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WISCONSIN
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EL Policy Handbook

**Developed collaboratively by the
Teaching and Learning Team
and the
Office of Student Assessment**



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Introduction

The legal requirements for identifying, supporting, and reclassifying English Learners (ELs) stem from several sources, including federal law and associated regulatory guidance, common law, and state law. Many of the legal protections for ELs stem from and are enforced through private litigation regarding lack of equality under existing civil rights laws. These cases often form the basis for future legislation, as state and local governments seek to codify the legal rights of ELs. (See Chapter 14 - Legal Framework for Serving ELs for more information.)

The civil rights of ELs to an equal education are enforced by a variety of agencies with overlapping jurisdictions, including the U.S. Department of Education's Office of Civil Rights (OCR). The OCR is the primary enforcer of equal education requirements, and works directly with districts on compliance issues. The Wisconsin Department of Public Instruction (DPI) also serves as an enforcing agency for certain regulatory components, and also as a source of comprehensive support for districts, students, and families.

To help support districts as they navigate this sometimes challenging landscape, the DPI, in consultation with many districts over several years, has developed this Handbook. This Handbook documents Wisconsin's collective best practices to serve and support ELs and their families, allowing us to meet our respective obligations under state and federal law. It will be revised periodically, and feedback is most welcome.

Laws Governing EL Services

Under Title VI of the Civil Rights Act of 1964 and the Elementary and Secondary Education Act (ESEA) of 1965 and subsequent federal and state mandates, all Wisconsin school districts are required to identify and provide language education services to English Learners (ELs). This includes immigrant and migrant students, and students with disabilities. Once identified as an EL, students are eligible for English Language services until they exit EL status.

The ESEA has been reauthorized eight times since it was enacted in 1965, most recently by the Every Student Succeeds Act (ESSA) of 2015. Throughout this document, the term ESEA specifically refers to the ESEA as amended by ESSA, unless otherwise noted. The passage of ESSA necessitates changes in how education is implemented in the United States. In particular, our requirements for serving and supporting ELs have changed, and this handbook is designed to support districts in understanding our new educational landscape.

The ESEA now requires states to adopt standardized statewide procedures and criteria for entry into and exit from EL status.¹ This requirement necessitates that the DPI outline a shared Wisconsin process for identifying, supporting, and reclassifying ELs.

¹ [20 U.S. Code § 6823\(b\) 2](#)

Throughout this Handbook, footnotes are incorporated which link to the parts of state and federal law which pertain to the topic at hand. This Handbook provides guidance and suggestions for how districts can meet these requirements, and provide equitable support to their English learners.

Guidance within this handbook has been adapted from the [U.S. Department of Education's EL Toolkit for State and Local Education Agencies](#), among other sources. The EL Toolkit summarizes federal requirements related to serving ELs, and includes best practices for EL support. However, states are allowed and encouraged to customize their EL policies to meet the needs of their students, parents, and districts. Thus, this EL Policy Handbook captures both the federal statutes and regulations that all states must meet when serving ELs, along with the State of Wisconsin's vision for how to ensure that all ELs graduate college- and career-ready.

Who should read this handbook?

The following is a list of Local Education Agency (LEA) staff who may require training and professional development to ensure compliance with federal and state requirements for identifying and supporting ELs. This list is not exhaustive, and may differ from district to district. However, the general expectation is that the individuals below will understand their responsibilities in identifying, serving, and supporting ELs.

- ☐ Superintendent
- ☐ District Assessment Coordinator (DAC)
- ☐ Curriculum & Instruction Leads
- ☐ Bilingual/Title III Directors and Coordinators
- ☐ Special Education Directors and Coordinators
- ☐ Principals
- ☐ School and District Front Office Staff
- ☐ Counselors
- ☐ Registrars
- ☐ Classroom and EL Teachers
- ☐ Paraprofessionals
- ☐ Parent Liaisons/Volunteers
- ☐ Family Translators/Interpreters

EL Basics

Our responsibilities are to a) identify ELs; b) support the English Language Proficiency (ELP) growth, academic achievement, and school success of ELs; and c) determine when ELs have reached full English proficiency, and reclassify them as Former ELs.

Determination of EL Status

Districts have 30 calendar days to determine the EL status of new students², starting on the date of enrollment³ for each student. For students enrolling prior to or at the start of the school year, districts have 30 days from the start of school to notify parents regarding this determination.⁴ If a student arrives during the school year, districts have two weeks to notify parents regarding this determination.⁵ (See Chapter 10 - Parental Engagement for a detailed list of parental notification requirements.)

In order for districts to consistently and fairly identify ELs without discrimination, all students need to have an initial survey of their potential language needs. Students may not be selected or omitted for EL consideration based on race, ethnicity, age, country of origin, or any other demographic factor, including special education status.⁶

Following the U.S. Department of Education's guidance for best practices, students newly enrolling in a district should be administered a Home Language Survey (HLS). The purpose of the HLS is to allow districts to quickly determine whether or not an incoming student might be exposed to languages other than English at home. Exposure to other languages is an indicator that a student might be an EL.

When an HLS indicates that a student is significantly exposed to languages other than English at home, districts must administer an ELP screener. This screener provides an assessment of the student's English proficiency, which gives the district more information with which to make an EL determination. Should a district require further information regarding a student's English proficiency in order to make a determination of EL status, it may collect this information using a Multiple Indicator Protocol (MIP). More information about the MIP can be found in Chapter 15.

Once districts have collected this information, they use it to make a holistic determination regarding whether or not the student is fully English proficient. Students determined not to be fully English proficient are classified as ELs, and eligible for EL programming and support.

EL Programming and Supports

Once identified as an EL, a student is eligible for specialized programming designed to support their developing English language proficiency as well as their academic success. This programming, often referred to as a Language Instruction Education Plan (LIEP), includes designated supports on assessments, and other tools designed to allow the student to fully access academic material and

² [20 U.S.C. § 6823\(b\)\(2\)](#)

³ The DPI defines enrollment as the day a district begins providing academic services to a student.

⁴ [20 U.S.C. § 6312\(e\)\(3\)\(A\)](#)

⁵ [20 U.S.C. § 6312\(e\)\(3\)\(B\)](#)

⁶ [20 U.S.C. § 1703\(f\)](#)

show what they know and can do.⁷ Despite a lack of English proficiency, ELs must have full access to all parts of the education system that their native English speaking peers have access to. This includes:

- core curricular materials
- extracurricular activities
- social and community activities
- advanced placement coursework
- gifted and talented programs
- college and career opportunities

As ELs grow in their English proficiency, the specific supports and tools they require will change. Districts should continue to evaluate the need and effectiveness of the supports they are providing to each EL, and adjust to meet the student's evolving language needs.

To demonstrate that ELs are being supported and growing in their English proficiency, an annual ELP assessment is required for all ELs in Kindergarten through grade 12.⁸ The State of Wisconsin uses the [ACCESS for ELLs assessment](#) to meet this requirement. Every student designated as an EL must take the ACCESS for ELLs assessment annually, until reclassified as Former EL.

Reclassification as Former EL

An EL must be reclassified and exit EL programming when they score an Overall Composite of 5.0 or greater on the ACCESS for ELLs. Upon reaching an Overall Composite of 4.5 or greater on the ACCESS for ELLs, districts may collect additional evidence of proficiency, assess this evidence, and make the decision to reclassify an English Learner, provided this assessment determines that the student is fully English proficient. (See Chapter 15 - Multiple Indicator Protocol for examples of how to collect and assess additional evidence of English proficiency.)

Once an EL is reclassified as a Former EL, they enter a two-year monitoring period.⁹ The goals of the monitoring period are to ensure that the student was appropriately reclassified, they are participating independently in grade-level content instruction, and that they are demonstrating academic success.

Former ELs may need individualized learning or support from time to time, like any other student, and this monitoring period provides a structure to identify students in need of these services. In rare cases, monitoring may suggest that the Former EL may still be in need of language programming. In such cases, districts may consider reclassifying the student back to EL status, and reentering the student into EL programming. (See Chapter 6 - Reclassification and Monitoring for more information on this process.)

⁷ [414 U.S. 563 \(1974\)](#), e.g.

⁸ [34 CFR 200.6 \(h\)](#) and [Wis. Stat. § 115.96 \(1\)](#)

⁹ [OELE EL Toolkit Chapter 8](#)

Former ELs no longer take the ACCESS for ELLs, and are not eligible for Title III, the supplemental funding available via ESEA for districts serving ELs. They are included in the EL subgroup for federal reporting for four years. (See Chapter 7 - Academic Content Assessments for more information.)

Overview of EL Support Processes

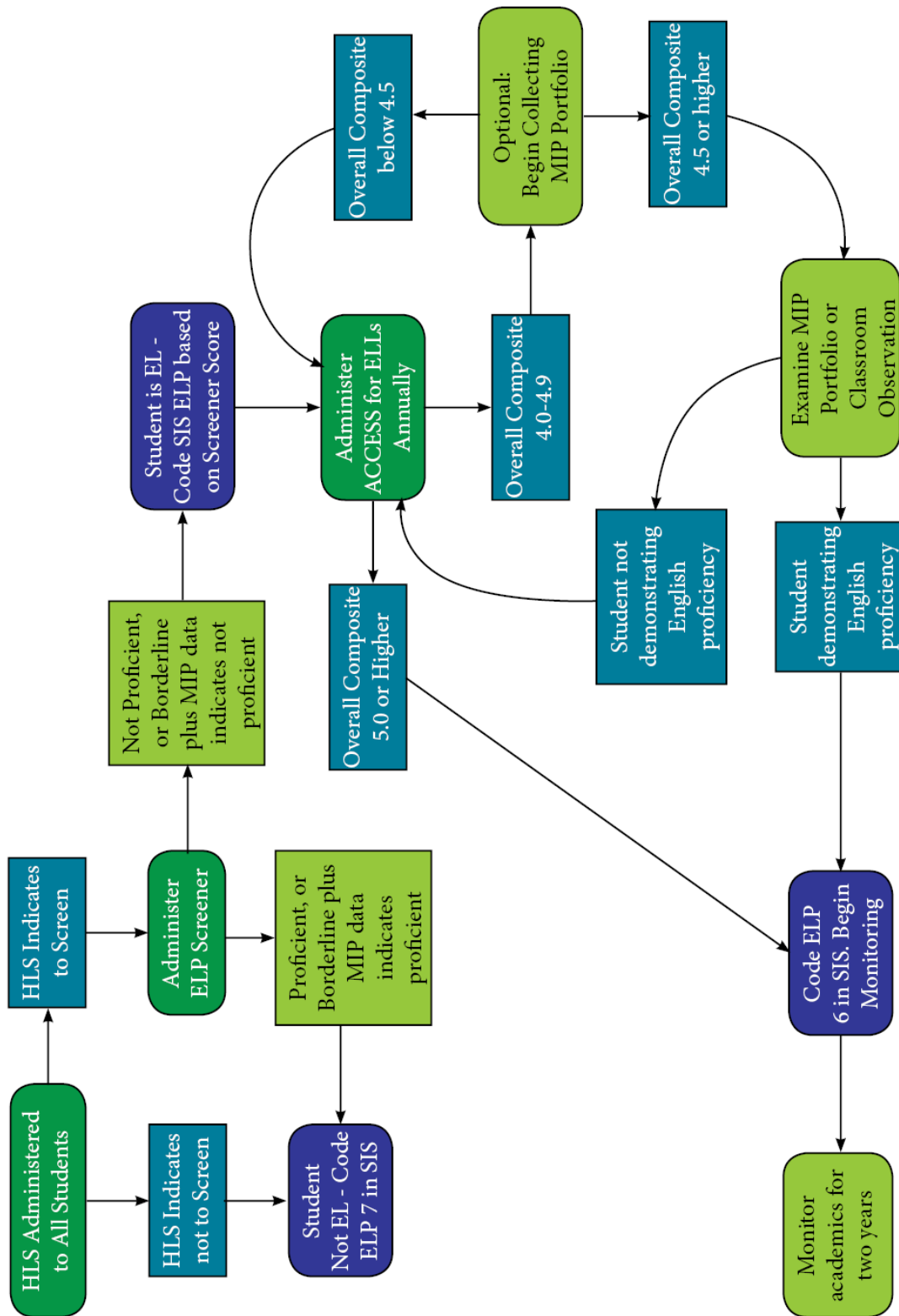


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Glossary

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

ACCESS for ELLs

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

AMAO

Annual Measurable Achievement Objective. These were the accountability measures for ELs under NCLB.

AMO

Annual Measurable Objective. These were the accountability measures for academic content testing under NCLB.

CESA

Cooperative Education Service Agency. There are 12 CESAs in Wisconsin which support Wisconsin school districts. CESAs work among school districts and between school districts and the state.

DAC

District Assessment Coordinator. OSA requires that each district designate one individual responsible for coordinating mandated testing in the district. This list is publicly available on [OSA's DAC Corner](#) webpage.

District

Any LEA that is a recipient of Federal financial assistance directly from ED or indirectly through an SEA or LEA, including public school districts, public charter schools, public alternative schools, and choice schools opting into public reporting or receiving Title funds.

DLL

Dual Language Learner. Dual Language Learners are generally children from 2 ½ to 5 ½ years of age but may include students from birth to age 8 who are acquiring two or more languages simultaneously.

DPI

The Department of Public Instruction. Wisconsin's education agency overseeing public school education.

EL/ELL

English Learner, formerly English Language Learner. ESEA defines an EL¹⁰ as an individual

- who is aged 3 through 21;
- who is enrolled or preparing to enroll in an elementary school or secondary school;
- and
 - who was not born in the United States or whose native language is a language other than English;
 - or
 - who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - and
 - who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual the ability to meet the challenging State academic standards;
- the ability to successfully achieve in classrooms where the language of instruction is English; or
- the opportunity to participate fully in society

ELP/ELD

English Language Proficiency/English Language Development. How proficient a student is in English, as measured by a standardized assessment.

¹⁰ [20 CFR 7801 \(20\)](#)

EL Supports

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

ESEA

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

ESSA

The Every Student Succeeds Act, signed into law in December 2015, and implemented starting in the 2017-18 school year. ESSA expands on the changes that were implemented by NCLB, and amends ESEA.

Exchange Student

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

Homeless

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

- A. means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and
- B. includes—
 - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - ii. children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) [1] of this title);

- iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- iv. migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).¹¹

HLS

Home Language Survey. Given to the parents/guardians of newly enrolling students to understand if languages other than English are present in the student's life.

ILP

Individualized Learning Plan. This is a written plan for an EL which details strategies, accommodations, and supports to be implemented in the classroom and on assessments.

Immigrant

Immigrant children and youths are individuals who:

- are aged 3 through 21;
- were not born in any state (defined as each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico); and
- have not been attending one or more schools in any one or more states for more than three full academic years. (Months counted for schooling need not be consecutive.)¹²

Interpreter

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

L1

The first language someone used; also referred to as home language, primary language, or native language.

L2

The second language a student acquires; if the student is in the process of learning a second language, then this can be referred to as the target or partner language.

¹¹ [42 U.S. Code § 11434a \(2\)](#)

¹² [20 CFR 7011 \(5\)](#)

LEA

Local Educational Agency - see District.

LIEP

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

Migrant

A student is considered a migrant¹³ if:

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

MIP

Multiple Indicator Protocol. The MIP is a standardized assessment tool designed to gather and assess student language use in the classroom. The MIP is used to collect supplemental information of proficiency with which to make EL Entry and Exit decisions.

MLSS

Multi-level system of supports. A system that provides equitable services, practices, and resources to every learner based upon responsiveness to effective instruction and intervention. In this system, high quality instruction, strategic use of data, and collaboration interact within a continuum of supports to facilitate learner success. Previously called Response to Intervention, MLSS is [Wisconsin's officially designated support system framework](#).

NCLB

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

¹³ [WI Migrant Education FAQs](#)

Newcomer Program

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

OEA

DPI's Office of Educational Accountability. The office in charge of state and federal accountability systems.

OSA

DPI's Office of Student Assessment. The office which administers state and federally mandated assessments.

Parent

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

Refugee

A refugee is any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided and who is unable or unwilling to return to and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.¹⁴

SEA

State Educational Agency (e.g. DPI).

SLIFE

Note: This is a working definition from the field; there is no official federal definition. Students with a limited or interrupted formal education; can be abbreviated both SLIFE and SIFE. Although definitions vary; these are generally students who are a subset of newcomers to U.S. schools, above the age of 7, who have missed more than six consecutive months of formal schooling prior to enrolling in a U.S. school, and/or are more than two years below grade level in content due to limited educational supports.

¹⁴ [8 U.S. Code § 1101\(a\)\(42\)](#)

SIS

Student Information System. These are software programs deployed in districts which house all of the educational records for students. Some examples are Infinite Campus, Skyward, PowerSchool, etc. The district SIS uploads enrollment data to WISEdata on a nightly basis.

Title I

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

Title III

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

Translator

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

WCER

The Wisconsin Center for Education Research housed at the University of Wisconsin-Madison. WCER houses WIDA, and offers products for sale to support ELs and EL education.

WIDA

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

WISEdash

WISEdash is a series of dashboards provided by DPI that display district-, school-, and student-level educational data. The data in WISEdash come from WISEdata.

WISEdata

WISEdata is the DPI's statewide longitudinal database. It houses assessment and enrollment data, and data in this database are used to calculate state report cards and federal accountability reports.

(DPI recommends checking for updates to these policies at least annually. See <http://dpi.wi.gov/english-learners> for the most recent version of this document.)

Version	Modifications/Notes	Date
0.9	Initial release pending final edits	4/25/2018
1.0	Clarified/finalized language	8/15/2018
1.1	Copyedits, added Introduction, modified Definitions and Monitoring	7/1/2019
1.2	Updated citations, copyedits.	1/31/2020