

District Guide for English Learners Program



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DOCUMENT OVERVIEW

The purpose of this document is to provide guidance for districts in developing, maintaining, and improving an instructional program for English Learners that meets state and federal regulations. The online version of the document will have embedded links that allow the user to access various resources on the internet.

LEGAL BACKGROUND ON EL SERVICES

This information in this section is a brief summary and background to the legal requirements for servicing EL students. Each summary contains a link to websites that contain more detailed information on each law or court ruling.

[Title VI of the Civil Rights Act of 1964](#) – Title VI prohibited discrimination on the basis of race, color, or national origin in any federally assisted program. It has been interpreted to include the prohibiting of equal access to education because of a student's limited English proficiency.

[Bilingual Education Act of 1968](#) - The Act, also known as Title VII, provided supplemental funding for school districts interested in establishing programs to meet the "special educational needs" of large numbers of children of limited English speaking ability in the United States. It was reauthorized in 1994 as part of the Improving Schools Act. Under No Child Left Behind the Bilingual Education Act was renamed the **[English Language Acquisition, Language Enhancement, and Academic Achievement Act \(Title III\)](#)**

[Equal Educational Opportunity Act \(EEOA\) of 1974](#) – The civil rights statute prohibited states from denying equal educational opportunity by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional program.

[Lau v. Nichols \(1974\)](#) – Supreme Court case in which the court ruled students cannot be denied access in and participation in an educational program due to inability to speak or understand English. The court ordered that districts must take affirmative steps to overcome educational barriers faced by non-English speaking students. *"There is no equality of treatment by providing students with the same facilities, textbooks, teachers and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education."*

[Castaneda v. Pickard \(1981\)](#) – Circuit Court ruling set the criteria for examining EL programs. The court established a three-part test to evaluate the adequacy of a district's program for ELL students:

- 1) Qualified teachers implementing sound theory (includes training of staff).
- 2) Soundness of Educational Approach (Effective teaching methods, including resources and personnel).
- 3) School districts must evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome

[Plyler v. Doe \(1982\)](#) - U.S. Supreme Court ruled that public schools may not require social security numbers from all students as this may expose undocumented status. Students are also not required to show an original birth certificate for enrollment; “other reliable proof” such as a baptismal certificate, family bible with dutiful records, or an affidavit would suffice in place of the birth certificate.

[January 7, 2015 Dear Colleague Letter](#) – Joint guidance developed by the Department of Justice (DOJ) and Office for Civil Rights (OCR) that outlined state, district and school legal obligations to providing services to EL students and families.

[Every Student Succeeds Act \(ESSA\) of 2015](#) - The law replaced the [No Child Left Behind Act \(NCLB\)](#), and is a reauthorization of the 1965 Elementary and Secondary Education Act.

PROGRAM REQUIREMENTS

The purpose of an EL/Title III program is to ensure children who are limited English proficient, including immigrant children and youth, attain English language proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and student academic achievement standards as all children are expected to meet. All districts/schools have an obligation to provide appropriate services under Title VI of the Civil Rights Act of 1964 and the EEOA of 1974. Services provided to ELs using Title III funds must be supplemental.

All districts have an obligation under Title VI and the EEOA to:

- Identify and assess all potential EL students;
- Provide EL students with a language assistance program that is educationally sound and proven successful;
- Provide sufficiently well prepared and trained staff and support the language assistance programs for EL students;
- Ensure that EL students have equal opportunities to meaningfully participate in all curricular and extracurricular activities;
- Avoid unnecessary segregation of EL students;
- Ensure that EL students who have or are suspected of having a disability are identified, located, and evaluated in a timely manner and that the language needs of students who need special education and disability related services because of their disability are considered in evaluations and delivery of services;
- Meet the needs of EL students who opt out of language assistance programs;
- Monitor and evaluate EL students in language assistance programs to ensure their progress with respect to acquiring English proficiency and grade level content knowledge, exit EL students from language assistance programs when they are proficient in English, and monitor exited students to ensure they were not prematurely exited and that any academic deficits incurred in the language assistance program have been remedied;
- Evaluate the effectiveness of a school district’s language assistance program(s); and
- Ensure meaningful communication with limited English proficient (LEP) parents.¹

¹ USED 2016 Title III, Part A Guidance, Question A-3.

To achieve this, all districts need to develop a local plan which is referred to as the Lau Plan ([Kentucky Lau Plan Template](#)). Districts are not required under federal and state law to use a specific curriculum or educational approach to serving EL students. However, district must provide an effective Language Instruction Educational Program (LIEP) that meet the needs of ELs and demonstrate success in increasing English language proficiency and student academic achievement (ESEA Section 3115(c)(1)).

In developing an EL/Title III plan, the district should consult with all stakeholders. The Office for Civil Rights (OCR) provides an outline for [Developing Programs for English Language Learners](#). In the outline OCR identifies 8 key components that a district must address in creating a comprehensive EL plan: 1) Educational Approach, 2) Identification, 3) Assessment, 4) Services, 5) Staffing and Resources, 6) Transition from EL Services, 7) Monitoring, and 8) Program Evaluation.

The Office of English Language Acquisition (OELA) designed a [Tool Kit](#) based on the OCR and DOJ [January 7, 2015 Dear Colleague Letter](#) to assist districts in meeting their legal obligations to ELs. States and districts are legally obligated to provide services to support ELs in attaining English language proficiency while meeting college- and career-ready standards. ELs must have equal opportunities to participate in the district curricular, co-curricular, and extracurricular programs and activities as their non EL peers.

TITLE III SUBGRANTS

Title III grants provide States and their districts funds to *supplement* their English language instructional programs. Districts that have EL students can apply for a Title III Subgrant. To qualify as a stand-alone district, a district must have enough EL students to attain \$10,000 in allocations. Districts that do not meet the minimum requirement can join or form a consortium with other districts. The districts creating a consortium must qualify for a minimum of \$10,000 in Subgrant allocations combined.

There are three required activities that Title III Subgrant plans must include. Subgrantees are required to use funds to provide effective LIEPs to increase English language proficiency and student academic achievement in the core academic subjects, provide effective professional development and provide and implement parent, family, and community engagement activities. The PD must be designed to improve the instruction and assessment of EL students, designed to enhance the ability of teachers to understand the use of curricula, assessment measures, and instructional strategies for EL students. ESEA Section 8101(42) defines “professional development” as activities that “are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging state academic standards and are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities.” One-day or short-term events are not allowable unless it is

part of a teacher’s comprehensive professional development plan that is based on a needs assessment.

Title III Subgrant applications and budgets are completed in the online [Grant Management Application and Planning \(GMAP\)](#) system as part of the consolidated federal grants. The [KDE GMAP webpage](#) provides program resources, training videos and other information to assist districts. Additional grant help is imbedded in the GMAP system under *KDE Resources* and *Help For Current Page* sections.

This chart below provides a timeline for the Title III Subgrant application process.

Dates	Purpose
January – Declarations of Participation forms mailed to Superintendents	<ul style="list-style-type: none"> Declaration of Participation form indicates to the Division of Budget and Financial Management whether a district might participate in a Title III Subgrant
March 16 – State EL student extract from Infinite Campus (IC)	<ul style="list-style-type: none"> Develop <i>tentative</i> district EL student counts and Title III allocations
April 16 - Districts must complete the Intent to Participate and OCR Assurances in GMAP	<ul style="list-style-type: none"> Determines districts that will apply for Title III Subgrants as stand-alone or consortiums. Determines which districts will release Title III allocations to allow re-calculation of funds.
May 1 – May 31 - EL and Immigrant Data Cleanup Window	June 1 Infinite Campus (IC) Data Extract <ul style="list-style-type: none"> SEEK and Title III grant funding is determined by the district EL count
June 1 – Consolidated Plans (includes Title III) complete and submitted in GMAP (Note: this date is subject to change if state awards are delayed from USED)	<ul style="list-style-type: none"> Required by USDE and KDE to receive Title III Subgrant funds Subgrants are evaluated as part of GMAP consolidated application

CONSOLIDATED MONITORING

The 2013-2014 school year was a pilot year for Title III/EL programs as part of the Statewide Consolidated Monitoring Process. Starting in the 2014- 2015 school year, all of the districts selected for Statewide Consolidated Monitoring are monitored for Title III/EL programs. If a district does not receive Title III funds, it is still required to have an EL (also referred to as Lau) plan on serving the district’s EL students.

Information on the Statewide Consolidated Monitoring Process and how districts are chosen can be found [KDE Consolidated Monitoring](#) webpage.

DATA COLLECTION

Districts need to run the EL extract in Infinite Campus on a regular basis throughout the school year to check for Critical Errors. Critical Errors are EL students with no service type, no

instructional accommodations and/or a home language listed as English. Information on how to correct the Critical Errors can be found in the [English Learner Data Standards](#).

The U. S. Department of Education requires data on all EL students enrolled in districts on October 1. KDE will do an Infinite Campus EL extract using the starting and ending date of October 1 annually. Districts should run the EL extract on a regular basis to ensure that district data is up to date and proper services/accommodations are provided for EL students enrolled.

KDE will do an EL extract on March 15 to determine *tentative* district EL counts and Title III allocations. Districts will need to complete the *Intent to Participate* in GMAP by April 16 to determine the Title III districts and consortiums. A June 1 EL extract will be conducted to update counts to determine SEEK and final Title III funding allocations. Districts must check and clean up any Critical Errors during the month of May to ensure the accuracy of the June 1 extract.

The immigrant Ad Hoc reports should also be run periodically to check data. Recipients of Title III Immigrant Subgrants will be determined during the fall of the school year. Title III requires states to reserve funds for Subgrants to districts that have experienced a “significant increase” in the percentage or number of immigrant children and youth who have enrolled in schools in the district in the current fiscal year compared to the average of the last two fiscal years. (ESEA Section 3114(d)). Prior to the ESSA, States had to compare the percentage or number of immigrant students in the preceding fiscal year to the average of the prior two fiscal years in order to determine which districts had a significant increase in the number or percentage of immigrant children and youth. Districts may be requested to provide additional immigrant data for verification.

Districts should refer to the [English Learner Data Standards](#) for guidance on entering EL information into Infinite Campus and Critical Error removal.

WIDA

Kentucky joined WIDA in 2006 to meet the NCLB requirement of an annual English Language Proficiency (ELP) Assessment for ELs. As part of the WIDA consortium, Kentucky uses the WIDA Screener Online for screening students who have been identified as potential EL students based on the Home Language Survey (HLS) and the annual ELP assessment called the ACCESS for ELLs 2.0. Starting July 5, 2017 the WIDA Screener Online replaced the W-APT as the screener for potential ELs in grades 1 – 12. Kindergarten students will continue to be screened using the Kindergarten W-APT.

Information on Kindergarten W-APT, WIDA Screener Online and ACCESS can be found on the [Office of Assessment and Accountability \(OAA\) ACCESS for ELLs](#) webpage. Training videos and PowerPoints can be accessed in the margin on the right side of the webpage. Questions concerning the WIDA Screener, W-APT and/or ACCESS should be directed to Chris Williams (chris.williams@education.ky.gov) with OAA.

In addition to providing the annual ELP assessment and screener, WIDA provides Professional Learning days to Kentucky. The Professional Learning days available are in the categories of

Standards, Assessment and Data Analysis and are offered to all Kentucky educators. Additional resources for Kentucky educators are available through the WIDA download library. [Kentucky WIDA page](#)

WIDA ELD STANDARDS

The WIDA English Language Development (ELD) Standards for English Language Learners in Kindergarten through 12th Grade serve as Kentucky's required English language proficiency standards. These standards will act as a companion document to the Kentucky Academic Standards (KAS) in guiding instruction for Kentucky's ELs. The WIDA ELD Standards do not replace the KAS. The WIDA ELD Standards represent the social, instructional, and academic language that students need to engage with peers, educators, and the curriculum in schools. Copies of both the *2012 Amplification of the English Language Development Standards* and the *Essential Actions: A Handbook for Implementing WIDA's Framework for English Language Development Standards* were purchased for each Kentucky district by KDE. Districts can view, download and/or purchase additional copies on the [WIDA English Language Development \(ELD\) Standards webpage](#).

In addition, WIDA facilitated a webinar for Kentucky educators on the *Introduction to the WIDA ELD Standards*. The [KY Intro to ELD Standards Webinar](#) can be viewed and documents downloaded on the KDE webpage. Kentucky WIDA webinars can also be accessed through the [WIDA Download Library](#).

EL STUDENT IDENTIFICATION

All local school districts are required to administer a Home Language Survey (HLS) to students enrolled in the district as a first [screening process to identify potential English learner students](#).

As the district's first step in the process to identify students with limited English proficiency, the parents/guardians should be provided information clearly explaining the purpose of the HLS. The HLS shall be based at a minimum on four questions and if needed, translations or oral interpreters provided at no expense to the families.

1. *What is the language most frequently spoken at home?*
2. *Which language did your child learn when he/she first began to talk?*
3. *What language does your child most frequently speak at home?*
4. *What language do you most frequently speak to your child?*

A student that is identified as *potentially* EL based on the HLS should be administered the WIDA Screener Online for grades 1 – 12. Kindergarten students will be administered the Kindergarten W-APT. If the student in grades 1-12 scores a 4.5 overall composite, the student would be identified as Initially Fully English Proficient (IFEP) in Infinite Campus. Grades 1-12 students identified as IFEP will not take the ACCESS in January.

If the WIDA Screener Online indicates that the student is not English proficient, a [Program Service Plan \(PSP\)](#) should be developed for the student. The district is required to notify and provide the

PSP to the parents within 30 calendar days if the student was enrolled at the beginning of the school year and within 2 weeks if the student enrolled after the start of the school year. This is required under the ESEA and [703 KAR 5:070](#).

A Kindergarten student who has taken the W-APT test must be enrolled as an EL student and have a Program Service Plan (PSP) developed regardless of the score. The student will take the ACCESS in January. The student will not be able to exit the EL program until taking the ACCESS in the first grade and meeting the exit criteria. If the student achieves an exit score, their exit date would be the first day of enrollment in the second grade.

Information on Kindergarten W-APT, WIDA Screener Online and ACCESS can be found on the [Office of Assessment and Accountability \(OAA\) ACCESS for ELLs](#) webpage. Training videos and PowerPoints can be accessed in the margin on the right side of the webpage. Questions concerning the W-APT and ACCESS should be directed to Chris Williams (chris.williams@education.ky.gov) with OAA.

EL STUDENT EXIT CRITERIA

In order to exit from a EL program in the state of Kentucky, a student must achieve a score of 4.5 or higher Overall Composite Proficiency Level on a Tier B or a Tier C ACCESS for ELLS® 2.0 as a student in the first grade or above. Students cannot exit in Tier A. The **Program Exit Date** will be the student's first day of enrollment in the next school year.

The [Exited EL Student Monitoring](#) section of this document provides more guidance on districts monitoring requirements.

Additional sample monitoring forms can be found at the bottom of the KDE [English Learners and Immigrant Resources](#) webpage.

[Exit EL Monitoring Form \(Elementary\)](#)

[Exit EL Monitoring Form \(Middle/Secondary\)](#)

Chapter 8 of the OELA Toolkit, [Monitoring and Exiting English Learners from EL Programs and Services](#), also provides tools and resources on monitoring former ELs.

If an exited EL is not progressing academically as expected and monitoring suggests a continuing language issue, districts should re-test the student's ELP with a valid, reliable, and grade-appropriate ELP assessment (WIDA MODEL) to see if the student should be provided additional EL services. If reentered into EL services the district should document the reasons and obtain the parent's consent to reenter the student into EL services.

DEFINITIONS AND ACRONYMS

Common terminology and acronyms

ACCESS for ELLs 2.0 - secure large-scale English language proficiency assessment administered to Kindergarten through 12th grade students who have been identified as English language learners (ELLs) annually. The online assessment replaced the paper-based assessment, ACCESS for ELLs.

AMAO – Annual Measurable Achievement Objective; accountability mechanism for Title III specific to ELs in the No Child Left Behind (NCLB) Act; ESSA ended Title III AMAOs and shifts accountability for ELs from Title III to Title I.

Content Area Tutoring - Programs that provide one-on-one or small group tutoring/assistance to ELLs during school hours in the content areas, including English language arts, mathematics, science, and social studies. Tutoring is generally provided by teachers other than bilingual or ESL teachers and may be provided by an aide under the direction of a teacher.

Content-based English as a Second Language - This approach makes use of instructional materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive and study skills. English is used as the medium of instruction.

DOJ – Department of Justice

Dual Language Program - Also known as **Two-way Immersion** or **Developmental Bilingual education**, the goal of these bilingual programs is for students to develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of half native English speakers and half native speakers of the other language.

EL – English Learner

English as a Second Language (ESL) – ESL is an educational approach in which English language learners are instructed in the use of the English language. Their instruction is based on a special curriculum that typically involves little or no use of the native language, focuses on language (as opposed to content) and is usually taught during specific school periods. For the rest of the school day, students may be placed in mainstream classrooms, an immersion program, or a bilingual education program.

English Language Development (ELD) - English language development (ELD) means instruction designed specifically for English language learners to develop their listening, speaking, reading, and writing skills in English. This type of instruction is also known as **English as a Second Language (ESL)**, **Teaching English to Speakers of Other Languages (TESOL)**, or **English for Speakers of Other Languages (ESOL)**.

ELL – English Language Learner

ELP - English Language Proficiency

ELSWD – English Learner Students with Disabilities

EPSB – Education Profession Standards Board

ESEA – Elementary and Secondary Education Act

ESSA – Every Student Succeeds Act

FERPA – Federal Educational Rights and Privacy Act

HLS – Home Language Survey

IFEP – Initially Fully English Proficient

KYTESOL – Kentucky Teachers of English to Speakers of Other Languages

Lau Plan – a name for the local English Language Learner Plan; name is derived from the Lau v. Nichols ruling that requires services be provided for ELL students to assist in overcoming educational barriers of limited English proficiency

LEA – Local Education Agency

LEP – Limited English Proficient; term used under NCLB; replaced with English Learner (EL) in ESSA; English Language Learners (ELL) is also acceptable replacement term for LEP

LIEP – Language Instruction Educational Program

Maintenance Bilingual Education (MBE) - MBE, also referred to as **Late-exit Bilingual education**, is a program that uses two languages, the student's primary language and English, as a means of instruction. The instruction builds upon the student's primary language skills and develops and expands the English language skills of each student to enable him or her to achieve proficiency in both languages, while providing access to the content areas.

NCELA - National Clearinghouse for English Language Acquisition

Newcomer Program - Newcomer programs are separate, relatively self-contained educational interventions designed to meet the academic and transitional needs of newly arrived immigrants. Typically, students attend these programs before they enter more traditional interventions (e.g., English language development programs or mainstream classrooms with supplemental ESL instruction).

OCR – Office for Civil Rights

OELA – Office of English Language Acquisition

PHLOTE – Primary Home Language Other Than English

PSP – Program Service Plan

Pull-out ESL/Resource - Programs remove ELLs from general education classes to pre-teach, teach or reteach English language skills and /or academic content covered by the general education classroom teacher.

RFEP –Re-designated Fully English Proficient

SEA – State Education Agency

Sheltered English Instruction - An instructional approach used to make academic instruction in English understandable to ELL students. In the sheltered classroom, teachers use physical activities, visual aids, and the environment to teach vocabulary for concept development in mathematics, science, social studies, and other subjects.

SIOP – Sheltered Instruction Observation Protocol

Structured English Immersion Program - The goal of this program is acquisition of English language skills so that the ELL student can succeed in an English-only mainstream classroom. All instruction in an immersion strategy program is in English. Teachers have specialized training in meeting the needs of ELL students, possessing either a bilingual education or ESL teaching credential and/or training, and strong receptive skills in the students' primary language.

Submersion Program - A submersion program places ELL students in a regular English-only program with little or no support services on the theory that they will pick up English naturally. This program should not be confused with a structured English immersion program.

TESOL - Teaching English to Speakers of Other Languages

Transitional Bilingual Education Program - This program, also known as **Early-exit Bilingual education**, utilizes a student's primary language in instruction. The program maintains and develops skills in the primary language and culture while introducing, maintaining, and developing skills in English. The primary purpose of a TBE program is to facilitate the ELL student's transition to an all English instructional program while receiving academic subject instruction in the native language to the extent necessary.

USDE – United States Department of Education

W-APT - WIDA-ACCESS Placement Test

WIDA – stopped using the acronym definition of World-Class Instructional Design and Assessment Consortium and is now just WIDA. It is a non-profit cooperative group whose mission is to advance academic language development and academic achievement for children and youth who are culturally and linguistically diverse through high quality standards, assessments, research, and professional learning for educators.

Additional EL terms and definitions can be found on the [Office for Civil Rights glossary webpage](#).

RESOURCES

The list of resources below is not all inclusive but is provided as a starting point for resources to assist teachers and districts.

[WIDA](#)

WIDA download library contains various resources for EL educators including the ELD Standards, *Can Do Descriptors* and webinars. The webinars include three specifically for Kentucky. Under the Consortium tab is a section *Get Involved!* that includes a lesson plan sharing space.

[OCR: Schools' Civil Rights Obligations to English Learner Students and Limited English Proficient Parents](#) Translations of student and parent's rights available on the Office for Civil Rights webpage.

[Office of English Language Acquisition \(OELA\) English Learner Tool Kit](#) The English Learner Tool Kit is intended to help state and local education agencies (SEAs and LEAs) in meeting their obligations to English Learners (ELs).

[Stanford University Understanding Language](#)

Stanford's Understanding Language initiative provides research information and resources for EL teachers. Included in the teacher resources are the *Persuasion Across Time and Space* unit that meets the standards in English Language Arts and lessons for all three grade levels in math.

[Best Practices for ELLs](#)

The Northwest Regional Educational Service District has a webpage of *Best Practices* that was developed by teachers and educational administrators.

[What Works Clearinghouse](#)

The What Works Clearinghouse was established by the Institute for Education Sciences at the U.S. Department of Education that provides educators with evidence that they can use to make decisions on what works in education.

[Protocol for Review of Instructional Materials for ELLs \(PRIME\)](#)

This program is designed to determine the ways in which key components of the WIDA ELP Standards are represented in textbooks, ancillary materials, on-line resources, and other instructional materials.

[Colorín Colorado](#)

Colorin Colorado provides information, activities and advice for educators and Spanish-speaking families of ELLs.

[National Clearinghouse for English Language Acquisition \(NCELA\)](#)

NCELA was authorized under Title III to support the U.S. Department of Education in providing research and resources to provide high quality education for ELLs.

[Office of English Language Acquisition \(OELA\)](#)

OELA identifies major issues affecting the education of English learners and assists and supports state and local systemic reform efforts to improve the achievement of English learners.

[Center for Applied Linguistics \(CAL\) Sheltered Instruction Observation Protocol \(SIOP\)](#)

The CAL website has research and resources on SIOP. It includes a collection of SIOP lesson plans and activities developed by teachers who were involved in the foundational SIOP research study, as well as new updates current research and professional development projects. The lessons plans are organized by grade level and subject.

[Activities for ESL Students](#)

The website is a project of The Internet TESL Journal and contains thousands of activities, puzzles and quizzes for ELLs that were submitted by teachers.

[Kentucky Department of Education](#)

The Kentucky Department of Education (KDE) webpage contains guidance for Kentucky school districts with ELLs. Information is based on the state and federal regulations and OCR requirements. Information on ELP Assessment, state data collection, ELL definition, and exited ELL student monitoring is available through the webpages.

[Office for Civil Rights \(OCR\): Programs for English Language Learners](#)

The OCR webpage has guidance on requirements for a LEA with ELLs. It contains resource materials for planning and self-assessment of an ELL program.

[Center for Multilingual Multicultural Research](#)

The Center is an organized research unit of the University of Southern California (USC). It has a list of websites, articles and resources for educating ELLs.

[Engage NY](#)

The New York Department of Education has published a collection of Common Core aligned units for English Language Arts and Math. They are viewable and searchable by grade level. After clicking on a unit, you will find scaffolding instructions for ELL students. They can all be downloaded for free.

[The Journal of Communication and Education Language Magazine](#)

Online resource that contains articles, materials, and links that can assist teachers in educating EL students. It is also available to download as an app.

[Jeff Zwier Academic Language and Literacy](#)

The website is focused on helping educators accelerate students' learning of academic language, literacy, and content understandings in all classrooms. This site provides information and tools to help teachers, schools, and parents to build all four as we work with all students.

[Bridging Refugee Youth and Children's Services](#)

BRYCS is a national technical assistance program that provides resources and information to empower and ensure the successful development of refugee children and families.

[Massachusetts Department of Education Bilingual Dictionaries and Glossaries](#)

Massachusetts DOE has developed an extensive list of word to word dictionaries and glossaries. Districts can use this as a starting source for purchasing bilingual dictionaries. Districts should clarify the [KDE Assessment Regulations](#) with any vendor before purchasing bilingual dictionaries.

[New York State Education Department Bilingual Education](#)

The New York State Education Department (NYSED) along with New York University has developed content area glossaries for elementary and high school for various languages that can be downloaded or printed from the website.

[Academic Word List](#)

The Academic Word List is a very useful resource for teachers and students and contains 570 word families.

[Response to Instruction & Intervention \(RtI²\) for English Language Learners](#)

WIDA's guide to RtI² presents a framework to assist educators in designing and implementing RtI² systems that proactively support the instruction, intervention, and assessment of ELLs. The link to the WIDA webpage includes a downloadable Responsive RtI² Planning Form that offers some guidance for group planning and discussions and a webinar on the RtI² process.

[RTI Action Network](#)

The website provides a RTI-Based SLD Identification Toolkit.

[Oxford Picture Dictionary](#) - Oxford Picture Dictionary is a fully integrated vocabulary development program, progressing from essential words to the more complex, delivered in short thematic units.

[Digital Tools to Support ELLs](#) – Contains links to various digital tools to support ELs. Links include a listening lab for assisting students with the listening domain.

[LiveBinders ELL Resources](#) – Link to online binders of units, lessons, activities and other resources developed by teachers of ELs.

[Culture resources](#)

Information on the culture of countries throughout the world can be found on the *Countries and their Culture* website. It contains articles on various cultural groups in the United States and information on different world cultural groups. The groups are organized alphabetically.

[Culture Crossing Guide](#)

The *Culture Crossing* website is a guide to cross-cultural etiquette and understanding. The guide is a database on 200 plus countries. The guide contains basic cultural tips on greetings, communication style, eye contact, personal space and other information for interacting with people of the culture.

The Peace Corps has a variety of information, lessons, and activities designed by Peace Corps workers for teachers and students.

[Culture Matters workbook](#) (downloadable)

[Culture Matters Workbook interactive online](#)

DOCUMENTS AND TEMPLATES

Program Service Plan (PSP)

Student Name		Last				First				Middle		
Student ID						Special Ed		(if yes, include information on program will meet IEP annual goals)				
Current Address												
Gender	Male <input type="checkbox"/>	Female <input type="checkbox"/>	Date of Birth			Languages listed on HLS				Immigrant <input type="checkbox"/>	Refugee <input type="checkbox"/>	Migrant <input type="checkbox"/>
Status (less than three years in US School)						Yes <input type="checkbox"/> No <input type="checkbox"/>						
Father/Guardian Name		Last				First				Middle		
Phone		Home		Work		Cell						
Mother/Guardian Name		Last				First				Middle		
Phone		Home		Work		Cell						
Other Contact Relationship		Last				First				Middle		
Phone		Home		Work		Cell						
Home/School communication to parent/guardian requested in:			English	<input type="checkbox"/>	Native Language	<input type="checkbox"/>	Oral	<input type="checkbox"/>	Written	<input type="checkbox"/>		

Academic History

Last Grade Completed		Interrupted Education	<input type="checkbox"/>	Limited Schooling	<input type="checkbox"/>	No formal Schooling	<input type="checkbox"/>
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*If available, attach past academic data (report cards, standard assessments, etc.)

Language Proficiency Test Information Initial Screener

Grade Level	Screener	Date	Score
Kindergarten	W-APT		
Grades 1 -12	WIDA Screener Online (W-APT if before July 2017)		

Attach copy of HLS and score report to PSP

ANNUAL LANGUAGE PROFICIENCY ASSESSMENT INFORMATION

ACCESS	Date:	Level												
	Score		Score		Score		Score		Score		Score		Score	
Listening														
Speaking														
Reading														
Writing														
Oral														
Literacy														
Comprehension														
Overall														

PARTICIPATION IN THE STATE-REQUIRED ASSESSMENT AND ACCOUNTABILITY SYSTEM

Date of entry to an English Speaking School						
Student will participate in:						
x	Annual English Language Proficiency Assessment (ACCESS)					
	State-Required Assessment and Accountability Program:	Participation only		K-PREP accountable		
Accommodations will be provided						
	Reader	Scribe	Simplified Language	Bilingual/English dictionary (word to word translations only)	Extended Time	Oral Native Language Support
Accommodations will not be provided						

Please review Inclusion of Special Populations Training to ensure proper accommodations

EL Program Type and Enrollment

Date Identified EL		Date Entered EL Program	
<input type="checkbox"/>	Parents waived services or withdrew student from services		
<input type="checkbox"/>	Sheltered English Instruction		
<input type="checkbox"/>	Content area tutoring		
<input type="checkbox"/>	Pull-Out ESL/Resource		
<input type="checkbox"/>	Content-based ESL		
<input type="checkbox"/>	Structured English Immersion (push-in)		
<input type="checkbox"/>	Developmental bilingual education		
<input type="checkbox"/>	Transitional bilingual education		
<input type="checkbox"/>	Two-way immersion (Dual Language)		
<input type="checkbox"/>	Student will also receive Special Education services (if yes, include information on program will meet IEP annual goals)		
<u>With regular school attendance and parental support</u> it is anticipated that the student will exit from services for Limited English Proficiency to <u>monitoring status</u> in ____ years.			
<u>EXIT CRITERIA to RFEP:</u> <input type="checkbox"/> ACCESS 2.0 English Language Proficiency Assessment (4.5 Overall)			
Comments:			
Date exited from EL Status			
Expected date of Graduation (Grades 9-12 only)			

Accommodations

Instructional Accommodations		Assessment Accommodations	
Implement best practices for teaching ELs in all classes		<u>Inclusion of Special Populations Training</u>	
<input type="checkbox"/>	Read Text in English	<input type="checkbox"/>	Reader
<input type="checkbox"/>	Scribe Response	<input type="checkbox"/>	Scribe
<input type="checkbox"/>	Bilingual/English Dictionary	<input type="checkbox"/>	Bilingual/English dictionary (word-to-word translations only)
<input type="checkbox"/>	Prompting/Cueing	<input type="checkbox"/>	Oral native language support
<input type="checkbox"/>	Provide Visuals/Organizers	<input type="checkbox"/>	Extended time
<input type="checkbox"/>	Use Spellcheck	<input type="checkbox"/>	Simplified language
<input type="checkbox"/>	Provide Content Objectives	<input type="checkbox"/>	
<input type="checkbox"/>	Engage in Academic Conversations	<input type="checkbox"/>	
<input type="checkbox"/>	Meta-Cognitive Strategies	<input type="checkbox"/>	
<input type="checkbox"/>	Oral Native Language Support	<input type="checkbox"/>	
<input type="checkbox"/>	Read Text in Primary Language	<input type="checkbox"/>	
<input type="checkbox"/>	Extended Time	<input type="checkbox"/>	
<input type="checkbox"/>	Small Group/Single Form Test	<input type="checkbox"/>	
<input type="checkbox"/>	Adapted Materials/Technology	<input type="checkbox"/>	
<input type="checkbox"/>	Link Instruction to Prior Learning	<input type="checkbox"/>	
<input type="checkbox"/>	Build Background Knowledge	<input type="checkbox"/>	
<input type="checkbox"/>	Scaffold Responses	<input type="checkbox"/>	
<input type="checkbox"/>	Bilingual or English Glossary	<input type="checkbox"/>	
<input type="checkbox"/>	Simplified Language	<input type="checkbox"/>	
<input type="checkbox"/>	Assistive Technology	<input type="checkbox"/>	
<input type="checkbox"/>	Adapt Pace of Instruction	<input type="checkbox"/>	
<input type="checkbox"/>	Use Computer/Software	<input type="checkbox"/>	
<input type="checkbox"/>	Model Language/Task Completion	<input type="checkbox"/>	
<input type="checkbox"/>	Interaction Opportunities	<input type="checkbox"/>	
<input type="checkbox"/>	Provide Language Objectives	<input type="checkbox"/>	
<input type="checkbox"/>	Other programming accommodations to address individual strengths and needs:		

Expected Rate of Transition: With regular school attendance and parental support, it is anticipated that the student will transition to full participation in classrooms that are not tailored for students with limited English proficiency in _____ years.

Parents Right to Opt Out: As EL parent(s) I understand I have the right under Title VI and the Equal Educational Opportunities Act (EEOA) to decline or opt my child out of the school district’s program for ELs or out of particular language services within the program. If I decline services, my child is still required to take the ACCESS 2.0 each year.

PARENT NOTIFICATION

Parent notification must be provided no later than **30 calendar days** after the beginning of the school year or within the first two weeks of placement in EL program if enrolled after the start of the school year. (ESEA Section 1112(e)(3)(A), 1112(e)(3)(B)).

Signatures and dates of persons involved in the development of the Program Service Plan:

Name	Signature	Title	Date
		Parent	
		Principal	

Exited EL Student Monitoring

Monitoring Exited EL Students

Kentucky Department of Education Guidelines

Districts have an obligation under Title VI of the Civil Rights Act and the Equal Educational Opportunities Act (EEOA) to monitor the academic progress of former English learners (EL) students who have been re-designated fully English proficient (RFEP). The students must be monitored for four years after exiting from a language instruction program [Title III of Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) Section 3121(a)(5)].

Monitoring must ensure that RFEP students are able to participate meaningfully in the regular classroom. After students have exited an EL program, school districts must monitor the academic progress of exited EL students to ensure that:

- students were not prematurely exited;
- any academic deficits they experienced as a result of participation in the EL program have been alleviated;
- they are successfully participating in the regular academic program comparable to their never-EL peers.

Designated instructional staff, such as English as a Second Language (ESL) staff or a guidance counselor, must formally monitor the RFEP student's academic performance regularly. The information must be documented in the student's records. If monitoring shows that the student is struggling in academic performance and/or English language skills, appropriate assistance and language instruction services must be made available to the student.

If a district's monitoring of exited EL student indicates that a persistent language barrier may be the cause of academic difficulty, the district should re-assess the student with a valid and reliable, grade-appropriate English language proficiency test such as the WIDA MODEL to determine if there persist to be an English proficiency issue and must offer additional language assistance services where needed to meet its civil rights obligations.

The district must collect data on the academic performance of RFEP students for the duration of the four year period. The sources of information collected may include:

- records on length of time from entry in a US English speaking school to exit from EL programs;
- performance on standardized achievement tests;
- grades in content area classes;
- Grade Point Averages (GPAs);
- teacher observations;
- parent observations and/or feedback;
- meeting promotion and graduation requirements; and/or
- graduation rates.

Title III of the ESEA as amended by the ESSA [Section 3121(a)(5)] requires that districts report on the number and percentage of ELs meeting the State academic standards for four years after students are no longer receiving Title III services. The data must include results on content assessments for reading/language arts, mathematics, and science and be disaggregated by English learners with disabilities.

Steps for Developing Process for Monitoring Exited English Learner Students

KDE Guidelines

Following are guidelines that a district may use to monitor the success of English learners (ELs) after they have exited the district's language instruction educational program (LIEP). Exited ELs are also referred to as re-designated fully English proficient (RFEP) students or reclassified ELs. These steps may be used as a checklist to monitor the academic performance of RFEP students:

- Identify the staff person(s) who will be responsible for monitoring RFEP students.
- Establish guidelines for how often the district will monitor RFEP students (e.g., weekly, quarterly, each semester) and determine the length of monitoring (minimum of four-years per Title III of the ESEA as amended by ESSA (Sec. 3121(a)(5))).
- Identify the data the district will review to measure whether individual RFEP students are successful in the district's overall educational program (e.g., grades, test scores, teacher observations).
- Identify methods or criteria the district will utilize to measure success of RFEP students in the district's education program (e.g., the district may review the grades, testing results, teacher feedback and other appropriate information to determine whether or not a RFEP student has meaningful access to the district's regular education program).
- Establish criteria for determining the source of a RFEP student's lack of success in the district's regular program including a plan to determine whether a lack of success is due to academic deficits incurred while the student was receiving language instruction services, the lack of English language proficiency, or other reasons.
- Establish procedures, methods and services to be used by the district to provide assistance to RFEP students that experience lack of success due to academic deficits incurred while the student was receiving language instruction services.
- Establish procedures to be used by the district to provide services and meet civil rights requirements if students' insufficient academic progress is due to lack of English language proficiency.
- Determine procedures to provide appropriate communications to inform parents of RFEP students' progress during the four year monitoring period.

Sources:

1. [Title III, Language Instruction for Limited English Proficient and Immigrant Students, of the Every Student Succeeds Act Title III SEC. 3121 \(a\) \(5\).](#)
2. *Tools and Resources for Monitoring and Exiting English Learners from EL Programs and Services (Chapter 8, OELA English Learner Tool Kit)*
3. [OCR/DOJ Jan 2015 Dear Colleague Letter \(H. Monitoring and Exiting EL Students from EL Programs and Services\)](#)

Kentucky Department of Education
Monitoring English Language Learners

Student Name _____ Grade _____ Monitoring Staff: _____
 School _____
 School Year _____
 Exit Date for direct ESL Services _____ Number years in EL program _____
 Monitoring Year: Year One _____ Year Two _____ Year Three _____ Year Four _____

ASSESSMENT DATA (Enter any assessments used and the corresponding data)					
KPREP		EXPLORE		OTHER:	
KPREP-EOC		NAEP		OTHER:	
OTHER:		OTHER:			
ACCESS 2.0 DATA (enter the corresponding Proficiency Levels)					
Listening		Reading		Literacy	
Speaking		Writing		Overall	

First Quarter Grades		Second Quarter Grades	
<u>GRADES:</u>	<u>ACTION TAKEN:</u>	<u>GRADES:</u>	<u>ACTION TAKEN:</u>
Third Quarter Grades		Fourth Quarter Grades	
<u>GRADES:</u>	<u>ACTION TAKEN:</u>	<u>GRADES:</u>	<u>ACTION TAKEN:</u>

Observations		
<u>DATES:</u>	<u>BY WHOM:</u>	<u>OBSERVATION INFORMATION:</u>

Meetings/Conferences (Attach minutes)	
<u>DATES:</u>	<u>ATTENDEES:</u>

NOTES:

Please attach any additional documents or pertinent information.

KDE provides two additional and more detailed monitoring forms for districts to use. Guidance can be found at the bottom of the KDE [English Learners and Immigrant Resources](#) webpage.

[Exit EL Monitoring Form \(Elementary\)](#)

[Exit EL Monitoring Form \(Middle/Secondary\)](#)

Chapter 8 of the OELA Toolkit, [Monitoring and Exiting English Learners from EL Programs and Services](#), also provides tools and resources on monitoring former ELs.

USDE Enrollment Guidance

U.S. Department of Justice, Civil Rights Division

U.S. Department of Education Civil Rights Division

Office for Civil Rights

Office of the General Counsel

Fact Sheet: Information on the Rights of All Children to Enroll in School

All children in the United States are entitled to equal access to a basic public elementary and secondary education regardless of their actual or perceived race, color, national origin, citizenship, immigration status, or the status of their parents/guardians. School districts that either prohibit or discourage, or maintain policies that have the effect of prohibiting or discouraging, children from enrolling in schools because they or their parents/guardians are not U.S. citizens or are undocumented may be in violation of Federal law.

Below are some examples of acceptable enrollment policies, such as requesting proof of residency in the school district, as well as policies that may not be used by schools to deny enrollment to your child.

Proof of Residency in the School District.

- School officials may request proof that you live within the boundaries of the school district. School districts typically accept a variety of documents for this purpose, such as copies of phone and water bills, lease agreements, affidavits, or other documents. A school district's requirements to establish residency must be applied in the same way for all children.
- A school district may not ask about your or your child's citizenship or immigration status to establish residency within the district, nor may a school district deny a homeless child (including a homeless child who is undocumented) enrollment because he or she cannot provide the required documents to establish residency.
- While a school district may choose to include a parent's state-issued identification or driver's license among the documents that can be used to establish residency, a school district may not require such documentation to establish residency or for other purposes where such a requirement would unlawfully bar a student whose parents are undocumented from enrolling in school.

Proof of Age.

- School officials may request documentation to show that a student falls within the school district's minimum and maximum age requirements. School districts typically accept a variety of documents for this purpose, such as a religious, hospital, or physician's certificate showing date of birth; an entry in a family bible; an adoption record; an affidavit from a parent; a birth certificate; or previously verified school records.

- Although a school district might request documents such as those listed above to verify your child's age, a school district may not prevent or discourage your child from enrolling in or attending school because he or she lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate.

Social Security Numbers.

- Some school districts request a student's social security number during enrollment to use as a student identification number. If a school district requests a student's social security number, it must: (1) inform you and your child that providing it is voluntary and that refusing to provide it will not bar your child from enrolling in or attending school, and (2) explain for what purpose the number will be used.
- A school district may not prevent your child from enrolling in or attending school if you choose not to provide your child's social security number.
- A school district may not require you to provide your own social security number in order for your child to enroll in or attend school.

Race or Ethnicity Data.

- School districts have some Federal and state obligations to report race and ethnicity data about the students in their schools. A school district may request that you provide your child's race or ethnicity for this purpose.
- However, a school district may not bar your child from enrolling if you choose not to provide your child's race or ethnicity.

If you want to learn more about your rights and the rights of your child when enrolling in public school, or if you believe that a school district is violating Federal law, you may contact the following government agencies:

- Department of Justice, Civil Rights Division, Educational Opportunities Section TeELhone: (877) 292-3804 (toll-free) Fax: (202) 514-8337 Email: education@usdoj.gov
- Department of Education, Office for Civil Rights TeELhone: (800) 421-3481 (toll-free) Email: ocr@ed.gov If you wish to fill out a complaint form online with the Department of Education, you may do so at [OCR Complaint Forms](#)
- Department of Education, Office of the General Counsel Telephone: (202) 401-6000 Fax: (202) 205-2689

**Information on the Rights of All Children to Enroll in School:
Questions and Answers for States, School Districts and Parents**

These Questions and Answers are intended to assist states and school districts in meeting their legal obligations to ensure that their enrollment² policies and practices at the elementary and secondary school levels do not discriminate on the basis of race, color, or national origin, and do not bar or discourage students' enrollment in elementary and secondary school based on their or their parents' actual or perceived immigration status. The U.S. Departments of Education and Justice encourage states and districts to proactively implement supportive enrollment policies and practices that create a welcoming and inclusive environment for all students.³

Documentation

Q - 1. Should a district inquire into the immigration or citizenship status of a student or parent⁴ as a means of establishing the student's residency in the district?

A - 1. No. Immigration or citizenship status is not relevant to establishing residency in the district, and inquiring about it in the context of establishing residency is unnecessary and may have a chilling or a discouraging effect on student enrollment.

Q - 2. Are students, except homeless students as provided by Federal statute, required to show current residency in a district in order to enroll in a district school?

A - 2. A state or district may establish bona fide residency requirements and thus might require that all prospective students, except homeless students as defined and provided by the Federal McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11301 et seq., furnish proof of residency within the district.

Q - 3. How can students meet requirements to show current residency in a school district?

A - 3. Rules vary among states and districts on what forms of documentation can be used to prove residency within a district. Districts typically accept a variety of documents as proof of residency, such as a telephone or utility bill, mortgage or lease document, parent affidavit, rent payment receipts, a copy of a money order made for payment of rent, or a letter from a parent's employer that is written on company letterhead.

A parent must be permitted to establish residency using any of the alternative methods provided for by state or local law. States and districts cannot apply different rules, or apply the same rules differently, to children based on their or their parents' actual or perceived race, color, national

² For purposes of this guidance, the term "enrollment" also means registration, matriculation, or attendance in school.

³ This Questions and Answers document accompanied the Dear Colleague letter on the Rights of All Children to Enroll in School, issued by the U.S. Departments of Education and Justice on May 6, 2011.

⁴ For purposes of this guidance, the term "parent" also means guardian or other responsible person under state or local law.

origin, citizenship, immigration status, or other impermissible factor. All students must be treated equally.⁵

A district should review the list of documents that can be used to establish residency to ensure that any required documents would not unlawfully bar or discourage a student who is undocumented or whose parents are undocumented from enrolling in or attending school.

For example, while a district may choose to include a parent's state-issued identification or driver's license among the documents that can be used to establish residency, a school district may not require such documentation to establish residency or for other purposes where such a requirement would unlawfully bar a student whose parents are undocumented from enrolling in school.

Q - 4. Can a homeless child, including an undocumented homeless child, ever be required to show residency in a district in order to enroll in a district school?

A - 4. No. Even where a district has valid proof of residency requirements, it must exempt from those requirements all children and youth who are considered homeless under the Federal McKinney-Vento Homeless Assistance Act. These children and youth have a right to enroll in school, even if their families cannot produce the documents that would otherwise be required to prove residency.

The McKinney-Vento Act defines the term "homeless children and youth" as including, in part, "children and youths who are sharing the housing of other persons due to loss of housing,

Q - 5. How can students show they meet a school's age requirements?

A - 5. As with residency requirements, rules vary among states and districts as to what documents students may use to show they fall within state- or district-mandated minimum and maximum age requirements, and jurisdictions typically accept a variety of documents for this purpose. Depending on the state or district, alternative documents could include, but are not limited to: a religious, hospital, or physician's certificate showing date of birth; an entry in a family bible; an adoption record; an affidavit from a parent; a birth certificate; previously verified school records; or any other documents permitted by law. School districts should make parents aware of any alternatives that exist as part of their efforts to ensure a welcoming and inclusive environment for all students. Requests for documents such as birth certificates must not unlawfully bar or discourage a prospective student from enrolling and attending school, including a student who is undocumented or has parents who are undocumented, or a child or youth who is homeless as defined by the McKinney-Vento Homeless Assistance Act (see Q-4, above). A school district may not bar or discourage a student from attending school because the student lacks a birth certificate or has records that indicate a foreign place of birth, such as a foreign birth certificate. Requests for

⁵ Title IV of the Civil Rights Act of 1964, which is enforced by the Department of Justice, prohibits school districts from taking actions that deprive students of equal protection of the laws. Title VI of the Civil Rights Act of 1964, which is enforced by the Department of Education, and by the Department of Justice upon referral from a Federal funding agency or through intervention in an existing lawsuit, prohibits discrimination on the basis of race, color, or national origin.

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; are abandoned in hospitals; or are awaiting foster care placement," as well as children of migratory agricultural workers. Additional information can be downloaded at [McKinney-Vento Homeless Assistance Act](#).

documentation also may not discriminate, or have the effect of discriminating, on the basis of race, color, or national origin. All students must be treated equally in the enrollment process.

A district, moreover, should not use a student's birth certificate or other documentation provided by a parent as a basis for inquiring into the immigration status of the student, his or her parents, or other family members. Such requests would likely have a discouraging effect on the enrollment of a student on the basis of immigration status.

Q - 6. What if a parent is reluctant to provide a copy of his or her child's foreign birth certificate, fearing that doing so would lead to questions about the child's or the parent's immigration or citizenship status?

A - 6. School districts are encouraged to take proactive steps to educate parents about their children's rights and to reassure them that their children are welcome in district schools. For example, state laws typically permit a district to use a variety of documents to establish the age of a child. A district should publicize that it will use a foreign birth certificate, baptismal record, or alternative document in the same manner that it will use a United States birth certificate, baptismal record, or alternative document: that is, solely to establish the age of a child.

As previously emphasized, a district must apply its rules and standards for documentation of age or residency in the same way to everyone, regardless of race, color, national origin, citizenship, or immigration status. A foreign-born child who is unable or unwilling to furnish a birth certificate should have the same options to enroll in school and should be treated no differently than a United States citizen child who does not have or otherwise may not be able to produce a birth certificate.

Q - 7. In light of the Dear Colleague letter, should districts refrain from asking for students' social security numbers?

A - 7. The Federal government does not prohibit states or districts from collecting the social security numbers of prospective or current students. States and local school districts must decide, however, whether they have a legally permissible reason to collect this information. If they choose to collect social security numbers, they should take steps to ensure the confidentiality of the social security numbers and that they are stored securely. In addition, they must follow Federal laws regulating the use of that information. For example, under governing Federal laws, if a district requests social security numbers, it must inform individuals that the disclosure is voluntary, and must explain both the statutory or other basis for seeking the numbers and how the district intends to use the numbers. See Privacy Act of 1974, Pub. L. No. 93-579, § 7, 5 U.S.C. § 552a (note), available at [Social Security privacy](#).

As the Dear Colleague letter makes clear, a district cannot deny enrollment to a student if he or she (or his or her parent) chooses not to provide the student's social security number.⁶ Districts have alternatives to requesting social security numbers. For example, a district seeking to have student identification numbers could decide to assign a randomly selected number to each student. In this way, the state or district would avoid any chilling effect that a request for social security numbers may have on the enrollment of students because of their race, color, national origin, citizenship, or immigration status.

A school district that opts to request social security numbers should make clear in all enrollment and registration documents, including forms, websites, and communications with parents, that the provision of the child's social security number is voluntary, and that choosing not to provide a social security number will not bar a child's enrollment.

⁶ Similarly, a school district cannot deny a student enrollment if his or her parent chooses not to provide his or her own social security number.

Q - 8. How can a school district distinguish between (a) information that it should or must collect, and (b) information that it may not collect because doing so may discourage enrollment or attendance?

A - 8. There is typically only minimal information that a district is required to collect under state law for a student to be able to enroll, such as proof of age, immunization history, and residency within the district. Both the state and the district must act in compliance with the U.S. Constitution and valid Federal or state laws, including their obligations not to discriminate, or implement policies that have the effect of discriminating, on the basis of race, color, or national origin. In doing so, states and districts should also assess their current policies to determine whether they are doing anything that may have the effect, albeit unintended, of discouraging the enrollment of undocumented children, such as asking for immigration papers or social security numbers, or requiring a driver's license or state-issued identification from a parent. Such practices and policies, once identified, should be changed to eliminate any possible chilling effect on enrollment.

Q - 9. In order to avoid discouraging enrollment, should a school district enroll any child who comes its way and ask for documentation later, after the child is enrolled?

A - 9. As noted above, school districts might require that prospective students furnish proof of residency in a district and/or age prior to enrollment, except for any children and youth who are considered homeless under the Federal McKinney-Vento Homeless Assistance Act. However, districts may also choose to wait until students are already enrolled before asking for any additional documentation that may be required under state or Federal law, such as student demographic data. By choosing to wait to collect additional information, districts may create a more welcoming and inclusive atmosphere for all prospective students. Requests for documentation must not discriminate, or have the effect of discriminating, on the basis of race, color, national origin, citizenship, or immigration status.

Q - 10. Once in possession of personal information about a student, are there circumstances when a school district may disclose that information from a student's education records without the consent of the student or a parent?

A - 10. There are circumstances when a school district may disclose information from a student's education records, but these are limited and unlikely to be applicable in the majority of situations school districts confront. The Family Educational Rights and Privacy Act of 1974 (FERPA) generally prohibits school districts that receive Federal funds from the Department of Education from disclosing information from a student's education records that alone or in combination with other information can identify that student, without the prior written consent of a parent or the student (if that student is 18 years of age or older or attends a postsecondary institution). See 20 U.S.C.

§1232g. There are some limited exceptions in FERPA to the requirement that written consent must be obtained before disclosing personally identifiable information from students' education records, see 34 C.F.R. § 99.31, as well as narrow, enumerated circumstances under which Federal immigration laws require or permit a school district to provide specific information about a student to another Federal, state, or local government entity. One such circumstance is where the issuance of a non-immigrant visa to a student—and the maintenance of that student's non-immigrant status—is conditioned on the student's attendance at a specific school. Note that in that case, a school district would have preexisting information about the student that he or she would have presented to the school in order to obtain the underlying visa, and so the school would not have any reason to initiate a request for information about immigration status.

Q - 11. How should a school district communicate the requirements for enrollment with parents who have limited proficiency in English?

A - 11. For limited English proficient parents of a student seeking to enroll in a school, a district must meaningfully communicate material information about enrollment – e.g., translate a document into languages other than English and have some method of responding to those parents’ questions – as required by Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the Equal Educational Opportunities Act, 20 U.S.C. § 1703. Material information could include alternative means to establish state-permitted residency and age requirements, if any. If a district asks for a social security number, material information would also be the fact that a district cannot deny enrollment to a student if he or she (or his or her parent or guardian) chooses not to provide a social security number.

Additional Proactive Support Measures That States and Districts Can Take

Q - 12. What can schools do proactively to show parents that their children are welcome, regardless of their immigration or citizenship status?

A - 12. The Dear Colleague letter encourages states and districts to review enrollment policies and practices carefully to make sure they are consistent with the law and do not have a chilling effect on the willingness of parents to enroll their children. Any problems should be corrected.

In addition, the U.S. Departments of Education and Justice encourage districts to be proactive in notifying parents of their rights to send their children to public school. For example, districts can conduct outreach to communities to inform parents that all students who are residents in the district are welcome to attend the district’s schools.

Q - 13. Should districts provide staff training on how to avoid violating the law in this area?

A - 13. Staff training at the school and district level is encouraged. Ultimately, the state and district have the legal responsibility to ensure that they are complying with Federal law. Staff training helps facilitate that compliance.

Q - 14. What is the role of State Educational Agencies (SEAs) in ensuring that students are not improperly excluded from school?

A - 14. The Dear Colleague letter issued May 6, 2011, and revised and reissued on May 8, 2014, is intended to remind both districts and states of their obligations under existing law. As recipients of Federal funds, SEAs are responsible for monitoring compliance with Federal anti-discrimination laws. Because laws regarding school enrollment, including requirements for proof of age and residency, vary from state to state, this is an area in which leadership from SEAs is needed and can be particularly effective. SEAs are encouraged to review existing practices and policies and to assist their districts in understanding the types of practices that will comply with state requirements regarding school enrollment without violating constitutional and Federal anti-discrimination requirements. Specifically, SEAs should work to ensure that their school districts’ enrollment practices do not unlawfully discourage or bar students, including students who are undocumented or have parents who are undocumented, from school.

Revised as of May 8, 2014

Kentucky Lau Template

The district should have a plan designed to meet the instructional needs of English Learners (ELs) which is referred to as a Lau Plan (Lau v. Nichols, 1974). The plan should be designed to meet the district obligations to ELs under Title VI of the Civil Rights Act and the Equal Educational Opportunities Act (EE0A).

Lau Plan Team Members:

I. Lau Plan Guiding Principles

[Click here to enter text.](#)

II. Enrollment, Identification and Placement of ELs in a Language Instruction Educational Program (LIEP)

[Click here to enter text.](#)

III. Description of the LIEP

[Click here to enter text.](#)

IV. Process to Provide Meaningful Access to all Co-curricular and Extracurricular Programs and Activities

[Click here to enter text.](#)

V. EL Professional Development for Staff who Deliver Instruction or Support the LIEP for ELs

[Click here to enter text.](#)

VI. Annual English Language Proficiency Assessment and Administration

[Click here to enter text.](#)

VII. LIEP Exit Criteria and Procedures

[Click here to enter text.](#)

VIII. Monitoring Procedures after Students Exit the LIEP Program

[Click here to enter text.](#)

IX. EL Program Evaluation

[Click here to enter text.](#)

English Learner (EL) Identification

Step 1: Administer the Home Language Survey (HLS) to all students upon enrollment. The HLS shall be based at a minimum on four questions. The four questions are:

1. What is the language most frequently spoken at home?
2. Which language did your child learn when he/she first began to talk?
3. What language does your child most frequently speak at home?
4. What language do you most frequently speak to your child?

Step 2: Review responses on HLS. If any of the answers on the HLS is a language other than English, the student is a “potential EL” and will need to be assessed.

If the student is in Kindergarten, administer the W-APT for Kindergarten. If the student is in grades 1 through 12, administer the WIDA Screener Online.

If the student in grades 1 through 12 scores a 4.5 overall composite, the student would be identified as Initially Fully English Proficient (IFEP). Students in grade 1 through 12 identified as IFEP will not take the ACCESS in January. If the student in grades 1 through 12 scores below a 4.5 overall composite, the student would be identified as an English learner (EL).

A Kindergarten student who has taken the W-APT test must be enrolled as an EL student. Regardless of Kindergarten W-APT score results, Kindergarten students cannot exit until after taking first grade ACCESS.

If all responses on the HLS are English, no additional action needs to be taken. The student is **not** considered an EL.

Step 3: Create a Program Service Plan (PSP). Once the student is identified as an EL, the district is required to provide a Program Service Plan (PSP). Parents must be notified and invited to the PSP meeting within 30 days of the first day of school. If the student was enrolled after the start of the school year, the P S P meeting must happen within 2 weeks of the student’s enrollment. The PSP should be developed for the student.

All EL students will take the ACCESS test in January.