

Sumter School District Multilingual Learner Program District Handbook



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Updated 6/20/2023

The goal of the Sumter School District's ML program is to provide English instruction and other school related support services for students who have a first or home language other than English and are Limited English Proficient (LEP). All instruction in the Multilingual Learner program for K-12 students in Sumter School District is based on the South Carolina EL Standards. Models of delivery service depend on the resources and number of students to be served at each site.

Mission Statement: To provide all English language learners support in pursuit of educational excellence and ongoing achievement

The goal of Sumter School District's Multilingual Learners Program (MLP) is: To provide equal educational opportunities to students who have a primary home language other than English. Our objective is to provide the necessary tools that MLs need to become productive members of society.

25 May Memorandum of 1970 from the Office of Civil Rights:

"Where inability to speak and understand the English language excludes national-origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open the instructional program to the students."

- Prohibited the denial of access to educational programs because of limited English proficiency.
- School-parent communication must be provided in the language understood by the parents.
- Any ability grouping should be continuously adjusted to improve students' English language skills, not serve as a permanent placement or dead-end track.

The responsibility for MLs' whole education, both in language and academic content, is shared by regular classroom teachers and MLP specialists alike. Classroom teachers, MLP specialists and other support staff should plan jointly to determine instructional accommodations needed to make language and content as comprehensible as possible throughout the whole school day for MLs. As a result, all teachers function as language teachers when MLs are enrolled in their classes.

Recognizing the universal importance of education, the federal government assumed a larger role in financing public schools with the passage of the Elementary and Secondary Education Act (ESEA) in 1965. Through subsequent reauthorizations, ESEA has continued to assist the states in establishing accountability for results and improving the inclusiveness and fairness of American education.

Identification of English Learners

The State-Adopted Home Language Survey

The purpose of this section is to describe the process for identifying and educating national origin minority students in **grades K-12** who have a **Primary or Home Language Other Than English (PHLOTE)** and are MLs. Failure to refer students to MLP specialists for testing is a violation of students' civil rights. Students must be tested.

Under federal law, schools must identify all PHLOTE students and then screen potentially eligible students for English language assistance. When any student enrolls in a South Carolina school, parents must fill out a State-Adopted Enrollment Survey which includes the Home Language Survey. The questions on the required state approved Home Language Survey (HLS which is section 2 of the Enrollment Survey), must be administered as part of the enrollment process. The HLS is a series of questions intended to determine the student's primary or home language. The following four questions appear on the HLS:

1. What is the native language of the student?
2. Which language(s) is spoken most often by the student?
3. Which language(s) is spoken by the student in the home?
4. In what country was the student born?
5. Has the student received English language development support in a previous school?
6. If born outside of the United States, District of Columbia, or the Commonwealth of Puerto Rico, when did the student first attend a school in the United States?

In order to ensure that responses given on the HLS are accurate and legally binding, districts should make every attempt to administer this document in the home language of the caregiver. If the answer to any of the questions indicates a language other than English, the student is a PHLOTE student and must then be screened for eligibility for English language assistance services. **Title III** law requires that students be screened for eligibility within 30 days of enrollment at the beginning of the year, or 10 days after the initial enrollment period.

Criteria for Determining Screening

1. ELs who transfer from another WIDA state within the past year, the school must accept these records and place the child accordingly in language assistance programs.
2. If a PHLOTE student was screened in a non-WIDA state and was found not-eligible by that state's criteria, the LEA must rescreen using the appropriate WIDA eligibility assessment to ensure that the student is adequately prepared to sit South Carolina content assessments.
3. If there is no record available or records cannot be obtained, it will be necessary for the LEA to take steps to ensure that it meets the appropriate deadlines for identification and screening of transfer students.

Screening for Eligibility

South Carolina is a member of the World-Class Instructional Design and Assessment (WIDA) Consortium. As a member of the WIDA Consortium, South Carolina school systems must use the following WIDA eligibility assessments to determine eligibility for English language assistance:

- Kindergarten students will receive the WIDA Screener for Kindergarten 1st semester will take the Listening and Speaking portions of the assessment. 2nd semester students will take the Listening, Speaking, Reading and Writing portions. Students scoring a composite score of <4.5 will be determined eligible for services.

If a student has been screened and determined ineligible for language support services, the student may not be screened again at a future date for reconsideration of eligibility.

The WIDA Screener

The **WIDA Screener** for students in grades 1-12 is divided into grade clusters: 1; 2-3; 4-5; 6-8; and 9-12. The instructions as to the appropriate grade cluster screener to be administered to the students in grades 1-12 are outlined in the **WIDA Screener Test Administration Manual** and the administration procedures should be followed as indicated in the manual.

Consistent with current WIDA test administration guidelines, the **WIDA Screener** is administered to students from 2nd semester first grade through 2nd semester grade 12. The criteria for eligibility are as follows:

1. Administer a lower grade cluster form for students in the first semester of the year in a grade-level cluster.

2. Administer all four components of WIDA Screener: Listening, Speaking, Reading and Writing.
3. If the student's Grade Level Adjusted Overall composite score is ≥ 4.4 with 4.0 minimum in each domain on the **WIDA Screener**, the student does not qualify for MLP services.
4. If the student's Grade Level Adjusted Overall Composite score is < 4.4 on the **WIDA Screener**, the student requires MLP services.

WIDA Certification

Only certified personnel who have completed the annual required WIDA training modules for the WIDA Screener are permitted to administer this assessment. The South Carolina Department of Education requires annual WIDA certification for all certified personnel who will administer the WIDA Screener.

District Responsibilities Following Identification

Upon identification of a student as an English learner, a letter must be sent to parents notifying them of their child's qualification for MLP services.

Parent Waiver of Direct MLP Services

Some parents of students identified as MLs may choose to waive MLP services for their child. Parents who waive services must do so in writing on an annual basis and the district must maintain evidence of the written documentation.

Although the parents may have chosen to waive a formal ML program, the student has been identified and coded as an ML and will continue to be coded as such until the student reaches an English proficiency level that meets the state requirements for exiting MLP services. MLs whose parents have waived services are still eligible for accommodations on standardized tests and their English language proficiency skills must be assessed on an annual basis using WIDA ACCESS until they meet eligibility criteria.

General Parent Notification Requirements for English Learners

The Elementary and Secondary Education Act, Title I, Sec. 1112(e)(4) states that local education agencies (LEAs) must provide information to a parent in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

Program of Service and Considerations for Placement for MLs

A consistent registration procedure for MLs facilitates their entry into the new school environment.

MLs should be placed in **age appropriate grade levels or courses**. If a lower grade level placement is necessary due to lack of formal schooling, it **should not be more than one year below the native English-speaking peers of the same age**.



**STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION**

MEMORANDUM

TO: Superintendents
ESEA Title III MLP Coordinators
School Counseling Personnel
PowerSchool IT Contacts
Principals

FROM: Jewell Stanley
Interim Director, Office of Federal and State Accountability

Quincie L. Moore, Ph.D
Director, Career and Technical Education and Student Transition Services

Dan Ralyea
Director, Office of Research and Data Analysis

DATE: July 25, 2023

RE: Student Enrollment, Age-Appropriate Placement, Ninth Grade Cohort, and International Transcript Guidance

The purpose of this memorandum is to supplement a previous memorandum, [Multilingual Learner Enrollment](#), and to provide additional information regarding common questions received by the South Carolina Department of Education (SCDE).

Initial grade placement for all students enrolling in South Carolina public schools, including multilingual learners and immigrant students, must be with same-age classmates regardless of the grade level. At the high school level, a student must be placed with age-level peers when

possible (e.g., homeroom, electives, lunch, etc.), and decisions for coursework should be based on the student's transcript, if available. While classes should be scheduled accordingly to meet course prerequisites and graduation requirements, students must have the opportunity to interact and advance with peers. When applicable, school districts must be proactive and thoughtful in planning around specific grade-level activities or requirements (e.g., graduation, 9GR specific assessments). Districts must communicate with students and families in a language they

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understand and prefer for any decisions regarding participation in specific grade level requirements.

A student who enrolls for the first time in a U.S. high school is added to the four-year graduation cohort. **This is a separate consideration from age-appropriate placement and grade level classification.** If a high school aged student without a transcript enrolls for their first year in a U.S. high school *on or prior to* the 45th day, the 9GR will be set to the two-digit year of the spring semester of that school year (e.g., for students who the 2023-24 school year is their first year in a U.S. high school will have a 9GR=24). If a high school aged student without a transcript enrolls for their first year in a U.S. high school *after* the 45th day, the 9GR will be set to the two-digit year of the spring semester for the following school year (i.e., the school year in which they are enrolled for their first 45th day; e.g., a student who enrolls for the first time in a U.S. high school in January of 2024 will have 9GR=25). For example, if an international student enrolls with enough credits to be classified as a junior, their 9GR will be the same as a first year freshman as it is their first year of high school in the U.S. Students who enroll at an older age must be allowed to accrue credits to meet graduation requirements until they age out of school.

Pursuant to S.C. Code of Law Ann. § 59-63-20 (Supp. 2020), students aged 3-21 enrolling in South Carolina public schools must be allowed to do so at all grade levels. A school's graduation rate may decrease if students do not graduate with their 9GR cohort or if they age out. Although the graduation rate is important, keeping students' best interests in mind is essential to ensuring equitable enrollment and compliance with Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974.

A 9GR cannot be changed for any reason but rather corrected. Corrections (e.g., transcript translation error) typically occur within four to six weeks of student enrollment but not longer than the school year. With the release of this new guidance, please review [Student Enrollment, Age Appropriate Placement, Ninth Grade Cohort, and International Transcript Guidance](#) for additional information regarding correcting 9GR codes as applicable.

Per the [Uniform Grading Policy \(May 2019\)](#), the criteria for accepting international transcripts from international students are a local decision based on district policy. However, the SCDE provides guidance to assist districts with best practices for awarding credits, specifically related to international transcripts.

Students who transfer to South Carolina with prior End-of-Course subject credits should not be administered the End-of-Course exam to satisfy federal reporting and accountability requirements. For students transferring from a non-SC public school and having taken English 2, Algebra 1, Biology 1, and/or U.S. History and the Constitution (or equivalent), the SCDE will collect students not tested data from PowerSchool and districts will need to retain transcripts as documentation for Students Not Tested reason, i.e., “009 – Transfer Student (EOCEP only). Districts must reference the [Combined Students Not Tested on Elementary, Middle, and High School Report \(SNTEMHR\) Guidelines](#).

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For questions regarding multilingual learner (ML) and immigrant student enrollment and age appropriate placement, contact Susan Murphy at SMurphy@ed.sc.gov. For questions regarding international transcripts, contact Laura McNair at LMcnair@ed.sc.gov. For questions regarding 9GR and accountability, please contact Dan Ralyea at DRalyea@ed.sc.gov

Special Situations

Some students from challenging environments or with special needs may require additional services and additional time in order to improve their English abilities. Newcomers, Students with Limited or Interrupted Formal Education (SLIFE), Long Term ELs (LTELs) and students with IEPs or 504s all require special consideration. Each of these special situations are discussed below.

- Newcomer MLs - arrive with little to no background in the English language

- Students with Limited or Interrupted Formal Education (SLIFE) - age-appropriately placed in their grade level but who have a gap of missed instructions in an academically rigorous setting.
- Long Term English Learners (LTELs) - sixth grade year or higher who have been enrolled in US school's ML program for six or more years

Types of English Fluency

Basic Interpersonal Communication Skills (BICS) & Cognitive Academic Language Proficiency (CALP) A common misconception is that students are “fluent” in English because they can “speak English okay”. The following is a brief description of two types of language proficiency with descriptors of proficiency level in listening, speaking, reading, and writing. Basic Interpersonal Communication Skills (BICS) is a conversational or social language typically acquired within the first two years of initial exposure to a new language. Mastery of this type of language varies with individuals but usually takes between six months and two years. Cognitive Academic Language Proficiency (CALP) is the mastery of academic language needed to be successful in mainstream classrooms. According to research, the average time needed to acquire CALP is five to ten years. It should be remembered that many factors influence the speed at which a student advances.

Developing the MLs Schedule

When decisions are being made regarding student placement, it is important to consider the services and support in place to ensure that MLs are developing social and academic language proficiency and that MLs are able to effectively participate in all academic and special programs within the district. As part of this process it is imperative that district personnel familiarize themselves with the WIDA Performance Definitions which serve as the basis for the Kindergarten WIDA, the WIDA Screener and *ACCESS for ELLs 2.0* Composite Proficiency Levels (CPL). The WIDA Performance Definitions may be accessed on the WIDA website (www.wida.us).

MLs should be considered the same as any other students eligible for any program that will help them reach the same standards of performance asked of all students. Once a child enters a general education class, he or she may need language development and other types of support that must be included in everyday classroom instruction. For MLs these may include accommodations to the instructional activities, tasks and assessments. As MLs attain fluency in English however, fewer accommodations will be necessary.

Procedures should be in place indicating how parents, who may be English learners themselves, will be notified of school activities that are called to the attention of other parents (e.g., student progress reports, school schedules, extracurricular activities, special meetings, ceremonies, events, etc.).

Special Notes for Scheduling of Secondary Level MLs

Appropriate placement in classes for these students requires careful attention to school records from other countries. In addition to official records, it may be beneficial to use interviews and informal tests to determine the ELs' previous level of schooling.

Suggestions to Ease the Transition of Secondary Level MLs

1. First Semester Newcomers should be placed in elective classes to facilitate the acquisition of BICS.
2. Provide the family with a chart explaining the requirements for graduation and the system's policies regarding required and elective subjects.
3. Explain the requirements of the End of Course Tests.
4. Explain semester grading periods and progress reports, and how grades and course credits are awarded.
5. Review all foreign transcripts.

Monitoring Academic Progress of MLs

Educators should use classroom performance and/or available achievement test scores to revise a student's academic program or change the types of MLP services he or she is receiving.

Collection of Data for Monitoring Student Success

Monitoring is necessary while students are in the ML program as well as required after they exit the program. Comprehensive and comparable data on all students are needed to evaluate the success of students in obtaining an effective and appropriate education.

LEAs should maintain the following types of information about any students identified as an English learner for their individual student profiles:

1. Assessment information (e.g. standardized tests taken, WIDA eligibility scores and dates)
2. Academic information (e.g. courses taken, grades attendance and promotion/retention)
3. Entry date into U.S. schools
4. Entry date into local district
5. Physical conditions that may affect learning
6. Classroom observations by teachers
7. Enrollment history and criteria used for placement in special services (e.g. MLP, RTI, speech therapy, special education, gifted services, etc.)

Grading and Retention

Grading: All grades must reflect the student's accommodated and modified curriculum objectives, presentation and assessment.

A regular classroom teacher **may not:**

- 1) Require an LEP student to do the same assignments as an English-fluent student, without regard for the LEP student's level of English proficiency or the ability of limited-English proficient parents to help at home.
- 2) Penalize an LEP student for work missed while in MLP class.
- 3) Assign an LEP student a failing grade if the reason for that failure is his or her limited English proficiency.

A regular classroom teacher **may:**

- 1) Set objectives and assign work that is within the student's ability level.
 - 2) Expect the student to do projects, assignments, homework and take tests that have been modified to his or her proficiency level.
 - 3) Expect LEP students to come to class prepared to do work and to behave appropriately.
 - 4) Hold an LEP student responsible for appropriate assignments to be completed in a reasonable amount of time.
 - 5) Assign an LEP student a failing grade or recommend retaining a student if the reason for that failure is unrelated to his or her English proficiency (this must be well documented with examples of parent communication)
 - 6) Keep evidence of modified objectives, assignments and assessments.
- Office of Civil Rights Regulations: Evaluation, Grading, Promotion, and Retention of MLP Students

Query: Can a teacher fail an ML?

Classroom teachers should make accommodations in instruction and assignments based on student fluency level, and assessments should be based on these accommodations. Grades should reflect student's participation, effort, and progress.

MLs may not master content objectives due to their limited English language proficiency; however, with accommodations, they are able to progress in both content knowledge and English language acquisition.

According to the OCR, "equal outcomes are not required for these children." It is, therefore, against the OCR regulations for teachers to fail students simply by saying they have not met the objectives of the course. Failing grades for MLs cannot be based in any way on language difficulties. The key issue for a teacher who fails an English language learner is to maintain careful documentation of accommodations made for students. Without documentation of appropriate accommodations, students cannot receive failing grades.

The teacher may only assign a failing grade when the teacher provides documentation of:

- accommodation on all types of instruction and work, including but not limited to: textbooks, trade books, bilingual supplements, multimedia
- materials, graphic organizers, pictures, study guides, homework, and general class requirements
- accommodations made to all assessments (reflecting the level at which students could succeed)
- students failing to do assigned tasks
- communication with parents

Teachers are encouraged to confer with MLP specialists about specific students. Decisions such as grade retention or failure in classes should be made in conference with MLP specialists, the building principal, guidance counselor, and other professionals. Request for retention, including documentation, should be submitted to the district office for approval. Whenever possible, students should be promoted along with age-level peers.

Assessment and Accommodations

Annual Assessment

ACCESS for ELLs 2.0 is administered annually to all MLs in South Carolina. It is a standards-based, criterion referenced English language proficiency test designed to measure MLs' social and academic proficiency and progress towards English proficiency. It assesses social and instructional English as well as the language associated with language arts, mathematics, science, and social studies within the school context and across the four language domains of speaking, listening, reading, and writing. *ACCESS for ELLs 2.0* meets the **Title I** mandate in the Every Student Succeeds Act of 2015 that requires states to evaluate all MLs in grades K through 12 on their progress towards English proficiency.

Only certified personnel who have completed the required WIDA training for the *ACCESS for ELLs 2.0* are permitted to administer the annual proficiency assessment. The South Carolina Department of Education Assessment and Accountability division requires annual WIDA *ACCESS for ELLs 2.0* certification for all certified personnel who will administer the assessment and provides the LEA System Testing Coordinators with information regarding access to the WIDA training website.

Exiting MLP Services

Exit Criteria

As MLs reach proficiency and become ready to exit MLP services, it is imperative to ensure that MLs have attained a degree of English language skill that will enable them to achieve academic success at levels similar to those of their native English-speaking peers. The South Carolina Department of Education and LEA MLP representatives from across the state collaborated to determine the appropriate level of proficiency necessary to ensure ELs' success upon exiting MLP services.

Students in grades K-12

The student must be administered all components of the *ACCESS for ELLs 2.0/Alternate ACCESS* assessment. If the student achieves an **Overall score of 4.4 or greater and a minimum of 4.0 in each domain**, the student must be exited from the ML program.

Post-exit Monitoring

Overview

MLs who meet the exit criteria for English proficiency are no longer eligible for MLP services and must be exited. The Office for Civil Rights requires that districts **monitor MLs' academic performance for four calendar years following exit** from MLP services. If an exited student transfers from another state or a private school and the four-year monitoring was not completed prior to enrollment, the district is required to monitor the student's academic progress for the remainder of the monitoring period. The district must maintain documented evidence that the student was monitored throughout the four-year monitoring phase.

It is important for regular education teachers to recognize that exited MLs may need ongoing support as they continue to work toward grade-level academic language performance. MLs may still need help in making connections between new information and their background knowledge. They may also need to be guided in organizing information and in assessing their own learning.

Students who exit the ML program will be monitored by the ML specialist within the district, in a documented format for a period of four full school years. If the student is proficient, he/she moves to English Speaker I status as indicated in the SC PowerSchool Coding Manual.

The general education teacher is required to complete an MLP Post-Monitoring Exit Form at least twice a year. Forms are distributed and collected by the MLP specialist.

Exited MLs who Struggle during the Monitoring Period

Exited MLs may struggle in some of their academic courses, even after they have been deemed English proficient and have met the criteria for exiting MLP services. As the exited MLs' progress is monitored, if there is evidence they are struggling in one or more content areas, the first step is to ensure that they are provided any instructional supports available to all students within the school. Students who still experience difficulty in content classes during the monitoring period, due to lack of prior knowledge or lack of information in the knowledge scaffold, should be provided with academic support through methods that may include temporary re-entry into an English language instruction educational program.

Data Reporting for Exited MLs

For the purposes of Student Record reporting, the coding status for MLs who have met the criteria for exiting MLP services and who then will begin the four-calendar year monitoring period changes from a proficiency score to monitoring status.

Post Exit Coding

- M1** 1st year after exit
- M2** 2nd year after exit
- M3** 3rd year after exit
- M4** 4th year after exit

Beyond MLP - Additional Services for MLs

Overview

Services for MLs should represent a continuum of available programs. All teachers are English language teachers and everyone is an English language learner throughout his or her life. We all shape the education of a child, and as such, we must work collaboratively to fulfill that mission.

Students served in MLP should also be served through any other appropriate special programs offered within the school system. From the time of enrollment, MLs must be ensured an equal opportunity to participate in all special programs for which they qualify.

As background, districts may not assign national origin minority MLs to special education programs on the basis of criteria that essentially measure and evaluate English language skills. When tested in English, national origin minority students, who cannot use the English language well, are often unable to demonstrate their true level of academic skill.

Conversely, districts must ensure that MLs are not improperly excluded from

participation in a special education program simply because of the student's limited English language proficiency. LEAs must take steps to ensure that each ML receives an appropriate education, special services included, with consideration taken for both the ML's language and cultural background.

With regard to any ML who is in need of special education or gifted and talented services, schools must follow the referral procedures as outlined in the specific program criteria. Once a referral is made, the required testing is performed and if the ML qualifies, an appropriate placement is made and services begin. The schools' designated testing personnel for special programs will determine an ML's eligibility for services. Schools may find, however, that due to an ML's lack of proficiency in English, bilingual assessments must be performed. For validity and reliability purposes, such assessments must be administered by personnel trained and qualified in their administration.

MLs should be considered the same as any other student, for eligibility to all available programs that will help them reach the same standards of performance asked of all students. When any child enters a mainstream education class, he or she may need language development and other types of support that must be included in general classroom instruction. For MLs these may include accommodations to the instructional activities, tasks and assessments. As the MLs develop greater fluency in English, fewer accommodations will be necessary.

MLs with Disabilities

As with other populations, one expects a range of abilities among MLs. The difficulty often comes in determining whether a learning problem is related only to the issue of English language development or whether there is an actual disability present.

MLs special instructional needs because of their unique cultural and linguistic background. If an ML is having difficulty mastering specific skills, it is important for the teacher to accommodate the instructional strategies and/or instructional pace for the student. Just because the student requires accommodations to achieve mastery, does not necessarily mean that the ML has a disability or that the ML should be referred to special education.

If, however, the ML continues to have difficulty after consistent language accommodations and instructional interventions have been attempted and documented, the MLP specialist in collaboration with classroom teacher(s) input is essential to determining appropriate interventions as he or she knows the natural order of English language acquisition regardless of the student's first language. The MLP specialist is also familiar with the usual rate and stages of language acquisition, as well as the "typical" errors to be expected.

This knowledge of second language acquisition, along with the following information, is critical in determining whether there exists a need for different interventions or future referrals for additional services:

1. Place of birth
2. Entry date into the U.S.
3. Years in U.S. schools
4. Educational history; Years of schooling in home language; Interrupted education?
5. Prior evaluations (WIDA Screener Kindergarten, state standardized assessments)
6. Review of Home Language Survey
7. Entry date in MLP and number of years in MLP
8. Physical condition that could account for difficulties - need for glasses, hearing aid, etc.
9. Participation in any special services
10. Frequent absence or tardiness
11. School record reviewed for relevant information and anecdotal evidence
12. Contacts with Parents (district must provide an interpreter if required for communication)

At this point, one of two things may happen: (1) the Intervention team may determine that it is appropriate to consider a referral of the ML for special education testing in order to determine whether a specific disability exists, or (2) the Intervention team may recommend additional interventions and accommodations for the classroom. Should these supports prove successful, the ML may continue to be served with them in the general education classroom. If the additional interventions and accommodations are not successful, the Intervention team may reconvene to discuss whether a referral for special education testing is appropriate.

Once a referral is made to special education, the ML is tested in order to determine whether he or she qualifies as a student with a disability under the Individuals with Disabilities Education Act (IDEA). If so, the EL may be served through the special education program.

When an ML is referred to special education, attempts should be made to conduct the assessment in the student's native language through a translator. If for some reason this is not possible, or not advisable, a nonverbal instrument can be administered. Information gleaned from a parent interview regarding the student's development should also be considered. Every effort should be made to ensure that no child is placed in special education because of language difficulties, rather than due to disability.

Depending on the extent of the student's disability, it is appropriate for the general education teacher, MLP specialist, and the special education teacher to work collaboratively in order to meet the needs of the student. **The fact that an ML has a disability does not replace the need for language assistance. The plan for continuing to provide language assistance and support should be delineated in the student's Individual Education Plan (IEP). It is important to ensure that MLs are dually served through both programs.** If, due to the student's significant cognitive disabilities, it is determined that another means of support will be more beneficial to him/her, the Special Education team and the MLP specialist must work together to determine the most effective plan and to provide needed support for implementation.

1. If an ML is determined eligible for special education services, the IEP team will determine the type and degree of services (Special Education and MLP) the student will receive.
2. The MLP specialist must be included as an active member of the IEP team for MLs with disabilities.
3. If it has been demonstrated through testing that the student qualifies for special education services under the learning disability label or speech services label, the ML should be served in both programs.
4. Students should be served in both MLP and Special Education if they qualify for both programs, unless the disability is deemed so profound that the severity of the student's disability indicates a greater intensity of special services is required.

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

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

MLs and Gifted Education

In passing the Jacob K. Javits Gifted and Talented Students Education Act of 1988 (PL 100- 297), Congress reasserted the belief that youngsters with talent potential are found in all cultural groups, across all economic strata, and in all areas of human endeavor. Gifted and talented MLs are often underrepresented in programs for the gifted.

ML students who meet the eligibility criteria established by State and LEA should be encouraged and included in all gifted and talented services.

Students who qualify for the Gifted and Talented Program should also continue to receive MLP services and will be monitored for language acquisition.

WIDA Consortium

About the Consortium

The World-Class Instructional Design Assessment Consortium (WIDA) is a consortium of 39 member states, the District of Columbia, the US Virgin Islands, and the Northern Mariana Islands, dedicated to the design and implementation of high standards and equitable educational opportunities for English language learners. The membership includes Alabama, Alaska, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Idaho, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Wisconsin, and Wyoming. Georgia has been a member of the Consortium since 2005. Puerto Rico has adopted the WIDA Spanish language development standards.

The WIDA Consortium developed English language development standards and an English language proficiency test aligned with those standards, *ACCESS for ELLs 2.0*. A second assessment, the *Alternate ACCESS for ELLs*, is an assessment of English language proficiency (ELP) for students in grades 1 -12 who are classified as English Learners and have significant cognitive disabilities that prevent their meaningful participation in the *ACCESS for ELLs 2.0* assessment. More information about the WIDA Consortium may be found at www.wida.us.

Assessments and Screening Instruments

ACCESS for ELLs 2.0

ACCESS for ELLs 2.0 is administered, annually, to all English learners in South Carolina. It is a standards-based, criterion referenced English language proficiency test designed to measure English learners' social and academic proficiency and progress in English. It assesses social and instructional English as well as the language associated with language arts, mathematics, science, and social studies within the school context across the four language domains of speaking, listening, reading, and writing. *ACCESS for ELLs 2.0* meets the Title I law in the Every Student Succeeds Act of 2015 which requires states to evaluate all ELs in grades K through 12 on their progress in learning to speak English.

All students identified as MLs must take the *ACCESS for ELLs 2.0* assessment, **including students whose parents have waived MLP services**; however, students who have formally exited language assistance services and are in monitored status (M1, M2, M3 or M4) are not administered the assessment.

Alternate ACCESS for MLs

The Every Student Succeeds Act (ESSA; 2015) requirement to assess all students identified as ELs annually for English language proficiency, includes students who receive special education services. The Individuals with Disabilities Education Act (IDEA; 2004) also mandates that students with disabilities participate in state-wide and district-wide assessment programs, including alternate assessments with appropriate accommodations, when it is documented in their Individualized Education Programs (IEP).

WIDA created the *Alternate ACCESS for ELLs* to meet federal accountability requirements and to provide educators with a measure sensitive to English language proficiency growth of MLs with significant cognitive disabilities. The *Alternate ACCESS for ELLs* is an assessment of English language proficiency (ELP) for students in grades 1 -12 who are classified as English learners and have significant cognitive disabilities that prevent their meaningful participation in the *ACCESS for ELLs* assessment. The *Alternate ACCESS for ELLs* aligns with the WIDA Alternate English Language Proficiency levels designed to expand upon Level P1 - Entering, by increasing the sensitivity of the measure for students who have significant cognitive disabilities. The alternate ELP levels give students a chance to demonstrate progress within Level P1. MLs assessed with the *Alternate ACCESS for ELLs* are eligible to exit from language assistance services based on achieving a score of P1 (entering). They are coded a P1 exited, monitored and can receive accommodations on assessments.

WIDA Screener

The WIDA Screener is a screening instrument used by educators to measure the English language proficiency of students who have recently arrived in the U.S. or in Sumter School District. These screening tools are used to determine whether or not a child is eligible for English language instructional services.

WIDA English Language Proficiency Level Performance Definitions

The *ACCESS for ELLs 2.0* and WIDA Screener all provide an English language proficiency performance level score based on a scale of 1.0 to 6.0. The expectations for students at each of these performance levels are defined in two charts, one for Speaking and Writing and one for Listening and Reading. These charts may be downloaded at no charge from the listing on the right side of the WIDA Standards webpage at <http://www.wida.us/standards/eld.aspx>.

WIDA English Language Development Standards

The WIDA English Language Development (ELD) Standards are designed as a curriculum and instruction planning tool. They help educators determine children's English Language Proficiency (ELP) levels and how to appropriately challenge them to reach higher levels. The five standards encompass the areas of Social and Instructional language; the language of Language Arts, Math, Science and Social Studies.

The WIDA ELD Standards are:

1. English language learners **communicate** for **Social** and **Instructional** purposes within the school setting.
2. English language learners **communicate** information, ideas and concepts necessary for academic success in the content area of **Language Arts**
3. English language learners **communicate** information, ideas and concepts necessary for academic success in the content area of **Mathematics**
4. English language learners **communicate** information, ideas and concepts necessary for academic success in the content area of **Science**
5. English language learners **communicate** information, ideas and concepts necessary for academic success in the content area of **Social Studies**.

Model Performance Indicators

A Model Performance Indicator is the smallest unit of a topical strand that describes a specific level of English language proficiency. A strand of MPIs consists of five levels of English language proficiency for a given topic and language domain and is thematically connected through common example topics or genres that have been identified from state and national academic standards.

Detailed information regarding the Model Performance Indicators may be found in the document under the English Language Development Standards webpage at <https://www.wida.us/standards/eld.aspx>
Information about the 2012 Amplified English Language Development Standards may be found on the same webpage, under the 2012 Standards tab.

CAN DO Descriptors

Information regarding the *CAN DO Descriptors* by grade level clusters are available at http://www.wida.us/standards/CAN_DOs/ and may be downloaded at no cost, while spiral-bound booklets of individual grade cluster sets are also available for purchase. These descriptors provide teachers with excellent examples of what a student at each proficiency level can be expected to be able to do and allow teachers to differentiate instructional tasks to fit the needs of individual students.

Appendix I: Federal Law and English Learners (ELs)

Office for Civil Rights Laws

Stated below is an excerpt from the United States Code § 1703. **Denial of equal educational opportunity prohibited:**

No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by - (f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

In other words, federal law requires schools to provide language assistance services. The United States Department of Education Office for Civil Rights (OCR) has responsibility for enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in programs and activities that receive federal financial assistance.

Title VI of the Civil Rights Act of 1964 regulatory requirements have been interpreted to prohibit denial of equal access to education because of a student's limited proficiency in English. Thus, Title VI protects those students limited in their English language skills such that they are unable to participate in, or benefit from, regular or special education school instructional programs.

During the late 1960s, the OCR became aware that many school districts made little or no provision for the education of students who were unable to understand English. In an effort to resolve this problem, on May 25, 1970, the former Department of Health, Education and Welfare issued a memorandum to clarify Title VI requirements concerning the responsibility of school districts to provide equal education opportunity to language minority students.

The May 25 Memorandum explained that Title VI is violated if:

1. Programs for students whose English is less than proficient are not designed to teach them English as soon as possible or operate as a dead-end track.
2. Parents whose English is limited do not receive notices and other information from the school in a language they can understand.

In the 1974 *Lau v. Nichols* case, the U.S. Supreme Court upheld the May 25 Memorandum as a valid interpretation of the requirements of Title VI.

Quick Reference/MLP Information

DEFINITIONS

- ◆ **Multilingual Learners (MLs)** – students whose primary or home language is other than English and who are eligible for services based on the results of an English language proficiency assessment
- ◆ **English language proficiency (ELP)** – the level of language competence necessary to participate fully and learn successfully in classrooms where the primary language of instruction is English
- ◆ **Multilingual Learner Program (MLP)** – an educational support program provided to help ELs overcome language barriers and participate meaningfully in schools' educational programs
- ◆ **South Carolina Department of Education** – the state agency charged with the fiscal and administrative management of certain aspects of K-12 public education, including the implementation of federal and state mandates. Such management is subject to supervision and oversight by the State Board of Education.
- ◆ **Enrollment Survey/Home Language Survey** – a questionnaire administered upon enrollment to each student's parent or guardian for the purpose of determining whether a language other than English is used by the student or used in the student's home
- ◆ **MLP services** – supplemental language support programs that promote academic language development for students with limited English proficiency
- ◆ **Local Educational Agency (LEA)** – local school system pursuant to local board of education control and management
- ◆ **State-adopted English proficiency measure** – an English language proficiency test administered annually to all English learners (ELs) in South Carolina for the purposes of determining the English language proficiency level of students; providing districts with information that will help them evaluate the effectiveness of their ML programs; providing information that enhances instruction and learning in programs for English learners; assessing the annual English language proficiency gains using a standards-based assessment instrument; and providing data for meeting federal and state requirements with respect to student assessment
- ◆ **State-adopted English proficiency screening measure** – a formal measure of social and academic English language proficiency that assesses students' need for initial placement in supplemental language assistance services

REQUIREMENTS

Eligibility for entry into and exit from language assistance.

1. Prior to entry into a school in South Carolina each student's parent or guardian shall complete the required Home Language Survey to determine if a language other than English is used in the home or is the student's native language or first language. All students whose native language, first language or language of the home includes a language other than English shall be assessed for English language proficiency using the state-adopted English proficiency screening measure.
2. Initial eligibility for language assistance services shall be determined by the student's score on the state-adopted English proficiency screening measure.
 - a. Students who have an English language proficiency score below proficient on the state- adopted English proficiency screening measure shall be determined to be English learners (ELs) and shall be eligible for language assistance services.
 - b. Students who have an English language proficiency score at or above proficient on the state-adopted English proficiency screening measure shall be considered English proficient and shall not be eligible for language assistance.
3. All MLs shall be assessed annually on the state-adopted English proficiency measure to determine English language proficiency. Students whose scores on the state-adopted English proficiency measure do not meet the state MLP exit criteria shall continue to be eligible for language assistance services.
4. Exiting from MLP services.
 - a. Clear exit determinations are based on the composite score of the state-adopted English proficiency measure. A student who exits the language assistance program via a clear exit determination shall be considered English proficient.
 - b. Students whose composite scores on the state-adopted English proficiency measures do not meet the score required for clear exit determination may be considered English proficient following an LEA's reclassification review. The reclassification review procedures are applied uniformly statewide, as established in the MLP Resource Guide.
 - c. Students who are deemed English proficient shall not be eligible for continued MLP services and shall be exited.
 - d. Each LEA shall monitor students that are considered English proficient for four years after exit from language assistance services. These students shall be considered ML Monitored. The

monitoring process shall consist of a documented review of report card grades, state assessment results, classroom performance and teacher observations for the purpose of ensuring the successful transition to the general classroom.

MLP SERVICE DELIVERY MODELS

Approved instructional delivery models include:

- a. Pull-out model – students are taken out of a general education class for the purpose of receiving small group language instruction from the MLP specialist.
- b. Push-in model (within reading, language arts, mathematics, science or social studies) – students remain in their core academic class where they receive content instruction from their content area teacher along with targeted language instruction from the MLP specialist.,
- c. A scheduled class period – students at the middle and high school levels receive language assistance and/or content instruction in a class composed only of MLs,

Resources

WIDA Resources

WIDA Consortium webpage: <http://www.wida.us/> for information about the Consortium, the WIDA English Language Proficiency Standards, Performance Definitions, Model Performance Indicators, Can Do Descriptors, screening instruments and annual assessment of proficiency

USED Resources

Schools' Civil Rights Obligations to English Learner Students and Limited English Proficient Parents <https://www2.ed.gov/about/offices/list/ocr/ellresources.html>

English Learner Tool Kit: <https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>