the student with access to all its educational programs and curriculum. The English language and other academic needs of an EL student still must be met to allow them access to the full range of educational opportunities as their native English-speaking peers.

A “Parental Waiver of Services” form must be completed, signed, uploaded into ELMS, and filed in the student’s cumulative file **once per year**. This is to ensure that parents have the opportunity to change their mind about their child’s educational services for language development.

### **Entering Waivers into ELMS**

EL students whose parents have waived EL services must be flagged as English Learner-Waived (EW) status in ELMS. Use the following steps to enter a Waiver form for a student in ELMS.

1. Log into ELMS.
2. Find Child.
3. Click on Waiver.
4. Upload the signed Waiver form.

ELMS will code the student EW for every school year that a waiver form has been uploaded. For more detailed information regarding Parental Waiver form entry in ELMS, please reference the [Idaho SDE Applications Portal webpage \(https://apps2.sde.idaho.gov/\)](https://apps2.sde.idaho.gov/) and click on ELMS. Users will find the “ELMS Manual” on the ELMS home page. See a sample “Parent Waiver of Services” form in the Forms section of the Title III webpage (<https://www.sde.idaho.gov/federal-programs/el/index.html>).

## **IDENTIFICATION POST-ENROLLMENT**

The post-enrollment identification process allows district/charters to make changes to a child’s original Home Language Survey in the event that weeks into the school year it is revealed that a student does speak a language other than English in the home.



**Scenario:** A student has a Home Language Survey that indicates English is spoken at home (all questions are answered in English). A few weeks into the school year, the student reveals that she knows how to speak Chinese because “we always talk Chinese at our house.” How does a district/charter proceed? Should the student be screened language proficiency?

District/Charter staff must first look the student up in ELMS to ensure there is no previous EL History or assessments. If the student has “No EL History” the district/charter staff may proceed with the following process to change the HLS to accurately reflect the student’s language use.

### **CHANGING A HOME LANGUAGE SURVEY PROCESS**

1. Contact the student’s parents to determine how the language affects the child.
2. Conduct a cumulative file review to collect any data.
3. Document the other language on the original HLS with dates and authorized personnel name and title. Parents must know of the language change on the HLS.
4. Choose an option based upon the situation:
  - a. Student has **no** academic concerns: Student is added to a “watch list.” The district/charter proceeds with occasional checks to see if concerns arise where the language other than English impacts the student’s ability to access instruction being delivered in English. Based on the information gathered, either screen for language proficiency, or not, depending on whether concerns arise.
  - b. Student has academic concerns: Screen student for language proficiency.

### **ERRONEOUS EL IDENTIFICATION**

Idaho has established a procedure for removing the English learner designation from any student erroneously identified as an English learner, consistent with Federal Civil Rights obligations. This process allows district/charters to request the removal of the EL designation from students whose original Home Language Survey prompted language screening resulting in an EL program placement, but due to certain circumstances was incorrect. Such circumstances might include a child’s Home Language Survey being filled out by an individual other than a parent/guardian who described language use of their own home rather than of the student’s home. Another circumstance could be that a student’s Home Language Survey was completed with a language that the child is exposed to through television programming but does not have a significant impact on the child’s ability to access instruction delivered in English.

It is important to note that this process absolutely **CANNOT** be used to remove the EL designation from an EL student whose parent no longer wants their child in the EL program. In



accordance with Office for Civil Rights, EL students are entitled to appropriate language development services. If parents do not wish that their child participates, they have the right to waive English language development services offered by the district/charter. For more information.

## **REQUESTING AN EL DESIGNATION REMOVAL**

For students meeting criteria for the removal of the EL designation, district/charter staff must complete an EL Designation Removal Request in ELMS and submit for SEA approval. It is important to note that **not** all requests will be approved. Use the following steps to enter a “Remove EL Designation” request for a student in ELMS.

1. Log into ELMS.
2. Find Child.
3. Click on “APPEALS”
4. Click on “Designation Removal for Erroneous Identification”
5. Complete the request details.
  - The Team must consist of at least an EL educator, an administrator, and parent at a minimum.
  - All appropriate documentation must be uploaded, including the original HLS (required).
6. Submit for SEA approval.
7. SEA will review the requests and either Approve or Deny.
  - **APPROVED:** For students whose requests are approved, ELMS will be updated to accurately reflect that the student should never have been qualified as an EL with their screener results, EL entry, and EL status deleted. District/charter personnel should securely dispose of the EL screener results in the student’s cumulative file or document on the report that the scores are invalid due to erroneous identification.
  - **DENIED:** Students whose requests are denied, ELMS will maintain the appropriate LE or L1 EL status code. Parents have the right to sign a “Waiver of EL Services” form annually, but this does not remove a district/charter’s obligations to support his/her language development. The student must continue to take the ACCESS assessment annually until they meet Idaho’s exit criteria.

For more detailed information regarding EL Designation Removal Requests in ELMS, please reference the [Idaho SDE Applications Portal webpage \(https://apps2.sde.idaho.gov/\)](https://apps2.sde.idaho.gov/) and click on ELMS. Users will find the “ELMS Manual” on the ELMS home page.

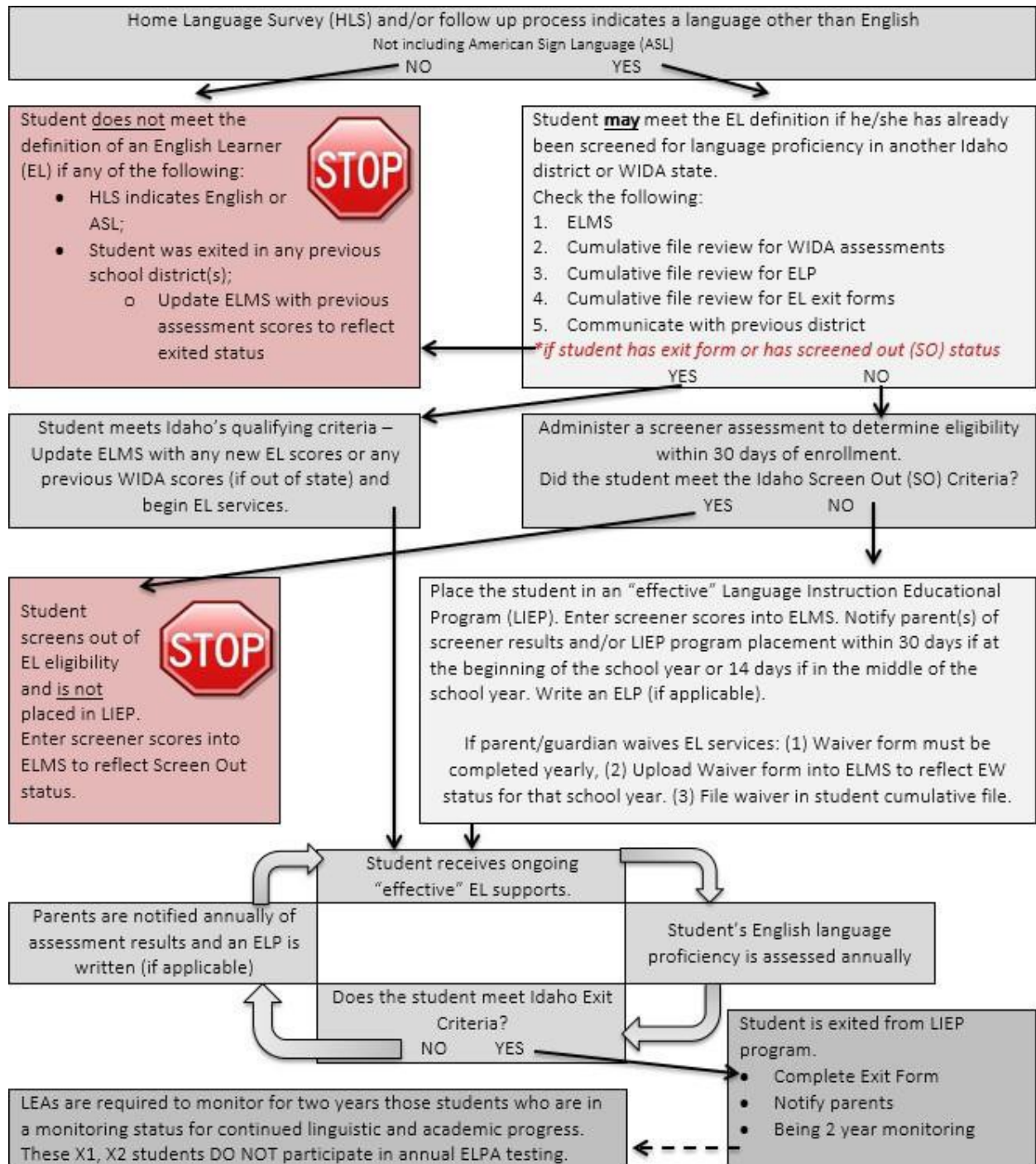
## IDENTIFICATION AND SCREENING FAQs

- *Do we have to administer a Home Language Survey to every student every year?*
  - No, a Home Language Survey should be filled out once upon enrollment into an Idaho district/charter.
- *It has been discovered that a student's HLS was completed with English for all questions, when there actually is another language spoken at home. Do we have parents complete another HLS?*
  - No, if there are circumstances where a student's home language does change from English to any other language, then the district may choose to complete an addendum to the original HLS. Changes should be made on the original HLS with documented details and dates.
- *We have used the "Identification Flow Chart" and the "Decision to Assess Matrix" and determined that a follow-up phone call was necessary. After talking with the parents, we still don't know whether to screener a student's ELP or not, what should we do?*
  - If at the end of the 30-day identification and placement period, staff still do not know what to do, then err on the "to assess" side. Students, who are truly not ELs and are truly bilingual, can and should, screen out of EL qualification.
- *I have a parent who is adamant that they do not want their student enrolled in our district LIEP at all and don't want their child to have an EL status. Can we remove the child as an EL completely?*
  - No. A parent has the right to waive EL program support services but cannot remove a child from the program and EL -status completely. The student's screening and identification was substantiated by initial Home Language Survey responses. The only exception would be in the case where there was an error on the student's original HLS and the student was erroneously identified as an EL student.
- *When is it appropriate to submit an Appeal for Erroneous Identification?*
  - The Appeal for Erroneous Designation Removal was created for situations where the HLS indicated a language other than English that prompted a screener assessment for a student resulting in the student qualifying as an EL. Upon follow-up, district staff discover that the language other than English was written incorrectly and does not have a significant impact on the child's ability to access content being delivered in English (e.g. it was a language the parents wanted the child to learn, it was the language spoken at the Aunt's house, it was a language

that is spoken in the child's favorite television show). Erroneous Identification requests are submitted in ELMS and reviewed for approval/denial at the SDE.

- *How do we know if a student should be coded as an immigrant if we cannot ask questions regarding their date of entry to the US or country of origin?*
  - At the time of enrollment, districts/charters should have an individual assess student's registration paperwork for evidence of possibly being an immigrant (e.g., birth certificate from another country). If the registrar suspects that a child might be immigrant, they can/should have a conversation explaining the advantages for the district and their child if they are new arrivals to the United States, but also assure them that the conversation has nothing to do with their immigration status or citizenship. Nothing should be documented on the registration paperwork or in any student cumulative file paperwork, but a country of origin and a U.S. date of entry can be collected for being able to identify immigrant status for data collection purposes only (ISEE).
- *Can I accept the EL status of a student who comes from another state?*
  - **If the student is from another WIDA state** and has either current WIDA Screener, ACCESS, MODEL, Alternate ACCESS, or WIDA Screener for Kindergarten scores in their cumulative file - Yes, a district may accept that student immediately as an EL and use the original screener date when the student first qualified for an EL program. Enter the original screener score and date into ELMS. ELMS will calculate the EL Status Code for the student. Also, enter any previous ACCESS scores into ELMS to build the EL assessment history for the student.
  - **If the student comes from a state that is not a WIDA member state** - No, a district may not immediately accept that student into their district LIEP. The Idaho district/charter must administer the WIDA Screener for Kindergarten or WIDA Screener to determine whether the student qualifies as an EL based upon Idaho's ELP standards, assessment, and criteria.
- *I need to qualify a student from another WIDA state as EL, but there are no screeners in their cumulative file and the former district cannot provide any screener scores.*
  - Please do your due diligence to contact the previous school district to obtain original EL screener scores. If you are able to get them, enter the screener score into ELMS as an "Out of State Appeal" using the original assessment date to first qualify the student. Add any additional ACCESS scores once you have qualified the student with the screener.

## APPENDIX A - EL PROGRAMMING FLOW CHART



English Learner Management System (ELMS); English Learner Plan (ELP); English Language Proficiency Assessment (ELPA); EL Codes: L1=EL student first year identified; LE= Current EL students; EW=Current EL student whose parent waived EL services; X1/2/3/4=Exited student in 1st/2nd/3rd/or 4th year of monitoring status; FLEP=formerly EL; SO=Screened Out, FLEP=Former Limited English Proficient

## APPENDIX B – DECISION TO ASSESS MATRIX

Question	Answer								
1. What language(s) are spoken in the home?	Other than English	English	English	English	English	Other than English	Other than English	Other than English	Other than English
2. What language(s) does your student speak most often? <i>(Always triggers a test if answered as a language other than English)</i>	English	Other than English	English	English	English	English	Other than English	Other than English	Other than English
3. What language(s) did your student first learn?	English	English	Other than English	English	English	Other than English	Other than English	Other than English	Other than English
4. Which language does your student speak with you? <i>(Always triggers a test if answered as a language other than English)</i>	English	English	English	Other than English	English	English	English	Other than English	Other than English
5. Which language do you use when speaking with your student?	English	English	English	English	Other than English	English	English	English	Other than English
Action:	Call: What is the exposure to other language(s) in the home?	Test	Call	Test	Call	Test	Test	Test	Test

If only questions 1, 3 or 5 have a language other than English, then call the home to clarify the exposure to other language(s) and the potential impact on learning.

Exception: If question 1 and 3 are both marked as a language other than English, then administer the language proficiency test (WIDA Screener for Kindergarten or WIDA Screener).

# Data Reporting

## TABLE OF CONTENTS

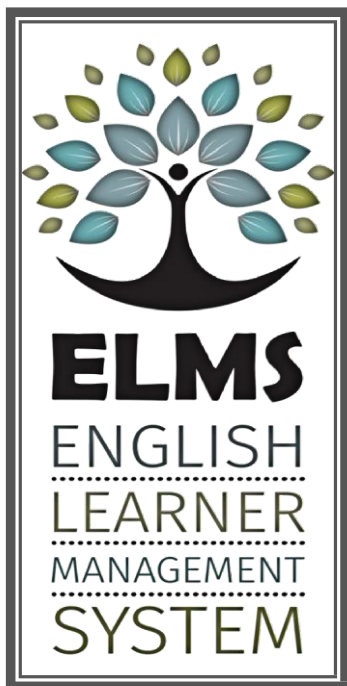
Data Reporting Background.....	46
English Learner Management System (ELMS) .....	46
ELMS Coding for English Learners .....	47
Annual Data Collection .....	48
Idaho System of Educational Excellence (ISEE).....	49
State and Title III Plan Reporting (CFSGA).....	50
LEAs Reporting No English Learners .....	50
State English Learner Program Plan .....	50
Title III Program Plan.....	50
Data Reporting FAQs .....	51

## DATA REPORTING BACKGROUND

All district/charters have multiple data reporting requirements regarding current or potential English Learner (EL) programs and plans. District, school, and student-level data are required for accreditation, accountability, and funding purposes.

Beginning in school year 2018-2019, data reporting for EL students fully transitioned into the English Learner Management System (ELMS).

## ENGLISH LEARNER MANAGEMENT SYSTEM (ELMS)



ELMS is a collaborative EL management system shared by the SDE and the local education agencies (LEA). The responsibility of the SDE will be to maintain the system and upload assessments scores (ACCESS, ISAT, IRI). District/Charters will be responsible for entering screener scores throughout the school year, complete English Learner Plans (ELPs), as well as report program information at the end of the academic year for the Consolidated State Performance Report (CSPR) to the U.S. Department of Education. For detailed information regarding screener score entry and Annual Data collection in the ELMS, please see the ELMS User Guide & Walkthrough.

### ACCESSING ELMS

Contact your local district ISEE Coordinator to be assigned the role of **ELMS Editor** or **ELMS Viewer** in the **Admin Tool User**. The roles can be assigned to multiple users in a district. For security purposes, roles should only be assigned to district/charter staff who have an educational “need to know”. For more detailed information regarding ELMS and using ELMS, please reference the Idaho SDE Applications Portal webpage (<https://apps2.sde.idaho.gov/>) and click on ELMS. Users will find the “ELMS Manual” on the ELMS home page.



## ELMS Coding for English Learners

All district/charters are required to identify English Learners (ELs) in their schools. Once screened for English language proficiency, screener scores must be entered into ELMS so that students are coded appropriately. The following defined codes are used to identify types of EL students: SO, L1, LE, EW, X1, X2, X3, X4, FL, N. Once screeners have been entered and submitted into ELMS, ELMS will apply the correct code for the student's EL status and will maintain or adjust the status for the student over their educational career. EL status automatically updates on July 1 of each year.

Correct status coding is essential for data quality for reporting purposes. These status codes are used to populate "EL History" in the ELMS application, allowing district personnel to see the EL status of a student historically in all Idaho school district/charters. They are used for required reporting on the number of EL students in the state to the US Department of Education. And furthermore, they are used to substantiate state and federal funding.

### ELMS EL STATUS CODES

EL Code	EL Status	Has an EL Entry Date?	Has an EL Exit Date?	Takes ACCESS?
L1	An English learner who has been identified in the past year. This status rolls over to LE after one year.  ELs are exempt from ISAT ELA testing for <b>one year from the first date of enrollment</b> to a US school.	Yes	No	Yes
LE	A continuing English learner. This status remains until he/she meets exit criteria.	Yes	No	Yes
EW	A current English learner whose parents have waived EL services. This status is prompted by the annual upload of a signed waiver form from the parents.	Yes	No	Yes
X1	A student who has met Idaho's exit criteria on the annual ACCESS assessment or the Alternate ACCESS in the previous school year. These students are currently in their first year of monitoring status.	Yes	Yes (Provided by SDE)	No



EL Code	EL Status	Has an EL Entry Date?	Has an EL Exit Date?	Takes ACCESS?
	monitors their progress to ensure that they are academically successful in the classroom where instruction is delivered in English.			
X2	A student who has met Idaho's exit criteria on the annual ACCESS assessment or the Alternate ACCESS two school years ago. These students are currently in their second year of monitoring status where the LEA monitors their progress to ensure that they are academically successful in the classroom where instruction is delivered in English.	Yes	Yes (Provided by SDE)	No
X3 X4	A student who has met Idaho's exit criteria on the annual ACCESS assessment or the Alternate ACCESS three/four years ago. These students are no longer being monitored but are counted within the EL subgroup for Accountability purposes.	Yes	Yes (Provided by SDE)	No
FL	A student who met Idaho's exit criteria more than five years ago and is now a Former EL student.	Yes	Yes (Provided by SDE)	No
SO	A student who has met Idaho screen out criteria on a language proficiency screener and is NOT qualified as an EL student.	No	No	No

## Annual Data Collection

Every year the Idaho State Department of Education must report on statistics of EL students and programs to the US Department of Education. Annual data collection begins in the spring and must be completed and submitted to the SDE by June 30<sup>th</sup>. State EL and Title III-A plans will not be approved until this data collection has been submitted and approved by the SDE.

There are eight (8) tabs of specific information for LEAs to complete:

- District Home (personnel contact information)
- Identification and Placement
- Reclassified Students
- Educational Programs
- Teacher Certification
- District LIEP Activities
- Professional Development
- Participant Information
- EL Activities

## **IDAHO SYSTEM OF EDUCATIONAL EXCELLENCE (ISEE)**

The Idaho State Department of Education (SDE) has created the Idaho System for Educational Excellence (ISEE), a K-12 Longitudinal Data System, which supports the budgeting processes, data submissions, and delivers information to educational stakeholders to create data-driven decisions. Data reporting is required from the LEA to the SDE through six (6) yearly data submissions. LEAs report data to the SDE for all programs and students.

The only data reporting that is required for English Learners and Immigrant student through ISEE is Immigrant Status Reporting. Required data fields include “US Entry Date” and “Country of Origin.” Not all English Learners will be Immigrant, and not Immigrant students will be EL.

By identifying immigrant students, a district/charter may be able to qualify for additional Title III Immigrant funding based on a funding formula.

For more information about ISEE or how to get access to the ISEE portal, please refer to the ISEE Technology Resource Webpage (<http://www.sde.idaho.gov/tech-services/isee/>).

## STATE AND TITLE III-A PLAN REPORTING (CFSGA)

Every year LEAs are required to write, submit, and have an approved plan on file with the SDE regarding their use of state and federal funds (Idaho Code: Section 33-1617). These plans are written, submitted, and approved through the Consolidated Federal and State Grants Application (CFSGA). District/charters will not have any program funds released until all program plans have been submitted and approved. Submission deadline for all program plans through the CFSGA is June 30th.

Upon signing into to CFSGA, options for EL Assurances, State EL plan, and Title III-A plan will depend on whether the district/charter has any identified EL students and whether they qualify for their own Title III grant allocation.

### LEAs Reporting No English Learners

**ALL** district/charters reporting that they do not have ELs must answer a minimum assurance question regarding what they would do if/when enrolling an EL student and the qualifications of the staff designated for providing EL supports. As of school year 2018-2019 they will also be allowed to opt into participating in the Title III-A Consortium in the event that they discover ELs who have transferred into their district mid-year and require EL supports. In addition, they must identify a contact person with the role of “Title III Language Instruction for English Learners” in the Idaho District Contact Information (IDCI) to receive EL related information, as well as someone in the ELMS editor role to look up new students upon enrollment.

### State English Learner Program Plan

District/charters receiving State EL funds must have an approved plan for such funds on file with the SDE annually (Idaho Code: Section 33-1617). State EL Plans consist of information regarding the district/charter’s use of State funds for supporting the instruction of their enrolled ELs. Program services and expenditures described in this plan are the district/charter’s core language supports for students who are English Learners, which district/charters are required to provide (a.k.a. Lau Plan).

Additional information regarding how to complete the State EL Plan, please reference the EL and Title III-A Webpage at <https://www.sde.idaho.gov/federal-programs/el/index.html>.

### Title III-A Program Plan

District/charters receiving their own allocation for federal Title III-A funds must submit and have an approved plan on file that details their use of federal funds. Federal Title III-A funds must be used to supplement, not supplant, the core program they are required to provide

their English Learners regardless of whether they receive federal funds.

Additional information regarding how to complete the State EL Plan, please reference the EL and Title III-A webpage at <https://www.sde.idaho.gov/federal-programs/el/index.html>

## DATA REPORTING FAQs

- *Why do we need an SO code? Can't we just leave the students with an N status?*
  - The purpose of the Screened-Out (SO) code is to identify that this particular student has already had a language proficiency screener administered to them and scored at such a level that they are not an EL student. This is particularly important for students who are mobile and move between district/charters. Receiving schools can look up enrolling students in ELMS on the day they enroll, see they are coded SO, and immediately know this student has already taken a screener assessment from a sending school, thus saving themselves and the student the time it would take to administer another screener assessment.
- *How long do we have to upload a student's WIDA Screener for Kindergarten/Screener Assessment in ELMS?*
  - Districts have 30 calendar days to test a student upon enrollment. In addition, districts have 30 days to notify parents regarding the status or placement of their EL student in the LIEP. Districts should follow this same timeline for uploading their scores into the ELMS, 30 days from time of enrollment.

# Programs, Standards and Staffing

## TABLE OF CONTENTS

Background.....	53
Language Instruction Educational Program (LIEP) Requirements.....	53
Title III Requirements for LIEPs.....	54
Language Instruction Educational Program (LIEP) Models .....	54
Curriculum Adoption .....	57
English Language Development (ELD) Standards.....	58
English Learner Plans (ELPs) .....	59
LIEP Staffing .....	59
Idaho ESL and Bilingual Teacher Certification .....	64
Professional Development for LIEP and Assoc. Staff.....	66
Frequently Asked Questions.....	67

## **BACKGROUND**

All school district/charters in Idaho are required to be “on alert” and ready for English learners (ELs) who may enroll in their schools. Once faced with addressing the linguistic needs for the student, appropriate programming must be developed to assure linguistic barriers to accessing the core instructional program are properly mitigated. There are many ways for a school or charter to teach English to non-English speakers. It is not the purview of the Idaho State Department of Education (SDE) to determine which program or curriculum materials/resources would work best for all districts; however, it is a federal requirement that any program of service or curriculum provided to ELs must be “effective”. In addition, OCR and Title III do not mandate or forbid any specific type of language program, such as bilingual education.

This guidance will help schools prepare the required policy and plans, choose an appropriate program model, assure ELs are included in the core educational program, and assist parents of ELs to participate in their children’s education.

## **LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM (LIEP) REQUIREMENTS**

All district/charters, even those not reporting ELs, must select one or more methods of instruction that are effective in teaching English Learners. Under Title VI and the EEOA school districts must provide a core language program that is effective—educationally sound and proven successful.

Idaho legislation (Idaho Code: Section 33-1617) requires that all school districts/charters annually report to the SDE their plan (a.k.a. State EL and/or Lau Plan) to identify and serve all ELs in accordance with Title VI of the Civil Rights Act, as well as other federal cases. Plans are submitted to the SDE via the Consolidated Federal and State Grants Application (CFSGA) by June 30th each year.

- School districts/charters reporting ELs– State EL Plan includes numerous assurances, including that the district/charter has adopted the statewide Home Language Survey (HLS). The district/charter must also identify a contact individual for EL programming and assessment. Additionally, they must respond to narrative questions describing the program(s) they are providing to identified ELs in their school(s).
- School districts/charters not reporting ELs– State EL Plan must describe how they would meet the Title VI and OCR obligations in the event they were to have an EL student enroll

in their school(s). This plan includes an assurance that the district/charter has adopted the Statewide Home Language Survey for use in all students' registration, that they have identified a contact individual for EL programming, as well as a chosen LIEP to implement for an enrolling EL if/when they were to receive one.

### Title III-A Requirements for LIEPs

Title III-A of the ESEA, as amended by ESSA, expects that a district/charter's chosen LIEP be "effective" An LEA must:

- Use Title III-A funds for effective approaches and methodologies for teaching ELs (ESEA Section 3115(a));
- Increase the English proficiency of ELs by providing effective language instruction educational programs that meet the needs of ELs and demonstrate success in increasing (A) English language proficiency; and (B) student academic achievement (ESEA Section 3115(c)(1));
- Use Title III-A funds in ways that build its capacity to continue to offer effective language instruction educational programs that assist English learners in meeting challenging State academic standards (ESEA Section 3113(b)(3)(E)); and
- Include in its local plans for a Title III-A sub-grant a description of the effective programs and activities that will be provided, including language instruction educational programs (ESEA Section 3116(b)(1)).

Under Title VI and the EEOA LEAs must provide a language assistance program that is effective—educationally sound and proven successful. Furthermore, districts/charters receiving Title III-A funds have an obligation to use those funds to supplement, not supplant, to meet this civil rights obligation.

## LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM (LIEP) MODELS

Districts and charters have the flexibility to choose the program model and services that best meet the needs of their EL population. In addition, they must offer appropriate EL programming and services until ELs are proficient in English and can participate meaningfully in the classroom where instruction is delivered in English. Depending on the EL population and the EL staff employed, districts/charters can implement more than one program type.

The US Department of Education requires district/charters to report their chosen LIEPs. The following are the only six (6) reportable Language Instruction Educational Program types, with descriptions of each:

#### LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM MODELS

LIEP Models	Description	Alternate and/or Corresponding Names
Transitional Bilingual	Bilingual program where students begin in grade K or 1 by receiving instruction all or mostly in their L1, and transition incrementally over to English. Typically, transition to all English is complete by mid- to late elementary school. L1 is used to leverage L2 acquisition, but L1 proficiency is not a program goal.	<ul style="list-style-type: none"> <li>• Early Exit Bilingual</li> <li>• Early Exit Transitional</li> </ul>
Dual Language or Two-Way Immersion	Bilingual program where the goal is for students to develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of half primary-English speakers and half primary speakers of the other language.	<ul style="list-style-type: none"> <li>• Two-Way Bilingual</li> <li>• Development Bilingual</li> <li>• Dual Immersion</li> </ul>
English as a Second Language (ESL) or English Language Development (ELD)	Class format programming consisting of techniques, methodology, and special curriculum designed to teach ELs explicitly about the English language, including the academic vocabulary needed to access content instruction, and to develop their English language proficiency in all four language domains (speaking, listening, reading, and writing). Instruction is delivered in English by a trained EL teacher/specialist and focuses on development of proficiency in the English language, including grammar, vocabulary and communication skills.	<ul style="list-style-type: none"> <li>• Pull-Out ESL/ELD</li> <li>• Push-In ESL/ELD</li> <li>• ELD/ESL Class Period</li> </ul>



LIEP Models	Description	Alternate and/or Corresponding Names
Content Classes with Integrated ESL Support	<p>Classroom and/or ESL teacher provides language instruction that uses content as a medium for building language skills. Although using content as a means, instruction is still focused primarily on learning English.</p> <p>Fully developed prototypes of this program include:</p> <ul style="list-style-type: none"> <li>• Sheltered Instruction Observational Protocol (SIOP)</li> <li>• Specially Designed Academic Instruction in English (SDAIE)</li> </ul>	<ul style="list-style-type: none"> <li>• Sheltered English Instruction</li> <li>• Content-based ESL</li> <li>• SIOP</li> <li>• SDAIE</li> <li>• Structured English Immersion (SEI)</li> <li>• GLAD</li> </ul>
Newcomer Programs	<p>Program that offers specialized services and classes to help newly arrived ELs acclimate to U.S. schools, develop foundational skills in content areas (e.g., basic literacy and math concepts). Newcomer programs are short-term, typically lasting no longer than one year.</p>	<ul style="list-style-type: none"> <li>• Newcomer Center</li> </ul>
Other	<p>Some other options for Language Instruction Educational Program types that Idaho districts can implement:</p> <ul style="list-style-type: none"> <li>• Co-Teaching</li> <li>• Heritage/Indigenous Language Program(s)</li> <li>• Extended Instructional Day</li> </ul>	

For additional information regarding the descriptions for the above LIEPs, please reference the source [“Language Instruction Educational Programs \(LIEPs\): A Review of the Foundational Literature”](https://www2.ed.gov/rschstat/eval/title-iii/language-instruction-ed-programs-report.pdf) at <https://www2.ed.gov/rschstat/eval/title-iii/language-instruction-ed-programs-report.pdf>

## Program Evaluation

In determining whether a grant recipient’s LIEP complies with Title VI of the Civil Rights Act of 1964, the Office for Civil Rights uses the standard set forth in *Castañeda v. Pickard*. The three-prong approach to evaluating a LIEP includes:

- The school system is 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 [A Sound Approach]
- The programs and practices actually used by [the] school system are reasonably calculated to implement effectively the educational theory adopted by the school [Reasonable Implementation]

The school's program succeeds, after a legitimate trial, in producing results indicating that the language barriers confronting students are actually being overcome [Evaluate for Outcomes].

## CURRICULUM ADOPTION

Each year Idaho holds a curriculum adoption for various content curriculums, with EL curriculum being reviewed every six (6) years. The well-organized event is open to teachers, preferably with an Idaho teaching certification in Bilingual K-12 and/or ESL K-12. Teachers use rubrics aligned to the WIDA ELD Standards framework and score textbooks/materials accordingly. Most of the work takes place on your own schedule, with a culminating weeklong event in the summer to compare results. As an added benefit, teachers who participate are able to keep the materials. The most recent curriculum review for EL materials was held spring/summer of 2021 with results of the curricular review available by Fall 2021. For more information on the Curriculum Review process or to access the most recent list of approved EL curriculums, see the Idaho SDE Curricular Materials webpage

(<http://www.sde.idaho.gov/academic/curricular/>). Recommendation lists can be found, by specific content area, in the dropdown sections under “Recommended Curricular Materials”

## WIDA ENGLISH LANGUAGE DEVELOPMENT (ELD) STANDARDS

In January 2013, Idaho adopted the WIDA ELD standards that are aligned to the Idaho Core Standards. The five distinct standards represent the social instructional and academic language needed for students to interact with peers, teachers, and content areas. The WIDA ELD standards contain a framework for instruction that represents the English language development standards through language functions, content and scaffolding.

WIDA ELD Standard	Abbreviation
Standard 1 - English language learners <b>communicate</b> for <b>Social and Instructional</b> purposes within the school setting.	Social and Instructional Language

Standard 2 - English language learners <b>communicate</b> information, ideas and concepts necessary for academic success in the content area of <b>Language Arts</b> .	The language of Language Arts
Standard 3 - English language learners <b>communicate</b> information, ideas and concepts necessary for academic success in the content area of <b>Mathematics</b> .	The language of Mathematics
Standard 4 - English language learners <b>communicate</b> information, ideas and concepts necessary for academic success in the content area of <b>Science</b> .	The language of Science
Standard 5 - English language learners <b>communicate</b> information, ideas and concepts necessary for academic success in the content area of <b>Social Studies</b> .	The language of Social Studies

Please reference the WIDA ELD Standards website for additional information and online standards training and materials at <https://www.wida.us/standards/eld.aspx>.

## English Learner Plans (ELPs)

Idaho statute (IDAPA 08.02.03 - 111.04) requires that an individualized ELP is written for any student who requires any accommodations or designated supports on a statewide or district-wide assessment based upon the language proficiency. Assessment accommodations/supports must also be used during regular classroom instruction and testing. ELPs are a collaborative and strategic instructional written by a team that has evaluated the unique needs of each English Learner requiring an ELP. Documented accommodations/supports are then used throughout the school year, not just on statewide assessments. A student may not receive accommodations on any assessment unless it is documented in an ELP. Do not assign accommodations/supports to students who have not had time to become familiar with them.

Student ELPs may be created within the English Learner Management System (ELMS). For more detailed information regarding how to write ELPs in ELMS reference the Idaho SDE Applications Portal webpage (<https://apps2.sde.idaho.gov/>) and click on ELMS. Users will find the “ELMS Manual” on the ELMS homepage.

Copies of completed ELPs must be housed in the student cumulative file. If students were to move out of Idaho, their ELPs that was written and completed in ELMS would not follow them (ELMS is an Idaho specific web application). Therefore, it is important that a copy be placed in the student’s cumulative file that would follow the student in the event they move out of state. ELPs should be used by EL staff to communicate the types of instructional supports that can be used for ELs in classroom instruction. The ELP also provides teachers with valuable information regarding how to serve their English Learners. A school can create an ELP for an EL even if they do not require accommodations/supports in the classroom or annual assessment.

## LIEP STAFFING

All staff in a school play a vital role in the success of ELs. From the secretary to the building administrators, everyone must be trained in how to work and engage with ELs and their families. Additionally, everyone in the building should be held accountable for serving ELs appropriately. It is not the sole responsibility of the EL teacher or paraprofessional to ensure ELs are served properly and successfully. Title VI and the EEOA require LEAs to provide the personnel and resources necessary to effectively implement their chosen language assistance program. However, it is crucial to the success of ELs that teachers are trained on how to support both ELs’ English language development and their mastery of academic content knowledge.

All districts and charters must identify at least one individual in the role of “Title III Language Instruction for EL” Coordinator in the Idaho District Contact Information (IDCI). This person serves as the contact person at the district level for EL topics, including receiving SDE communications around EL programmatic updates and training opportunities. Personnel needing this role assignment would need to contact their district ISEE Coordinator to be placed in the role. Person(s) assigned to this role should be involved in decision making that may be related to the use of funds to support ELs and the district/charter’s LIEP and acts as the supervisor for the district’s LIEP.

The educators listed below perform a variety of roles within the language program. Collectively, they are responsible for identifying ELs, coordinating and providing services based on needs, and insuring students’ civil rights to education are not compromised. Depending on the size of the district/charter, some roles and responsibilities listed below may include more or less responsibilities (general responsibilities are provided).

Role or Title	Description
<p><b>EL / Title III Administrator or Coordinator</b></p>	<p>As the district level person responsible for the comprehensive language program, this role coordinates with other district level staff (Federal Programs, Special Education, Curriculum &amp; Instruction, Assessment), Technology and Finance departments, school principals and staff and the Idaho Department of Education to -</p> <ul style="list-style-type: none"> <li>• provide a district/charter vision and goals for the linguistic and academic success of ELs;</li> <li>• implement a LIEP that aligns with state and federal regulations;</li> <li>• develop and administer a budget to support the program;</li> <li>• recruit, interview, and hire qualified EL teachers; “Districts have an obligation to provide the staff necessary to implement their chosen program properly within a reasonable period of time.” See Castaneda, 648 F. 2d at 1013</li> <li>• communicate and disseminate information about the language program to principals, staff, teachers, families of ELs, and other interested community members;</li> <li>• serve as a resource of professional information and support for principals, teachers and staff;</li> <li>• ensure data quality (ELMS, ISEE, CFSGA) and that data to submitted in a timely fashion;</li> </ul>

Role or Title	Description
<b>EL / Title III Administrator or Coordinator</b>	<ul style="list-style-type: none"> <li>• facilitate the development of the State EL &amp; Title III plan, under the direction of the Superintendent and school board, for submission to the Idaho State Department of Education; and</li> <li>• annually evaluate the district's language program.</li> </ul>
<b>Content/Classroom Teacher</b>	<p>As the educator who teaches ELs in a general classroom, the teacher's role is to support student inclusion as participating members within the classroom by -</p> <ul style="list-style-type: none"> <li>• communicating and collaborating with the EL teacher in order to understand ELs' level of English language proficiency, the reasonable expectations of student performance based on their proficiency level, the Idaho ELD Standards and instructional objectives that develop language and support academic achievement;</li> <li>• making adjustments to classroom instruction and materials in order to engage students in course work and to support their academic growth, providing equal access to curriculum through linguistic and culturally sensitive differentiation;</li> <li>• creating situations to help ELs interact with other students, observing their social and emotional behaviors, and conferring with the EL teacher or school counselor when it seems that a student is experiencing difficulty adjusting to the new setting or coping with interpersonal experiences.</li> <li>• using flexible grouping, effective instructional strategies and supplemental instructional materials to meet the needs of ELs; and</li> <li>• encouraging students to continue speaking and developing their native languages and if possible, encouraging native language support when learning English and academic content.</li> </ul>

<p><b>EL Teacher</b></p>	<p>As the educator with specialized training regarding English language acquisition and the social, emotional, and academic needs of ELs, the EL teacher’s role is to serve as -</p> <p><b>a placement coordinator who-</b></p> <ul style="list-style-type: none"> <li>• evaluates the student’s level of English language proficiency using the WIDA Screener for Kindergarten or WIDA Screener placement tests;</li> <li>• identifies the model of delivery for language services;</li> <li>• collects data for student ELPs, which may include contacting prior schools for records;</li> <li>• maintains an EL folder of student assessment data, parent communications and other compliance documents in the cumulative folder;</li> <li>• monitors each ELs’ linguistic and academic progress; and</li> <li>• notifies appropriate school personnel when a student’s proficiency meets the requirements for exiting the LIEP and conducts 2-year monitoring.</li> </ul> <p><b>a teacher responsible for -</b></p> <ul style="list-style-type: none"> <li>• English language development and instruction based on the Idaho ELD standards;</li> <li>• ongoing consulting with content teachers to monitor grade level performance by reviewing language proficiency of ELs, classroom grades, assessments, and other benchmark scores;</li> <li>• supporting and coaching other teachers with learning objectives, instructional strategies, differentiation techniques and helps teachers understand the unique challenges faced by ELs;</li> <li>• supervision of paraprofessionals/volunteers who assist with instruction;</li> <li>• assisting ELs and their families in understanding the school culture and participating in the school community; and</li> <li>• evaluating the effectiveness of the LIEP throughout the year and annually.</li> </ul>
--------------------------	--

<p><b>EL Teacher</b></p>	<p><b>a school-based testing coordinator who -</b></p> <ul style="list-style-type: none"> <li>• chairs committees to determine classroom and testing accommodations for the development of an individual student ELP;</li> <li>• coordinates the placement and annual ACCESS and Alternate ACCESS testing with the district office, school principal, and classroom teachers; and</li> <li>• attends and provides trainings for administrating Idaho’s English language assessments (ACCESS).</li> </ul>
<p><b>Instructional Paraprofessional</b></p>	<p>The paraprofessional’s role is to support the linguistic and academic success of ELs by</p> <ul style="list-style-type: none"> <li>• working in close proximity and under the direct supervision of a highly qualified teacher</li> <li>• conferring with supervising teacher to discuss instructional planning, student progress and other needs;</li> <li>• carrying out instructional activities and monitoring student progress;</li> <li>• providing instructional support in small groups or one-on-one;</li> <li>• attending professional development activities/opportunities;</li> <li>• communicating with parents/families of ELs.</li> </ul>



If a district/charter receives their own Title III allocation and uses such fund to support staff positions, then the positions must be supplemental. Meaning Title III funded staff cannot be used to meet obligations to ELs under Title VI and the EEOA, including administering any English language proficiency screener and summative English language proficiency assessment.

### Idaho ESL and Bilingual Teacher Certification

The following table describes the State’s requirements for teaching assignments specific to instruction for ELs in Idaho. For example, English Language Development (ELD) at the elementary, a teacher with an All Subjects K/8 certification can provide elementary ELD instruction for ELs in their school/district. Please note that although the state does not require an English as a New Language (ENL) certification at the elementary level to provide ELD instruction, best practices suggest that a teacher with experience and training in second language acquisition will be more effective. With a teacher-shortage in Bilingual Education and ENL certified teachers, a district will need to provide ALL language and content teachers with professional development to meet the needs of ELs.

Teacher Assignment	Code
<p><b>00012 Bilingual Education – Elementary (Gr. K-6)</b></p> <p>Instruction provided to students whose primary language is something other than English, but lessons are presented in both English and the student’s primary language. Designed to help students meet the same rigorous standards that all other students must meet within the same time constraints. Programs of language development that go beyond the teaching of basic vocabulary and grammar skills and are designed to parallel English language instruction and native speakers in content and approach. In such</p>	<ul style="list-style-type: none"> <li>• 7010 All Subjects (K-8)</li> <li>• 7038 Bilingual Education (K-12)</li> </ul>

Teacher Assignment	Code
<p>programs, English vocabulary and mechanics are often embedded in engaging content and/or literature. Transitional Bilingual Education (TBE) Programs in which reading is initially taught in both the students' non-English home language and their second language (English) until their English is proficient enough for them to participate successfully in a regular classroom. Use of the non-English language is phased out as English language is gradually phased in.</p>	
<p><b>00013 English as a New Language (ENL) – Elementary (Gr. K-6)</b></p> <p>Instruction designed to teach the English language to students with limited English proficiency (ENL). Programs in which students whose primary language is not English are placed in regular immersion instruction for most of the school day but receive extra instruction in English for part of the day. This special help is based on a special curriculum designed to teach English as a new language. The non-English home language may or may not be used in conjunction with ENL instruction.</p>	<ul style="list-style-type: none"> <li>• 7010 All Subjects (K-8)</li> <li>• 7126 English as a New Language (ENL) (K-12)</li> </ul>
<p><b>00070 Supplemental Instruction – Elementary (Gr. K-6) (Restricted)</b></p> <p>Supplemental elementary instruction provided to help children most in need to meet state standards. Can be used for Title I teacher who is supplementing the instruction of an elementary teacher of record, not in place of.</p> <p><b>This code is not intended for special education; see codes 00080, 00081, 00083, 00084 and 00092 as applicable.</b></p>	<ul style="list-style-type: none"> <li>• 7010 All Subjects (K-8)</li> <li>• 7028 Gifted and Talented (K-12)</li> <li>• 7038 Bilingual Ed (K-12)</li> </ul>
<p><b>51008 English as a New Language (ENL) (Gr. 6-8)</b></p> <p><b>01008 English as a New Language (ENL) (Gr. 9-12)</b></p> <p>Courses designed for the rapid mastery of the English language, focusing on reading, writing, speaking, language, and listening skills. ENL courses usually begin with extensive, listening and speaking practice, building on auditory, speaking, and listening skills, and then move to reading and writing. Basic structures of the English language are explained, and student's progress from an elementary understanding of English words and verb tenses to a more comprehensive grasp of various formal and informal styles, enabling the student to advance to "regular" English courses. An orientation to the customs and culture of people in the United States may be included in ENL classes.</p>	<ul style="list-style-type: none"> <li>• 7010 All Subjects (K-8) - if the person holds this endorsement, use assignment code: 51008</li> <li>• 7126 English as a New Language (ENL) (K-12)</li> </ul>

Teacher Assignment	Code
<p><b>51019 Bilingual (Gr. 6-8)</b>  <b>01019 Bilingual (Gr. 9-12)</b></p> <p>Instruction provided to students whose primary language is something other than English, but lessons are presented in both English and the student’s primary language. Designed to help students meet the same rigorous standards that all other students must meet within the same time constraints. Programs of language development that go beyond the teaching of basic vocabulary and grammar skills, and are designed to parallel English language instruction and native speakers in content and approach. In such programs, English vocabulary and mechanics are often embedded in engaging content and/or literature. Transitional Bilingual Education (TBE) Programs in which reading is initially taught in both the students’ non-English home language and their second language (English) until their English is proficient enough for them to participate successfully in a regular classroom. Use of the non-English language is phased out as English language is gradually phased in.</p>	<ul style="list-style-type: none"> <li>7038 Bilingual Ed (K-12)</li> </ul>
<p><b>51047 Supplemental Instruction – Secondary (Gr. 6-8) (Restricted)</b>  <b>01047 Supplemental Instruction – Secondary (Gr. 9-12) (Restricted)</b></p> <p>Supplemental secondary instruction may use Title I funds to help children most in need to meet state standards. (Facilitation in conjunction with content teacher of record)</p> <p><b>This code is <u>not</u> intended for special education; see applicable codes for special education assignment codes and services.</b></p>	<ul style="list-style-type: none"> <li>7010 All Subjects (K-8) - if the person holds this endorsement, use assignment code: 51047</li> <li>Valid Idaho Secondary endorsement</li> </ul>

## PROFESSIONAL DEVELOPMENT FOR LIEP AND ASSOCIATED STAFF

Title VI and the EEOA require districts/charters to provide the personnel and resources necessary to effectively implement their chosen language assistance program. Access to effective educators is critical for supporting ELs; research has shown that teacher effectiveness is strongly correlated with student success. In order to promote positive educational outcomes for ELs, preparation and professional development for teachers of ELs and school leaders should improve instruction, increase teachers’ and school leaders’ ability to implement

effective curricula for ELs, increase students' English language proficiency and improve students' academic achievement.

### Professional Development (PD)

All district/charters that have one or more English Learners are required to provide professional development to all staff regarding research-based programming on how to serve ELs. It is the district/charter's responsibility to ensure that all teachers are implementing strategies to serve ELs successfully. In addition, a grant recipient may not in effect relegate English Learners to second-class status by indefinitely allowing teachers without formal qualifications to teach them while requiring teachers of non-English Learners to meet formal qualifications.

For districts/charters receiving their own Title III allocation, Section 3115(c)(1)-(3) of the ESSA requires that some of their Title III funds be used to for professional development activities. If a district/charter is part of the Title III Consortium, The Title III Consortium may use these funds to provide preparation and professional development opportunities to all teachers of ELs and all leaders of schools in which ELs are enrolled. Thus, any districts/charters should provide training not only to those who exclusively teach ELs, but to teachers who may only have a few ELs in their classrooms. Title III funds may also be used to provide professional development for other educators who work with ELs to include paraprofessionals, counselors, and special education teachers.

## FREQUENTLY ASKED QUESTIONS

- *Is there a required number of minutes that our EL teachers need to provide for an EL student based upon their level of language proficiency?*
  - Neither the State or Federal policy directly correlates services minutes to levels of language proficiency. District/Charters exercise local control by deciding their choice of LIEP that best serves the needs of their students and their staffing abilities. Decisions on which program models are implemented will impact the direct service time amounts. For example: District A implements an ELD program through pull-out services for 30 minutes per day, three days per week = 90 minutes of pull out ELD instruction/week. District B implements a Co-Teaching Model where an endorsed EL teacher and General Ed teacher provide all-day instruction. EL students in this classroom are receiving EL and academic content instruction simultaneously and therefore are receiving EL services every minute, of every day, of every week.

- *When writing an ELP, what's the difference between an assessment support and assessment accommodation?*
  - Each state test provides different supports and accommodations. It is the responsibility of the LEA to understand the differences and assign them accordingly. For ELs to have an accommodation on a test they are required to have an IEP or 504 plan which documents the need. ISAT “Designated Supports” – in ISAT terms, are either embed or non- embedded supports are available to students for whom a need has been identified (including limited English language proficiency) by school personnel familiar with each student needs and testing resources.
  - ISAT “Accommodations”- in ISAT terms, accommodations are only available to students with a documented need noted on an Individualized Education Plan (IEP) or 504 plan.
- *When writing an ELP, what's the difference between an instructional support and an assessment support?*
  - **Assessment support** – a support to facilitate the student’s accessibility to taking an assessment. Must not void the construct being tested (e.g. read aloud testing directions, work-to-word bilingual dictionary).
  - **Instructional support** – a support used to facilitate the teaching and learning of a concept (e.g. bilingual dictionary with definitions, annotated notes, manipulatives, visuals).
- *Do we have to have parental signature(s) on the ELP?*
  - There is no requirement that ELPs include parental signature(s). Parents should most certainly be involved in the creation of their child’s ELP and be fully aware of the educational services being provided for their student’s success.
- *What's the difference between Language Programs, Language Instruction, and Program Policies?*
  - **Language Program** - This is the program choice of *how* the district educates their EL student(s).
  - **Language Instruction** - This is *what the teachers are doing* to implement the program the district has chosen.
  - **Program Policy** - These are the *written rules* the district/charter has adopted that guide them in ensuring that any EL enrolling in that district/charter would have access to language services immediately upon registering and qualifying as an English learner. Most often, these must be approved by the local School Board and are typically published in Handbooks that are accessible to anyone who would need to know what the district/charter’s LIEP is.

# Statewide Assessments

## TABLE OF CONTENTS

Assessment Requirements.....	70
Federal Programs Requirements for Participation of ELs in Statewide Assessments.....	70
Statewide English Language Proficiency Assessments .....	70
WIDA CERTIFICATIONS.....	71
WIDA AND WIDA-AMS SITE NAVIGATION .....	71
ELP Screener Assessments.....	72
ACCESS 2.0 .....	73
Annual English Language Proficiency Assessment .....	73
Alternate ACCESS.....	73
English Language Proficiency and Accountability.....	75
Statewide Academic Achievement Assessments .....	76
Idaho Standards Achievement Test (ISAT).....	76
Idaho Reading Indicator (IRI).....	78
Frequently Asked Assessment Questions.....	78

## ASSESSMENT REQUIREMENTS

Federal guidelines under Title I and Title III require that English Learners (ELs) annually participate in both the statewide annual English language proficiency assessment (ACCESS) as well as the statewide Idaho Standards Achievement Test (ISAT). Both assessments are used in the calculations for the Idaho School Accountability System.

Use this chart to identify the Federal Program requirements for EL participation in statewide annual assessments.

### Federal Programs Requirements for Participation of ELs in Statewide Assessments

Requirement	Federal Program Citation
The LEA uses the state approved English language proficiency screener aligned to the State’s English language proficiency standards and the State’s academic content standards.	Title VI of the Civil Rights Act of 1964.
All identified EL students are annually assessed for English Language Proficiency using the state approved English language proficiency assessment aligned to the state’s English language proficiency standards and the State’s academic content standards.	Title I - ESSA Section 1111(b)(2)(G) Title III - ESSA Section 3113(b)(3)(B)
The LEA assesses all qualified ELs on annual academic achievement assessments (in appropriate grades), and exempts ELs in their first year in a US school from the English Language Arts portion of the annual academic achievement assessment.	Title I - ESSA Section 1111(b)(2)(B)(vii)(III) and 1111(b)(3)

## STATEWIDE ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS

### ACCESS for ELLs

Idaho has been a member of the [WIDA Consortium](#) since 2015. In addition to adopting the WIDA English Language Development Standards, Idaho utilizes a number of the WIDA English language proficiency (ELP) assessments at various times throughout the academic year to satisfy federal and state mandates. Idaho districts use WIDA ELP assessment scores to verify a student’s eligibility for EL services, monitor English language growth, and exit students from a district’s language instructional education program.

### **WIDA Certifications**

To administer any of the WIDA suite of assessments requires that the Test Administrator be certified to give the assessments. Each assessment, both the annual English language proficiency assessment and ELP screener assessments, have their own certification requirements. The training and certification quizzes are completed and stored in the WIDA Secure Portal ([www.wida.us](http://www.wida.us)). **Test Administrators and those scoring either ACCESS or a WIDA Screener must recertify annually.**

*Note that it is strongly recommended that test administrators refresh on any information necessary prior to any assessment being administered.*

***Testing Coordinators*** who are training district test administrators must also follow the same cycle of Certification Refreshing Requirements for Testing Coordinators.

### **WIDA and WIDA-AMS Site Navigation**

There are two assessment portals that District Test Coordinator and Test Administrators need to be familiar with in-order to train, certify, and complete testing setup/administration. If you are new and need access to either site, please consult your District Test Coordinator. If you are a new District Test Coordinator, contact the Idaho State Department of Education, [English Language Proficiency Assessment Coordinator](#) for an account to be setup.

1. [WIDA Secure Portal](#) - Resource and training page topics:
  - WIDA ELD Standards Framework explanation
2. Assessment training and certification quizzes
3. Assessment resources (including printable resources for WIDA Screener for Kindergarten)
4. Idaho state specific guidance.



## 2. WIDA AMS - Assessment Management System features:

- WIDA AMS site includes all things related to operation and administration of online WIDA assessments
- Additional materials ordering, set up, management, and report delivery
- District Test Coordinators should manage new users, including level of permissions on this site
- Test Administrators scoring Writing and Speaking domains will need to have related permissions on WIDA AMS.
- Test demo and sample items for students as a test resource

### WIDA English Language Proficiency Screener(s)

An English language proficiency screener is used to determine the eligibility of a provisional EL into an LEA LIEP by assessing the student's English language proficiency. Provisional EL performance on an approved screener determines whether the student is a candidate to receive English language support services. Screeners are designed to be used for identification purposes, and should not be used for any other purpose (e.g., not a tool for monitoring).

*It is important to check the [English Learner Management System \(ELMS\)](#) prior to screening any student to ensure they have not already been screened and identified as an English learner in another district/charter in Idaho.*

There are two screeners utilized in Idaho depending upon a student's grade. The WIDA Screener for Kindergarten is an English language proficiency screener test administered to kindergartners and first semester grade one students (first semester is defined as start of school year through December 31). The WIDA Screener for Kindergarten is a paper-based assessment given in a one-to one test environment.

The WIDA Screener is administered to second semester grade one students through grade twelve. It can be administered either in its paper or online form. Districts/schools can determine the best mode of WIDA Screener administration depending upon the needs/abilities of the student or the type of environment the screening is occurring within.

Important notes to know about the WIDA Screener:

- WIDA Screener requires account access to the [WIDA Secure Portal](#) for certification and training.
- Test Administrators score the Writing and Speaking domains of the WIDA Screener while the Insight software self-scores the Listening and Reading domains.
- Most paper materials can be printed online (WIDA Secure Portal). For further explanation on needed materials for administering the paper format, refer to [WIDA Screener Paper](#).
- Test Administrators require access to WIDA AMS, and require permissions set to score the Speaking and Writing domains.
- The WIDA Screener online version is a computer-based test administered via the DRC Insight Browser (same as ACCESS).
- Certification or preparation online is required prior to administering either the WIDA Screener for Kindergarten or WIDA Screener.

### *Annual English Language Proficiency Assessment*

#### **ACCESS for ELLs**

ACCESS is an annual summative English language proficiency assessment that determines an EL's English language proficiency level. All identified EL students in the state (L1, LE, EW) in grades K-12, must take the ACCESS, regardless of time in a U.S. school. The assessment data allows the state and districts to accurately and comprehensively track ELs' ELP growth, to ensure that all ELs are making progress and mastering the English language. ACCESS also highlights the language development needs of students individually in each of the four language domains of Listening, Speaking, Reading, and Writing.

ACCESS is administered online, during a six-week assessment window, which typically is between late January to early March. The annual assessment is only completed by students who have an EL status of L1, LE, or Parents **can waive EL services but their child is required to participate in the annual English language proficiency assessment.**

More information about ACCESS can be found on the WIDA website at <https://wida.wisc.edu>. Idaho state specific ACCESS administration requirements and processes can be found on [WIDA Idaho member page](#) and [SDE ELPA Website](#)

### Accessibility and Accommodations for ELs with Disabilities

ELs with a disability, as documented in an IEP or 504 plan, are entitled to the accommodations appropriate for their participation in assessment(s). Students cannot be assigned accommodations on ACCESS without the specific accommodations being documented in the IEP or 504 plan.

Additional information on the accommodations that are available on ACCESS are listed in the WIDA ACCESS [Accessibility and Accommodations Manual](#).

### Inability to Administer an ACCESS Domain

In the event a student's disability precludes them from participating in a particular domain(s) of ACCESS the student's participation can be documented with a Do Not Score (DNS) code. In this instance, a district or school testing coordinator would document a DNS code of SPD within the domain(s) that the student was unable to participate in. The student must participate in all other remaining domains of the assessment. Further guidance is available within ACCESS Test Administrator's Manual.

### Alternate ACCESS

Alternate ACCESS is available for students with the most significant cognitive disabilities who meet the Idaho alternate assessment participation criteria as defined in the Idaho Special Education Manual.

*Students participating in alternate ACCESS MUST also be participating in the alternate version of statewide academic achievement assessment(s).*

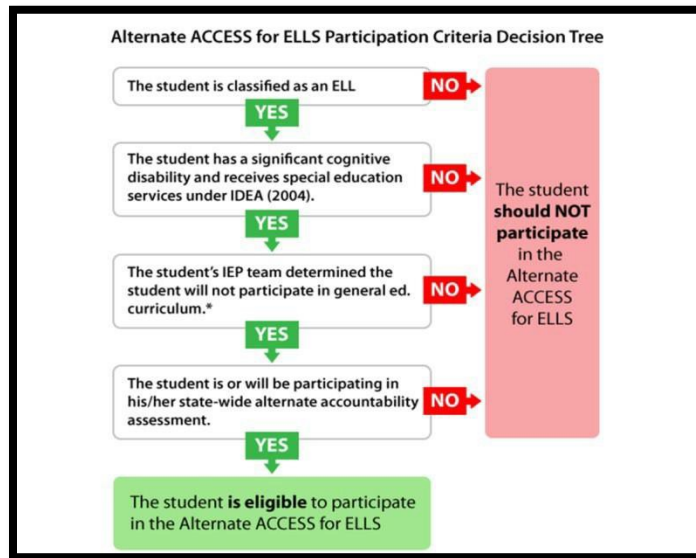
### State Guidance on Alternate Assessment:

If a student is eligible for the alternate assessment, they need to qualify for each of the following three criteria:

1. The student has a significant cognitive impairment.
2. The student is receiving academic instruction that is aligned with the Idaho Extended Content Standards.

3. The student’s course of study is primarily adaptive skills oriented typically not measured by state or district assessments.
4. The student requires extensive, direct, individualized instruction and substantial supports to achieve measurable gains in grade- and age-appropriate curriculum.

Please use the chart below when making decisions as to whether an EL is eligible to participate in the Alternate ACCESS.



### English Language Proficiency and Accountability

As previously stated, all qualified ELs must participate annually in the summative English language proficiency assessment, ACCESS or Alternate ACCESS. ESSA further spotlighted English language proficiency and growth towards proficiency by including the English language proficiency indicator within all states’ newly developed accountability plan.

EL Code	EL Assessment Participation and Accountability
L1, LE, EW	<p>MUST participate in ACCESS or Alternate ACCESS.</p> <p><b>Accountability:</b> Student ELP scores used to determine growth and proficiency.</p>

EL Code	EL Assessment Participation and Accountability
X1, X2, X3, X4, FL, SO, N	DO NOT participate in ACCESS or Alternate ACCESS.  <b>Accountability:</b> Not applicable – these students do not take ACCESS or Alternate ACCESS.

## STATEWIDE ACADEMIC ACHIEVEMENT ASSESSMENTS

### Idaho Standards Achievement Test (ISAT)

All EL students in grades 3<sup>rd</sup>–8<sup>th</sup> and 10<sup>th</sup> must take the ISAT annually. However, an EL student can be exempt from one administration of the English Language Arts (ELA) ISAT for a period of 12 months from the student’s first date enrollment date into a US school. This is a one time exemption and is only applicable on the ELA portion of ISAT. X1/X2/X3/X4 students who have met Idaho’s exit criteria will be counted in the EL subgroup for accountability purposes.

#### L1 Participation in Statewide Assessments

Name of Statewide Assessment	Accountability: Participation	Accountability: Performance	Supports or Accommodations
ACCESS Alternate ACCESS	Yes	Yes	If applicable based on student needs as determined in their IEP or 504 plan
ISAT English Language Arts/Literacy	No (use exemption)	No (use exemption)	Based on student need*
ISAT Math	Yes, if enrolled on or before first Friday in May	No	Based on student need*
ISAT Science	Yes, if enrolled on or before first Friday in May	No	Based on student need*

\*For a list of available supports and accommodations on the ISAT, refer to the ISAT Usability, Accessibility, and Accommodations Guidelines (UAAG).

### LE, L1, & EW Participation in Statewide Assessments

<b>Name of Statewide Assessment</b>	<b>Accountability: Participation</b>	<b>Accountability: Performance</b>	<b>Supports or Accommodations</b>
ISAT English Language Arts/Literacy	Yes, if enrolled on or before first Friday in May	Yes, if enrolled in first 56 calendar days of school	Based on student need*
ISAT Math	Yes, if enrolled on or before first Friday in May	Yes, if enrolled in first 56 calendar days of school	Based on student need*
ISAT Science	Yes, if enrolled on or before first Friday in May	Yes, if enrolled in first 56 calendar days of school	Based on student need*
IRI	Yes, if enrolled prior to end of IRI window	Yes, if enrolled for Fall and Spring IRI test window	Directions in Spanish

\*For accommodations and supports based on student need, please refer to ISAT UAAG.

### X1, X2, X3, X4, FL Participation in Statewide Assessments

<b>Statewide Assessments</b>	<b>Accountability: Participation</b>	<b>Accountability: Performance</b>	<b>Supports or Accommodations</b>
ISAT English Language Arts/Literacy	Yes, if enrolled on or before first Friday in May	Yes, if enrolled in first 56 calendar days of school	Based on student need*
ISAT Math	Yes, if enrolled on or before first Friday in May	Yes, if enrolled in first 56 calendar days of school	Based on student need*
ISAT Science	Yes, if enrolled on or before first Friday in May	Yes, if enrolled in first 56 calendar days of school	Based on student need*

Statewide Assessments	Accountability: Participation	Accountability: Performance	Supports or Accommodations
IRI	Yes, if enrolled prior to end of IRI window	Yes, if enrolled for Fall and Spring IRI test window	Directions in Spanish

Districts can access guidance on allowable EL supports for the ISAT at the following link: (<http://www.smarterbalanced.org/assessments/accessibility-and-accommodations/>). Contact the Idaho State Department of Education Assessment & Accountability staff with any questions regarding ISAT testing.

### Idaho Reading Indicator (IRI)

The IRI is an early reading assessment for students in K through grade 3. The assessment is mandatory for Idaho public school students in the fall and spring with an optional winter assessment. All EL students in K-3, including L1, must take the IRI. Spanish translation, test directions, and test modeling are some of the available supports available to EL students taking the IRI assessment.

## FREQUENTLY ASKED ASSESSMENT QUESTIONS

- *I have a student who moved here in the middle of the ACCESS testing window. Can we just administer the ACCESS?*

No. Potential ELs must take a screener assessment (WIDA Screener for Kindergarten or WIDA Screener) to determine whether they qualify as an EL first. If the student qualifies for EL support services, they then must also take ACCESS.

- *What if a new student transfers into our district during the last week of the ACCESS window, do we have to get additional materials ordered and administer all test domains?*
  - **If the student is brand new and never been qualified as an EL** – A district has 30 days to determine whether a potential EL qualifies. If a district needs the 30 days to administer the screener and qualify the student, then the district can utilize the entire identification period. That being said, if a district chooses not to administer the ACCESS in the short timeline, this delays the ability for the district to see growth in language proficiency. For example, if a student transfers in the last week of the ACCESS window during their Kindergarten year, then the districts will not be able to establish growth for the student until the spring of grade 2. Language growth can only be measured from ACCESS test to ACCESS test.
  - **If the student has already been qualified as an EL (as determined in ELMS or cumulative file review from a district in another WIDA state)** – Yes, the student must take ACCESS. Follow-up with the school where the student last attended as the student may have already completed ACCESS. If the student started an assessment but did not finish, the test session can be transferred to the new district.. Refer to the ACCESS Test Administration Manual and District & School Test Coordinator Manual for more details.
- *I have a first grader with severe cognitive disabilities and is in a grade that would not take Idaho's academic achievement tests (ISAT). Can we administer Alternate ACCESS to him/her?*
  - Yes, but only if the IEP team determined that the child had met the alternate assessment eligibility criteria.
- *I have a parent that is adamant that their child not take ACCESS. They have signed a waiver of EL services. Do we have to test him/her?*
  - Yes. ESSA requires that LEAs still must assess all ELs using the annual English language proficiency assessment, including those students whose parents have waived services. All ELs enrolled in schools with an EL status of L1, LE, or EW must be assessed annually using the state's English language proficiency assessment (ACCESS). (ESEA Section 1111(b)(2)(G) States and LEAs have an obligation to assess 100 percent of ELs using the annual English language proficiency assessment (ESEA Section 1111(b)(2)(G).  
That being said, a student cannot be forced to physically sit for the test. Due diligence should be exercised and documented as needed to demonstrate the attempt to test.



- *I have a student who speaks Spanish. Can we administer the ISAT math in Spanish to him/her? Or give him/her Spanish stacked translations?*
  - Yes, but be cautious! This is considered a designated support and a school team must determine student need before this support is assigned. It is recommended that the student has a high proficiency in Spanish. If the student is not literate in Spanish, then a test in Spanish may be less conclusive than a test administered in English. If you provide stacked translations for a non-literate Spanish student, you have just doubled the amount of text they must read to determine meaning.

# Exiting and Monitoring

## TABLE OF CONTENTS

Statewide Exit Criteria.....	82
Exit Process in ELMS.....	82
Exiting English Learners with Disabilities .....	82
Program Exit Documentation.....	83
Monitoring status.....	83
Uniform Procedure for Monitoring Students.....	84
Reclassification .....	84

## STATEWIDE EXIT CRITERIA

In collaboration with WIDA, Idaho’s EL Advisory Committee, and the SDE thoroughly analyzed ACCESS data to determine the “sweet spot” of ACCESS performance which correlated to at/near ISAT ELA proficiency. The current exit criteria was determined to beat a level of English language proficiency needed for a student to independently access content delivered in English.

To qualify to exit from a district/charter LIEP the student must meet the following ACCESS scores.

### Idaho’s Statewide ELPA Exit Criteria

Summative Assessment	Exit Criteria
ACCESS	Composite PL $\geq$ 4.2 AND PL $\geq$ 3.5 in <b><u>EACH</u></b> domain of Listening, Writing, and Reading, AND a PL $\geq$ 1.0 in the Speaking domain.
Alternate ACCESS	Composite Proficiency Level of P2

Students who meet Idaho’s exit criteria are exited and transition into a two-year monitoring period. Exited students no longer receive services through the LEAs LIEP and no longer take ACCESS. Note, this does not preclude the district from making special provisions (e.g., RTI, special education, Title I, etc.) or providing other interventions to further support the specific areas where the student may continue to struggle.

### Statewide Exit Process in ELMS

Upon receipt of ACCESS score reports from WIDA in May, the SDE applies the exit criteria to student scores who participated in all domains of the assessment to determine which students met the exit criteria. The SDE will upload all ACCESS and Alternate ACCESS scores into ELMS. Scores are viewable under the student’s EL History tab, within the Assessments tab. For students who met the exit criteria, the SDE will provide an EL exit date of June 30, for that school year. Exiting and Monitoring status (X1, X2, X3, X4) will be driven by the EL exit date and will automatically rollover year after year until the student becomes FL.

### Exiting English Learners with Disabilities

English learners who do not qualify to take Alternate ACCESS must participate in the ACCESS

with appropriate accommodations. In the event the student’s specific disability precludes them from participating in a domain, the district/charter staff are to indicate specific Do Not Score (DNS) code for the domain(s) the student cannot participate in. Upon receipt of ACCESS scores in May, the SDE, in collaboration with the district/charter, will apply the domain- specific criteria to the domains in which the student was able to participate for determining eligibility to exit.

### Program Exit Documentation

Students who have met that State exit criteria must document the student’s exit from English language support services in the student’s cumulative file. While this information is also housed in ELMS, documentation in the cumulative file protects the exit status of the student if they were to move out of Idaho. By placing an “Exit Form” in the cumulative file, the receiving district/charter in the next state will have a record of the student exiting services.

Parents of students who meet Idaho’s criteria to exit from the district/charter LIEP must be notified regarding their child’s exit status and transition into monitoring status. A sample “Parent Notification of Exit” letter and “Exit Form” can be found in the Forms section of the Title III webpage <https://www.sde.idaho.gov/federal-programs/el/index.html>.

## MONITORING STATUS

Schools are required to monitor former EL students for two (2) years after exiting from the district’s LIEP. Students in their X3 and X4 years are not required to be monitored. The primary purpose of monitoring a student after exiting from a program is to ensure that the student is not encountering difficulty due to their English language proficiency.

- **That** a district/charter monitors their X1s and X2s is required.
- **How** a district/charter chooses to monitor their X1s and X2s is a local control decision.

Exited students who are determined to be encountering difficulty as a result of their English language proficiency can be reclassified back into a LIEP if the EL teacher, along with staff, determines that the information collected during the two (2) year monitoring period indicates a need or reclassification. While this is possible, it should be very rare.

Students with a monitoring status of X1 or X2 do not count for State EL or Federal Title III funding purposes as they are not taking ACCESS any longer. Students in monitoring status do however, count towards a school’s EL subgroup for academic achievement assessments under Title I Accountability. Students in their X3 and X4 year are not required to be monitored but do continue to be counted in the EL subgroup for academic achievement assessments under Title I Accountability.

## Uniform Procedure for Monitoring Students

District/charters have some flexibility in how they monitor the academic success of their X1 and X2 students. Each district/charter has access to various forms of local assessments which can be used to fulfill their monitoring requirements. Some possible forms of local assessments might include:

- Content grades
- Statewide Academic Achievement Tests (ISAT and IRI)
- AimsWeb
- NWEA MAP testing
- STAR
- One-on-one student meetings
- Locally created observation tools

ACCESS **CANNOT** be used as a progress-monitoring tool during the two-year monitoring period, nor can it be used as a reclassification tool for placing an exited student back into an EL program.

District/charter staff must monitor all X1 and X2 students throughout their two-year monitoring status. This process should be ongoing throughout the school year during the two years to catch any concerns early on rather than at the end of the school year when little can be done to support the area of need until the following school year.

## RECLASSIFICATION

Due to the high rigor of ACCESS and language expectations that are built into Idaho's exit criteria, reclassification should be extremely rare.

In extenuating circumstances, an exited student (X1 or X2) still may need more language support services. An example scenario could happen when a student meets Idaho's exit requirements in the 8th grade and is exited. The student then moves on to 9th grade, into their X1 monitoring year, and struggles with the academic language in the content classes. In this case, or similar scenarios, the district/charter should determine whether the student should be reclassified or placed back into the school's LIEP and be qualified as an English learner again.

If sufficient evidence supports that a particular student needs to be placed back into an LIEP, the district/charter team must gather a portfolio of evidence to support that the student continues to struggle due to language and not some other academic concern that may be better supported through other coordinated services (e.g. RTI, Title I, Special Education). A

Reclassification Appeal must be submitted with all portfolio evidence to document the reclassification along with the student’s screener scores. The SDE will review the documentation and scores to determine whether reclassification is appropriate, and if so will enter the second screener into ELMS to reclassify the student as and English learner.

If you do not have access to ELMS, check with your District’s ISEE Coordinator, they can see who has rights to ELMS. That person can submit on your behalf or they can give you rights to submit the ticket. If your District ISEE Coordinator needs help, they can contact our support desk at 208-332-6923 or email [support@sde.idaho.gov](mailto:support@sde.idaho.gov)

*Important to note! If students continue to struggle in their monitoring years (X1 and X2), there may be other programs (e.g. MTSS, special education, Title I) that can better serve the specific need(s) of the student. A student would not have gotten a language proficiency score to exit unless they had the language in order to do so.*

If the student screens out using one of the WIDA Screeners, he/she does not qualify as an EL student and cannot be reclassified as an EL student. If he/she qualifies, then this student will again be coded as LE for language support services and for testing purposes. The school must ensure all documentation used to justify reclassification is placed in the student’s cumulative file.

#### Frequently asked questions

- *How do I know what exit criteria was in place for previous years ACCESS and IELA?*
  - The SDE has provided a document entitled “Past to Present Screen-Out and Exit Criteria” that outlines the screen out and exit criteria for each assessment by school year. It can be found on the in the Guidance section of the <https://www.sde.idaho.gov/federal-programs/el/index.html>.
- *What if I find a student in ELMS coded as LE/X1/X2/X3/X4/FL and there are no EL Assessments showing under the Assessments Tab in their EL History?*
  - ELMS only displays historic IELA data back to the 2011-2012 school year, but the data for calculating EL statuses included IELA scores dating back to the 2006-2007 school year. You can also check the student’s cumulative file for any historic Idaho English Language Assessments (IELA) that are not displayed in ELMS.

- *I have a student who enrolled at my school that was already exited from a LIEP in their former school district. Can I accept it and how do I get ELMS to reflect the exited status?*
  - If you find exit documentation, regardless of being from a WIDA state or not, the SDE honor that the student met LIEP exit criteria. Submit an “Other” Appeal in ELMS with supporting documentation in the attachments. Include the following information:
    - Original EL entry date
    - All EL proficiency assessment documentation for any and all years the student was qualified
    - Original EL exit date
    - Exit form or letter
    - Any monitoring documentation

# Title III Structure & Legislative History

## TABLE OF CONTENTS

Introduction .....	88
Legislative Foundations .....	88
Federal Legislation Governing EL Programming .....	88
State Legislation Governing EL Programs .....	90
State EL (Core LIEP) .....	91
State Funding .....	91
State EL Plans.....	92
Enhancement Grants.....	92
EL Digital Curriculum .....	92
Idaho EL Curriculum Adoption .....	93
ESEA and ESSA .....	93
ELs in Title I .....	93
Title III.....	94
Supplement Not Supplant .....	94
Title III Funding .....	95
Title III Immigrant Funds.....	96
Title III Plan in CFSGA .....	97
Carryover and Reallocation of Federal Funds .....	97
Equitable Services to Private Schools.....	98
Title III Consortium .....	98
Federal Programs Monitoring.....	99



## INTRODUCTION

The Idaho State Department of Education (SDE) supports the efforts of Idaho districts/charters to assist English Learner (EL) students to learn English while simultaneously meeting challenging state academic content and student academic achievement standards.

All Idaho district/charters are required, under the Title VI of the Civil Rights Act of 1964, to provide a comprehensive English language proficiency program for national-origin-minority students who cannot speak, read, or write English well enough to participate meaningfully in educational programs.

In addition, the Idaho SDE adheres to guidance from the Office for Civil Rights (OCR) and Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA). The primary purpose of the program is to help ensure that EL students, including immigrant children and youth, attain English proficiency, develop high levels of academic achievement and meet the same challenging State academic content and achievement standards as all children are expected to meet.

## LEGISLATIVE FOUNDATIONS

Federal and State legislation requires that district/charters provide Language Instruction Educational Programs (LIEP) and services to support the language development of EL students. This section provides a brief historical development of the legislation and case law that regulate EL programming at both the state and local level.

### Federal Legislation Governing EL Programming

#### Equal Protection Clause of the 14th Amendment (1868)

- The 14<sup>th</sup> Amendment states that “no state shall...deny any person within its jurisdiction the equal protection of the laws.” The “equal protection” in practice has included fair treatment, nondiscrimination, and the allowing for the provision of equal opportunities.

#### Civil Rights Act of 1964

- This law prohibits discrimination in any federally funded program. Title VI (Section 2000d) states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be

subjected to discrimination under any program or activities receiving Federal financial assistance.” While language proficiency is not specifically mentioned, The Civil Rights Act of 1964 will be used in future court case rulings, citing that discrimination based upon language proficiency is discrimination based upon national origin or race.

#### **Bilingual Education Act (1968)**

- This law allowed for the first federal allocation to states for language minority students. It is the first law that acknowledged that having limited English proficiency is a barrier to “equal access” to educational opportunity.

#### **May 25 Office for Civil Rights Memorandum (1970)**

- This memo disallowed the practice of placing EL students in Special Education based on language proficiency or denying access to college preparatory courses based upon language proficiency.

#### **Equal Education Opportunities Act (EEOA) (1974)**

- This law states that “No U.S. state can deny equal educational opportunity to any person on the basis of gender, race, color, or nationality through intentional segregation by an educational institution.” Intentional segregation includes failing to remove language barriers preventing students from being able to equally participate in content classes being delivered in English.

#### **Lau v. Nichols (1974)**

- The US Supreme Court ruled that a school was providing a lesser quality LIEP for some of its ELs to learn English. All students deserve a high-quality education, and it is a civil right for students to receive language instruction. A district/charter must have a plan and LIEP in place to support the language development of any EL students enrolled in its school(s).
- The State EL Plan (a.k.a. Lau Plan) is the plan that districts/charters complete annually in the Consolidated Federal and State Grant Application (CFSGA).

#### **Casteñeda v. Pickard (1981)**

- The US Supreme Court ruled that a school district was discriminating against EL students by not providing them a type of LIEP that allowed them full access to content

instruction. A three-prong test was established to evaluate whether the district/charter LIEP is being implemented effectively. LIEPs must:

1. Be based upon sound theory and approach that is proven effective in increasing language proficiency.
2. Be implemented with sufficient resources, staff, and space.
3. Be evaluated to determine whether the program's services and supports are meeting the goals for EL students.

### **Plyler v. Doe (1982)**

- The US Supreme Court ruled that schools could not deny the enrollment of any student based on undocumented status. District/charters cannot require SS# or immigration status on any enrollment paperwork. Home Language Surveys (HLS) or registration paperwork cannot ask about country of origin or date of entry into the US. District/charters are required to provide full access to free and appropriate education for all students in its jurisdiction, meaning that if a student resides at an address in the district, then they are entitled to attend in that district.

## **State Legislation Governing EL Programs**

### Idaho Statute 33-1617

- Idaho State Statute requiring that each district/charter “shall formulate a plan in sufficient detail that measurable objectives can be identified and addressed which will accomplish English language acquisition and improved academic performance. Funds distributed to school districts based upon the population of EL students and distributed to school districts to support programs for students with non-English or limited-English proficiency shall be utilized in support of the district plan.”

### IDAPA 08.02.03-111.04

- Idaho State law requiring that an Educational Learning Plan (ELP) be written for any EL student who requires accommodations on a statewide or district-wide assessment. Assessment accommodations must also be used during regular classroom instruction and testing. The intent is that every ELP team evaluates the individual needs of each EL and that supports are used throughout the school year, not just on statewide assessments.

## STATE EL (CORE LIEP)

District/charters must provide a core LIEP to support the language development needs of students identified as EL. The core LIEP and services, as described in a district/charter's State EL Plan in CFSGA, must meet the minimum obligations under OCR, EEOA, and the other federal case law described in the first section of this manual. LIEP services, provided to all ELs in a district/charter, must be educationally sound in theory and effective in practice. Programs and services provided by the core LIEP must be supported and funded by either state or local funding sources.

In addition to federal regulations, there are two Idaho state-specific requirements that district/charters must comply with: (1) annual submission of a plan that details the district/charter's core LIEP, and (2) written ELPs for EL students requiring accommodations on statewide or districtwide assessments.

This section of the manual will detail the Idaho state requirements as well as the funding structure for State EL programs and supports.

### State Funding

The State EL program appropriation is determined annually by the Idaho State Legislature and is finalized by the end of the Legislative session. Funds are appropriated into the SDE budget, which is overseen by the Federal Programs Department. All State EL funds are distributed directly to Idaho district/charters.

The number of qualified EL students (L1, LE, EW) tested during the annual ACCESS assessment determines the district/charter allocation. WIDA reports the EL count by district annually to the SDE in May. Students who have exited (X1, X2, X3, X4, FLEP) should not be taking ACCESS and therefore are not included in the funding calculations. The image below illustrates the State EL funding formula.

$$\left( \frac{\text{State EL Allocation}}{\text{Statewide \# of ELs Assessed on ACCESS}} \right) \times \text{\# of ELs tested on ACCESS in the LEA} = \text{LEA's State EL Allocation}$$

**State EL Plans**

All district/charters that have EL students receive funding and must use it for English language development services. Idaho Statute 33-1617 requires that district/charters annually submit a plan to the SDE detailing the core LIEP and services provided to EL students who are enrolled in their school(s). All districts receiving State EL funds are required to have an approved State EL plan on file annually.

District/charters submit their State EL Plan within the CFSGA application. Unless otherwise communicated, all CFSGA plans are due to the SDE by June 30. The SDE distributes State EL funds by October. District/Charters do not need to request the State funds specifically nor are State funds uploaded to the Grant Request Application (GRA).

**Enhancement Grants**

The purpose of the EL Enhancement Grant Program is to provide Idaho districts with additional resources to enhance core LIEPs for English learners. Enhancement grants are awarded through a competitive grant application process.

The EL Enhancement Grants are allocated for a block of three years. Continued funding over the three years is contingent on the district/charter meeting all grant specifications and goals. Note that the Idaho Legislature approves EL Enhancement Grant funds on a yearly basis. Thus, the SDE does not guarantee continuous funding of the grants over the lifecycle.

Schools, districts, and charters may submit grant applications to support supplemental EL program enhancements (e.g., co-teaching initiatives, EL regional coaches, specific EL enhancement). Applications go through a blind review for scoring, with the top grant applications being funded.

EL Enhancement Grant recipients are assigned an EL Enhancement Grant Coach who offers technical assistance in the implementation of the grant and an annual evaluation of the intended goals.

**EL Digital Curriculum**

The Idaho State Legislature has allocated money for digital EL content. The SDE works with curriculum providers to contract site licenses, technical assistance, and professional development for implementation of the digital curriculum. District/Charters are informed regarding the number of licenses reserved for their EL students annually.

## Idaho EL Curriculum Adoption

Each year Idaho holds a curriculum adoption for various content curriculums, with EL curriculum being reviewed every six (6) years. District/charter staff can participate in the curriculum adoption process to evaluate curriculum resources during a week-long summer workshop. For more information on the Curriculum Review process or to access the most recent list of approved EL curriculums, see the Idaho SDE Curricular Materials webpage (<http://www.sde.idaho.gov/academic/curricular/>). Recommendation lists can be found, by specific content area, in the dropdown sections under “Recommended Curricular Materials.”

## ESEA AND ESSA

The Elementary and Secondary Education Act (ESEA) as amended by Every Student Succeeds Act (ESSA) brought numerous changes and increased attention to ELs. Provisions formerly housed in Title III shifted to Title I, including assessment and accountability for ELs. This section provides information on federal regulations, requirements, and an overview of the Federal Title III program in Idaho.

Under ESSA, States were also charged with establishing standardized entrance and exit processes and procedures for ELs. Idaho implemented its standardized entrance and exit criteria beginning school year 2017-2018. All district/charters in Idaho, whether they have ELs or not, must use the Statewide Home Language Survey (HLS) and follow the procedures for Identification.

## ELs in Title I

Title I supports students who are at-risk, including but not limited to English Learners. With the passage of ESSA, several requirements formerly held in Title III shifted to Title I. Below is a list of the provisions regarding ELs that now required by Title I.

- **English Language Proficiency (ELP) Indicator in Accountability:** All qualified EL students must be annually assessed for English language proficiency using the state-approved English language proficiency assessment aligned to the state’s English language

proficiency standards and the State’s academic content standards. ESSA Section 1111(b)(2)(G). Note that this requirement is housed in both Titles I and III.

- **Academic Achievement of ELs in Accountability:** The district/charter assesses all qualified ELs on the annual academic achievement assessments (in appropriate grades) and exempts first year ELs from the English Language Arts portion of the annual academic achievement assessment. ESSA Section 1111(b)(2)(B)(vii)(III); 1111(b)(3).
- **EL Parent Notification:** Parents have been informed of their child’s placement into a LIEP within 30 days of enrollment. Parents have been informed regarding their right to withdraw the child from a program’s services upon their request and to decline enrollment or choose another program or method of instruction. ESSA Section 1112(e)(3)(A-B).
- **EL Parent Involvement:** The district/charter ensures that it implements an effective means of outreach to parents of English learners regarding their education. ESSA Section 1112(e)(3)(C).

### Title III

Title III is a federal program designed to support supplemental EL programming and services for English learners and immigrant children and youth. Listed below are the required activities of district/charters qualifying for a Title III subgrant (Section 3115(c)(1)-(3)).

1. Provide effective supplemental LIEP services that meet the needs of ELs and demonstrate success in increasing English language proficiency and student academic achievement.
2. Provide effective professional development to classroom teachers (including teachers in general education classrooms), principals, and other school leaders, administrators and other school or community-based personnel.
3. Must provide and implement other effective activities and strategies that enhance or supplement LIEPs for ELs, which must include parent, family, and community engagement activities.

### Supplement Not Supplant

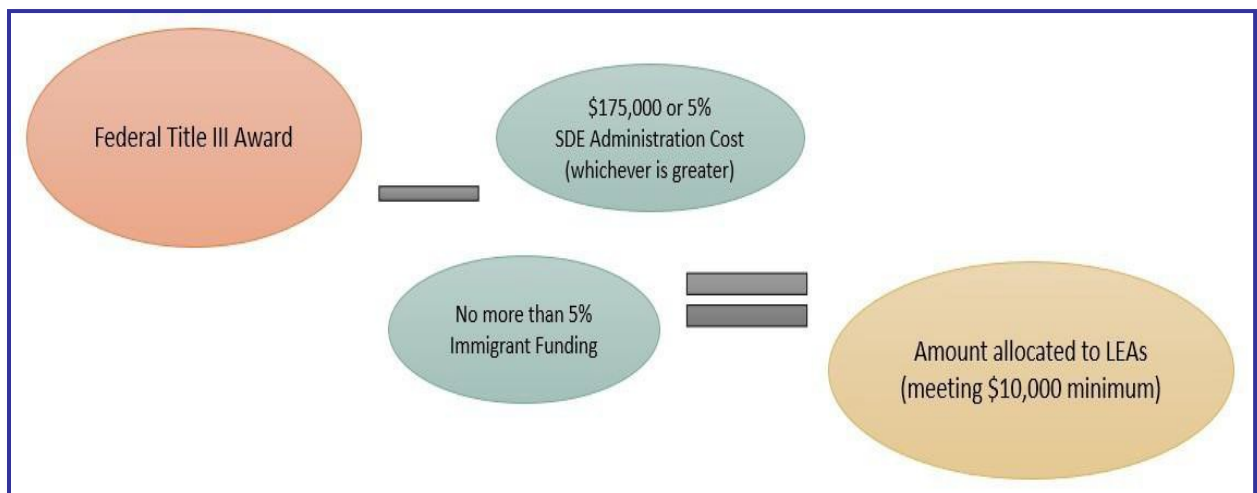
Title III prohibits the use of such funds to supplant LIEP programming and services that would otherwise be required in the absence of federal funds. Meaning that federal funds must be added to, not take the place of, state and local funds that should be used for the same purpose. Any requirements that a district/charter has to provide core LIEP services for ELs under other

laws (e.g., OCR or EEOA) cannot be funded with Title III or any other federal funding source. For example, the following activities cannot be funding using federal funds, as they are obligations required by OCR and EEOA:

- Identification and assessment of ELs.
- Providing ELs with a LIEP that is educationally sound and proven successful (required by *Casteñeda v. Pickard* and *Lau v. Nichols* Supreme Court Rulings)
- Providing sufficiently well prepared and trained staff and support the LIEP for ELs (required by OCR and EEOA)
- Continuing to meet the needs of ELs who opt out of LIEPs
- Exiting and monitoring ELs
- Evaluating the effectiveness of the district LIEP to ensure it continues to meet the needs of the EL population
- Ensuring meaningful communication with parents of ELs

### Title III Funding

Federal Title III funds are distributed to the State Education Agency (SEA; in Idaho this is the State Department of Education) directly in a non-competitive format and are allocated according to a formula. Title III allocations are committed annually by July 1 by the U.S. Dept. of Education. The image below illustrates the Title III funding formula.





As with State EL, the number of qualified EL students (L1, LE, EW) tested during the annual ACCESS assessment determines district/charter Title III allocation. Students who have exited (X1, X2, X3, X4, FL) should not be taking ACCESS and therefore are not included in the funding calculations. District/Charters that do not meet the \$10,000 minimum subgrant are not eligible to receive funds but may participate in Idaho's Title III Consortium to access technical assistance and professional development. More information about Idaho's Title III Consortium is covered in the Title III Consortium section of this manual.

### Title III Immigrant Funds

Section 3114 (d) of ESSA requires that states reserve a portion of the overall Title III allocation for Immigrant funds. Idaho reserves up to 5% of the Title III funds for Immigrant Fund purposes. An immigrant child or youth is defined as:

1. Aged 3-21
2. Not born in any US State (including District of Columbia or Puerto Rico)
3. Have not been attending one or more schools in any one or more States for more than three (3) full academic years.

The new student does NOT necessarily need to qualify for the district/charters LIEP program and services; however, most new immigrants will. For example, a district could receive an immigrant student from India who is already fluent in English but can still be counted for Immigrant funds.

Immigrant funds are allocated to district/charters using a completely different formula based upon the number of immigrant students qualified in the district/charter over the past 36 months. District/Charter eligibility for Title III Immigrant funds is calculated according to the following formula:

- **A significant increase of immigrants reported, over the average increase of immigrants in the district in the past two years.**

Immigrant funds are allocated on an annual basis. District/Charters qualifying under the above formula are allocated Title III Immigrant funds within the CFSGA, where a separate plan must be written and submitted for approval regarding the use of funds to specifically support immigrant children and youth.

## Title III Plan in CFSGA

District/charters qualifying to receive their own Title III allocation must annually submit for approval, a Title III plan to the State (ESEA Section 3114(a) and 3116(a)). Title III plans are submitted within the CFSGA. Preliminary Title III allocations are uploaded into the CFSGA in early April and are finalized in August. Unless otherwise communicated, all CFSGA plans are due to the SDE June 30.

Title III funds are distributed and uploaded to the GRA by October. District/Charters request Title III funds through the GRA. Business Managers should ensure that requests to draw down funds are within three months of the expenditure start date. Requests outside the three-month timeframe will require documentation to support them and could delay the release of funding.

District Title III administrators and business managers must be familiar with the federal regulations found in the Education Department General Administrative Requirements (EDGAR) pertaining to appropriately obligating funds. Funds that are not properly obligated within the specified timeframe will revert to the SDE, and the district/charter will lose the ability to seek reimbursement for expenses.

## Carryover and Reallocation of Federal Funds

Federal Title III funds can be allocated for up to 27 months after the grant year. Title III does not cap the amount of carryover funds a district/charter can have as long as the district/charter can justify why a substantial portion of carryover is “reasonable and necessary”. Carryover funds are defined as the funds left over from the prior year’s allocation, whereas excess carry over funds are funds from two years prior. If a district/charter has not obligated excess carryover funds by September 30 and drawn down in the GRA by December 15, the SDE will draw back the funds to be reallocated.

No later than October 15 of each year, the SDE shall send the “Intent to Use Excess Carryover” form to each district/charter that has excess carryover to determine whether they will expend the excess funds before the end of the grant period. The district/charter shall submit the form to the SDE for approval no later than October 31. There are no exceptions to this deadline. If the district/charter chooses not to submit the form, or if they fail to respond by the deadline, the funds will be reallocated.

## Equitable Services to Private Schools

The following applies only to districts that have private schools accepting Title III services. Districts must engage in “timely and meaningful consultation” with private schools within its jurisdiction to determine whether they intend to participate in federally funded programs and services, including Title III.

To ensure timely and meaningful consultation, the district must consult with appropriate private school officials during the design and development of the Title III program on issues such as:

- How the EL student’s needs will be identified.
- The size and scope of the services to be provided to the private school children and educational personnel and how, where, and by whom the services will be offered.
- The amount of funds available for those services.
- How and when the district will make decisions about the delivery of services, while considering the views of the private school officials on the provision of contract services through potential third-party providers.
- How the services will be evaluated and how the evaluation results will improve services.

Title III services provided to students and educational personnel in private schools must be equitable and timely and address their educational needs. Title III services provided to private school students and educational personnel must be secular, neutral, and non-ideological.

Districts may serve private school EL students and educational personnel either directly or through contracts with public and private agencies, organizations, and institutions. Providers of services must be independent of the private school and of any religious organization, and the providers' employment or contract must be under the control and supervision of the district.

The control of funds used to provide services and the title to materials and equipment purchased with those funds must be retained by the district. Funds used to provide services to private school students and educational personnel must not be commingled with non-Federal funds.

For more detailed information on Equitable Services, see the Idaho SDE Equitable Services webpage (<http://www.sde.idaho.gov/federal-programs/equitable-services/>).

## TITLE III CONSORTIUM

Idaho’s Title III Consortium supports district/charters that do not meet the minimum \$10,000 requirement to garner their own federal Title III allocation. These district/charters join together

as a single entity, the Title III Consortium, to garner a Title III allocation. District/charters eligible to participate in the Title III Consortium indicate their intention to either participate or decline within the State EL Plan that is submitted in the CFSGA. Participating district/charters receive access to additional professional development and technical assistance to improve language acquisition programs and EL educational opportunities. Beginning school year 2018-2019 district/charters that do not currently have ELs are able to join the Title III Consortium in order to access the supports and professional development as soon as they would enroll an EL.

The Title III Consortium expands the reach of federal Title III dollars to districts with small numbers of ELs, especially in the state's rural districts and charters. The SDE expects the Consortium will produce several outcomes, including:

- Better identification of ELs
- Better prepared teachers (both EL and general education) and support staff
- Quicker response to support ELs when a district or charter is new to having ELs and
- More collaboration among staff from local, state, and federal programs that serve ELs to better meet students' identified needs.

Assurances for participating or declining to participate in the Title III Consortium are done through the State EL CFSGA Plan. Consortium assurances are due along with the State EL Plan by June 30.

## **FEDERAL PROGRAMS MONITORING**

A State is required to oversee and monitor the activities of its Local Education Agencies (LEAs) (Section 3113(b)(3)(F), 34 CFR §§760700-76.783). The SDE monitors on a 6-year cycle and uses the following factors to determine district priority:

- Coordination with other Federal Programs
- District requests for program evaluation
- New Title III Coordinator and/or New Superintendent
- District improvement status Sudden and/or significant increase in the number of English Learners
- Formal compliance complaint filed with the Idaho State Department of Education, Idaho State Board of Education and/or U.S. Department of Education - Office for Civil Rights

For more information on the Federal Programs Monitoring process, see the Idaho SDE Federal Program Monitoring webpage (<http://www.sde.idaho.gov/federal-programs/program-monitoring/>).

## ALLOWABLE USE OF FEDERAL FUNDS

### Allowable Operating Expenditures for Title III-A

**Pre-Approved Budget Plan:** *This list is provided, considering that all expenditures related to the Title III-A Program align with the approved budget and plan in the Consolidated Federal and State Grants Application (CFSGA).*

**Supplement Not Supplant:** *Title III-A funds **activities** must be supplemental. In Title III-A supplanting is presumed when:*

- *An LEA uses Title III-A funds to provide services the LEA is required to make available under other laws or*
- *An LEA uses Title III-A funds to provide services the LEA paid for with State or local funds the prior year.<sup>1</sup>*

### Required Activities

#### Language Instruction Educational Program (LIEP)

To assist State educational agencies and local educational agencies to develop and enhance their capacity to provide and sustain high-quality instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instruction settings.

**Parent, Family and Community Engagement Activities<sup>2</sup>** LEAs are required to provide or strengthen and increase parent, family, and community engagement in programs that serve ELs using Title III funds.

#### Professional Development<sup>3</sup>

To provide high-quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instruction educational programs), principals, administrators, and other school or community-based organizational personnel

<sup>1</sup> US Department of Education (September 23, 2016). *Non-Regulatory Guidance for Title III, Part A*. Question A-2. Retrieved from <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiiguidenglishlearners92016.pdf>.

<sup>2</sup>ESSA Section 3111(b)(2)(D)(iv)

<sup>3</sup> ESSA Section 3115(c)(2)

## Optional Activities

Allowable activities include, but are not limited to<sup>4</sup>:

- Upgrading program objectives and effective instructional strategies
- Improving the instructional program for ELs by identifying, acquiring, and upgrading supplemental curricula, instructional materials, educational software, and assessment procedures
- Providing to ELs tutorials and academic or career and technical education, and intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators
- Developing and implementing effective and supplemental preschool,<sup>5</sup> elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services
- Improving the English language proficiency and academic achievement of ELs
- Providing community participation programs, family literacy services, and parent and family outreach and training activities to ELs and their families to improve the English language skills of ELs, and to assist parents and families in helping their children to improve their academic achievement and becoming active participants in the education of their children
- Improving the instruction of ELs, which may include ELs with a disability, by providing for: the acquisition or development of educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication; and incorporation of these resources into curricula and programs
- Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education
- Carrying out other activities that are consistent with the purposes of Title III-A subgrants

### Other Miscellaneous Examples for the Title III-A Program<sup>6</sup>

- Services that occur before and after school such as tutoring, academic assistance, supplementary instructional materials for English language acquisition as well as for summer school programs for EL students
- Professional development to improve instruction for EL students. Staff training could include bilingual/ESL classroom teachers, bilingual/ESL teacher coaches, paraprofessionals, regular education teachers, administrators, and other school-based or community-based organizational personnel who serve EL students
- Bilingual/ESL coaches to provide professional development and mentor and coach teachers who are working directly with EL students. Additionally, such funds can be used to provide stipends to teachers to assist them in completing and obtaining bilingual/ESL endorsements.

<sup>4</sup> ESSA, Section 3115

<sup>5</sup> US Department of Education (September 23, 2016). *Non-Regulatory Guidance for Title III, Part A. Section F.* Retrieved from <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiiguidenglishlearners92016.pdf>

<sup>6</sup> List Based on Frequently Asked Questions from Idaho Local Education Agencies (LEAs).

- Parent, Family and Community Engagement activities including family literacy (ESL) and parenting classes (not regular parental meetings which are required by the State or a part of Title I-A). Title III-A requires that the LEA uses funds to supplement and enhance the Parent, Family and Community Engagement and outreach that is already being conducted (Title I-A). It also expands beyond parents to include family engagement.
- For speakers who conduct informational sessions for parents, with topics such as, but not limited to, enhancing student language acquisition and mastery of core academic subjects
- Districts may purchase supplemental instructional materials to support English language learning in the home. Materials and books on parenting skills may also be purchased.
- A parent liaison can be hired or contracted to enhance ongoing parental engagement in school activities, committees, and functions. This liaison may also be utilized to plan and facilitate parent meetings and connect families to community resources (iPad, cell phone, cell phone plan, and data).
- Costs for educational field trips if such a trip is part of high-quality language instruction educational programs/activities (buses and admission fees)
- Administrative and Indirect costs of Title III-A/Immigrant may **not exceed 2%** of the total allocation
- Providing to ELs tutorials and academic or career and technical education, and intensified instruction, which may include materials in a language that the student can understand, interpreters, and translators
- Developing and implementing effective preschool, elementary school, or secondary school language instruction educational programs that are coordinated with other relevant programs and services
- Improving the instruction of EL students, which may include ELs with a disability, by providing for: the acquisition or development of educational technology or instructional materials; access to, and participation in, electronic networks for materials, training, and communication; and incorporation of these resources into curricula and programs.
- Offering early college high school or dual or concurrent enrollment programs or courses designed to help ELs achieve success in postsecondary education

### Title III-A Immigrant Program List from ESSA<sup>7</sup>

LEAs that have experienced a significant increase in immigrant children and youth might receive an “immigrant subgrant” from their SEA. These Title III-A immigrant funds must be used to pay for activities that provide enhanced instructional opportunities for immigrant children and youth, and may include:

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children

<sup>7</sup>US Department of Education (September 23, 2016). *Non-Regulatory Guidance for Title III, Part A*. Question G-4. Retrieved from <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiiguidenglishlearners92016.pdf>

- Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth
- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program
- Basic instruction services that are directly attributable to the presence of immigrant children and youth in the LEA, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services
- Other instruction services that are designed to assist immigrant children and youth to achieve in elementary and secondary schools in the U.S., such as programs of introduction to the educational system and civics education
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services

#### **Other Miscellaneous Examples for the Title III-A Immigrant Program**

- Family literacy, parent and family outreach, and training activities designed to assist parents and families to become active participants in the education of their children
- Recruitment of and support for personnel, including teachers and paraprofessionals who have been specifically trained, or are being trained, to provide services to immigrant children and youth
- Provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth
- Identification, development, and acquisition of curricular materials, educational software, and technologies to be used in the program
- Basic instruction services that are directly attributable to the presence of immigrant children and youth in the LEA, including the payment of costs of providing additional classroom supplies, costs of transportation, or such other costs as are directly attributable to such additional basic instruction services
- Activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents and families of immigrant children and youth by offering comprehensive community services



## Unallowable Specifically Related to Title III-A

- LEAs may **not** use Title III-A funds to administer the annual EL assessment used to identify and place students. (Salaries for EL assessment coordinator, EL assessment, WIDA, WIDA screener, ACCESS 2.0, WIDA Screener for Kindergarten)
- LEAs may **not** use Title III-A funds for purposes relating to the identification of ELs
- LEAs may **not** use Title III-A funds to provide regular core language instruction (English Teacher or English as a second language teacher, general substitute teacher)
- LEAs may **not** use funds to translate documents for parents (translation fee, interpretation fee).
- LEAs may **not** use Title III-A funds to meet its civil rights obligations to EL students
  - Examples of civil rights obligations:
    - Identify and assess all potential EL students in a timely, valid, and reliable manner
    - Provide EL students with a language assistance program that is educationally sound and proven successful, consistent with *Castañeda v. Pickard* and the U.S. Supreme Court decision in *Lau v. Nichols*
    - Provide sufficiently well prepared and trained staff and support the language assistance programs for EL students
    - Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities
    - Avoid unnecessary segregation of EL students
    - Ensure that EL students who have or are suspected of having a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 are identified, located, and evaluated in a timely manner and that the language needs of students who need special education and disability-related services because of their disability are considered in evaluations and delivery of services
    - Meet the needs of EL students who opt out of language assistance programs services.
    - Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level content knowledge, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied
    - Evaluate the effectiveness of a school district's language assistance program(s) to ensure that EL students in each program acquire English proficiency and that each program is reasonably calculated to allow EL students to attain parity of participation in the standard instructional program within a reasonable period of time
    - Ensure meaningful communication with limited English proficient (LEP) parents

## Questionable Universal Expenditures

- This list is applicable to all Federal Programs (See Appendix 4)

## Unallowable Universal Expenditures

- This list is applicable to all Federal Programs (See Appendix 5)

## APPENDIX 1: FIELD TRIPS

If specified in the grant program, educational field trips are allowable under certain circumstances if allowed in the grant program. These field trips should provide hands-on activities that encourage students to experiment and ask questions. The field trip must also appear as a part of the teacher's lesson plans, which should include activities that prepare students for the trip and follow-up activities that allow students to summarize, apply, and evaluate what they learned from the trip.

Costs for the field trip must be reasonable. For audit purposes, the school must maintain documentation of the field trip and must provide clear evidence of how the expense ties back to an instructional objective.

Examples of appropriate educational field trips:

- Curricular academic activities focused on math, science, and technology, such as service learning, internships, competitions (robotics, math), or science and technology fairs
- Trips to a river, archaeological site, or nature preserve that might include contracting with local science centers, museums, zoos, and horticultural centers for visits and programs
- Trips to the local library to increase access to high-interest reading materials
- Visits to colleges and universities to encourage interest in the pursuit of higher education

## APPENDIX 2: PARENT AND FAMILY ENGAGEMENT ACTIVITIES

### Mandatory Spending Options for Title I-A LEAs only

The funds must be spent on at least one of the following activities:

- Supporting schools and nonprofit organizations in providing professional development for LEA and school personnel regarding parent and family engagement strategies, which may be provided jointly to teachers, principals, other school leaders, specialized

instructional support personnel, paraprofessionals, early childhood educators, and parents and family members

- Supporting programs that reach parents and family members at home, in the community, and at school
- Disseminating information on best practices focused on parent and family engagement, especially best practices for increasing the engagement of economically disadvantaged parents and family members
- Collaborating, or providing subgrants to schools to enable such schools to collaborate, with community-based or other organizations or employers with a record of success in improving and increasing parent and family engagement
- Engaging in any other activities and strategies that the LEA determines are appropriate and consistent with such agency's parent and family engagement policy

### **Optional Spending Examples<sup>8</sup>**

Allowable activities include, but are not limited to:

- Light refreshments are allowed for family engagement activities if they are necessary to encourage attendance by parents and family members
- Field trips:
  - Curricular academic activities focused on math, science, and technology, such as service learning, internships, competitions (robotics, math), or science and technology fairs
  - Trips to a river, archaeological site, or nature preserve that might include contracting with local science centers, museums, zoos, and horticultural centers for visits and programs
  - Trips to the local library to increase access to high-interest reading materials
  - Visits to colleges and universities to encourage interest in the pursuit of higher education
- Family literacy activities
- Parent training for literacy activities and training for the use of technology to access their child's homework or communication with teachers
- Training for school staff related to parent and family engagement
- Small incentives for parents to attend maybe allowable if schools and districts keep items reasonable, nominal and educationally related (books, door prizes, craft kit, etc.) but not expensive prizes such as a bike
- Pay registration fees and related travel expenditures for parents to attend local and in-State workshops and conferences, such as the FACE conference or National Migrant Conference. Districts may not pay parents for attending the conference (no stipends).

<sup>8</sup> List Based on Frequently Asked Questions from Idaho Local Education Agencies (LEAs).

## APPENDIX 3: FOOD AND BEVERAGES<sup>9</sup>

### Professional Development Food Costs

On Feb. 20, 2014, ED's Office of Elementary and Secondary Education released a guidance letter that outlines the "very high burden of proof to show that paying for food and beverages with Federal funds is necessary to meet the goals and objectives for a federal grant." According to this guidance, ED considers it unlikely that anything but a working lunch (including breakfasts, snacks, dinners, and networking receptions) would be allowable. To determine whether a working lunch is allowable, the following factors must be considered:

1. Is a working lunch necessary?
2. Is the portion of the agenda to be carried out during lunch substantive and integral to the overall purpose of the conference or meeting?
3. Is there a genuine time constraint that requires the working lunch?
4. If a working lunch is necessary, is the cost of the working lunch reasonable?
5. Has the agency carefully documented that a working lunch is both reasonable and necessary?

Therefore, the agency must determine first whether a working lunch is necessary or whether a meeting could be scheduled at another time of the day when no lunch or meal would be necessary. Also, the agency should consider whether conference calls, webinars, virtual meetings, etc. could achieve the goals and objectives of the agency.

While it is understandable that face-to-face meetings often are necessary to achieve certain objectives and results, is the lunch appropriate given the needs of the agency? For example, can a longer break be provided so staff can obtain their own lunch? Would a brown bag meeting be appropriate if the staff are already responsible for their lunches?

If the working lunch is necessary, say to avoid an overnight stay for attendees driving along distance, the agency must make certain the lunch portion provides substantive and integral information during the lunchtime agenda and that the costs are reasonable. Since this is a "red flag" area that monitors and auditors review closely, ample documentation of these decisions and reasoning must be maintained.

<sup>9</sup> Winters T. (2017). *Can Title I-A Pay for This?* LRP Publication.

## Parent & Family Engagement Food Costs

### Title I-A

According to ED guidance, an agency may provide "light refreshments" as a way to encourage parents of Title I, Part A students to participate in school activities. Therefore, the analysis defaults back to the basic considerations and a determination that any food costs are necessary, reasonable, and allocable.

### Title I-C Migrant

The MEP Non-Regulatory Guidance (NRG) states that reasonable expenditures for refreshments or food provided during parent meetings or trainings are allowable, particularly when such meetings extend through mealtime. The NRG does not distinguish between snacks and a meal. As long as there is a connection to a programmatic purpose and the cost is reasonable, a State or subgrantee may provide food at MEP parent meetings.

## Meetings and Conferences

ED released frequently answered questions on using Federal education funds for meetings and conferences. Generally, under EDGAR, meeting and conference costs are allowable provided the primary purpose is to disseminate technical information. ED guidance makes clear, however, that to determine whether a meeting or conference is necessary, the agency should consider whether the goals and objectives of the grant can be achieved without a meeting or conference and whether there is an equally effective and more efficient way to achieve the goals.

For example, an agency should take into consideration whether a face-to-face meeting is more effective or efficient versus alternatives, such as webinars or video conferences, that may be equally or similarly effective and more efficient in terms of time and costs. Regardless of the decision, the agency must ensure all meeting and conference costs are necessary and reasonable and document the determination accordingly.

## APPENDIX 4: QUESTIONABLE UNIVERSAL EXPENDITURES

In order for listed below costs to be allowable, the expenditure must also be allowable under the applicable program statute (e.g., serve the purpose of Title I-A of the Elementary and Secondary Education Act).

Item of Cost	UGG Reference
Advertising and public relations costs	2 CFR § 200.421
Advisory councils	2 CFR § 200.422

<b>Item of Cost</b>	<b>UGG Reference</b>
Alcoholic beverages	2 CFR § 200.423
Alumni/ae activities	2 CFR § 200.424
Audit services	2 CFR § 200.425
Bad debts	2 CFR § 200.426
Bonding costs	2 CFR § 200.427
Collection of improper payments	2 CFR § 200.428
Commencement and convocation costs	2 CFR § 200.429
Compensation – personal services	2 CFR § 200.430
Compensation – fringe benefits	2 CFR § 200.431
Conferences	2 CFR § 200.432
Contingency provisions	2 CFR § 200.433
Contributions and donations	2 CFR § 200.434
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435
Depreciation	2 CFR § 200.436
Employee health and welfare costs	2 CFR § 200.437
Entertainment costs	2 CFR § 200.438
Equipment and other capital expenditures	2 CFR § 200.439
Exchange rates	2 CFR § 200.440
Fines, penalties, damages, and other settlements	2 CFR § 200.441
Fundraising and investment management costs	2 CFR § 200.442
Gains and losses on disposition of depreciable assets	2 CFR § 200.443
General costs of government	2 CFR § 200.444
Goods and services for personal use	2 CFR § 200.445
Idle facilities and idle capacity	2 CFR § 200.446
Insurance and indemnification	2 CFR § 200.447
Intellectual property	2 CFR § 200.448
Interest	2 CFR § 200.449
Lobbying	2 CFR § 200.450
Losses on other awards or contracts	2 CFR § 200.451
Maintenance and repair costs	2 CFR § 200.452
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454
Organization Costs	2 CFR § 200.455
Participant support costs	2 CFR § 200.456
Plant and security costs	2 CFR § 200.457
Pre-award costs	2 CFR § 200.458
Professional services costs	2 CFR § 200.459
Proposal costs	2 CFR § 200.460
Publication and printing costs	2 CFR § 200.461
Rearrangement and reconversion costs	2 CFR § 200.462

<b>Item of Cost</b>	<b>UGG Reference</b>
Recruiting costs	2 CFR § 200.463
Relocation costs of employees	2 CFR § 200.464
Rental costs of real property and equipment	2 CFR § 200.465
Scholarships and student aid costs	2 CFR § 200.466
Selling and marketing costs	2 CFR § 200.467
Specialized service facilities	2 CFR § 200.468
Student activity costs	2 CFR § 200.469
Taxes (including Value Added Tax)	2 CFR § 200.470
Termination costs	2 CFR § 200.471
Training and education costs	2 CFR § 200.472
Transportation costs	2 CFR § 200.473
Travel costs	2 CFR § 200.474
Trustees	2 CFR § 200.475

## **APPENDIX 5: UNALLOWABLE UNIVERSAL EXPENDITURES<sup>10</sup>**

### **Prohibited Use of Funds under the Every Student Succeeds Act (Sec 8526)**

- Construction, renovation, or repair of any school facility
- Transportation (actual vehicles and buses) unless otherwise authorized (see Title I-C Migrant for an exception)
- Develop or distribute materials, or operate programs or courses of instruction directed at youth that are designed to promote or encourage sexual activity, whether homosexual or heterosexual
- To distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds
- To provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence
- To operate a program of contraceptive distribution in schools
- Endorse, approve, develop, require, or sanction any curriculum, including any curriculum aligned to the Idaho Core Standards<sup>11</sup>

<sup>10</sup> This list was created based on frequently asked questions from LEAs and unapproved grant applications.

<sup>11</sup> ESSA, Section 8528 (b).

## Prohibited Use of Funds under the Code of Federal Regulations (CFR), Part 200

The following items may be donated, but may not be purchased with grant funds:

- that appear to be gifts
- Souvenirs, memorabilia, or promotional items, such as T-shirts, caps, tote bags, imprinted pens, and key chains (see Title I-C Migrant for an exception)
- Door prizes, movie tickets, gift certificates, pass to amusement parks, etc. (see Title I-C Migrant for an exception)

Other *unallowable* activities include, but are not limited to:

- Airline upgrades
- Alcoholic beverages
- Any food cost associated with an event in which a guest speaker or other individual conducts a presentation (i.e. taking a speaker out to dinner the night before presentation)
- Any food costs which are not necessary to accomplish the objectives of the grant program
- Cell phone decorative accessories
- Cell phones for personal use
- Ceremonies, banquets, or celebrations expenditures, including employee service awards (FYI: bonuses are ok, but have to be distributed through payroll)
- Cleaning/sanitizing supplies for the LEA's employees
- Conflict of interest (Any purchase or expenditure that would pose a conflict of interest, real or perceived, is not allowable.)
- Construction, remodeling, or renovation - these costs are not allowed unless specifically authorized in the authorizing program statute
- Early-bird check-in fees (convenience, not necessary)
- Entertainment, recreation, and social event expenditures
- Field trips for social, entertainment, or recreational purposes
- First aid supplies (exempt, students identified as homeless or migrant) (see Title I-C Migrant for an exception)
- Flowers to decorate a room or a token of appreciation
- Fund-raising activities - costs of organized fundraising, including solicitation of gifts and banquets, endowment drives, financial campaigns, and similar expenses incurred to raise capital or obtain contributions are not allowable. Costs associated with training on fundraising are not allowable.
- Gift cards of any kind (see Title I-C Migrant for an exception)
- Gifts or items that appear to be gifts
- Gifts (to panelists, committee members, conference presenters, meeting attendees, etc.)
- Gratuities or tips of any kind
- Incidental hotel costs (personal)
- Interest paid - interest paid in a prior grant period may not be charged retroactively to



this grant period

- Any item for personal use (i.e. luggage, coffee cup, office décor)
- Land purchase and improvements (Land purchase and improvements to land are not allowable costs unless specifically authorized in the grant program statute and specifically approved by SDE in the grant application.)
- Meeting or event décor (i.e. flowers, balloons)
- Memberships in civic and social organizations or lobbying organizations
- Office décor
- Parking tickets
- Personal calendars and calendaring systems (work calendars are allowable)
- Personal luggage, even if for business travel
- Long distance personal phone calls from a hotel
- Professional or individual liability insurance - professional liability insurance for individual employees
- Professional licenses for individuals (i.e. CPA)
- Promotional items (including t-shirts to be given to conference attendees) (see Title I-C Migrant for an exception)
- Purchase of an actual bus (vehicle) (see Title I-C Migrant for an exception)
- Travel and rental car insurance
- TSA pre-check

#### Field Trips Unallowable Costs

The following costs are not allowable related to field trips:

- Field trips for social, entertainment, or recreational purposes
- Field trips that supplant and do not supplement local or State expenditures or activities
- Field trips that are not part of a teacher's lesson plan or that do not meet the instructional objectives of the grant program
- Field trips that are not reasonable in cost or are not necessary to accomplish the objectives of the grant program
- Field trips that are not properly documented

#### Parent and Family Engagement Activities Unallowable Costs

- Any food costs which are **not** necessary to accomplish the objectives of the grant program
- Any food cost associated with an event in which a guest speaker or other individual conducts a presentation
- Refreshments or meals at an awards banquet or functions
- Gratuities or tips of any kind

## REFERENCES

Code of Federal Regulations (CFR), Part 200 (420- 475). Retrieved from [https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=6214841a79953f26c5c230d72d6b70a1&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)

Council of Chief State School Officers (CCSSO) (July 26, 2017). *Template ESSA Spending Handbook for LEAs*. CCSSO.

Elementary and Secondary Education Act (ESEA) (December 5, 2019) as reauthorized by the Every Student Succeeds Act. Retrieved from <http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>

Idaho State Department of Education (11/15/2017). *Standards for Idaho School Buses and Operations, Rule by Reference IDAPA08.02.02.004.02*. Retrieved from <http://www.sde.idaho.gov/student-transportation/files/forms-lists/regulations/SISBO-Manual-2018.pdf>

US Department of Education (June 19, 2006). *Non-Regulatory Policy Guidance for Title I Part D: Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk*. Question H-2. Retrieved from <https://www2.ed.gov/policy/elsec/guid/nord.doc>

US Department of Education (July 18, 2018). *Presentation*. Slide 11. Retrieved from <https://www2.ed.gov/policy/elsec/leg/essa/1003awebinarandpresentation.pdf>.

US Department of Education (September 2016). *Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Learning*. Retrieved from <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>.

US Department of Education (September 23, 2016). *Non-Regulatory Guidance for Title III, Part A*. Retrieved from <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiienglishlearners92016.pdf>.

US Department of Education (October 2016). *Non-Regulatory Guidance: Student Support and Academic Enrichment Grants*, Retrieved from <http://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>.

US Department of Education (July 27, 2016). *Homeless Education Non-Regulatory Guidance*. Retrieved from <http://www.sde.idaho.gov/federal-programs/homeless/files/law/Homeless-Education-Non-Regulatory-Guidance.pdf>.

US Department of Education (October 17, 2003). *Title I Services to Eligible Private School Children*. This manual is still applicable.

Retrieved from <https://www2.ed.gov/programs/titleiparta/psguidance.doc>.

US Department of Education (November 21, 2016). *Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under ESSA*. Retrieved from <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>.

Winters T. (2017). *Can Title I Pay for This?* LRP Publications. Palm Beach Gardens, FL.