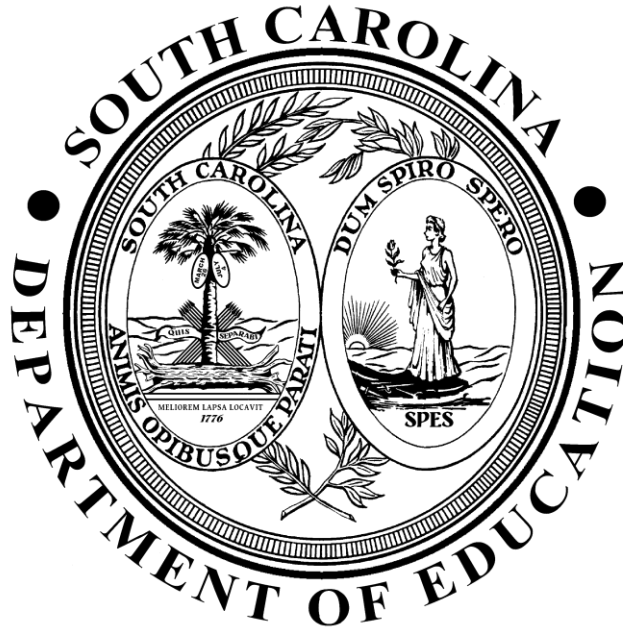**STATE OF SOUTH CAROLINA**

DEPARTMENT OF EDUCATION

ELLEN E. WEAVER
STATE SUPERINTENDENT OF EDUCATION

Title III Multilingual Learner and Immigrant Student Program Guiding Principles

2023-24

Contents

Purpose

The vision of the South Carolina Department of Education (SCDE) is that all students graduate prepared for success in college, careers, and citizenship. Districts have available a system of personalized and digital learning that supports students in a safe learning environment to meet the *Profile of the South Carolina Graduate*. A life and career characteristic of the South Carolina Graduate is to embrace a global perspective.

The Office of Federal and State Accountability (OFSA) takes an asset-based approach by referring to English learners (ELs) as multilingual learners (MLs). An ML brings diverse cultural identities and new perspectives to strengthen our classrooms and communities. MLs achieve the South Carolina College and Career Readiness Standards while navigating between native and instructional languages. MLs provide the global perspective that is needed of the South Carolina Graduate and emphasize the advantages of bi-/multilingualism to honor students' identities as strengths rather than deficits.

The term ML embodies the shared core values of diversity and inclusion, which are integral parts of the *Profile of the South Carolina Graduate*. The Multilingual Learner Program (MLP) in South Carolina will continue to grow and reflect these values to increase MLs' opportunities. Additional terminology updates can be found in the *Multilingual Learner Program Terminology memorandum*.

Figure 1. *The Diversity, Inclusion, and Access for Multilingual Learners Logo*

Note. The Diversity, Inclusion, and Access for Multilingual Learners logo was designed by the Title III program office to represent the diverse populations across South Carolina public school districts

Title III, Part A

The Elementary and Secondary Education Act of 1965 (ESEA), as amended by The Every Student Succeeds Act of 2015 (ESSA), recognizes the unique needs of MLs and provides Title III funds to supplement the instructional program for MLs.

The overall purpose of Title III funds is to ensure that students identified as MLs, including immigrant students, attain English proficiency while achieving academically, allowing them to

meet the same challenging state academic content and academic achievement as their non-ML peers.

Districts receiving awards under this subgrant use funds from the Title III-ML subgrant within three overarching areas to supplement the required core program:

- increase language proficiency of MLs,
- provide effective professional development, and
- engage parents/guardians, families, and communities through various strategies.

The purpose of the Title III-Immigrant subgrant is to provide supplemental funding to districts and schools that will help ensure immigrant students are provided with activities that promote enhanced instructional opportunities.

This document provides districts with guidance to adequately support MLs and immigrant students within South Carolina school districts. The *Multilingual Learner and Immigrant Student Program Guiding Principles* should be used in conjunction with additional program resources, manuals from other SCDE offices, and updated memoranda. Additionally, these documents and resources should be used to ensure fidelity within various district MLP programs.

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Professional Learning Opportunities

The SCDE Title III program office, in conjunction with other SCDE offices, provides numerous professional learning opportunities (PLOs) throughout each school year.

The Title III program office hosts the annual South Carolina Multilingual Learner Program Conference. To date, this has been a virtual two- or three-day conference. The conference includes keynote sessions presented by experts in the field, followed by breakout sessions from a variety of SCDE staff, educators, and participating resource providers. The conference offers all educators in South Carolina a free PLO to learn more about federal and state guidelines and improve instruction for MLs and immigrant students.

The SCDE offers additional PLOs throughout the year that focus on improving Title III/MLP components. Current SCDE PLOs are communicated to district coordinators to be shared with the appropriate staff members.

The SCDE may or may not offer renewal credits for specific PLOs. If the SCDE does not offer renewal credits, the district may choose whether to offer credits to participants. The SCDE will provide a certificate of participation for some PLOs or upon request if attendance can be verified. To assist with this process, PLOs and specific information will be provided and recorded on the SCDE Title III website for reference.

Translation and Interpretation

The Office of Civil Rights (OCR) require that translation and interpretation services are the obligation of the entire local educational agency (LEA) and do not solely fall under Title III. LEAs are responsible for effectively communicating with families who may require translation or interpretation services. To assist LEAs in determining communication languages for families, the Enrollment Survey (ES) has a section that will be completed annually by families to determine their preferred oral and written communication language(s). This portion of the ES is not used to determine if students are eligible for MLP services.

Each LEA must have a written translation and interpretation plan in place and that it is posted on the district's website to ensure it is easily accessible to all staff and families. Districts should review and consider OCR requirements and federal guidance (e.g., Chapter 10 of the EL Toolkit) regarding translation and interpretation services when developing a written plan. All staff members in each district should be trained on district translation and interpretation procedures and services. Consider providing additional training specific for front office staff and those who will be utilizing translation and interpretation services more often.

Considerations include, but are not limited to:

- The LEA determines the qualifications to ensure translators and interpreters are qualified. Interpreters and translators must have knowledge in both languages of any specialized terms or concepts and be trained on the role of an interpreter and translator, the ethics of interpreting and translating, and the need to maintain confidentiality.
- Students may not act as a translators or interpreters.
- LEAs determine a way to track translation and interpretation requests as documentation, specifically for LEAs that are not contracted with a vendor for these services.
- Procedures must be in place indicating how parents/guardians, who may be MLs themselves, will be notified of school activities that are called to the attention of other

parents/guardians (e.g., student progress reports, school schedules, extracurricular activities, special meetings, ceremonies, events, etc.).

- District webpages and documents should be translated into applicable languages within the LEA. If applicable, a warning that automated translations may be inaccurate should be posted on the district website.
- All guidance from the Individuals with Disabilities Education Act (IDEA) and the Office of Special Education Services (OSES) must be followed in reference to translation and interpretation services for students with disabilities and individualized education programs (IEPs).

Visit the SCDE [ESEA, Title III Multilingual Learner and Immigrant Student Program](#) webpage for additional translation and interpretation information, certification programs, potential vendors, and scenarios.

Identification of Multilingual Learners

The ESEA, as amended by ESSA, requires standardized, statewide entrance and exit procedures for MLs. ESEA section 3113(b)(2) states that all students who may be MLs are assessed for such status within thirty (30) calendar days of enrollment in a school. In South Carolina, all potential MLs must be screened using a South Carolina-approved English Language Proficiency (ELP) screener to determine identification within the first thirty (30) calendar days of enrollment at the start of the school year. Additionally, students who enroll after the start of the school year should be identified within the first two (2) weeks, or fourteen (14) calendar days, of enrollment to ensure students are receiving the appropriate services within a timely manner. The *Multilingual Learner Identification* memorandum supports the updated identification timeframe that began in May 2022.

Special circumstances regarding the identification timeline requirements may arise during the process. Special circumstances may include but are not limited to the COVID-19 pandemic, inclement weather, illness, delay in transfer records, and year-round school schedules. The identification process should be completed as timely as feasible to provide students with the appropriate services. However, South Carolina will allow up to, and not more than, the full thirty (30) calendar days for identification to meet the federal requirement or ESEA section 3113(b)(2). The school or district must document or have evidence of the special circumstance to show why identification was delayed beyond the two (2) weeks but less than thirty (30) calendar day timeline when requested. Documentation can be kept with or within student records, and electronic documentation is acceptable.

MLs that are already identified and served begin receiving services on or as close as reasonably practicable to the first day of school each year. At the start of the school year, all newly identified MLs must begin receiving MLP services no later than thirty (30) calendar days after enrollment. Additionally, students who enroll after the first thirty (30) calendar days of the school year should begin receiving services within the first two (2) weeks of enrollment to ensure students are receiving the appropriate support. If a special circumstance occurred during the identification period, the school and district are responsible for documenting the

circumstance. In the interim, the student should be considered an ML and receive necessary support and accommodations until the identification process is complete.

Each LEA or district is responsible for having a uniform process of identifying MLs within its school district. This section will outline the steps necessary to ensure that all MLs are appropriately identified and placed in appropriate services. It is discriminatory to identify students for ML programs based on last name, appearance, accent, national origin, or any other surface identifier.

Enrollment Survey and Home Language Survey

To fulfill the requirement of ESEA section 3113(b)(2), districts are required to identify students whose home language is one other than English for potential English language development eligibility. The Home Language Survey (HLS) is a legally binding document that is administered once at initial enrollment in South Carolina schools. As of the 2022-23 school year, the South Carolina HLS is embedded within Section II of the ES. The *Enrollment Survey Guidelines* provide administration guidance and procedures for the entire ES, including the Title III/ML and immigrant student program. Districts must reference these guidelines when implementing the ES.

The HLS portion of the ES is the first step in the two-part identification process for potential MLs. District personnel will use the HLS responses to determine if a student will move to the second part of the process—ELP screening. Parents/guardians of every newly enrolling student in a South Carolina school district will be asked to complete this survey in all grade levels from 3- and 4- year-old preschool programs through twelfth grade during the initial enrollment in South Carolina.

If the student enrolls in the district from another South Carolina district, do not have families immediately complete Section II of the ES. Instead, check student records for the original ES or previous HLS and go by the listed information. The receiving district must contact the previous school to request that they send the HLS within the identification and placement timeline. If the district has not received the original HLS before the designated timeline, and at least three multiple and varied attempts are documented, the receiving district may contact the parent/guardian to complete a new HLS. The completion of a new HLS should be a last resort. Districts must remain within state and federal mandated timelines.

If a parent/guardian indicates "English only" on the South Carolina ES for a student enrolling for the first time, but upon receipt of student records, the student previously received MLP services, the receiving school must continue providing the enrolled student with MLP services and follow identification and placement guidance.

The following questions are asked on the HLS (embedded in Section II of the ES):

1. What is the language that the student first acquired?
   PowerSchool field: Language First Acquired
2. What language(s) is spoken most often by the student?

PowerSchool field: Language Spoken Most Often

3. What is the primary language used in the home, regardless of the language spoken by the student?
PowerSchool field: Primary Home language

These three questions are used to determine if the student will participate in step two of the identification process—ELP screening. If a language other than English is indicated for any of the three questions above, the student must participate in the ELP screening. Sign languages, including American Sign Language (ASL), are considered a language other than English. If included on the HLS, the student should participate in ELP screening. Conversely, if English is the only language indicated for all three questions, the student will not participate in the ELP screening and is considered a native English speaker.

Federal law stipulates that parents and/or guardians are provided this information in a language that they understand, and districts must make every attempt to administer the ES in the home language of the parent/guardian via translated copies or translation services. To assist districts, the SCDE has provided translated copies of the ES in the following languages:

- Arabic,
- English,
- Gujarati,
- Hindi,
- Mandarin,
- Portuguese,
- Russian,
- Spanish,
- Tagalog, and
- Vietnamese.

Districts that require additional languages are responsible for translating the state-mandated ES to meet the needs of the languages represented in their school communities. In accordance with *Plyer v. Doe*, this survey is not used to determine legal status or for immigration purposes, nor are LEAs allowed to inquire about the immigration status of students and their families. English and translated versions of the ES and additional guidance and resources are found on the SCDE Title III, McKinney-Vento, and Migrant Education Program webpages.

3- and 4- Year-Old Preschool Program

When a student enrolls in a 3- and 4- year-old preschool program, this is considered the student's initial enrollment, and the parent/guardian must complete the ES. Therefore, the ES should not be included within any registration packets and should only be provided to those students actively enrolling in South Carolina districts and schools.

3- and 4- year-old preschool program students do not participate in ELP screening until they reach kindergarten or above. Therefore, students cannot enter ML status until kindergarten.

If district guidance allows, an alternate screening tool may be used to identify potential MLs and provide services. However, alternate screening tools do not render official identification of MLs and solely give the district(s) information for providing appropriate services and accommodations to students.

Any 3- and 4- year-old preschool program student with a language other than English indicated on qualifying HLS questions will receive an English proficiency level PowerSchool coding of '10-3K ML Status Pending' or '11-4K ML Status Pending.' This proficiency level serves as a placeholder until ELP screening for English language development services occurs in kindergarten. In addition, South Carolina guidelines allow for screening of incoming kindergarten students from 4-year-old preschool programs to occur after the annual ELP assessment window has closed for the school year, depending on student enrollment status and district allowability. The SCDE Title III program office suggests kindergarten round-up identification screening if utilized, not occur before May 1st of each year.

Students with these codes will automatically move to the proper coding the following school year once the district has completed the initialization process. Students coded as '10-3K ML Status Pending' will move to '11- 4K ML Status Pending,' and '11- 4K ML Status Pending' will move to 'AW- Awaiting' until the proper proficiency level is coded based on screening results.

Amendments

The [HLS amendment](#) is a document used only when there has been a genuine mistake for a student. This form is used sparingly, as federal law stipulates that once identified, all MLs must be served (*Lau v. Nichols* 1974; *Castaneda v. Pickard* 1981; *Plyler v. Doe* 1982; Sec. 1111(b)(1) of ESEA 2001). PowerSchool coding mistakes that were simple data entry errors can be corrected to align with the original HLS responses without an amendment.

The HLS is a legally binding document that is designed to be completed once. Parents/guardians cannot change their original answers. Additional amendment information and processes can be found in the *Enrollment Survey Guidelines.* The SCDE Title III program office carefully considers each amendment submitted to determine the final outcome of the amendment request.

English Language Proficiency Screening

South Carolina has been a member of the WIDA Consortium since 2014 and has access to a suite of ELP assessments to determine ML status. Each tool is designed to assist in identifying students who may benefit from language services.

South Carolina-approved ELP screeners include:

- WIDA Screener for Kindergarten,
- WIDA MODEL for Kindergarten,
- WIDA Screener, and
- WIDA MODEL.

All WIDA ELP assessments, including screeners, are considered secure testing materials and should be stored and handled accordingly.

WIDA Training Modules and Certification

Identification screening assessments may only be administered by certified personnel who have completed the required WIDA training modules and certification requirements. All training modules are in the WIDA Secure Portal under each user's account. Certification is an **annual** requirement for any test administrator (TA) administering the assessments applicable to their role. For example, if a TA completes the relevant modules and certification with a required score of 80 percent or higher on July 9, 2023, the certification will be active for one calendar year, expiring July 9, 2024.

It is strongly recommended that the administration of a paper screening tool is completed by trained or certified personnel in the area of language acquisition, as scoring determinations are made throughout the assessment. If utilizing an online screener, it is acceptable that the TA is not trained and certified in language acquisition so long as the scoring, which takes place after the screener is completed through the online platform, is completed by trained personnel certified in language acquisition.

WIDA training and certification requirements can be found on the [SCDE WIDA ACCESS website](#).

WIDA Screener for Kindergarten

WIDA Screener for Kindergarten Administration Guidance	
WIDA Screener for Kindergarten and WIDA MODEL for Kindergarten	**Administered Domains**
1st Semester Kindergarten	Listening-Yes, Reading-No, Writing-No, Speaking-Yes
Identification Criteria	• The student qualifies for services if the Oral Language proficiency level (PL) is < 4.5. These students are coded an English Proficiency Level based on their Oral Language score on the screener. • The student does not qualify for services if the Oral Language PL ≥ 4.5. These students are coded an 'M1-1st Year Monitor' in PowerSchool and monitored for four years.
2nd Semester Kindergarten through	Listening-Yes, Reading-Yes, Writing-Yes, Speaking-Yes

1st Semester First Grade	
Identification Criteria	• The student qualifies for services if the Overall Composite PL is < 4.5 **OR** any domain score is < 4.0. These students are coded an English Proficiency Level based on their Overall score on the screener.
	• The student does not qualify for services if the Overall Composite PL ≥ 4.5 **AND** all domain scores are ≥ 4.0. These students are coded an English Proficiency Level '8-English Speaker-Never ML' in PowerSchool.

Visit the WIDA Screener for Kindergarten and WIDA MODEL for Kindergarten webpages to learn more about these assessments.

WIDA Screener and WIDA MODEL

WIDA Screener and WIDA MODEL Administration Guidance	
WIDA Screener and WIDA MODEL Administration	**Administered Domains**
Second Semester First Grade-Grade 12	Listening-Yes, Reading-Yes, Writing-Yes, Speaking-Yes
Identification Criteria	• The student qualifies for services if the Overall score is < 4.5 **OR** any of the four domain scores are < 4.0. These students are coded an English Proficiency Level based on their Overall score on the screener.
	• The student does not qualify for services if the Overall score is ≥ 4.5 **AND** all four domain scores are ≥ 4.0. These students are coded an English Proficiency Level '8- English Speaker-Never ML' in PowerSchool.

Visit the WIDA Screener and WIDA MODEL webpages to learn more about these assessments.

Students in the first semester of a new grade-level cluster will take the previous year's screener. For example, a student enrolling in sixth grade, a new grade-level cluster, in the first semester will take the fifth grade WIDA Screener or WIDA MODEL instead of the sixth grade form. Grade level clusters include 1, 2-3, 4-5, 6-8, and 9-12.

If a district chooses to administer the paper version of the WIDA Screener, any mode of WIDA MODEL, or purchase WIDA Screener for Kindergarten kits, the cost will be the district's responsibility. These costs may not be paid for using Title III funds, as the identification of MLs is part of Title III core requirements. Use of Title III funding for this purpose would violate supplement, not supplant requirements.

English Language Proficiency Screening of Newly Enrolled Students

Step two of the process for potential ML identification requires ELP screening. If the student is a first-time enrollee, the student is screened for potential identification using the WIDA Screener for Kindergarten, WIDA MODEL for Kindergarten, WIDA Screener, or WIDA MODEL.

English Language Proficiency Screening of Transfer Students from WIDA Consortium States

When a student transfers into a district from another WIDA district or state (this includes Department of Defense schools), check the official records to determine identification/placement status and any services the student may have received. If the approved documentation (WIDA MODEL for Kindergarten, WIDA MODEL K-12, WIDA Screener for Kindergarten, WIDA Screener, WIDA ACCESS, or WIDA Alternate ACCESS) shows that the student received services within the past year, place the student in the program according to their most recent score results.

A student from another WIDA district or state may have documentation of services from an identification/placement assessment that is not an approved WIDA assessment. Therefore, the school/district will need to screen the student using the appropriate South Carolina WIDA identification assessment to place the student in those cases.

If there is documentation from an approved WIDA identification screener supporting that the student is not eligible for services, South Carolina will accept those scores.

English Language Proficiency Screening of Transfer Students from non-WIDA Consortium States

When a student transfers into the district from a non-WIDA consortium district or state, and the HLS section of the ES indicates a language other than English, this student must participate in identification screening to determine their ML status.

South Carolina does not accept not-eligible identification scores from non-WIDA states. When districts have questions or are unsure of proper screening procedures, especially student transfers, please contact the district or state Title III coordinator.

Additional screening guidelines can be found on the SCDE [ESEA, Title III Multilingual Learner and Immigrant Student Program website](#).

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

Guidance regarding [student enrollment, age-appropriate placement, ninth grade cohort, and international transcript guidance](#) has been moved to a Google Doc for the 2023-24 school year to provide ample time for school districts to provide feedback and ask questions as local policies are developed or reviewed. Additions and edits will be highlighted throughout the 2023-24

school year as applicable. This guidance will then be added back to the Title III Multilingual Learner and Immigrant Student Program Guiding Principles for the following school year. Districts may use the linked guidance and outline as a template for creating or updating local policy.

Parent/Guardian Notification

Parents/guardians are our partners in education and should be continuously updated on a student's progress towards English proficiency and academic achievement. Federal guidelines require parents/guardians of students with a language other than English indicated on the HLS questions to receive notification of the student's identification as an ML and their placement in the Language Instruction Educational Program (LIEP), also referred to as the MLP. According to Title I, Section 1112(e)(3)(A) and 1112(e)(3)(B) of the ESEA, the notification must be provided no later than thirty (30) calendar days after the beginning of the school year or within the first two (2) weeks of placement in the MLP for students who enroll after the start of the school year.

After identification screening has been completed, districts <u>must</u> share information with the parent/guardian regarding the student's proficiency level and program options and offer an opportunity to opt-out of MLP services. This parent/guardian notification (PN) must be in an understandable and uniform format and provided in a language that the parent/guardian understands (ESEA Section 1112(g)(1)(B)(2)).

According to ESEA Section 1112(e)(3), The parental notification must include:

- the reason for identification of the student as an ML;
- the student's level of ELP, how the level was assessed, and the status of the student's academic achievement;
- methods of instruction used in the program in which the student is, or will be, participating, and the methods of instruction used in other available programs, including how the programs differ;
- how the program will meet the educational strengths and needs of the student and help the student achieve ELP, and meet academic standards;
- exit/proficiency requirements for the program, expected rate of transition to a classroom not tailored for ML students, and expected rate of high school graduation;
- in the case of a student with a disability, how the program meets the annual goals in the child's IEP; and
- information regarding parents'/guardians' right to withdraw the student from a program upon their request and to decline enrollment or choose another program or method of instruction, if available. (If a waiver is signed, this removes the student from receiving direct instructional services, but participation in the annual ELP assessment is federally mandated until the student meets the state's proficiency criteria).

Parents/guardians can decline to enroll the student in such a program or choose another program or method of instruction if the eligible entity offers more than one program or method.

Additionally, best practice suggests that parents/guardians should be an integral part of a student's MLP team to provide input surrounding services and accommodations. Parents/guardians may receive a copy of the Individualized Language Acquisition Plan (ILAP) via paper or electronically at the beginning of the school year and as updated throughout the school year. However, if a district provides a copy of the ILAP, it must be in a language and/or format the parent/guardian prefers. In addition, a letter to explain the purpose of the ILAP may benefit and provide context to the parent/guardian if receiving a copy. Providing a translated copy of the ILAP is currently optional from the state perspective and is based on each districts' procedures and policies.

The Title III program office created PN templates for districts to utilize in conjunction with district stakeholders. All PNs can be found on the SCDE *ESEA, Title III Multilingual Learner and Immigrant Student Program website*. Beginning the 2023-24 school year, all LEAs will use state-mandated PNs.

PNs are not yet a state requirement for students coded as 'M2-M4.' However, it may be a district requirement. Review your local requirements for additional PN procedures as applicable. The Title III program office suggests PNs are sent home for students coded as 'M2-M4' as a best practice and plans to put this requirement in place for the 2024-25 school year.

Parent/Guardian Notifications	
Type of Placement	**Accompanying Parent/Guardian Notification (PN)**
Initial Placement in MLP	**Form P**-Parent/Guardian Notification of Placement in Multilingual Learner Program
Continuation in MLP	**Form C**-Parent/Guardian Notification of Continuation for Multilingual Learner Program Services
Non-Qualifying for MLP	**Form NQ**-Parent/Guardian Notification of Non-Qualifying for Multilingual Learner Program
First-Year Monitor Status	**Form M**-Parent/Guardian Notification of Reclassification to First-Year Monitoring Status
Second-Year Monitor Status	**Form M2**-Parent/Guardian Notification of Reclassification to Second-Year Monitoring Status
Third-Year Monitor Status	**Form M3**-Parent/Guardian Notification of Reclassification to Third-Year Monitoring Status
Fourth-Year Monitor Status	**Form M4**-Parent/Guardian Notification of Reclassification to Fourth-Year Monitoring Status

Waiver of Services

Under Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974, a parent's/guardian's decision to opt out of a program for MLs must be knowing and voluntary, and a district may not recommend that parents/guardians decline all or some services within a program for MLs. When discussing waiving services for students, the LEA must address the academic benefits of participating in the MLP and any potential challenges associated with waived services.

If the parent/guardian still wishes to decline MLP services for the student after this discussion, the district must have the parent/guardian provide written documentation indicating this decision. Written documentation must be completed annually for a student to be removed from MLP direct services and must be kept on file. Although a parent/guardian has declined services for the student, it does not absolve the district of providing that student with equal access and opportunity towards obtaining language proficiency while meeting academic needs. In addition, MLs with a waived status are eligible for classroom and testing accommodations on state-mandated assessments. Therefore, they should have an ILAP.

Section 1111(b)(2)(G) of the ESEA requires that districts assess all MLs using an annual ELP assessment, including those students whose parents/guardians have declined to enroll them in, or had them removed from, MLP services. A waiver exempts the student from receiving direct instructional services; they will still participate in WIDA ACCESS testing until they meet the state's proficiency criteria. The student is then monitored for four years after meeting the proficiency criteria determined by the state.

Ellevation Education

The SCDE has procured a vendor, Ellevation, to provide South Carolina districts with a Multilingual Learner Program Data Management System (DMS). Ellevation will assist with two essential components of the MLP – a platform for required programmatic documentation and an instructional strategies component.

The Ellevation platform will benefit districts by streamlining federal- and state-required documentation and processes for the MLP. To fulfill the requirement of section 3113(b)(2) of the ESEA, as amended, districts must identify students whose home language is one other than English for potential English language development eligibility. Additionally, Title I, Sections 1112(e)(3)(A) and 1112(e)(3)(B) of the ESEA require PN of a student's ML status, the right to opt the student out of the MLP, and the requirement for continued annual ELP assessment for each ML. In accordance with ESEA Section 1112(g)(1)(B)(2) and Title VI of the Civil Rights Act of 1964, respectively, PNs must be in a uniform format and provided in a language that the parent/guardian understands. Districts are strongly encouraged to participate in the state-procured MLP DMS to comply with federal and state requirements, including but not limited to the above-mentioned programmatic requirements. Additionally, educators will have access to meaningful data and information to guide instructional planning and support to meet the needs of MLs.

Ellevation Strategies is an additional component of the MLP DMS. Ellevation Strategies will provide professional learning opportunities and instructional activities, supports, and resources for all educators of MLs to develop skills and build capacity to assist in meeting the needs of students. These professional learning opportunities will provide instructional activities that support all, not just ML classrooms. Ellevation Platform and Ellevation Strategies, in conjunction, will bridge communication, collaboration, and best practices in supporting MLs in South Carolina.

Reference the [South Carolina Multilingual Learner Program Data Management System – Ellevation State Guidance](#) for more information. This will be a working document throughout the 2023-24 school year as additional questions arise and guidance is added. New guidance will be highlighted throughout the school year as applicable to help users easily find the updated information. This guidance must be used in conjunction with the Title III Multilingual Learner and Immigrant Students Program Guiding Principles to ensure federal and state compliance. Finally, many helpful articles, videos, and how-tos are linked throughout the document to the [Ellevation Resource Center](#). Please note that there are many other helpful resources in the Ellevation Resource Center that will assist all roles in using Ellevation Platform and Ellevation Strategies effectively.

PowerSchool Coding

Accurate coding of ML student information is an essential component for state and federal reporting, ELP testing, and improving MLP programs throughout the state. All MLP PowerSchool coding is due **by the district's 45th day**. As student information changes throughout the school year or new students enroll, information should be updated and inputted accordingly. The SCDE *[PowerSchool](#)* and *[Accountability](#)* webpages contain additional resources and information.

Coding Requirements

Proficiency Codes for the Multilingual Learner Program 2022-23

The Title III program office updates the *South Carolina Title III: Proficiency Codes for the Multilingual Learner Program* matrix annually to reflect accurate English proficiency coding for PowerSchool. The matrices for years prior to the current school year can be found on the SCDE website.

English Proficiency levels identify the score that the student earned on the WIDA assessments with a score range of 1.0-6.0. These levels are entered in PowerSchool based on guidelines defined on the coding matrix. For students with proficiency levels 1.0-6.0, the 'PL Progression' must be selected. PL progressions refer to the decimal point score included with ELP assessments. For example, a student who scores an Overall 2.3 on WIDA ACCESS would be coded an 'English Proficiency Level (PL)' of '2-Emerging' and a 'PL Progression' of '.3.'

Students coded as 'M1-1st Year Monitor,' 'M2-2nd Year Monitor,' 'M3-3rd Year Monitor,' or 'M4-4th Year Monitor' have previously met the proficiency criteria on the annual ELP assessment. These students are monitored for four (4) years after meeting the reclassification criteria. For students coded as an 'M1-M4,' the initialization process in PowerSchool, once completed at the local level, will automatically move the student to the correct coding the following year. For example, if a student is coded an 'M1-1st Year Monitor' during the 2022-23 school year, once the district completes the initialization process in PowerSchool during the summer, the student will automatically move to 'M2-2nd Year Monitor' for the 2023-24 school year. However, students coded as an 'M4-4th Year Monitor' will not automatically move to an '8-English Speaker.' Students coded as an 'M4-4th Year Monitor' will need to be manually

moved to accurately reflect their coding to an '8-English Speaker' and select the 'Former ML' status in most cases or 'Never ML' in other cases.

The coding of 'AW-Awaiting' is meant to be a temporary coding status. Reference the matrix for additional details. If a student is coded 'AW-Awaiting' for longer than thirty (30) days of enrollment, a validation warning will show in PowerSchool. Although this warning will populate, student data may still be submitted. All MLs are federally required to have their ELP assessed annually and should have proper coding in PowerSchool.

When a student is coded English proficiency '8-English Speaker' in PowerSchool, 'Former ML' or 'Never ML' status must be entered.

Former MLs are those students who were initially identified as MLs needing MLP services but who met proficiency criteria on the state-mandated English proficiency assessment (ELDA before 2015 and WIDA ACCESS after 2015). Additionally, these students completed the four-year monitoring period.

Never MLs are those students who initially met proficiency criteria on the state-mandated English proficiency screener assessment and never received MLP services. These students never completed monitoring periods unless they were tested during the first semester of kindergarten. Students who met the proficiency criteria score on the first-semester kindergarten ELP screener will be coded '8- Never ML' after completing the four-year monitoring period.

Exchange students who are also MLs and enrolled in public elementary or secondary schools in the United States are covered by the holding in the 1974 U.S. Supreme Court decision, *Lau v. Nichols*, that school districts must take affirmative steps to help students with limited English proficiency (LEP) overcome language barriers so that they can participate meaningfully in each district's education program. 414 U.S. 563 (1974).

Exchange students are held to the same identification screening standard as all other students. If a language other than English is listed on the HLS, the student should be screened for English language development support and coded in PowerSchool according to the results. Under the ESEA, an exchange student would not be exempt from any Title I required assessment, precisely, the ELP assessment. The legal obligations for exchange students were not changed through the passage of the ESSA. Exchange students who qualify for MLP services take WIDA ACCESS annually until they meet the reclassification requirements. Furthermore, a multilingual learner who happens to be an exchange student would also be included in the LEA's count of MLs for purposes of allocating funds under Title III section 3114(a) of the ESEA. It is not lawful for a person or agency to direct a student or family on what responses to place on the HLS in any instance. For example, an agency must not direct an exchange student or family to write English on the HLS if it is inaccurate in answering the HLS questions, specifically to avoid MLP services or ELP testing.

Student Status and English Proficiency Screener Score Identification

Student Status	English Proficiency levels identified by

A student enrolling in school for the first time in South Carolina	WIDA MODEL for Kindergarten, WIDA Screener for Kindergarten, WIDA Screener, or WIDA MODEL
A transfer student from a WIDA Consortium member state	WIDA ACCESS or WIDA Alternate ACCESS scores (if within one calendar year)
	WIDA MODEL for Kindergarten, WIDA Screener for Kindergarten, WIDA Screener, or WIDA MODEL
	Students who enroll after the WIDA ACCESS testing window and are screened for services do not need to be rescreened again at the start of the new school year. Scores from the screening will be applicable since they are within one calendar year.
A transfer student from a non-WIDA state	WIDA MODEL for Kindergarten, WIDA Screener for Kindergarten, WIDA Screener, or WIDA MODEL

ELP Initial Assessment

The 'English Language Proficiency (ELP) Initial Assessment' box on the SC Student Information page in PowerSchool must be completed for students screened for possible MLP services, whether they qualify for services or not, beginning with the 2021-22 school year. Entering this data provides a place to notate that screening did occur whether the student qualifies for services or not. If a student transfers to your district that did not qualify for services or has already met the proficiency criteria, it is suggested to enter that information in the ELP initial assessment box to keep a record of it, when and if the information is available/applicable (e.g., non-WIDA state transfers are not an available option in the drop-down menu and would not be entered).

The 'District Enrollment Date' field should be completed to notate the student's enrollment date in the district. If a student were to withdraw and reenroll to the district, this date can be updated to reflect the most current enrollment date if there was at least a forty-five (45) day break in enrollment. Additionally, this date should not be entered for students in 3K or 4K. Accountability begins in kindergarten, and therefore this date should reflect the enrollment date into kindergarten for applicable students.

Students screened with the WIDA Screener for Kindergarten in the first semester of kindergarten will have an ELP Score based on their Oral Language score on the screener. This is the accurate score that should be notated in the ELP Initial Assessment box. For accountability purposes, the SCDE will calculate these students as a level "1.0" on the back-end to accurately reflect accountability timelines and measures.

Review the *Accountability Manual* for complete calculations and information.

Title III, Part A Immigrant Funding Exception

The 'Immigrant Funding Exception - In U.S. School(s) 3 Full Academic Years or Less' field applies to immigrant children and youth who leave the country before three full years and return to the U.S. All immigrant students are coded by using the 'Birth Country' and 'U.S. Entry Date' fields. When the Title III program office calculates the number of immigrant students for Title III, Part A immigrant funding, students who have a 'U.S. Entry Date' of more than three years are not included in this calculation. However, sometimes immigrant students leave the U.S. before the full three years and return later. This 'Immigrant Funding Exception - In U.S. School(s) 3 Full Academic Years or Less' field may be selected for students who have left the U.S. and returned but have been in U.S. schools for three years or less total. These years do not have to be consecutive.

This exception field clears out when the district runs the year-end roll-over initialization process. The initialization process may exclude certain students (e.g., inactive or new students), and the district is responsible for checking these lists for accuracy. Districts will need to have this field updated by the **45th day** of each school year as applicable to be included in the immigrant calculations for funding.

First Record of MLP Services

ESEA Section 3121(a)(6) requires that an LEA annually report the number and percentage of MLs who have not attained ELP within five years. In this field, the date of the first MLP services on record should be recorded. This includes evidence of MLP services from other districts in South Carolina or other states for transfer students. This data is often difficult to retrieve, but the data should be as accurate as possible. This field is critical for ensuring that LEAs monitor the amount of time it takes an ML to obtain proficiency in English and adjust programmatic components to support the needs of MLs.

The 'First Record of MLP Services' field is in PowerSchool on the MLP page and in the 'MLP Program Service Delivery Models (PSDMs)' table. This date should have been completed for all active MLs by the **45 day** count deadline of the 2022-23 school year and moving forward. Continue to enter this information for all newly enrolled students. This field must be completed for all MLs except for students who have previously met the proficiency criteria (M1-M4, 8) unless brought back into the MLP. If a student has this information entered and is reclassified as an M1, there is no need to delete data from PowerSchool.

This field replaced the MLP Service Years (formally known as ESOL/ELLI Codes) needed for federal reporting and does not get initialized each year, meaning it remains in PowerSchool and does not need to be entered each year. If at any point evidence surfaces which indicates a date of MLP services earlier than the one entered, the field may be edited to reflect the new information.

Program Service Delivery Models

The PSDM table on the MLP page in PowerSchool replaces the previous ESOL/ELLI Codes for services. Each ML should have at least one but potentially more than one PSDM selected to accurately reflect the MLP services they are receiving within the school year. It is possible that

these PSDMs change throughout the year, and any changes should be reflected in PowerSchool accordingly. These fields are part of the PowerSchool initialization process and will be cleared annually once a district runs initialization.

SCDE Report Portal: Business Intelligence Reports

ELP assessments, longitudinal ELP, and Multilingual Learner Goals reports can be found by accessing the SCDE Report Portal. Once in the SCDE Report Portal, the screen will default to the 'Data Quality & Reporting' application page if a district-level user. As a district-level user, under the Report Portal tab, district report cards, business intelligence (BI) reports, and documents from the reports dropdown menu can be accessed as the user's role allows. To access the ELP BI reports, select the 'ELP Assessment,' 'Longitudinal ELP,' or 'Multilingual Learner Goals' link from the data deporting dropdown menu. The SCDE Report Portal can be used to determine if a student met the accountability measure for the state report card.

For additional accountability inquiries, please contact the Office of Research and Data Analysis (ORDA) at reportcard@ed.sc.gov.

Language Instruction Educational Program

An MLP program aims to provide equal educational opportunities to students with a primary or home language other than English who are identified as MLs. The primary focus is to provide an English-rich environment to become proficient in English as soon as possible while fostering native language and culture. MLs bring a diversity of cultures and experiences that can benefit students, teachers, and the community.

Providing Services to Multilingual Learners

The English proficiency level, additional data, and MLP team input help determine the MLP services which should be provided to MLs in the least restrictive age-appropriate environment.

Certification, Endorsement, and Ratio

Teachers working with MLs should hold a certification in any teaching area at the appropriate grade level (e.g., Early childhood, Elementary, PK-12). ESOL certification or add-on endorsement is strongly encouraged by the SCDE and may be required by the district. Additionally, the teacher must be proficient in English.

All non-certified personnel working in an MLP program must work under the supervision of a certified teacher. Paraprofessionals are not to be given any direct responsibility for teaching and/or supervising students.

The coursework and training related to this certification/endorsement are intended to enhance an educator's skills and knowledge to prepare the individual to work with students whose primary language is not English. If a teacher becomes endorsed in MLP, the SCDE expects teachers to

continue coursework until certification is obtained. Districts set expectations of a timeline based on local requirements.

For additional information about ESOL certification or add-on endorsement, access the SCDE Certification website and the current *SCDE Guidelines and Requirements for Adding Certification Fields and Endorsements* or contact the certification office at 803-896-0325 or certification@ed.sc.gov.

Core Language Instruction

Core language instruction has been mandated through the federal judicial system and is monitored by the OCR. The SCDE realizes that identified MLs have differing needs based on their success in learning academic English. To meet the core language instructional needs of MLs, each school district must maintain appropriate teacher-to-student ratios. The current SCDE suggested ratio is 60:1, which includes both active (1.0-6.0, A1-A3, AW) and monitored (M1-M4) students. LEAs who are not at the recommended ratio should recruit and maintain staffing to meet the suggested ratio. At this time, Title III funding is not tied to the suggested ratio but may be in the future.

With the procurement of a Learning Object Repository (LOR) platform, referred to as the Instruction Hub, the SCDE has embarked on a journey to provide more resources for lesson planning, student learning, exemplary teaching strategies, and professional opportunities across our state. Resources are continuing to be curated for the *SC Instruction Hub* specific for MLs. Reference the *SCDE Instruction Hub District Access Map* for access to your district's link.

Multilingual Learner Program Course Codes

The MLP Course names at the state level have been updated to reflect the change in terminology from ESOL to MLP. This includes course validations, the master database, and PowerSchool.

Reference the Course Activity Codes spreadsheet on the Data Dictionaries website for additional information.

Frequency of Multilingual Learner Program Services and Developing Schedules

The suggestions for the frequency of MLP services are merely guides for helping districts make decisions. The SCDE does not, from a state perspective, prescribe a specific frequency of MLP services because these services vary from district to district and school to school based on ML population, resources, schedules, and student needs. Examples of MLP frequency of services can be found on the SCDE *ESEA, Title III Multilingual Learner and Immigrant Student Program website*.

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 students enter a core content area class, they may need language development and other types of support that must be included in everyday classroom instruction. For MLs, these may consist of accommodations to

the instructional activities, tasks, and assessments. As MLs attain fluency in English, however, fewer accommodations may be necessary.

It is essential to remember that while the provision of language support services to MLs within specific programs may have the effect of separating national origin minority students from other students during at least part of the school day, the district's program should not separate MLs unnecessarily for purposes other than to receive the support the MLP program provides. Additionally, MLs must be afforded services located in similar facilities to those in which non-MLs receive services.

MLP services are not intervention services; they are direct instructional services for MLs, also considered part of their Tier I instruction and supplemental to the general curriculum. Therefore, MLP services and accommodations should be treated equally as any other core instruction.

Program Service Delivery Models (PSDMs)

PSDMs are the models of instruction for MLs. Districts should use the guidance provided below when choosing the instructional program aligned to local needs. Since the number of students may vary in districts across the state, districts can choose the appropriate PSDM(s) for each ML from the SCDE-approved list. In addition, the district's PSDMs for MLs must address the following two requirements based on the U.S. Department of Education's EL Toolkit: (1) the provision of evidence-based English language acquisition services, and (2) the provision of effective participation of MLs in all district academic and special programs. More information can be found in Chapter 2 of the EL Toolkit.

An array of educational professionals can serve students through a variety of PSDMs in collaboration with MLP staff. Multilingual Learner Program Teams (MLPT) should be formed to make decisions about PSDMs for MLs.

WIDA English Language Development Standards Framework 2020 Edition

The SC State Board of Education formally adopted the 2020 Edition of the WIDA English Language Development (ELD) Standards Framework on May 11, 2021, to be fully implemented throughout the state during the 2022-23 school year. The WIDA Framework will continue to include the essential 'Can Do Philosophy' that emphasizes the assets and potentials of MLs, the WIDA ELD standard statements, the six levels of language proficiency, as well as the six grade-level clusters. In addition, the 2020 Edition presents a new supporting organization for the WIDA ELD standard statements, along with additional resources. The standards framework is now organized into four components and contains more inclusive communication modes and grade-level cluster materials.

The WIDA ELD standards uphold the goal of increasing equity for MLs by setting high expectations for all students and providing common and visible language expectations about grade-level academic content. In addition, these standards elevate diverse cultural, linguistic, educational, and other background traits that must be provided to all students for quality learning opportunities.

MLs are best served when they learn content and language together in linguistically and culturally sustaining ways. The standards framework promotes content-driven language learning. Systematic, explicit, and sustained language development across standards and grade bands gives educators the basis for their instruction, as well as a guide for their MLs' language growth.

The WIDA ELD Standards Framework consists of four components, ranging from broad to narrow in scope, which work together to make a comprehensive picture of language development:

- WIDA ELD Standards Statements,
- Key Language Uses (KLUs),
- Language Expectations, and
- Proficiency Level Descriptors (PLDs).

While the WIDA ELD Standards have stayed the same, they have been enhanced by adding new and expanded resources to align with current policy, theory, and practice. As a result, these five statements continue to provide the broadest conceptual framing and illustrate the integration of content and language.

The WIDA ELD Standard Statements are:

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

KLUs summarize prominent language across disciplines, helping educators organize and coordinate instruction. KLUs select genre families that appear across content areas: Narrate, Inform, Explain, and Argue. KLUs enhance instruction by assisting educators in cohesively prioritizing and organizing content and language objectives.

From the overarching standards' statements, the 2020 WIDA Standards narrow into grade band-specific language expectations closely aligned to the content area standards.

PLDs are a detailed articulation of student language performance across six levels of English language proficiency. Each end-of-level descriptor includes and builds on previous levels. PLDs align with the six grade-level clusters used in the annual ELP assessment, WIDA ACCESS.

WIDA has developed sets of materials that are appropriate for students in different grade-level clusters. The 2020 Edition also matches the grade-level clusters currently in use on WIDA

ACCESS Online. Learn more about the full implementation of the ELD Standards in the *English Language Development (ELD) Standards Framework Implementation* memorandum.

Individualized Language Acquisition Plan (ILAP)

The ILAP is a legally binding document with the same importance as an IEP or a 504 plan. The Supreme Court case *Lau v. Nichols* (1974) and subsequent legislation from the Equal Education Opportunity Act (1974) obligate school districts to provide MLs with meaningful and equal access to the curriculum. ILAPs contain pertinent information about each ML and the specific accommodations to meet their needs. All teachers that serve the student must follow the specifications outlined in the ILAP.

MLs with an English proficiency level of '1.0-6.0' or 'A1-A3,' whether served or waived, must have an ILAP on file reviewed and signed by each teacher serving the student. If an ML does not need accommodations to succeed in their classes, either an ILAP or other form of documentation must be signed by all teachers to acknowledge the student is an ML, but no accommodations are needed at the time.

The plan will address the students' accommodations in all classes to ensure their success and continued English language development. The ILAP should be created in conjunction with the MLPT, which includes members directly involved with the student's education (e.g., MLPS/teacher, parent/guardian, general education teacher, guidance counselor, administrator, and the student).

Although the MLPS/teacher is the case manager for the student and will create the ILAP, the accommodation plan should not be determined solely by the MLPS/teacher but rather by the MLPT. Once the MLPT determines the proper accommodations, the ILAP is finalized, and each member of the MLPT, as well as any educator/stakeholder involved in providing accommodations to the student, must sign the ILAP. By signing the ILAP, all teachers are responsible for accommodating the student's work on a level they can comprehend.

Accommodations must be considered carefully for each student for instructional and assessment purposes. Specific accommodations are allowable for district and state assessments. If allowable per the Test Administrator Manual (TAM), an accommodation listed on an ML's ILAP should also be applicable for the district and state assessment. District assessment accommodations are determined by the applicable vendor and local school districts.

Students who have been reclassified to monitor status (M1-M4) after meeting the proficiency criteria on the annual ELP assessment may receive accommodations for continued language support as needed. However, upon further consideration and after a thorough review of ESEA Section 3113(b)(2), MLs who have met proficiency and are in monitored status (M1-M4) should not receive accommodations on content assessments. Therefore, students who have met proficiency (M1-M4) will not receive state assessment accommodations and ILAPs should reflect this guidance.

Districts using Ellevation for ILAP requirements should also refer to the [Ellevation Education](#) section and the [South Carolina Multilingual Learner Program Data Management System – Ellevation State Guidance](#).

Best Practices

Best practices are intended to support MLs and immigrant students in all classes, no matter their proficiency level. These strategies are expected to be used by all teachers within lessons, assignments, and assessments to support MLs, immigrant students, and all learners. Best practices are strategies that educators can quickly implement within daily instruction, activities, and classroom assessments. Research-based best practices are essential for MLs at all proficiency levels but beneficial to all students, including non-MLs.

For additional information and a list of best practices that are listed in each student's ILAP, please refer to the Best Practices Digital Handbook on the SCDE *[ESEA, Title III Multilingual Learner and Immigrant Student Program website](#)*.

Accommodations

An accommodation changes how information and concepts are presented or practiced ensuring that each student has the opportunities and support needed to learn. Accommodations do not reduce the learning expectations and should be chosen based on the student's individual needs and not applied arbitrarily to all MLs. Accommodations are not to be viewed as an advantage to the student; accommodations provide access to the content for the student.

Accommodations:
- provide access to grade-level curriculum,
- alter the environment, not the curriculum,
- do not change the learning outcomes,
- happen in the content-area classroom, and
- should not impact grading, though how learning is assessed may change.

For additional information and a list of allowable accommodations that are listed in each student's ILAP, please refer to the Accommodations Digital Handbook on the SCDE *[ESEA, Title III Multilingual Learner and Immigrant Student Program website](#)*.

Modifications

Modifications change, lower, or reduce learning expectations. Modifications are not appropriate for most MLs as they could invalidate instruction or assessment results. MLs are placed age-appropriately to provide meaningful access to meet grade-level standards.

MLs may require additional time to complete assignments and assessments. Reducing the number of assignments or test items is not typically considered a modification so long as all standards are met. Changing the depth or complexity of the content or materials is a

modification. It is also not allowable to provide modifications during state accountability assessments.

Modifications:
- allow students to experience the grade-level curriculum,
- alter the curriculum,
- change the learning outcomes,
- take place in the content area, MLP, or special education classroom, and
- impact grading as required standards are reduced (see below for allowability of temporary modifications for MLs).

Temporary modifications can be appropriate for a student with limited or interrupted formal education (SLIFE) and a newcomer: "Districts may use a curriculum that temporarily emphasizes English language acquisition over other subjects, but any interim academic deficits in other subjects must be remedied within a reasonable length of time" (EL Toolkit, Chapter 4). However, long-term modifications are not allowable for students seeking a South Carolina high school diploma.

Visit the *ESEA, Title III Multilingual Learner and Immigrant Student Program website* for additional resources regarding best practices, accommodations, modifications, and examples.

Students with Limited or Interrupted Formal Education and Newcomers

SLIFE is a term used to describe MLs that are age-appropriately placed in their grade but have a gap of more than half a year of missed instruction in an academically rigorous setting. A SLIFE is usually new to the U.S. school system and may be below grade-level academic skills.

A SLIFE will need additional support as they work to achieve English proficiency and mastery of academic content. Districts must improve their programs to meet the needs of SLIFE. This plan may include ways to:

- acclimate the student to the U.S. school system,
- address the social and emotional needs of the student, and
- provide focused academic skill instruction to bridge knowledge gaps.

Multilingual Learners with Disabilities

The IDEA and Section 504 of the Rehabilitation Act of 1973 (Section 504) address the rights of students with disabilities in schools and other educational settings. If an ML is suspected of having a disability, referral and placement must happen in a timely manner. For more specific information and answers to commonly asked questions, visit the *IDEA* webpage and/or the United States Department of Education's (USED) *OCR Protecting Students with Disabilities* webpage.

Should parents/guardians decline disability-related services under IDEA and Section 504, the SEA and district remain obligated to provide appropriate language assistance services to MLs.

Likewise, suppose parents/guardians opt out of specific MLP programs and services but have consented to the provision of disability-related services. In that case, the district remains obligated to provide such services as required in the IEP or Section 504 plan and to conduct ELP monitoring and/or provide language assistance as appropriate.

Reference the *Multilingual Learners with Disabilities* memorandum, which describes the guidelines for properly identifying potential multilingual learners with disabilities (MLWDs).

Additional resources were developed for when an interpreter is needed and present at an IEP meeting. The guidance for IEP team meetings outlines the before, during, and after reminders for the special education manager. It can also be helpful for an ML team to use as a checklist. The script is to be read by the LEA representative or SPED case manager in the meeting when an interpreter is present. The script is a reminder of meeting protocols that might be helpful for meaningful communication with a parent/guardian not yet proficient in English.

For additional information or questions, please contact Sara Garrett, sgarrett@ed.sc.gov, or Lisa McCliment, lmccliment@ed.sc.gov in the OSES.

Gifted and Talented Education (GTE) Programs

MLs should be provided equal access and opportunities to Advanced Placement (AP) classes, International Baccalaureate (IB) classes, and gifted and talented education programs (GTE) like their peers. To ensure that MLs truly have access to meaningful curriculum, districts should work to identify MLs who can participate in these types of programs. In doing so, districts need to review their GTE admission policies and practices to ensure that they are not inadvertently limiting MLs' access to and participation in GTE.

To ensure that MLs can participate in GTE programs, districts should:
- evaluate using multiple assessment tools and methods,
- receive input from various stakeholders: teachers, parents/guardians, and others, and
- understand and recognize the gifts and talents that come from diverse populations.

Experienced Multilingual Learners

Experienced MLs are MLs that have not yet attained English proficiency within five years of initial classification. These are MLs that have been enrolled in US schools (and therefore an MLP program) for five or more years who have not met the ELP criteria. ESEA Section 3121(a)(6) requires that districts report annually on the number and percentage of MLs not meeting English language proficiency within five years. Experienced MLs may face significant barriers to English language acquisition and attaining academic proficiency. Therefore, districts must improve their programs to meet the needs of this group. Although experienced MLs may have higher English proficiency levels, the consultative PSDM may not be the best service type to meet the needs of these students.

eLearning or Remote/Distance Learning

Based on the information provided by the USED, MLPS/teachers must continue to provide instruction to students who were previously in MLP class periods or pull-out models. For classes in which MLs participate in content classrooms with both a content teacher and an MLPS/teacher, the MLPS/teacher should continue collaborating with the content teacher to ensure that the appropriate support and accommodations are provided to the MLs in that class through remote learning. Additionally, during remote learning, teachers should continue to provide proper support and accommodations to ML students who were previously in content classrooms with only a content teacher to the greatest extent possible.

The USED encourages parents/guardians, educators, and administrators to collaborate creatively to continue to meet the needs of MLs. For example, consider practices such as remote instruction, telephone calls, meetings held on digital platforms, online options for data tracking, and documentation of services, supports, and accommodations provided. In addition, a district might consider non-technology-based strategies, such as providing instructional packets or assigning projects and written assignments to MLs. In each instance, the USED recommends continuity in providing language services to MLs to the greatest extent possible when implementing eLearning or remote/distance learning.

If a district provides students with eLearning or remote/distance learning opportunities, the district must provide language development services to MLs. MLP services may be delivered virtually, online, or via telephone, and the SCDE understands that all services may not be provided in the manner they are typically offered. To assist districts with resources, teachers across all grade levels may visit the *SC Remote Learning Site*.

Grading

Traditional procedures of assigning grades to students may not be appropriate for MLs dependent on English proficiency. For MLs to progress, teachers must maintain high expectations for student learning despite an English proficiency level. Therefore, teachers of MLs must accommodate lessons and assignments based on the individual student's English proficiency level and needs.

A student may not be assigned a failing grade in a content area or be retained at grade level based on English language proficiency. The key to appropriate grading of MLs is reasonable accommodations. When grading MLs, assignments and assessments must be adapted to their proficiency level as they work towards academic achievement. Therefore, teachers of MLs must provide students with appropriate accommodations for instruction and assessment based on both the ELD Standards and the ML's English proficiency level.

Students in grades nine through twelve must be allowed to earn credits toward graduation. In addition, students should be given grades on work done with accommodations. Teachers must follow these guidelines:

- MLs must receive accommodations for content work as needed.
- Student grades are based on accommodated work that must be aligned to their English proficiency level.

- MLs must not be failed based on English language proficiency. But, again, teachers of MLs must provide them with appropriate classroom accommodations for instruction and assessment based on both the ELD standards and their English proficiency.

If teachers demonstrate that they have provided all accommodations and other academic supports, such as a multi-tiered system of supports (MTSS) to the student, and the student has not passed with such supports, then the student's grade is valid.

The notation of accommodations on a report card is neither best practice nor necessary. The type of accommodations a student can use and the circumstances under which the accommodations are used are detailed in the student's IEP and/or ILAP and/or accommodation plans under Section 504 of the Rehabilitation Act of 1973 (Section 504). A report card will not include the same detailed description as an IEP, ILAP, or Section 504 Plan. If the inclusion of the accommodation on the report card is rooted in or results in discrimination, it is not lawful.

Retention

There are many adverse effects of retention and retaining MLs. There are several considerations for MLs who may be at risk of retention. Acquiring a new language takes a minimum of five to seven years. It is imperative that an ML not be retained due to acquiring the English language or English language proficiency level. Other alternatives to retention must be explored before retention conversations.

Before retention, alternatives must be explored. Consider the following:

- How much of the academic performance is related to the development of English language proficiency?
- Is English language proficiency the dominant concern?
- What is the current ELP level of the student?
- Are classroom accommodations aligned with the student's ILAP?
- Has the implementation of accommodations been documented?
- Is the student receiving the appropriate PSDMs, amount of support, and accommodations with fidelity?
- Are grading procedures and practices based on modified or accommodated work per the student's ILAP?
- Has there been a discussion with the MLPS/teacher or coordinator to establish ways to support the student?

After careful consideration of these questions, if evidence does not support a robust instructional program or continued development of English language proficiency, the student should not be retained. The decision to retain MLs should involve multiple data points and is not a decision that should be taken lightly. Every effort should help the student achieve academic content to progress to the next grade level.

The SCDE Read to Succeed (R2S) office provides Third Grade Retention Guidance, including information related to MLs. When considering retention, the MLPT should discuss the whole

child's needs and include qualitative and quantitative data. The SCDE Title III program and R2S offices strongly suggest that the team have a conversation and review the Literacy Assessment Portfolio (LAP). It is essential to consider and include multiple data points, authentic student work samples, and even social and emotional development when building the portfolio. This information goes beyond using benchmark data as a standalone to make a good faith decision based on the whole child. Additionally, the retention guidance lists good cause exemptions and other considerations to facilitate discussions and make decisions regarding the retention of an ML.

If the MLPT has any further questions, please do not hesitate to reach out to the SCDE Title III program office or Marie Gibbons, MGibbons@ed.sc.gov, in the R2S office.

MTSS for Multilingual Learners

The ESEA, as amended by the ESSA, recognizes the unique instructional needs of MLs. Core language instruction has been mandated through the federal judicial system and is monitored by the OCR. The SCDE realizes that identified MLs have differing needs based on their success in learning academic English.

Once students enter a core content area class, they may need ELD and other types of support that must be included in everyday classroom instruction. For MLs, these may consist of accommodations to the instructional activities, tasks, and assessments. As MLs attain fluency in English, however, fewer accommodations and direct ML services may be necessary.

MLs at lower levels of proficiency and/or with an educational background of limited or interrupted instruction may require additional support, accommodations or modifications, and/or multiple classes of support in the beginning.

MLP services are **not intervention services**; they are direct instructional services for MLs, also considered part of their Tier I instruction and supplemental to the general curriculum. Therefore, MLP services and accommodations should be treated with the same importance as any other core instruction. All MLs with an English proficiency level of '1.0-6.0' or 'A1-A3,' as well as monitored students (M1-M4), if determined by the MLPT, must have an ILAP that specifies language accommodations on file, reviewed, and signed by team members.

The ILAP is a legally binding document similar in importance to an IEP or a 504 plan. The Supreme Court case *Lau v. Nichols* (1974) and subsequent legislation from the Equal Education Opportunity Act (1974) obligate school districts to provide MLs with meaningful and equal access to the curriculum. ILAPs contain pertinent information about each ML and the specific accommodations to meet their needs. All teachers that serve the student must follow the specifications outlined in the ILAP.

The number of MLs in South Carolina districts and schools varies widely throughout the state, and services for these students are also quite variable. In addition, those identified as MLs include students with different individual needs. MLPTs should be formed to support decisions for MTSS. MLPTs include stakeholders invested in the ML's education. This team may include

guardians, content teachers, MLPS/teacher, administrators, counselors, speech-language pathologists (SLP), special education teachers, school psychologists, and students. MLPTs should consider the following general guidelines in determining MTSS services for MLs beyond Tier I instruction with all appropriate accommodations and modifications:

- Create a MLPT to review the multiple points of data to determine the need for any additional services and/or interventions for an ML.
- Closely observe individual ML's "true peers," those with similar cultural backgrounds, who have been learning English for similar amounts of time, who have similar levels of formal education in their native languages, and who receive similar MLP services.
- Always use multiple points of data in determining the need for any additional services for MLs. For example, qualitative data from the MLPT, time exposed to the English language and high-quality instruction, acclimation to the school setting, the literacy level of native language (L1), prior education and educational background, evidence of MLP services with appropriate accommodations implemented with fidelity.
- Consider whether it is in the best interest of the student to receive Tier II or III interventions in addition to MLP support during the school day from different education professionals.
- Always involve either the MLPS/teacher or the district Title III/Multilingual Learner Program Coordinator (MLPC) in final decisions involving MTSS Tier II or III interventions.

It is critical to ensure that MLs have access to the general education curriculum and appropriate MLP supports based on language development levels.

SC Tier I (Universal) Instruction for Multilingual Learners

Tier 1 is…	Tier 1 is not…
Multilingual Learner Program are direct instructional services for multilingual learners;	Multilingual Learner Program services are not intervention services;
Appropriate, effective, and research-based core instruction for all students (reading, writing, math, social-emotional learning);	Core instruction in which some students are successful and others are not, and this is perceived as the reality;
A process that includes formal, universal screening that occurs at least three times a year, focusing on specific skills, strategies, and content knowledge;	In-class assessments that focus primarily on what is taught rather than what students know and are able to do;
A process that includes formal and informal progress monitoring on an ongoing and continuous basis;	Only about determining student progress every nine weeks and at the end of the school year;
Instruction with specific adaptations and modifications based on assessment and progress monitoring;	One-size-fits-all instruction;
Targeted, intense instructional support within the classroom for all students who may have difficulty;	Reliance on other instructional support staff (e.g., special education and MLP staff) to determine a student's needs and to provide remediation;

A variety of flexible, grouping configurations for instructional practice; and/or	Whole class instruction, or fixed instructional groups consisting of students who are high, average, and low achievers; and/or
A team approach with teachers, administrators, and parents working collaboratively.	Teachers who work primarily on their own.

When a collaborative problem-solving team considers the need for Tier II strategic or supplemental interventions for a multilingual learner, the team should consider the following questions:

1. Have multilingual learners had sufficient opportunity to learn (quality of instruction and reasonable time), with consideration of educational background?
2. Does Tier I instruction reflect high-quality, differentiated best practices where the language and literacy teaching is appropriately scaffolded?
3. Are meaningful opportunities for students to practice in the four language domains (listening, speaking, reading, and writing) implemented?
4. Are our teachers respectful and supportive of multilingual learner students' cultures and language learning needs, and culturally relevant principles applied to instruction and assessment?
5. Are we committed to using only research and evidence-based interventions?
6. Have appropriate accommodations been implemented with fidelity?
7. How will we determine the fidelity of implementation (e.g., data-driven decisions)
8. Prior to Tier II considerations, has collaboration taken place between specialists in language acquisition and/or other related school staff?

SC Tier II Interventions for Multilingual Learners

Tier II is…	Tier II is not…
Supplemental instruction in addition to the Multilingual Learner Program;	Multilingual Learner Program services are not intervention services;
Supplemental instruction (in addition to the core grade level instruction);	A replacement of the core curriculum; (Note: If students are not getting the core curriculum, they will only fall further behind.)
Focused and targeted to specific skills in small groups that are associated with broader academic and behavioral success;	Time to reteach an academic standard(s) or behavioral strategy that students did not master; (Note: These students need to receive differentiated instruction in Tier I.)
Designed for students who are not making adequate progress on core skills that are associated with broader academic and behavioral success;	Designed for students who did not master a specific standard or behavioral strategy; (Note: These students need to receive differentiated instruction in Tier I.)
Explicit instruction that emphasizes key instructional features we know to be important for multilingual learners: opportunities for developing and practicing oral language, key vocabulary emphasis,	A replacement for Multilingual Learner Program services; and/or

interaction, learning strategy instruction, etc.; and/or	
For approximately 20-25% of the students in a given class, grade level, or school.	For more than 30% of the students in a given class, grade level, or school. This reflects inadequate Tier I instruction.

When collaborative problem-solving teams discuss the need for intensive Tier III intervention for a multilingual learner, the team should consider the following questions:

1. Are we giving our multilingual learners sufficient time, adjusted interventions, and supports in Tier II before considering Tier III?
2. Are the teachers providing the Tier II interventions highly qualified in their content areas and have educator knowledge of the second-language acquisition process and the role of language proficiency?
3. Is the intervention using information based on ML's proficiency level and co-developed with the support of an MLPS/teacher?
4. Is the intervention differentiated, high-quality language and literacy instruction with varying levels of intensity?
5. Is the intervention research-based or evidence-based? For more information on research-based/evidenced-based interventions, visit the following:
   a. National Center on Intensive Intervention.
   b. IRIS modules:
      i. Evidence-Based Practices (Part 1): Identifying and Selecting a Practice or Program and Evidence-Based Practices
      ii. Evidence-Based Practices (Part 2): Implementing a Practice or Program with Fidelity
      iii. Evidence-Based Practices (Part 3): Evaluating Learner Outcomes and Fidelity
6. Are there criteria for successful responses to the intervention, such as rate and amount of growth and/or time in Tier II?
7. Have decisions been data-informed and appropriate for instructional adjustments?
8. Does the intervention lay out a plan for implementation, and is it captured somewhere to review if it was delivered as it was intended (e.g., fidelity of implementation)?
9. Are the progress monitoring probes appropriate for multilingual learners? Do they contain a language bias that may be affecting the data?
10. Have culture and specific language learning needs been considered?
11. Has the multidisciplinary team considered queries in the guidance from the South Carolina Standards for Evaluation and Eligibility Determination (SEED)?

SC Tier III Interventions for Multilingual Learners

Tier III is…	Tier III is not…
Multilingual Learner Program are direct instructional services for multilingual learners;	Multilingual Learner Program services are not intervention services;
Intensive instruction that promotes learning and remediates skill deficits targeted to a child's	Simply more of the same instruction students receive in the core;

individualized needs. It is more intensive than Tier II. It is instruction that is: • systematic and explicit with many opportunities for student participation and practice of desired skill; • characterized by increased frequency of targeted instruction in even smaller homogenous groups provided by teachers trained in the specific intervention instruction;	
Intended for a specific duration of time using frequent progress monitoring to inform ongoing decisions about the effectiveness of intervention and placement;	An indefinite Tier III intervention;
Part of the MTSS framework which allows for fluid movement between tiers depending on the documented need for support; and/or (Note: Students continue to receive Tier I core instruction for most of the school day even if they receive intensive Tier III intervention in small groups outside of the general education classroom.)	A way to remove challenging students from general education or a direct pathway to special education; and/or
Data from intensive intervention can be used to support the identification as a child with a learning disability. The data can show patterns of strengths and weaknesses over time. This data will provide evidence that the student, having been provided evidence-based instruction for multilingual learners, targeted at specific skill deficits by a teacher with expertise in literacy and English language development, may need special education services due to a learning disability.	Special education, but intensive general education intervention.

An effective data-based decision-making system for MLs includes the following:
1. Screening and progress-monitoring measures with established validity and reliability with MLs.
2. Educator knowledge and use of students' language proficiency data when interpreting student achievement data.
3. Regular review of student data for the purposes of planning instruction.
4. Collaborative evaluation of student progress and instructional planning within all tiers of instruction.

Resources
- MTSS for ELs: Practice Guides
- MTSS for ELs: Tools

- [Multitiered Instructional Systems for MLs](#)
- [Helping English Language Learners Succeed with a Multitiered System of Support (MTSS)](#)

For additional information and questions regarding MTSS, please contact Charlene Gleaton at CGleaton@ed.sc.gov.

English Language Proficiency Assessment

WIDA has announced a plan to update the names of the annual summative ELP assessments within the WIDA suite of assessments. The SCDE has started to make terminology changes and will refer to WIDA ACCESS Online and WIDA ACCESS Paper as WIDA ACCESS when referencing online and paper testing. If differentiation between the two is needed, they will be stated as separate assessments.

English Language Proficiency Summative Assessment Terminology Changes

Previous Name	New Name	Effective Year
Alternate ACCESS for ELLs	WIDA Alternate ACCESS	2023-2024
ACCESS for ELLs Online	WIDA ACCESS Online	2025-2026
ACCESS for ELLs Paper	WIDA ACCESS Paper	2025-2026
Kindergarten ACCESS for ELLs	WIDA ACCESS for Kindergarten	2025-2026

WIDA ACCESS

WIDA ACCESS is administered annually to all MLs coded a '1.0-6.0 or 'A1-A3' proficiency level. Students coded as 'AW' should be screened to complete the identification process before administering WIDA ACCESS. WIDA ACCESS is a standards-based, criterion-referenced ELP test designed to measure MLs' social and academic language proficiency and progress towards proficiency in English. It assesses social and instructional English and 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. WIDA ACCESS meets the Title I mandate in the ESSA that requires states to evaluate all MLs in grades kindergarten through twelfth grade on their progress towards English proficiency.

During the 2020-21 school year, it was allowable to administer WIDA ACCESS for students enrolling into the district during the testing window rather than screening first. Although it was allowable, the decision to use WIDA ACCESS as the identification assessment was a local decision. If the district chooses to implement this guidance, documentation should be kept in the student file to note the change in identification for applicable students. Please keep this exception in mind as records are reviewed for transferring students as WIDA ACCESS 2020 score reports *could* be the initial "screener." **Beginning with the 2021-22 school year, this exception to potential ML identification procedures is no longer permitted**. **All potential MLs must be fully identified before administering WIDA ACCESS.**

Only certified personnel who have completed the required WIDA training for WIDA ACCESS are permitted to administer the annual proficiency assessment. This training must be completed

annually by all TAs. In addition, TAs must be trained or certified personnel in the area of language acquisition. District Test Coordinators (DTCs) and School Test Coordinators (STCs) are highly encouraged to complete the WIDA training for WIDA ACCESS annually to understand and organize the administration of the assessment.

WIDA ACCESS Administration Guidance

WIDA ACCESS	Administered Subtests
All MLs Grades K-12	Listening-Yes, Reading-Yes, Speaking-Yes, Writing-Yes
The student qualifies for services if the Overall PL < 4.4 OR if any domain score is < 4.0.	The student does not qualify for services if the Overall PL ≥ 4.4 **AND** all domain scores are ≥ 4.0. The student will be monitored for four years after meeting the reclassification criteria. Students may still receive accommodations as needed.

WIDA Alternate ACCESS

All MLs are required to participate in the annual ELP assessment. MLWDs may receive accommodations on WIDA ACCESS per the student's IEP. If it is determined that an alternate ELP assessment is needed for an ML with significant cognitive disabilities in grades one through twelve, WIDA Alternate ACCESS will be used. The proficiency criteria score for the Alternate ACCESS assessment is P1 or P2. The WIDA Alternate ACCESS is a large-print, paper-based test designed for MLWDs who cannot meaningfully participate in WIDA ACCESS.

WIDA Alternate ACCESS Administration Guidance

WIDA Alternate ACCESS	Administered Subtests
All MLs in Grades K-12 who qualify for alternate testing	Listening-Yes, Reading-Yes, Speaking-Yes, Writing-Yes
A student qualifies for services if:	The student does not qualify for services if: Overall proficiency level is ≥ P1.
The Overall proficiency level is ≤ A3.	The student will be monitored for four years after meeting the reclassification criteria. Students may still receive accommodations as needed.

WIDA ACCESS Administration Guidance

Specific administrative considerations are available to any ML student and do not need to be but can be listed on an ILAP/IEP or a 504 plan to receive them. To find a detailed list of administrative considerations, universal tools, and allowable accommodations, which should be documented in an IEP or a 504 plan, please reference the Accessibility and Accommodations Manual on the [WIDA](#) website.

Cut-Off Date for Testing

Section 1111(b)(2) of Title I requires the continued annual ELP assessment of all MLs who have not yet met proficiency as defined by the State.

There is no expectation of a school to screen and test a student who enrolls on the last day of testing. Students need to be screened within fourteen (14) days of enrollment. This requirement is essential to ensure that students who need services receive them. The WIDA ACCESS test takes four days to administer. Students who have taken the screener and identified as an ML must test if there is enough time after enrollment for testing before the end of the testing window. If coordinators, constituent members, and/or other practitioners have determined that fourteen (14) days before the end of testing is the last feasible day to screen and test an enrollee, the SCDE concurs with that position and will not find that a district has failed to comply with ESSA's testing requirements.

Student Transfers During the Testing Window

If a student transfers to South Carolina from out-of-state during testing with ample evidence to show the student completed WIDA ACCESS Online in another state, the new district can accept those results. It is a district's responsibility to request the WIDA ACCESS Score Report from the transferring state or district for the student when score reports are released later that spring. It is strongly suggested the district keep track of these situations. Failure to receive the official score report can result in the administration of a screener in the fall to obtain an official and recent ELP score for that student.

Students who transfer from non-WIDA states during the testing window will take WIDA ACCESS.

Testing Mode

WIDA ACCESS should be administered as an online assessment only. If online testing is not appropriate for homebound students or other special circumstances, there is a process for districts to request to administer tests in a paper format.

Students with disabilities may take tests in a paper format as specified in the student's IEP or 504 plan. MLs with special circumstances (e.g., newcomer transfers during the testing window without technology experience) may take tests in paper format as specified in the student's ILAP. The paper testing mode should be used minimally and only when a student truly needs this accommodation.

The STC should contact the DTC for any of these circumstances. The DTC will submit any necessary paperwork to the OAS team at the SCDE.

Students Not Tested

Beginning with the 2021-22 school year, any ML enrolled in the district during the WIDA ACCESS testing window and does not take the entire assessment or misses one or more of the domains must be entered into the 'Students Not Tested' table in PowerSchool. This excludes students who have been approved by the OAS at the SCDE and meet Access-Limited Criteria. The 'Students Not Tested' table now includes the annual ELP assessment and state assessments, and information can be completed there as applicable.

Access-Limited Criteria

For students who are MLWDs, one or more of the domain(s) assessed on WIDA ACCESS or WIDA Alternate ACCESS may not be accessible, even with universal supports and/or accommodations. As a reminder, an MLWD is required to make an earnest attempt at all domains. If the student cannot access a domain due to their disability, the IEP/504 team may determine that the domain(s) assessed is not appropriate given the characteristics of the student's disability. The IEP/504 team may request that one or two of the domain(s) assessed (Listening, Speaking, Reading, or Writing) on WIDA ACCESS or WIDA Alternate ACCESS to be considered 'Access-Limited.' To make this request, the IEP/504 team should submit an *Access-Limited Request form* along with IEP/504 documentation.

During previous administrations of WIDA ACCESS, the SCDE reviewed each IEP submitted for the Access-Limited Criteria. When analyzing the accessibility needs of the students who were identified, several patterns of characteristics of disabilities emerged. For example, students who are deaf and hard of hearing may be unable to access the "Speaking" and "Listening" domains in WIDA ACCESS due to their disability. Likewise, students who are blind may be unable to access "Speaking" and "Reading" due to their disability.

As a reminder, a scribe is an allowable accommodation if the student needs to dictate their responses, either verbally using an external speech-to-text device, an augmentative/assistive communication device (e.g., picture/word board), or by gesturing, pointing, or eye gaze.

All requests must be submitted prior to the annual deadline. The only submissions that will be accepted during the assessment window will be for newly enrolled students. A committee will review submissions before the assessment window, and determination letters that allow or deny the request, including procedures for authorized requests, will be sent before test administration. An Access-Limited Request form must be submitted annually for students who may continue to be considered 'Access-Limited.' Requests may be submitted via secure email or on a paper Access-Limited Request form by faxing it and the complete IEP/504 Plan to 803-734-8886.

If the student is taking the online version of WIDA ACCESS, refer to the WIDA Assessment Management System Submit Incomplete Domain Guide in the WIDA Secure Portal or request this document from the ELP Assessment Program Manager at the SCDE. If the student takes the paper version of WIDA ACCESS or WIDA Alternate ACCESS, complete all

the tested domains once approval for 'Access limited' domains has been granted. Please contact the ELP Program Manager for any further details and questions.

Precode and Ordering Materials

Beginning the 2020-21 school year, the SCDE required that WIDA ACCESS only be administered as an online assessment. The SCDE will not accept paper waivers for the administration of WIDA ACCESS. Use the following guidelines to assist with ordering materials and preparing for the online administration of the ELP assessment in conjunction with the WIDA AMS User Guide. The SCDE will be responsible for sending the pre-ID file to Data Recognition Corporation (DRC) to complete the initial materials order for all South Carolina districts. Districts will no longer order materials during the initial materials window.

For accuracy in ordering, all MLs will need the appropriate English language proficiency level coded in the SC Student Information page in PowerSchool. Students in grades K-12 with an English proficiency level of '1.0-6.0' or 'A1-A3' will participate in the annual ELP assessment. All students participating in WIDA ACCESS Online will automatically default to online testing in the pre-ID file. DTCs will not need to order materials for WIDA ACCESS Online during the initial materials ordering window or enter information on the Precode page in PowerSchool. DRC will send materials for this assessment based on the pre-ID file.

Precode entry for the upcoming administration of WIDA ACCESS is due no later than the date indicated in the Precode Guide and the Assessment Schedule from the Office of Assessment and Standards. Important ELP assessment dates can be found on the *South Carolina WIDA* webpage or the SCDE *WIDA ACCESS* webpage. The Data Collection Schedule can be found on the *Student Information Systems (SIS)* page of the SCDE website.

Students coded as an 'AW' are not yet completely identified as an ML. Proper identification screening must occur before determining eligibility for MLP services and ELP testing. Students in a 3- and 4- year-old Preschool Program do not take the annual ELP assessment regardless of their English proficiency level. Students who have previously met the proficiency criteria and are coded as 'M1-M4' or '8 Former ML' do not continue to take the annual ELP assessment. Based on their initial screener, students who did not qualify for MLP services are coded as '8 Never ML' and do not take the annual ELP assessment.

WIDA ACCESS for Kindergarten is administered as a paper-based assessment. DTCs will not need to order materials for WIDA ACCESS for Kindergarten during the initial materials ordering window or enter information on the Precode page in PowerSchool. DRC will automatically send materials for this assessment based on the pre-ID file. Districts must have all English proficiency levels properly coded in PowerSchool.

WIDA Alternate ACCESS is administered as a paper-based assessment. DTCs will not need to order materials for WIDA Alternate ACCESS during the initial materials ordering window. However, the *Alternate Assessment* field must be checked on the Precode page in PowerSchool. DRC will send materials for this assessment based on the pre-ID file. Please check the Alternate Assessment field on the Precode page in PowerSchool for any ML who qualifies for alternate

assessments by the Precode deadline. Please note that the SCDE may request IEPs or other documentation to verify using WIDA Alternate ACCESS.

WIDA ACCESS for Kindergarten, WIDA Alternate ACCESS, and grades 1-3 Writing will remain as paper-based administration. The option for grades 4-5 Writing as a blended option will remain. This blended option allows for all online administration of the assessment, except for the Writing domain. If this option is chosen, the writing prompt will be online, while the student responds in a writing test booklet. **If chosen, DTCs will order these writing booklets during the additional materials window.** A waiver or special circumstance request is not required for this option.

WIDA ACCESS Paper will be available for students documented in their IEP, for homebound students where online testing is not feasible, or for SCDE-approved special circumstances. Please note that the SCDE may request IEPs or other documentation to verify using paper-based ELP assessments.

Although WIDA ACCESS will primarily be online administration, the SCDE acknowledges certain situations in which paper administration may be necessary. If the paper administration of WIDA ACCESS is needed due to unforeseen circumstances, the ELP Assessment Program Manager will need to approve the order of paper materials. For this request and other special circumstances, requests may be submitted via *paper Special Circumstance Request Form* by faxing it and the complete IEP/504 Plan/ILAP to 803-734-8886.

Students taking the ELP assessment, WIDA ACCESS, in paper format should have the 'ELP Paper' field selected on the Precode page in PowerSchool and a 'Tier' selection of 'Tier A' or 'Tier B/C.' The default will be 'Tier A' if the field is left blank. For tier placement protocol, visit the *SCDE WIDA ACCESS webpage*. Students taking the Alternate ELP assessment, WIDA Alternate ACCESS, should have the 'Alternate Assessment' field checked on the Precode page in PowerSchool. Precode must be completed for MLs who need paper-based assessments by the Precode deadline. DTCs will not need to order materials for WIDA ACCESS Paper during the initial materials ordering window. DRC will send materials for this assessment based on the pre-ID file.

Before ordering additional materials, STCs should consult with DTCs to determine if materials are on hand or need to be ordered. Only the DTC should place additional materials orders. Customized test forms and materials for WIDA ACCESS are not ordered via Precode. All customized material orders will be placed through WIDA AMS during the additional materials window. Please reference the WIDA AMS User Guide for instructions on ordering additional materials through WIDA AMS.

DRC will be responsible for consulting with the ELP Assessment Program Manager at the SCDE to approve all additional material orders. Additional material orders will be approved promptly by the ELP Assessment Program Manager to ensure the districts and schools receive their materials quickly, not interrupting the testing schedule and procedures.

State Assessments

Beginning the spring of 2018, the one-year 'exemption' from state testing, specifically South Carolina College-and-Career-Ready Assessments (SC READY) ELA, for MLs in their first year in the United States is no longer in place. As a result, all MLs are expected to complete state testing as their non-ML peers do. However, reference the *Accountability Manual* for specific information regarding MLs and achievement and growth accountability calculations and guidelines.

Universal design (UD) principles address policies and practices intended to improve access to learning and assessments for all students. UD principles are essential to developing and reviewing instructional and assessment content because some ways of presenting content make it difficult for some students to show what they know. When educators employ UD techniques, they can better understand what students know and can do. UD techniques should be applied consistently in instruction and assessments. In contrast to retrofitting, these techniques are integrated into teaching and assessment from the start. Educators should consider the following principles of UD:

- inclusion of diverse student populations,
- precisely defined instructional and assessment constructs,
- maximally accessible, non-biased content,
- compatibility with accommodations,
- simple, clear, and intuitive instructions and procedures,
- maximum readability and comprehensibility, and
- maximum legibility.

Universally designed instructional and assessment content may reduce the need for accommodations and alternate assessments. Nevertheless, UD cannot eliminate the need for accommodations or alternate assessments. UD can provide educators with more valid inferences about the achievement levels of all students. The UD of assessments does not simply mean that instruction and assessments are carried out in a computer-based environment. With greater implementation of technological solutions, thinking about accommodations and UD may change. Traditionally, educators have thought of UD as coming first and accommodations being applied during instruction and assessment. With current technology, educational stakeholders can build some accommodations into instructional and content for evaluation design and redefine some accommodations as universal supports to empower greater numbers of students with optimal accessibility options. View the *South Carolina Accessibility Support Document January 2019* for additional information.

Allowable accommodations for MLs on state assessments should be regularly used in the classroom. Always refer to the SCDE *Information for All Assessment Programs* webpage and state assessment TAMs for allowable accommodations on each state assessment.

Reclassification, Proficiency, and Monitoring of Multilingual Learners

Reclassification

MLs must be evaluated annually using the state-mandated ELP assessment. To determine if a student is eligible to be reclassified from the program, the student must demonstrate English proficiency on a valid and reliable ELP assessment. Each ML should be reclassified annually based on the results of the annual ELP assessment, and the English proficiency level field in PowerSchool should reflect the new reclassification status.

Proficiency Criteria

WIDA ACCESS

The current proficiency criteria in South Carolina state that MLs must have scored a 4.4 or higher Overall PL **AND** a 4.0 or higher PL in all four domains: Listening, Speaking, Reading, and Writing on WIDA ACCESS. In addition, these students are monitored for an additional four (4) years before being considered fully proficient.

After years of stakeholder work, discussions, research, data, and advocacy, the SCDE is proposing an amendment to the ESSA Consolidated State Plan to update the English proficiency or reclassification criteria, often referred to as the 'exit' criteria for MLs. The current proficiency criteria remain in effect while federal approval of this request is pending.

Please read the *Multilingual Learner English Proficiency or Reclassification Criterion Proposal – Memorandum* in its entirety.

It is imperative that all current proficiency criteria and Title III/MLP procedures remain in place until the SCDE announces official approval.

WIDA Alternate ACCESS

The current proficiency criteria in South Carolina state that MLs must have scored a P1 or P2 on WIDA Alternate ACCESS. In addition, these students are monitored for an additional four (4) years before being considered fully proficient.

Prior proficiency scores and coding matrices can be found on the *ESEA, Title III Multilingual Learner and Immigrant Student Program website*.

Proficiency Scores from Non-WIDA States

South Carolina accepts proficiency scores from non-WIDA states if there is written documentation and ample evidence (e.g., official proficiency letter, score report, etc.) of the student meeting proficiency requirements from a summative ELP assessment similar to WIDA ACCESS.

If a student meets the proficiency requirements from a non-WIDA state on an identification/placement screener, the school **must rescreen** the student using the appropriate SC WIDA identification assessment, as non-WIDA identification/placement assessments are not permissible in South Carolina.

Post-Proficiency Achievement and Data Reporting

After students have met the proficiency criteria, they move to monitor status (M1-M4). Under Title III of the ESEA, as amended by ESSA [Section 3121(a)], districts must report on the number and percentage of former MLs meeting state standards for four years. The four-year monitoring period allows districts to ensure that students are progressing as academically expected. Districts are still responsible for monitoring M1-M4 students' academic progress.

Monitoring Multilingual Learners

Monitoring is necessary while students are in the MLP program and required after they have met the proficiency criteria. To maintain compliance with monitoring, make sure that documentation is on file for each student (M1-M4). Comprehensive and comparable data on all students is needed to evaluate students' success in obtaining an effective and appropriate education. This data allows comparisons to be made between MLs and their native English-speaking peers in core content classes. To maintain statewide compliance with monitoring, the Title III program office, in collaboration with district-level stakeholders, created a universal Reclassification Monitoring form, Form RM: Monitoring Form for M1-M4. Monitoring M1-M4 students is a requirement, and districts may utilize this form or a district-created monitoring form. Implementation of this form is required beginning the 2023-24 school year. For districts using Ellevation, this form is already embedded in Ellevation Platform for immediate use.

If districts choose to utilize a district-created monitoring form (those not using Ellevation), the form should contain the following information:

- assessment information (e.g., standardized tests taken, WIDA identification scores and dates),
- academic information (e.g., courses taken, grades, attendance, and promotion/retention),
- entry date into U.S. schools,
- entry date into the local district,
- years of schooling in the home language,
- interrupted education? Yes or no-educational history,
- testing for vision and hearing,
- physical conditions that may affect learning,
- classroom observations by teachers, and
- enrollment history and criteria used for placement in special services (e.g., MLP, IEP, speech therapy, special education, gifted services, etc.).

Students who have previously met the proficiency criteria but may need additional support can potentially re-enter an MLP program. If there is adequate supporting evidence of a language

concern, the school/district must obtain written parent/guardian documentation before rescreening. This written documentation must show that parents/guardians understand that if the student does not receive a non-qualifying score on the identification screener, they will be reclassified as an ML and placed back into the MLP program. Reclassification as an ML means the student will be unable to exit the MLP program until they have successfully met the proficiency criteria on the annual ELP assessment and completed four years of monitoring after meeting the proficiency criteria.

If the parent/guardian agrees and all other avenues (i.e., MTSS) and the questions listed below have been answered, identification screening for reclassification may occur.

- Is there a language need?
- Is the student receiving instruction of enough quality to make the accepted levels of academic progress?
- Has the student undergone the MTSS process? Is the data from the process valid and reliable?
- Are classroom accommodations being made in the classroom, if applicable? Have they been documented? Are additional accommodations needed (monitored students may receive necessary accommodations and an ILAP)?
- Are there any factors beyond the classroom such as health, family circumstances, education history, and trauma impacting the student's academic progress?
- How does the student's progress compare with their non-ML peers?

If a student may need to re-enter an MLP program, an ELP screener should be administered to determine eligibility. If the student is eligible for MLP services, the MLPT should convene to create an ILAP and determine services (see ILAP guidance for additional information).

The 'English Proficiency Levels (PL)' field in PowerSchool will need to be updated to the new ELP score. The date in the 'English Language Proficiency (ELP) Initial Assessment' box must be the enrollment date into the district. The 'ELP Assessment' and 'ELP Score' must be updated to reflect the new ELP information. Any other additional PowerSchool data and information should be entered. The student must begin receiving services and accommodations, and parent notification must be sent within 14 calendar days.

Title III Funding

Comprehensive Plan

Every district in South Carolina that receives Title III funds must develop and implement a comprehensive plan for serving ML and immigrant children and youth. The plan should address each aspect of the district program for all ML students, all grade levels, and all schools in the district. In addition, the comprehensive plan should contain sufficient detail and specificity so that each staff person can understand how the plan is to be implemented and should include the procedural guidance and forms used to carry out responsibilities under the plan. **Districts not receiving Title III funds must also develop and implement a comprehensive plan.**

At a minimum, the local plan must:

- describe the programs and activities that will be developed, implemented, and administered,
- describe how the district will hold schools accountable for meeting proficiency,
- describe how the district will promote parent/guardian notification and parent/guardian and community participation in programs for MLs,
- describe how language instruction educational programs will ensure that students develop English proficiency,
- describe how the district will collect and submit data in accordance with SCDE requirements,
- assure that the district consulted with teachers, school administrators, parents/guardians, and, if appropriate, education-related community groups and institutions of higher education in developing the plan,
- assure that all teachers in any LIEP for MLs funded with any source of federal funds are fluent in English, including having written and oral communication skills,
- describe the district's educational theory and goals for its program of services,
- describe the district's methods for identifying and assessing the students to be included in the English LIEP,
- describe the district's procedures for designating individuals to comprise the student support team(s), responsibilities of the team for working with MLs, and procedures and the person(s) responsible for oversight of the student support team,
- describe the specific components of the district's program of English language development and academic services for MLs,
- describe the specific staffing and other resources to MLs under the school system's LIEP,
- describe the district's method and procedures for transitioning or students who have met proficiency from the program and monitoring for four years,
- describe the district's method for evaluating the effectiveness of its program, and
- assure that the district institutes methods for translators/translations are used effectively to communicate with parents/guardians of MLs.

Title III Subgrants

An MLP program aims to provide equal educational opportunities to students with a primary or home language other than English who are identified as MLs. The primary goal of Title III is to provide an English-rich environment to become proficient in English as soon as possible and utilize Title III funding to help ensure that MLs develop high levels of academic attainment in English and meet the challenging state educational content as all students are expected to meet.

A district must:

- use Title III funds for practical approaches and methodologies for teaching MLs (ESEA Section 3115(a)),
- increase the English proficiency of MLs by providing effective language instruction educational programs that meet the needs of MLs and demonstrate success in increasing

(A) English language proficiency and (B) student academic achievement (ESEA Section 3115(c)(1)),

- use Title III funds in ways that build its capacity to continue to offer effective language instruction educational programs that assist MLs in meeting challenging state academic standards (ESEA Section 3113(b)(3)(E)), and
- include in its local plans for a Title III subgrant a description of the effective programs and activities that will be provided, including LIEPS (ESEA Section 3116(b)(1)).

The USED determines the grant awarded to South Carolina using a formula based on the number of ML and immigrant children and youth enrolled in the state. From the state-issued apportionment, ninety-five percent is allocated as subgrants to eligible districts serving ML and/or immigrant children. In comparison, the remaining five percent is held as set aside to administer the SCDE's Title III program [Title III, Section 3111(a), (b)(1)]. ML and Immigrant grants are open for 27 months and will expire on September thirtieth (30) of the second year of the grant.

Multilingual Learner

Title III-ML allocations are based on the following formula.

Total federal allocation is divided by the total number of MLs in each participating district throughout the state. This will provide the ML per-pupil dollar amount.

The per-pupil dollar amount is then multiplied by the number of eligible MLs in each district.

Finally, the number of eligible MLs is pulled from the PowerSchool 180 day count from the previous year.

The PowerSchool 180 day count is pulled from the 'English Proficiency Level (PL)' field on the SC Student Information page and is prepared around mid-July each year. Students coded as '1.0-6.0' or 'A1-A3' in PowerSchool are included in this count for the Title III-ML subgrant.

The Title III-ML subgrant is awarded to the SCDE on July first (1) of each year. Shortly after that, the Title III program office receives the 180 day count from ORDA to prepare allocations for all LEAs serving MLs. The Title III program office works diligently to prepare allocations as early in July or August as possible to allow districts ample time to complete applications.

To accept this subaward, the district completes an application in the Grants Electronic Management System (GEMS) detailing how Title III ML funds will assist MLs in achieving English proficiency while meeting academic achievement standards no later than September thirtieth (30) of each year or other date as specified.

The SCDE Title III program office will review the district's Title III plan to ensure that the proposed supplemental services that improve the English language proficiency and academic achievement of MLs are evident. Once the submitted application is approvable, the district will receive a Grant Award Notification (GAN).

After returning the signed GAN to the SCDE, the district may then upload the budget from its approved Title III plan into the Grants Accounting Processing System (GAPS) for approval.

Districts must complete a new application each fiscal year (FY).

Immigrants

In accordance with Title III, Sec. 3114(d)(2), the SCDE holds a portion of the overall allocation as a set aside for immigrant allocations (currently the maximum allowance of 15%).

The ESEA, as amended by the ESSA, sections 3201(1) and (5) defines immigrant students as individuals who
- are aged 3 through 21,
- were not born in any state, and
- have not attended one or more schools in any one or more states for more than three full academic years (on a cumulative basis).

Title III Immigrant allocations are based on the following formula:
1. Average the two (2) preceding fiscal years and multiply by 10 percent to identify the minimum immigrant requirement. This information is pulled from data entered in PowerSchool by the district.
2. Compare the current school year's 45 day count to the minimum requirement.
3. If the district has met the minimum immigrant requirement for a significant increase in students, it is eligible to receive an immigrant subgrant allocation.
4. The immigrant set-aside is divided by the number of eligible immigrant students to determine the per-pupil dollar amount. The total number of eligible immigrant students is identified by adding all districts with eligible students.
5. The per-pupil amount is multiplied by the number of eligible immigrant students in each district and added to the base allocation to determine each district's allocation.

This formula could change based on the number and trends of immigrant students in South Carolina. If the formula changes, the Title III program office will communicate the formula to all districts.

The PowerSchool 45 day count is pulled to provide the Title III program office with the necessary information to determine which LEAs are eligible for the Title III-Immigrant subgrant. The number of immigrant students is calculated using two main fields in PowerSchool. The 'Birth Country' field is used first and should be changed **only** for students who were not born in any state, which includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. For all students born in the United States, District of Columbia, and Puerto Rico, the field is automatically set to '(Blank)-United States.' If any other option is chosen, then the 'U.S. School Entry Date' should be completed. If the student has a birth country other than the United States and the entry date is within three years or less, this student qualifies toward the immigrant students count. This information should begin being completed in 3- and 4-year-old

preschool programs through twelfth grade, as these students may also qualify for Title III-Immigrant funding.

The Title III-Immigrant subgrant is awarded to the SCDE as part of the Title III grant received on July first (1) each year. However, since the formula needs current data, this subgrant is typically not allocated to LEAs until later in the school year. The Title III program office works diligently to prepare allocations as quickly as possible to allow qualifying districts ample time to complete applications.

To accept this subaward, the district completes an application in the GEMS detailing how it will use Title III-Immigrant funds to enhance instructional and supplemental support opportunities for immigrant students and their families. Not all immigrant students are MLs; therefore, all activities and resources under this subgrant must meet the needs of all immigrant children.

The SCDE Title III program office will review the district's immigrant plan to ensure that the proposed supplemental services that enhance instructional and supplemental support for immigrant students and their families are evident. Once the submitted application is approvable, the district will receive a GAN.

After receiving the signed GAN, the district may then upload the budget from its approved Title III-Immigrant plan into the GAPS for approval.

Districts must complete a new application each FY they are eligible to receive this subaward.

Title III Funding Applications

The overarching purpose of the Title III program is to ensure that MLs, including immigrant children and youth, attain ELP and meet the same challenging state academic standards that other students are expected to meet. In addition, districts can receive Title III funds to supplement state LIEPs designed to assist MLs' achievement goals. Currently, Title III-ML and Title III-Immigrant subgrant applications are completed in the GEMS.

The Title III, Part A-ML application includes the following sections:
- History log,
- Allocations,
- Contacts,
- Title III Part A ML-Program Overview,
- Title III Part A ML, and
- Program Manager Checklist.

The district will sign assurances of compliance with the Title III statute and regulations. The Title III program office will review all submitted plans.

The Core Instructional Program section completed in GEMS refers only to the core MLP program funded at the state and local levels. It does not include program information that uses Title III funding. At a minimum, the local plan must:

- identify the number of staff supporting MLs with state/local funding,
- describe the state/locally funded MLP program,
- describe the state/locally funded instructional activities and resources for MLs, including curriculum,
- describe the state/locally funded personnel, including professional learning opportunities for teachers serving MLs,
- describe the state/locally funded parent and family engagement opportunities, and
- describe the state/locally funded assessment procedures.

Within the Title III application completed in GEMS, the planned use(s) of Title III funds must be addressed. The plan must:

- describe the two (2) percent administrative activities supporting the Title III, Part A funds, if applicable,
- describe the intended use of funds for an effective LIEP, if applicable,
- describe the intended use of funds for providing effective professional development, if applicable,
- describe the intended use of funds for providing and implementing effective parent and family engagement activities,
- identify the types of professional development activities provided the previous school year,
- indicate the number of participants and their roles in the professional development activities from the previous school year,
- include private school participation and related documents, as applicable, and
- outline Title III budget lines with accurate function and object codes.

LEAs may use up to two percent of their Title III funds for direct administrative costs. Any funds the LEA reserves for administrative costs may be used only for direct administrative costs. For example, a direct administrative cost could be the materials used to carry out a specific Title III-related activity or a district employee who works on Title III activities, if that portion of the salary can be directly attributed and allocated to the Title III grant and is not otherwise recovered as an indirect cost for classification of direct versus indirect costs.

Indirect costs are not part of the two percent cap and instead use the district's restricted rate. It is suggested that for private schools receiving Title III services through equitable participation, two percent of the allocation is assigned to the LEA to manage Title III funds.

Supplement Not Supplant

Federal funds available under the Title III subgrants must be used "to supplement the level of federal, state, and local public funds that, in the absence of such availability, would have been expended for programs for ML and immigrant students, and in no case to supplant such federal, state, and local public funds" (Title III, Section 3115(g)).

Title III Funding Uses

The use of Title III funds is required:

A. To increase the ELP of MLs by providing effective LIEPs that meet the needs of MLs and demonstrate success in increasing English language development and student academic achievement.
B. To provide effective professional development that is:
    - designed to improve the instruction and assessment of MLs,
    - designed to enhance the ability of educators to understand and implement curricula, assessment practices, measures, and instructional strategies for MLs,
    - effective in increasing ELP or increasing subject matter knowledge, teaching knowledge, and teaching skills,
    - sufficient in intensity and duration to positively impact teachers' performance in the classroom, and
    - effectively implementing other practical activities and strategies to enhance or supplement LIEPs for MLs.
C. To provide and implement effective strategies that supplement LIEPs and include parent/guardian, family, and community engagement activities. Parents/guardians have the rights under Title III [Sec. 3302(a)] to be informed of the student's placement in a LIEP and be active participants in the student's education.

Title III Consortia

Per Title III, Part A statute, "a state educational agency shall not award a subgrant…if the amount of such subgrant would be less than $10,000" [Sec. 3114 (b)]. Any district receiving a Title III subgrant of less than $10,000 may form a consortium to qualify for these funds. However, any district interested may form a consortium. Each consortium must designate a district to serve as the consortium lead who will act as the fiscal and programmatic agent.

Consortium Fiscal Agent Responsibilities

The consortium lead will be responsible for acting as the fiscal and programmatic agent for the consortium and will file all of the required expenditure reports and maintain fiscal records. The responsibilities of the fiscal agent include:

- notifying the SCDE Title III Coordinator of Intent to Form a Title III Consortium in a timely manner. See the *Intent to Form a Title III Consortium* form on the SCDE website,
- reviewing the Memoranda of Agreement (MOA) in collaboration with individual consortium members, detailing the activities that will meet the common needs of the consortium's MLs. Obtain all required signatures on the MOA,
- gathering input from consortium members to create a budget detailing planned expenditures. The program plan and corresponding budget should reflect budget items for all participating districts. Consortium funds may be combined to leverage services, support, and professional development among consortium member districts,
- ensuring that the consortium members fulfill their fiscal and programmatic responsibilities under Title III, Part A,

- assuring that the funds may be used to supplement but not supplant other federal, state, or local public funds,
- working with each participating district to ensure the equitable participation rights of private school children are met, and
- completing and maintaining the consortium budget and amendments within GEMs, uploading a signed MOA, and completing all necessary steps for claims and expenditures in GAPS.

Consortium fiscal leads may budget and claim up to two percent (2%) of the total consortium allocation for administrative costs. Additionally, a consortium fiscal lead could budget and claim up to the district's restricted indirect cost rate. However, consortium members may not budget and claim administrative or indirect costs.

At the close of the fiscal year, unexpended funds, as applicable, will be considered carryover funds for the consortium into the next fiscal year. The fiscal agent is responsible for submitting all reimbursement claims to the SCDE.

Consortium Member Responsibilities

Consortium member districts should work in collaboration to identify and develop a plan of activities that meet the needs of MLs. The plan of activities must include:

- how consortium member districts will improve services for MLs relative to English proficiency and the English language development standards and academic achievement in content areas; and
- how professional development will be provided for teachers, administrators, and staff to improve instruction for MLs.

Individual consortium member districts are responsible for submitting specific forms within the GEMS application.

Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel-Title III, Part A

The reauthorization of the ESEA by the ESSA continues the requirement under Title VIII, Part F, Subpart 1 (Title VIII) of the ESEA requiring LEAs to provide equitable services to eligible private school children and educators. The *Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel* (Draft March 30, 2022) supersedes the USED's guidance entitled *Title IX, Part E Uniform Provisions Subpart 1-Private Schools, Equitable Services for Eligible Private School Students, Teachers and Other Educational Personnel* (March 2009) and *Title III, Part A English Language Acquisition, Language Enhancement, and Academic Achievement Equitable Services to Private School Students, Teachers, and Other Educational Personnel* (July 2015).

An LEA must annually contact private school officials located in the attendance zone of the LEA to determine whether those officials would like to participate in ESEA programs, including Title

III, Part A-Multilingual Learners and Immigrant Students. Charter school LEAs are generally not required to provide equitable services in formula grant programs. Rather, the traditional LEA in the area would have the responsibility to provide equitable services. Additionally, an LEA is not required to provide equitable services if it does not receive funds or chooses not to participate in the program covered under ESEA, Title III, Part A, in this case.

LEAs send an "Intent to Participate" form annually to private school officials to determine their interest in participating in Title III, Part A services. This form is typically combined with other ESEA programs. Additionally, the form includes a brief description of the programs and a list of allowable activities, services, and benefits. LEAs send this information via registered mail to document receipt by private school officials.

LEAs may set a reasonable deadline, no less than ten (10) days, taking into consideration private school schedules, for the private school officials to indicate their intent to participate. The deadline should be clearly stated, identify the potential consequences for not meeting the deadline, and give adequate time for response.

Consultation with Private School Officials

According to ESEA section 8501(c)(1), an LEA must consult with private school officials regarding equitable services covered under ESEA programs, including Title III, Part A. During the consultation, the goal is to reach an agreement between the LEA and private school officials on how to provide equitable and effective programs for eligible multilingual learners, immigrant children and youth, and educators as applicable.

Timely and meaningful consultation with private school officials is an essential requirement for an LEA. Discussions between the private school and LEA should build positive working relationships that foster effective planning and implementation of equitable services to meet the needs of eligible private school children and educators. After timely and meaningful consultation, an LEA can make final decisions with regard to the discussions. To assist with consultation, the SCDE Title III program office, along with stakeholders, created an *Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel-Title III, Part A Sample Consultation Form* that LEAs and private school officials should use for additional guidance and as a way to document consultation meetings.

Consultation meetings must include, at minimum, the following information:

- how the children's and educators' needs will be identified,
- what services will be offered,
- how, where, and by whom the services will be provided,
- how the services will be addressed and how the results of the assessment will be used to improve those services,
- the size and scope of the equitable services to be provided to the eligible private school children and educators and the amount of funds available for those services, and how that amount is determined,

- how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers,
- whether the agency, consortium, or entity will provide services directly or through a separate government agency, consortium, or entity or through a third-party contractor, and
- whether to provide equitable services to eligible private school children and educators (1) by creating a pool or pool of funds with all of the funds allocated under a program or (2) on a school-by-school basis based on the proportionate share of funds available to provide services in each school.

In addition, the sample consultation form mentioned above will guide discussions more specific to Title III, Part A. Both the LEA and private school should make a good faith effort to reach agreements during consultation meetings. In the event of a disagreement, the LEA and/or private school officials may wish to contact the SCDE Title III program office and/or the State ombudsman to help facilitate an agreement.

Each LEA must always maintain documentation and records of notes, agendas, and sign-in sheets. The LEA must provide the SCDE Title III program office with a written affirmation signed by each party. This information is uploaded into the applicable FY's GEMS application in the related documents section. If a private school has not provided this affirmation within a reasonable amount of time, the LEA must provide the SCDE Title III program office with documentation to show consultation or attempts at communication and consultation have occurred.

Allocations and Expenditures

The LEA and private school should discuss and agree on the allocation formula during the consultation meeting. The SCDE suggests the allocation formula below to ensure that funding is equitable based on a per-pupil amount for both the LEA and private school students. Additionally, allocations for eligible private school students and educators must be obligated within the fiscal year for which the LEA receives the funds. The LEA always remains in control of funds, including claims and expenditures.

The immigration or citizenship status of eligible students in a private school is not a factor. For example, a foreign or international children enrolled in a private school may be served like any other student, regardless of whether they are citizens. Additionally, all parties should never inquire about the immigration or citizenship status of a student or family.

<div align="center">Multilingual Learner Allocation Formula</div>

A1. The number of identified MLs in the LEA
A2. The number of identified MLs in the private school(s)
A3. A1 plus (+) A2 equals (=) total number of MLs in the district and private school(s)
B1. District Title III ML allocation
B2. Two (2) percent administrative cap of district Title III allocation

B3. B1 minus (-) B2 equals (=) funds available for equitable services
C1. B3 divided (/) by A3 equals (=) the per-pupil rate
D1. C1 (per-pupil rate) multiplied (*) by A2 equals (=) equitable services allocation to the private school(s)

Immigrant Children and Youth Allocation Formula

A1. Number of identified immigrant children and youth in the district
A2. Number of identified immigrant children and youth in the private school(s)
A3. A1 plus (+) A2 equals (=) total number of immigrant children and youth in the district and private school(s)
B1. District Title III Immigrant allocation
B2. Two (2) percent administrative cap of district Title III allocation
B3. B1 minus (-) B2 equals (=) funds available for equitable services
C1. B3 divided (/) by A3 equals (=) the per-pupil rate
D1. C1 (per-pupil rate) multiplied (*) by A2 equals (=) equitable services allocation to the private school(s)

Both the State Education Agency (SEA) must publicly share private schools and allocations, which will be posted on the SCDE webpage when available. The LEA is responsible for officially notifying the private school of its final allocation.

English Language Proficiency Screening, as Applicable

When adding private school students to the district's WIDA AMS system for screening, the district is required to assign a specific code to all non-public school students. The private school identification screening code is comprised of the District ID + SCDE Non-Public ML code (975) + Ascending four-digit numbers. <u>The SCDE private school identification screening code is 975 and will always be the second set of coding conventions.</u>

Example Private School Identification Screening Coding

District ID	4603
SCDE Non-Public ML code	975
Ascending four-digit numbers	0001
WIDA AMS student A ID	46039750001
WIDA AMS student B ID	46039750002
WIDA AMS student C ID	46039750003

The district must maintain an updated list of all screened private school students each year of participation for each participating private school. It is highly recommended that the records contain the following:

- Student name,
- Student ID #,
- Student WIDA AMS coding,
- Date of identification screener,

- Identification screener type,
- Student score,
- The school year of participation, and
- Name of individual administering the screener.

Not all equitable services guidance is provided in this document. It is essential to use the *Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel-Title III, Part A Sample Consultation Form* and *[Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel](Draft March 30, 2022)* in conjunction with this guidance.

Monitoring and Technical Assistance

The SEA, districts, and schools are accountable for increasing the ELP and core academic content knowledge of MLs. In addition, the district is responsible for maintaining a plan for the allocated funds for the fiscal year and for meeting reporting requirements (Title III, sections 3114(a), 3115(a), 3121(a)(b)).

The SCDE is responsible for the oversight and monitoring of programs and activities carried out under the ESEA, as amended by the ESSA. Specifically, the OFSA is responsible for the oversight and monitoring of the following ESSA programs: Title I, Part A; Title I, Part C; Title I, Part D; Title II, Part A; Title III, Part A; Title IV Part A; Title V, Part B; and McKinney-Vento Homeless.

The OFSA has adopted a comprehensive and ongoing approach to monitoring LEAs, both to ensure compliance with federal laws and to support the effective implementation of local programs. Monitoring activities are not intended to be an exhaustive review or to ensure compliance with every legal requirement. Rather, monitoring activities are designed to verify compliance with major elements of the law, as well as to assist the LEAs in improving student outcomes using federal dollars. Specific goals of monitoring include: (1) to ensure accountability to federal statute with a focus on support, (2) to maximize the use of resources to increase student achievement, and (3) to build collaborative relationships with district and school leaders.

Per *OFSA policy*, at least one monitoring activity will occur annually for each ESSA program. Monitoring activities may include:

- review and approval of program applications, amendments, and budgets,
- desk monitoring and telephone monitoring,
- review of the program and fiscal reports,
- review of student achievement and proficiency data,
- onsite visits, and
- training and technical assistance.

OFSA policy also states that LEAs will receive an official site visit at least once every five years for at least one of the ESSA programs listed above. OFSA's goal has, nonetheless, been to conduct site visits once every four years whenever feasible.

If the SCDE finds districts to require support based on onsite monitoring or desk reviews, the Title III program office will work with the Director of the OFSA to create an action plan that will help the district improve. This plan will be individualized based on district and school areas of need for technical assistance. At any time, districts may request additional technical assistance from the Title III program office.

View the *Title III Self-Reflection Tool (SRT)* and *Federal Programs Consolidated Monitoring Tool* to review all Title III, Part A compliance and programmatic information.

Appendix A: Terms to Know

Advanced Placement (AP)-A College Board program that provides high school students with the opportunity to take college-level courses.

Awaiting (AW)-PowerSchool code to be utilized as a temporary coding to indicate a potential ML who has not been screened.

Castañeda v. Pickard-In 1981, the United States Court of Appeals for the Fifth Circuit court decision established a three-part assessment for determining how language education programs would be held responsible for meeting the requirements of the Equal Education Opportunities Act of 1974. The criteria are listed below:
- The bilingual education program must be "based on sound educational theory."
- The program must be "implemented effectively with resources for personnel, instructional materials, and space."
- After a trial period, the program must be proven effective in overcoming language barriers/handicaps.

Data Management and Instructional Platform (DMIP)-The state procured data management and instructional platform utilized for assisting, developing, and creating an Individualized Language Acquisition Plan (ILAP) and providing resources and guidance for research-based instructional support. The estimated implementation timeline is the 2023-24 school year.

Data Recognition Corporation (DRC)-The DRC provides assessment services and is used for WIDA ACCESS.

District Test Coordinator (DTC)-The district test coordinator oversees the preparations and administration of standardized tests. The DTC works with the Title III program office and the ELP Assessment Program Manager to facilitate and coordinate WIDA ACCESS.

Elementary and Secondary Act of 1965 (ESEA)-The federal Elementary and Secondary Education Act (ESEA), enacted in 1965, is the nation's national education law and shows a longstanding commitment to equal opportunity for all students.

English Language Development (ELD)-The instruction is designed specifically for MLs to develop their listening, speaking, reading, and writing skills in English.

English Language Proficiency (ELP)-The student's ability to use the English language to make and communicate meaning in spoken and written contexts while completing their program of study.

English Learner (EL)/English Language Learner (ELL)-Former term for any student working towards English proficiency.

Enrollment Survey (ES)-The ES replaces the previous HLS. However, the HLS is embedded within the ES to capture the required information for potential ML identification.

Equal Education Opportunities Act of 1974-The federal law of the United States of America which prohibits discrimination against faculty, staff, and students, including racial segregation of students, and requires school districts to take action to overcome barriers to students' equal participation

Every Student Succeeds Act of 2015 (ESSA)-Legislation that replaces No Student Left Behind. The main education law for public schools in the United States which holds schools accountable for how students learn and achieve. ESSA aims to provide an equal opportunity for disadvantaged students.

Fiscal Year (FY)-A year as specified for taxing or accounting purposes. The FY for Title III is from July 1st-June 30th of each year.

Gifted and Talented Education (GATE) Programs-This program serves students who are identified in grades 1-12 as demonstrating high-performance ability or potential in academic and/or artistic areas.

Grant Accounting Processing System (GAPS)-The system that the SCDE uses to process grant applications and budgets.

Grant Award Notification (GAN)-The official document states the terms, conditions, and funding amount of the grant award. It also contains programmatic and fiscal data and the names and contact information of the respective program officers.

Grants Electronic Management System (GEMS)-The current system that the SCDE uses for districts to submit Title III applications.

Home Language Survey (HLS)-This is a survey completed during the enrollment process that documents the language history of the enrolling student. This form is only completed once during the initial enrollment into a South Carolina public school district.

Individualized Education Plan (IEP)-This document, under United States law is developed for each public school child in the U.S. who needs special education.

Individualized Language Acquisition Plan (ILAP)-The student plan that states the MLP services, classroom accommodations, and testing accommodations an ML student will receive.

Individuals with Disabilities Education Act (IDEA)-United States legislation that ensures students with a disability are provided with free appropriate public education that is tailored to their individual needs.

International Baccalaureate (IB)-A worldwide, nonprofit education program founded to allow all students to receive an education

Kindergarten Round-up-Allowable time beginning after May 1st each year where 4-year-old preschool program students may be screened for the upcoming kindergarten year.

Language Instruction Educational Program (LIEP)-The program that supports students' English proficiency and academic standards for whom English is not their first language/home language.

Lau v. Nichols, **414 U.S. 563**-The United States Supreme Court case in which the Court unanimously decided that the lack of supplemental language instruction in public schools for students with limited English proficiency violated the Civil Rights Act of 1964.

Local Education Agency (LEA)-Refers to individual school districts in South Carolina.

Multilingual Learner (ML)-Refers to the student. Previously known as Limited English Proficient (LEP), English Learner (EL), English Language Learner (ELL).

Multilingual Learner Program (MLP)-South Carolina's English language development (ELD) program.

Multilingual Learner Program Coordinator (MLPC)-A state or district coordinator that is dedicated to the MLP.

Multilingual Learner Program Specialist (MLPS)/Teacher-An MLP educator in schools dedicated to working with MLs as a language development specialist.

Multilingual Learner Program Team (MLPT)-Stakeholders invested in an ML's education. The team should consist of a range of stakeholders (i.e., MLPS/teacher, general education teacher, parent, guidance counselor) who know the whole child and should convene to determine the student's needs for success. This also refers to the SCDE Title III program office working on cross-collaboration to advance the MLP in South Carolina.

Multilingual Learners with Disabilities (MLWD)-Refers to an ML with a disability.

Multi-Tiered System of Supports (MTSS)-A framework schools and districts use to give targeted support to students needing assistance with content instruction.

Office of Civil Rights (OCR)-The U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) enforces federal civil rights laws, which together protect fundamental rights of nondiscrimination, conscience, religious freedom, and health information privacy.

Parent Notification (PN)-Each local educational agency must provide a LIEP as determined under Title III and shall, no later than 30 days after the beginning of the school year, inform parents of an ML identified for participation or participating in such a program.

Plyler v. Doe **of 1982-**A landmark Supreme Court decision holding that states cannot constitutionally deny students a free public education on account of their immigration status.

Professional Learning Opportunity (PLO)-Refers to learning growth and development opportunities offered by the SCDE or vendors, specifically to increase knowledge and practice of working with MLs.

Proficiency Level (PL)-The language proficiency level of multilingual learners based on ELP assessment or screener.

Proficiency Level Progression-The language proficiency level of multilingual learners as measured in decimal form. (e.g., 1.9, the progression is .9)

Program Service Delivery Model (PSDM)-Refers to the type of services an ML receives to support English language development or English language acquisition.

Read to Succeed (R2S)-Act 284, Read to Succeed legislation, was created in 2015 to address literacy performance in South Carolina and put in place a comprehensive system of support to ensure SC students graduate on time with the literacy skills they need to be successful in college, careers, and citizenship.

School Test Coordinator (STC)-The school test coordinator oversees the preparations and administration of standardized tests within a school.

Section 504 of the Rehabilitation Act of 1973 (504 Plan)-United States legislation guarantees certain rights to people with disabilities.

South Carolina Department of Education (SCDE)-The state agency for education is dedicated to providing leadership and support so that all public education students graduate prepared for success.

State Education Agency (SEA)-Governing body that monitors compliance and holds districts accountable.

Student with Limited or Interrupted Formal Education (SLIFE)-MLs that have limited or interrupted formal education.

Test Administrator (TA)-The TA is responsible for observing and monitoring the students during examinations and related assessments.

Test Administration Manual (TAM)-The manual that provides instructions applicable to TAs necessary for administering standardized tests.

Title III Self-Refection Tool (SRT)-Tool created by the Title III program office to review all Title III, Part A compliance and programmatic information.

Title VI of Civil Rights Act of 1964-No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Translation/Interpretation-The key differences between interpretation and translation are found in each service's medium and skill set: interpreters translate spoken language orally, while translators translate the written word.

United States Department of Education (USED)-The U.S. Department of Education is the federal government agency that establishes policy for, administers, and coordinates most federal assistance to education.

Universal Design (UD)-An approach to teaching, learning, and assessing that gives all students equal opportunity to succeed. UD elements are embedded within WIDA ACCESS for all MLs.