

OFFICE OF INSTRUCTIONAL PROGRAMS AND SERVICES
Summary of State Board of Education Agenda Items
June 21-22, 2007

OFFICE OF INNOVATION AND SCHOOL IMPROVEMENT

Office of Innovative Support

20. Approval to revise the proposed *Guidelines for English Language Learners* and resubmit for public comment under the Administrative Procedures Act process

Executive Summary

The *Guidelines for English Language Learners (ELL)* have been revised to reflect changes required by the U.S. Department of Education as a result of a monitoring visit report. The ELL Committee of Practitioners provided input to MDE staff on the revisions to the guidelines as follows:

- a) providing criteria for exiting students from English language learner programs (pages 14, 18, and 19)
- b) clarifying the exclusion of test scores of first-year English language learner students from Adequate Yearly Progress (AYP), Achievement Model, and Growth Model calculations which applies only to newly arrived students living one year or less in the United States (page 23)

Based upon comments received during the APA process, the following changes were made:

- Under the Home Language Survey - changed the wording to reflect that home language information must be obtained at the time of school registration, rather than recommending that it be done. This will ensure compliance with standards established by *Lau v. Nichols 1974* and the Office of Civil Rights guidelines (page 10).
- Under Components of the Mississippi Statewide Assessment System - deleted reference to the TerraNova tests and changed the grades tested under the Mississippi Curriculum Test from 2 – 8 to 3 – 8 (page 21).
- Under Participation of English Language Learners – revised the definition of “newly arrived students” from students living one year or less in the U.S. to students who have attended schools in the U.S. for less than twelve months, as defined in the federal regulations (page 23).

All proposed revisions will be effective upon final approval by the State Board which is anticipated to occur in August 2007.

Recommendation: Approval

Back-up material attached

Office of Innovative Support

20. Approval to revise the proposed *Guidelines for English Language Learners and resubmit for public comment under the Administrative Procedures Act process*

PROPOSED ENGLISH LANGUAGE LEARNERS EXIT CRITERIA

Comment/Response Summary

Leave as is/no changes necessary (8)

Suggested Revisions:

Page 23 – Participation of English Language Learners – Instead of “newly arrived students living one year or less in the United States”, it could say “newly arrived students enrolled in school one year or less in the United States”.

Page 21 – Please remove the reference to the NRT-Terra Nova testing. I believe that this testing has been terminated.

Page 23 – FLE – are we doing away with the FLE?

Page 21 – The working MCT for grades 2-8 should be changed to state MCT2 3-8. In the 07-08 school year, this is what the state will be using.

Pages 57-58 – The pre-referral section should use the 3-tier process (RTI) and Teacher Support Team Terminology.

My main concern is to determine if a student can exit the program having obtained a high-intermediate proficiency level in the MELPA. We've been told in the MDE meetings that students need to score transitional in ALL skills before exiting the program.

Regarding the criteria for exiting ELL (page 19) students, I have concerns about the requirement that the ELL student score at the *Proficient* or *Advanced* level. I realize that several surrounding states may have this requirement; however, Mississippi has a "Basic" category that many states do not. While Proficient and Advanced is the ultimate goal for "all" our students, it appears that this guideline is placing a higher standard of performance on the ELL students than the other English-speaking students.

Basic or at least a "Basic" level cut score should be the minimum exit requirement regarding MCT2 criteria in step two. As students exit the program, even if exited at the Basic level, the TST / Tier process will still be available to students once they have completed the two year monitoring.

Scores of proficient and advanced on MCT are more than we require of English speaking students. Requiring an exited student to not “stall, falter, or regress” is more than is required of English speaking students.

General Comments:

The proposed changes do seem to clarify whether or not to exit a student as well as the process for exiting and monitoring and/or re-entering ELL after monitoring.

The exclusion of test scores was clarified on page 23 and was helpful to my own understanding of treatment of ELL student test scores.

What is the definition of “newly arrived”? Newly arrived in school district, MS or US?

Page 21 – Tests are changing MCT will be MCT2, No longer use Terra Nova, No writing assessment next year.

Does the change in the exiting criteria mean that a High Intermediate student may exit the program? We have been told in the trainings that students need to reach Transitional in ALL the skills before exiting the program.

Then, how about the statement on page 10, second to the last paragraph where it says that students who are identified as ELL in one of the domains of listening, reading, writing or comprehension are considered ELL?

What would the criteria for exiting the K-2 ELL students be? They do not take MCT and K & 1st grade students do not get a composite score in the Mississippi English Language Proficiency Assessment since they do not take the complete test.

On page 107 Step 1 - Home Language Survey

When referring to administering the HLS to new students at the time of registration, the phrase “*strongly recommends*” should be changed to “*must*” as stated in the Reminders on the Assessment of ELL students 2006-2007 published on the web site.

I would like to have more specific written rules when considering retention or referring a student to the TST process of ELL students. For example: How many years of previous instruction the student should have had in the US.

Finally, when you modify the wording of *Year 1 EU students'* definition, did you consider the children who are born in this country, but who still do not speak enough English because only Spanish or other foreign language is spoken at home? Are they still considered *Year 1 ELL students* in kindergarten?

I think school administrators could use training in this area (Principals). Teachers and central office staff are usually those who are trained.

There should be a clear way to address the needs/exiting students who are clearly SPED whose academic and adaptive problems are not related to English proficiency but other problems. An EMR student, for instance, may never score Intermediate or Transitional on a test and that is related to disability not English proficiency. Teacher input, and student and parent interviews should be given credence.

Mississippi

Guidelines for
English **L**anguage **L**earners



Policies, Procedures, and Assessments

April 2007



Mississippi Guidelines for English Language Learners: Policies, Procedures and Assessments (2007)

Mississippi Department of Education

This document, Mississippi Guidelines for English Language Learners, was prepared with funds provided under Title III of the No Child Left Behind Act of 2001, grant number T365A030024, U.S. Department of Education. The websites included in the resources section of this document do not necessarily reflect the policy or viewpoint of the Mississippi Department of Education, nor does the mention of a particular organization, product, or service imply endorsement.

Foreword

The purpose of this document, Mississippi Guidelines for English Language Learners, is to support school districts in their efforts to serve the special needs of English language learners (ELLs) in reaching high academic standards as well as in attaining English language proficiency. The materials within should provide educators with information on appropriate and effective services for ELL students.

Table of Contents

Foreword	3
Introduction	4
Section 1: The Rights of English Language Learners and Their Families	5
Section 2: Welcoming and Registering New ELL Students	7
Section 3: Procedures for the Identification, Assessment, and Placement of ELL Students	10
Section 4: Issues in Assessing ELL Students	18
Section 5: Gifted / Special Education ELL Students	30
Section 6: Migrant Education Program	32
Section 7: Language Development and Second Language Acquisition	34
Section 8: Effective Instructional Strategies	38
Section 9: Professional Development	42
Section 10: Parent Notification	43
Section 11: Teacher Quality	45
Glossary	46
Appendix A: Language Proficiency Stages	54
Appendix B: Procedures for Ensuring Equal Opportunities for ELL Students Being Considered for Special Education	56
Appendix C: Program Guidance for Developing and Implementing a District Plan for English Language Learners	60
Appendix D: Mississippi Graduation Requirements	67
Appendix E: Resources	70
Bibliography	76

The Mississippi Department of Education grants permission to K-12 public schools to reproduce this document for educational purposes only. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopy or otherwise, for other purposes without prior written permission of the Mississippi Department of Education. To request permission to reproduce these materials, contact the Mississippi Department of Education, Office of Academic Education, 359 North West Street, Suite 329, Jackson, MS 39205.

Introduction

The Mississippi Handbook of Educational Services for English Language Learners proved to be an excellent resource for assisting school districts with the appropriate identification and instruction of English language learners. Often referred to as limited English proficient (LEP) students, the Mississippi Department of Education (MDE) uses the preferred term, English language learner (ELL). This newly revised document, the Mississippi Guidelines for English Language Learners (2005), retains the original focus of the Handbook by providing school districts with a clear understanding of their responsibilities towards English language learners and by providing educators with suggestions and strategies for assisting these students. Also, the appendices include useful resources and references for educators that should be considered while developing and implementing ways to meet the diverse needs of ELL students and their families.

In addition to the original focus of the Handbook, this document, the Guidelines, is designed to

- review federal and state laws regarding the rights of ELL students and their families,
- address the appropriate procedures for welcoming and registering ELL students,
- provide procedures for the identification, assessment, and placement of ELL students,
- provide guidance as it relates to issues in assessing ELL students, particularly assessment issues related to state-wide assessments,
- assist educators with the appropriate identification and instruction of gifted ELL students or ELL students with a disability,
- address issues that are particularly relevant to the needs of migrant students who are limited in English proficiency,
- provide an overview of language development and second language acquisition,
- provide educators with examples of effective programs and teaching practices for helping ELL students achieve academically,
- provide an overview of the importance of ongoing professional development,
- provide parent notification requirements as they relate to the identification and placement of ELL students, and
- provide definitions of educational terms to ensure a common understanding of the information presented.

This document presents a "step-by-step" plan for developing and implementing an ELL program, and aims to provide school district personnel with resources for understanding federal and state requirements for educating English language learners and to address the linguistic and educational needs of ELL students by focusing on ways to facilitate learning that capitalizes on their varied ethnic, cultural, social, and educational backgrounds and experiences. Further, it aims to provide school districts with guidance to

- design and establish local policies and procedures,
- design, implement, and sustain sound language instruction educational programs,
- support the professional development of teachers and other school personnel, and
- evaluate their own efforts to educate ELL students.

Educators who have specific questions about particular program components or services should arrange to discuss them with personnel at the MDE by calling (601) 359-3778.

Educators are reminded that linguistically diverse students can achieve socially and academically at the same level as all students and contribute successfully to U.S. culture. Positive and non-biased guidance and assistance from ELL teachers and all other school personnel will ensure that ELL students develop and achieve success linguistically, academically, socially, and emotionally.

Section 1: The Rights of English Language Learners and Their Families

Federal and state governments have enacted laws and regulations, including Title VI of the Civil Rights Act of 1964 and the Equal Education Opportunities Act of 1974, to protect the rights of English language learners and their families. Every public school in the United States is required to provide a free and equitable education to all school age children who live within the boundaries of the school district. Some federal laws are supported by funding to which all eligible schools districts are entitled (i.e., Title I and Title III of the No Child Left Behind Act of 2001). However, regardless of funding, public school districts must comply with the laws and regulations to the best of their abilities.

The No Child Left Behind Act of 2001 (NCLB) reauthorizes a variety of federal education programs found in the Elementary and Secondary Education Act (ESEA), replacing the Improving America's Schools Act of 1994 (IASA). The federal Bilingual Education Act (Title VII) was reauthorized as Title III of NCLB. Written to aid state education agencies (SEAs) and local education agencies (LEAs) to respond to the needs of their English language learners, NCLB in no way undermines or amends the federal and state statutes and regulations that establish the rights of ELL students; however, it outlines the responsibilities of school districts serving English language learners.

The following federal laws and Mississippi statutory regulations clarify the obligation of every school not only to enroll students from diverse language backgrounds, but also to provide the foundation for guidance in establishing an equitable, quality education for Mississippi students, including English language learners:

1964 – Title VI of the Civil Rights Act

The federal requirement under Title VI of the Civil Rights Act of 1964 states:

No person in the United States shall, on the ground of race, color, or national origin...be denied the benefits of, or be subjected to any discrimination under any program or activity receiving federal financial assistance.

Further guidance was offered by the Department of Health, Education, and Welfare in its May 25, 1970, memorandum in order to clarify the requirements specified in Title VI:

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

1974 – *Lau v. Nichols*

This important memorandum paved the way for the landmark case, *Lau v. Nichols* (1974). The Supreme Court held (1) that discrimination on the basis of language proficiency is discrimination on the basis of national origin under Title VI of the Civil Rights Act of 1964 and (2) that treating people with different needs in the same way is not equal treatment. In a unanimous decision, the Court ruled, in part:

...there is no equality of treatment merely 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. Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the education program, he must already have acquired those basic skills is to make a mockery of public education. We know that those who do not understand English are certain to find their classroom experience wholly incomprehensible and in no way meaningful.

The Office of Civil Rights (OCR) is responsible for enforcing compliance with Title VI as it applies to programs funded by the United States Department of Education (USDOE). OCR's principal enforcement activity under Title VI is the investigation and resolution of complaints filed by individuals alleging discrimination on the basis of race, color, or national origin. The failure of school districts to provide an equal educational opportunity for ELL students is investigated by OCR staff who work with school and district officials to resolve compliance issues. This is accomplished through guidance on program and services planning, resource support, technical assistance, and if necessary, through the administration of proceedings or a referral to the United States Department of Justice for litigation.

1974 – Equal Education Opportunities Act

The Equal Education Opportunities Act of 1974 states:

No state shall deny equal educational opportunity to an individual based on his or her race, color, sex, or national origin, 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 programs.

The standard for complying with this legislation has evolved as a result of federal court cases such as *Castenada v. Pickard* (1981). The Court of Appeals ruling requires that instructional programs be based on sound educational theory; the school must effectively implement the instructional program; and the instructional program results must demonstrate the program's effectiveness.

1982 – *Plyler v. Doe*

The Supreme Court ruled in *Plyler v. Doe* (1982) that undocumented immigrant children and young adults have the same right to attend public primary and secondary schools as do U.S. citizens and permanent residents, regardless of their immigrant status. Like other children, undocumented students are obliged under state law to attend school until they reach a mandated age.

According to the National Coalition of Advocates for Students, as a result of the *Plyler v. Doe* ruling, public schools may not:

- deny admission to a student during initial enrollment or any other time on the basis of undocumented status.
- treat a student disparately to determine residency.
- engage in any practices to "chill" the right of access to school.
- require students or parents to disclose or document their immigration status.
- make inquiries of students or parents that may expose their undocumented status.
- require social security numbers from all students, as this may expose those with undocumented status.

Students without social security numbers should be assigned a number generated by the school. Adults without social security numbers who are applying for a free lunch and/or breakfast program on behalf of a student need only indicate on the application that they do not have a social security number.

The Court also stated that school systems are not agents for enforcing immigration laws, and it determined that the financial burden of educating undocumented aliens placed in a school system is not an argument for denying services to ELL students. Schools should not request any information related to U.S. residency, including, but not limited to, Social Security numbers, passports, and visas.

School districts may require only two kinds of information for enrollment: proof of residency in the district and proof of required vaccinations. As long as students can provide this information, they must be allowed to enroll in school.

For additional information regarding school enrollment and attendance as outlined by the State of Mississippi, please contact the MDE's Office of Compulsory Schools at (601) 354-7760. Also, additional information regarding school enrollment and attendance as outlined by the State of Mississippi may be found in the Mississippi Code of 1972, as amended, SEC. 31015-1 and SEC. 41-23-37, the Office of the Attorney General of the State of Mississippi, Memorandum No. 2003-0699, which references the State Board of Education Residency Verification Policy.

2001 – Title III of the No Child Left Behind Act of 2001

Title III provides funds to SEAs to distribute to LEAs to increase the language proficiency of ELL students, to help ELL students achieve academically, and to provide high quality professional development to school districts and other school or community-based personnel. Upon approval by the USDOE of a SEA's plan for assisting English language learners, Title III funding is awarded according to the SEA's number of ELL and immigrant students. States must agree to distribute ninety-five percent (95%) of the funding received to eligible school districts. While Title III does not mandate that all school districts provide educational services for English language learners, it effectively establishes national policy by acknowledging the needs of ELL students and their families (P.L. 107-110, 2002).

Section 2: Welcoming and Registering New ELL Students

The first contact between incoming ELL students and the school is important in establishing an atmosphere of trust for ELL students and their families. Making ELL students and their families feel welcome when they arrive is important. It is suggested that staff, who are assigned to registering new students, be aware of registration requirements, procedures, and persons to contact if an interpreter is needed. A sense of acceptance, given with facial expressions, body language, attitudes, and other nonverbal cues, is necessary for a successful beginning. It would be helpful if the registration forms were in the first language of the student. Providing a "school packet" of school information, school rules and policies, community resources, and other related services would create a sense of "welcome" and support. An audio or video cassette providing the same information in the family's native language would be helpful for parents who are considered non-native English speakers.

Students classified as ELL are entitled to services specifically designed to improve their English language skills. Obviously, it is sometimes difficult to separate problems caused by lack of language skills from other underlying causes, such as:

- difficulty in cultural adjustment;
- deficiencies in academic preparation; and
- physical, mental, or emotional problems that might qualify the student for special education services.

ELL students should not be placed in special education classes on the assumption that the materials and teaching methods in those classes would be better for them than sitting in classes where they could not understand the instruction. This violates the students' rights to educational opportunities that take advantage of their true capabilities. Additional information regarding placement is provided in Section 3.

This section will address issues in welcoming and registering new ELL students.

Welcoming New ELL Students

A new student's first impressions of the school set the tone for the rest of the child's experience at the school. Many of the ELL students who register for school will have just arrived in the country, and they – and their parents – may be scared and uncertain of what lies ahead. All school staff and faculty who will be meeting new students should be prepared to put them at ease with welcoming smiles and appropriate communication skills.

Communicating with Non-Native English Speakers

Frequently you will find that the parents, the student, or someone they brought with them to help register the student will know some English and will understand you if you:

- speak slowly and clearly;
- are careful about using idiomatic expressions, substituting words and phrases that can be interpreted literally (e.g., saying "sit down" instead of "have a seat");
- use body language to supplement speech (e.g., gesturing toward the chairs where they should sit).

Remember that the parents are legally entitled to have information about their child's schooling delivered in a form they can understand. To facilitate this, you should:

- have access to translators and interpreters – faculty and staff members or members of the community may be used if they have good communication skills in both languages. When choosing a translator, privacy and confidentiality must be considered.
- have standard information translated and available in the major languages represented in your school district.
- have simplified versions of information available for parents with some English skills; and
- have available videotapes in the major languages that give basic information about your district.

Registering an ELL Student

When registering an ELL student, you should:

1. welcome the family and put them at ease
2. provide the parents with written information, including:
 - your name,
 - the names of other staff members who will be involved with the registration process;
 - the name, address and phone number of the school,
 - school day schedule; and
 - bus/transportation information

3. complete a student profile form with the student's personal data, language background (see *Home Language Survey, Section 3*), and educational history, as well as
 - when the student first enrolled in U.S. schools; and
 - whether or not the student received ELL instruction
4. work with parents to complete any registration forms
5. make copies of any records, such as the student's transcripts and birth certificate, if available,
6. if possible, provide parents with information in their native language on the following:
 - language program services available in the school;
 - meals available at the school and their cost, including free/reduced lunch programs
 - attendance policies,
 - immunization requirements,
 - school year calendar,
 - parent-teacher organization,
 - parent-teacher conferences,
 - supplies needed for classes, including physical education classes and extracurricular activities (i.e., band or sports).
 - tutorial services
 - community resources, and
 - adult English language classes and adult education classes (i.e., GED course) that are provided by the school district or local community organizations
7. if you do not have prepared information in the parents' language, find a way to convey vital information to them and arrange for a written version as soon as possible
8. take the family on a tour of the school and introduce them to the people who will be important in their child's experience, including the guidance counselor and the ELL teacher or tutor
9. assign a "language buddy" to help the student adjust during the first few weeks. The buddy can come from the language program or student organizations and should be prepared to guide the newcomer to classrooms, the lunchroom, locker facilities, restrooms, and other locations in the school and to make introductions to other students
10. if the district has student handbooks which convey information about the district's grading and discipline policy, make sure the parent and student understand this information in a language they understand.

Additional Assistance for High School Students

1. Provide information on requirements for graduation, required courses, elective courses, vocational education courses, and extracurricular activities.
2. Explain the schedule of standardized tests and how they impact the student's progress.
3. Explain the grading system based on language proficiency, the awarding of credits, how transfer credits will be evaluated, and the schedule for grade reports.

Every effort should be made to review previous school records and transcripts to evaluate and award transfer credits. Two helpful resources are [The Country Index](#) and [The Glossary of Foreign Educational Terms](#). These resources are available from Frank Severy Publishing, 3951 Kutcher Drive, Anchorage, Alaska, 99516, (907) 345-5217.

Talking to Parents about Home Language Use

Administrators and teachers often ask whether they should prohibit ELL students from using their first language at school. Likewise, parents of ELL students often ask administrators and teachers if their entire family should use only English at home. While administrators and teachers may encourage ELL parents to use English at home, research has shown that students who are bilingual learn and retain information to a greater extent. Also students who are bilingual and fluent in two or more languages are more marketable in the fast-paced, technological, professional and vocational world of today.

It is important to remember that the primary responsibility of parents is to help their children develop a full and sophisticated linguistic system of speaking and understanding. This development is crucial for children's cognitive growth. Parents can best provide this linguistic stimulation in a language that they speak fluently. The field of linguistics refers to this as building a "common underlying proficiency." In other words, languages share many common properties, and ELL students who have a good, strong command of their native language are more likely to develop a comparable strong command of English. Thus, it is important for administrators and teachers to explain this concept to parents of ELL students that reading to their child in

their first language is helpful in building English language skills. In cases where parents are not able to do this, the school, community, and other support agencies must assume responsibility to teach parents or assist ELL students in acquiring English.

Equally important, parents may discuss important topics like religion, cultural adjustment, and avoiding illegal drug use with their children. Parents who are limited in their English proficiency cannot easily discuss these topics in English with their children. If ELL parents attempt to use only English with their children, they may inadvertently create a home environment that is harmful to their children's intellectual and social development. ELL children may find themselves unable to talk with their parents about their feelings, values, and ideas about life in the United States. Similarly, the ELL parents may be unable to teach their children about their own cultural traditions, religious beliefs, and hopes for the future if they restrict their communication to English. Therefore, it is imperative that schools and communities join together to guide and encourage the education of their ELL parents so that they may be able to assist with their children's learning.

Literacy skills in the native language transfer easily to the second language. Teachers who have students whose parents are literate in the native language should encourage the parents to read their children and to teach their children to read and write in their native language. Parents can write notes to their children praising them for their school accomplishments, giving them permission to do something they requested, or detailing how to prepare a favorite after-school snack. Children can write letters home to relatives; they can teach their classmates how to write and say words in their native language; and they can read books from the library that are written in the native language. In addition to providing good examples of linguistic proficiency in their native language, parents should also provide good examples of English acquisition. Schools, colleges, universities, civic groups, and other community-based organizations can provide English classes for ELL parents who are non-native English speakers.

ELL parents and students may also provide a wealth of "real" knowledge of their native countries to their community or students in their classes. ELL families can provide "first-hand" knowledge of understanding how to live in a true multicultural global environment.

Section 3: Procedures for the Identification, Assessment, and Placement of ELL Students

Educational decision making for English language learners requires procedures for identification, assessment, and proper program placement. Collaborative planning among teachers, administrators, counselors, and parents to determine the processes and timelines for identification and assessment, placement, program implementation and evaluation, and the reclassification and/or exit status is essential for the success of English language learners.

While the State of Mississippi does not have statutes in place regulating specific language instruction educational programs and services for English language learners, the MDE in conjunction with federal guidelines regarding students limited in English proficiency provide the guidance school districts need to identify, assess, place, and review program effectiveness.

This section outlines a five-step process for identifying and placing ELL students in an appropriate language program that assures them of an equitable, quality education.

- Step 1 – Home Language Survey
- Step 2 – Assessment of Language Proficiency
- Step 3 – Program Placement
- Step 4 – Student Evaluation
- Step 5 – Program Evaluation

Because consideration of the students' first (L1) and second (L2) language proficiency is crucial for decision making, special attention is given to the processes for conducting language proficiency assessments.

Step 1 – Home Language Survey (HLS)

Because district personnel are often unaware ELL students are in their schools, the MDE strongly recommends that districts must obtain home language information be obtained at the time of school registration. This information should be obtained from all students, including Native American students who may need language development services. The MDE suggests that the HLS contain, at a minimum, the following questions:

1. Does your child speak any language other than English? ____ YES ____ NO
If yes, please answer the following questions:
2. What was the first language your child learned to speak?
3. What language does your child speak most often?
4. What language is most often spoken in your home?

The HLS should must be completed to determine each student's primary or home language. In addition to this survey, the student may be identified as having a primary or home language other than English by any other documentation or observation from a teacher or other school personnel that indicates that a student:

- speaks a language other than English,
- understands a language other than English, or
- has a language other than English spoken at home.

Step 2 – Assessment of Language Proficiency

If any response on the HLS indicates the use of a primary language other than English, by the student or an individual in the home, further assessment must be conducted to determine the student's English language proficiency level. However, the presence of a language other than English does not automatically signify that the student is not a competent and proficient speaker of English.

NCLB requires that all ELL students be tested annually for English language proficiency. The MDE's State Board of Education adopted Harcourt's Stanford English Language Proficiency Test (Stanford ELPT) to be administered annually. School districts that enroll ELL students generally test their English language proficiency within the first few weeks of the school year. The results of the test are used to help place the students in the appropriate level of English instruction.

Students who are identified as ELL in any one of the domains of listening, speaking, reading, writing, or comprehension are considered ELL.

There are many school districts in Mississippi that enroll small numbers of ELL students from year to year. Some years there may be no new or continuing students at all. In these districts, the cost of maintaining a standardized instrument may not be justified. However, these districts are under the same obligations to assess ELL students as any other district. For such districts, there are other options. One is to seek assistance from a qualified test administrator from a neighboring district who can administer the language proficiency test. Another option is to contact the MDE's ELL Coordinator. Assessments are available from the ELL Resource Library located in Jackson, MS.

For additional information regarding the assessment of ELL students, please contact the MDE's Office of Student Assessment at (601) 359-3052. Also, additional information regarding the guidelines for assessing English language learners may be found in Section 4 of this document.

Step 3 – Program Placement

Students identified as English language learners from the language proficiency assessment must be placed in a sound language instruction educational program. Few teachers in Mississippi are prepared to provide bilingual instruction, and many schools have students from several language backgrounds. English language learners must learn the same academic content that their peers in regular classrooms are learning, except that ELL students must do so at the same time as they are acquiring a new language. During classroom instruction, teachers are beginning to focus on the cognitive and academic development of students, as well as English acquisition.

Educators must always remember that the first rule for placing ELL students in an educational program is that they should be placed at the age-appropriate grade level. The most important reason for age-appropriate placement is socio-cultural. Students progress faster and work harder when they are with their peers. Also, classroom teachers are organized to teach students of a certain age and will have educational expectations for students of that age group.

Educators must always remember that the first rule for placing ELL students in an educational program is that they should be placed at the age-appropriate grade level.

There are some situations that allow for exceptions to the general rule. If a student is not much older than six and has not been in a school before, it is often best to place the student in kindergarten. If an ELL student is developmentally delayed or has suffered serious deprivation, then the ELL student may need to be placed at a lower grade level. In any event, ELL students should never be more than a year behind their age-appropriate grade.

Prior to placing a student in a language instruction educational program, the school district or school must notify the student's parents or guardians. Parents are not required to respond to the notification in order for the student to participate in the school district's language instruction educational program; however, parents do have the right to have their child removed immediately from a program upon their request. The parents may refuse to enroll their child in a particular program or may choose another program or method of instruction, if available. Nevertheless, under Civil Rights policy, the district is still obligated to provide appropriate means to ensure that the student's English language and academic needs are met.

Placing ELL Students in Mainstream Classes

Initial placement of ELL students may be crucial to their success in the educational program. Some guidelines for placement vary by grade level. The school's guidance counselor should be trained in assessing non-U.S. school transcripts for appropriate awarding of credits. Grading systems, course titles, and the grade level at which some courses are taught all vary widely from place to place. Students should not be required to repeat content classes they had in their native language just because of their lack of English skills. If there are problems in evaluating the transcript, the principal may award credits based on competencies.

Every effort should be made to review previous school records and transcripts to evaluate and award transfer credits. Two helpful resources are [The Country Index](#) and [The Glossary of Foreign Educational Terms](#). These resources are available from Frank Severy Publishing, 3951 Kutcher Drive, Anchorage, Alaska, 99516, (907) 345-5217.

Placement in Grades K-3

The key to success in grades K-3 is to place the student with teachers who understand cross-cultural difficulties and who are trained in dealing with language and cultural problems in the mainstream class. Teachers who use cooperative grouping will be particularly appropriate for ELL students.

Placement in Grades 4-8

Consideration of educational background becomes more important at this level. Assessment of the student's knowledge of course material must be designed so that the student can demonstrate mastery of the material, regardless of English skills. Special considerations of cultural factors in course assignments should be given to the following:

- in many cultures, it is unacceptable for boys and girls to be engaged in physical education activities together at any age; and
- there may be cultural, gender-based biases against certain courses (e.g., home economics for boys or shop class for girls).

Placement in Grades 9-12

At the high school level, differences in background knowledge may be as much of a hurdle for ELL students as lack of language skills. Keep in mind that topics students in the U.S. have heard about for years in school, at home, and on television (e.g., Columbus, the Civil War, the presidents) may be completely new to students from other countries and cultures. In addition, courses at this level can be very language-intense, requiring advanced skills in reading and writing.

Academic classes that may be extremely difficult to ELL students include:

- American, European, or Mississippi history classes – lack of background knowledge and high-level reading skills and reading requirements;
- Civics – same reasons as history; and
- Literature-based English classes – especially if literature choices are predominantly American and British; these courses require high-level writing skills, as well.

Advisable courses include:

- Math – although students may need help with math terminology in English, if their educational backgrounds include prerequisite courses in math, they can usually make transition in math readily;
- Music
- Art

Students who are allowed to complete graduation requirements in these advisable courses during their first year of adjustment to the new school system and a new language will generally do better and will be more prepared for history, science, and other classes in their second year.

Language Instructional Education Programs

English as a Second Language (ESL) is, almost without exception, a component of every program that serves ELL students in the U.S. In fact, ESL is often the only special program that ELL students receive. In school districts where many languages are spoken, students typically receive "pull out" ELL classes for a few hours a week. The rest of the time they are in regular classes where they may or may not understand the instruction. Districts that have very large enrollments of ELL students often have self-contained classes (usually grades K-2). These classes consist entirely of ELL students and are taught by a teacher who is certified in elementary education and has been trained in ESL.

According to the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA), ELL students need language instruction educational programs that allow them to progress academically while they are acquiring English language skills. There are several different program models; however, all include both academic content and English language development components. The specific model a school district implements will depend on the composition of the student population, resources available, and the community's preferences.

The following is a brief description of programs commonly found in schools that have ELL students:

Bilingual Education Program

An education program that teaches children two languages. Children are taught for some portion of the day in one-language, and the other portion of the day in another language. One of the languages is English.

Typically, these programs develop initial literacy in the native language and include an ESL component. When possible, a certified teacher who is bilingual provides native language instruction, but many programs utilize bilingual teaching assistants. Although these programs are referred to as bilingual, observers have noted that English is the medium of instruction 75% to 90% of the time. In some Mississippi school districts, volunteer bilingual tutors have been used successfully to instruct students in math so that students will not fall behind due to language proficiency.

Content-based English as a Second Language (CBESL) Program

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.

English as a Second Language (ESL) Program

This is a program of techniques, methodology and special curriculum designed to teach ELL students English language skills, which may include listening, speaking, reading, writing, study skills, content vocabulary, and cultural orientation. ESL instruction is usually in English with little use of native language.

Maintenance Bilingual Education Program

Also referred to as late-exit bilingual education, this program 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.

Newcomer Program

Newcomer programs are separate, relatively self-contained educational interventions designed to meet the academic and transitional needs of newly arrived students. Usually found in large school districts or in districts with unusually large numbers of ELL students, newcomer programs provide ELL students with intensive ESL instruction and an introduction to U.S. cultural and educational practices. ELL students remain in the newcomer program one or two semesters before they enter more traditional interventions (e.g., English language development programs or mainstream classrooms with supplemental ESL instruction).

One-way Bilingual Education

This is a bilingual program in which students who are all speakers of the same primary language are schooled in two languages. This model shares many of the features of the dual language or two-way bilingual education approach.

Pull-Out Program

This is a program model in which a paraprofessional or tutor pulls students from their classes for small group or individual work. Also, a paraprofessional or tutor may serve students in a small group within the regular classroom setting. Children who need remedial work in learning the English language may be served through such a program.

Sheltered English Immersion Program

A sheltered English immersion program is an instructional approach used to make academic instruction in English understandable to ELL students. Students in these classes are "sheltered" in that they do not attend classes with their English speaking peers; therefore, they do not compete academically with students in the mainstream. These students study the same curriculum as their English-speaking peers, but the teacher employs ESL methods to make instruction comprehensible. 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. Sheltered English principles and methodologies can be used quite successfully in regular classrooms as well.

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. Instruction is entirely in English. Students may be thrown into the general education classroom and therefore "immersed" in English, or they may be placed in a sheltered immersion class where they are taught content through simplified 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.

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 this 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. Classes are made up of students who share the same native language.

Two-way Bilingual Education Program

Often referred to as a dual language program, the goal of this model is for students to develop language proficiency in two languages by receiving instruction in English and another language. This program teaches native English speakers side-by-side with children who are learning English. Teachers usually team-teach, with each one responsible for teaching in only one of the languages. This approach is sometimes called dual immersion.

Step 4 – Student Evaluation

On an annual basis, the school district must assess, evaluate, and document the progress of ELL students' acquisition of English. Districts should not rely solely on the Stanford ELPT to properly evaluate ELL students' progress. School districts should establish a student evaluation team (SET) responsible for overseeing the entire student evaluation process. The team may consist of mainstream or content-area teachers, test administrators, school building principals, and members-at-large (i.e., parents, community members, district administrators, and school counselors). The duties of the team are to:

- ensure consideration and understanding of the student's cultural and educational backgrounds and experiences before they are placed in a language program,
- ensure that systematic procedures and policies are in place related to the appropriate identification, assessment, and placement of students in a language program,
- make recommendations to school decision makers on professional development for school personnel and parents to ensure the educational success of students, and
- review the students' progress in social and academic language and academic achievement on an annual or semi-annual basis.

The MDE has not established exit criteria from language instruction educational programs for the state's English language learners as required by NCLB and the U.S. Department of Education. ~~Instead, the MDE recommends that school districts establish objective exit criteria to ensure that ELL students are meeting high standards in comparison to their non-ELL peers before exiting from the language program.~~ Students must be assessed to determine if they have attained sufficient English language proficiency in the language domains of reading, writing, listening, speaking, and comprehension to be classified as proficient. ~~Additional guidance~~ Criteria for exiting ELL students from a language instruction educational program is provided in Section 4.

Districts may design their programs to emphasize English over other content subjects (e.g., a newcomer program) temporarily. While schools with such programs may discontinue special instruction in English language development once ELL students become English proficient, schools are obligated to provide any assistance necessary to remedy academic deficits that may have occurred in other subjects while the student was focusing on learning English.

If a student who is identified as English proficient on the Stanford ELPT scores below grade level in academic subjects, the district must assist the student in remediating the deficiencies, either before exiting the student from the language program or immediately after exiting the student. The OCR requires that exit criteria ensure that former ELL students not be placed into an academic setting for which they are not prepared to function successfully without remedial assistance or instructional intervention.

When ELL students are exited from the language program, the district must monitor the progress of those students for a period of two years to determine their success in the regular school program. Students whose inadequate progress can be associated with a decline in English proficiency should be provided academic support through methods which may include temporary placement into a language instruction educational program.

Grading ELL Students and Grade Retention

Educators have repeatedly expressed their concerns regarding how to grade their ELL students and how to report what their ELL students have learned. A grading system that assigns a single grade for a subject may be inappropriate for ELL students and could create many problems in interpreting what that grade really means.

School districts have common problems related to the grading of ELL students:

- Teachers require training in appropriate instructional and assessment techniques for ELL students.
- There is an inconsistency in grade assignments and a lack of grading options for ELL students within schools and districts.
- Often, high school ELL students do not receive grades or Carnegie units, and therefore, are unable to meet grade promotion and/or graduation requirements.
- Frequently, ELL students are not tracked from class to class, school to school, or district to district.
- When ELL students transfer from district to district, school records may not provide the language proficiency level of ELL students, information that is necessary for appropriate placement of ELL students, etc.

Each district may wish to evaluate its unique situation and adapt current grading policies to meet the needs of its ELL students. Proposed grading policies should be submitted for approval to local school boards prior to implementation in the school district.

In the article titled, "Grading LEP Students: Developing Sound Practice" (1995), Dr. Adela Solis argues that "[s]trict adherence to a letter grade has been inappropriate for [ELL] students. [A letter grade] is inconsistent and does not account for what [ELL students] are learning. Solis poses the following options for grading ELL students:

1. [School districts should note] on the report card that the student is not fully proficient in English by...adding an asterisk (*) to the grade. This can be followed by a description of the student's English language proficiency level.
2. Assign a grade and follow it with explanatory comments.
3. Use "satisfactory" or "unsatisfactory" instead of assigning a letter grade.
4. Indicate whether the student is "at," "above," or "below" expectations with regard to learning objectives instead of assigning a letter grade. Follow this with a narrative that explains the rating.
5. Describe progress in narrative form.
6. Develop a plan similar to an individualized education plan (IEP) and assign a grade relevant to objectives on that plan.
7. Issue an ["ELL"] grade if the student is enrolled in a language instruction educational program.
8. Issue two report cards: one for progress in the [language instruction educational program] and another for progress in the regular classroom....

In 1994, a committee made up of Mississippi Department of Education personnel, Mississippi teachers of ELL students, and experts in the field of limited English proficiency developed grading guidelines for ELL students. The resulting recommendations were disseminated to all school districts in the fall of 1995.

1. A separate procedure for grading and reporting progress should be developed for ELL students which is consistent with district policy, but which is also appropriate for evaluating student progress in both course content and English language proficiency.
2. This grading procedure should be used until the individual ELL student has attained Intermediate proficiency in English.
3. ELL students should not receive a failing grade during the time he or she is progressing from the Pre-Production to Intermediate stages of language proficiency.
4. ELL students' progress both in academic content and English language proficiency should be recorded on school cumulative records.

5. ELL students' evaluations should be based on developmental progress in English.
6. The separate grading procedure adopted could include a dual or "mixed" system for reporting grades. In such a system, an evaluation is made of the students' knowledge of the academic course content, the English language proficiency level, and the ELL students' progress in achieving that proficiency should be recorded. Examples of methods for recording these three areas of achievement are given on the following page. At least one indicator from each of the three areas should be chosen and recorded.

Academic Course Content <i>(Ex: reading, language arts, mathematics, social studies, science, etc.)</i>	English Language Proficiency Level	Progress in Achieving English Language Proficiency
<ol style="list-style-type: none"> 1. Content area grades <i>(Ex: A, B, C, D or 80, 85, 90, etc.)</i> 2. Achievement indicators: At grade level _____ Above grade level _____ Below grade level _____ 3. Performance levels: Above expectations _____ At expectations _____ Below expectations _____ 4. Anecdotal narratives or portfolio records 	<ol style="list-style-type: none"> 1. Level – Pre-Production _____ Early Production _____ Emergent _____ Intermediate _____ High Intermediate _____ Transitional _____ <i>(Refer to Appendix A for language descriptors.)</i> 2. Anecdotal narratives or portfolio records 	<ol style="list-style-type: none"> 1. Progress – Excellent _____ Satisfactory _____ Unsatisfactory _____

7. If a dual grading system is chosen, additional information may need to be added to the existing district report card (i.e., including an insert).
8. The school district should maintain records of each ELL student's academic history. Examples of items to be included in these records are: language tests, individualized instructional plans, testing accommodations, class work samples, and other documentation. Maintenance of records and periodic review of these records will facilitate appropriate classification or reclassification of a student as an English language learner or exiting an ELL student from a language instruction educational program.

ELL students should be expected to meet the same educational requirements as other students; however, they may need more time to do so. Federal requirements mandate that districts take affirmative steps to open their educational programs to national origin minority group students. This means that while ELL students must meet the same educational requirements as other students, these requirements must be presented in a manner appropriate to ELL students' cultural and linguistic needs and in a time frame that facilitates their learning.

ELL students should not receive a failing grade during the time he or she is progressing from the Pre-Production to Intermediate stages of language proficiency.

While grade retention is widely practiced, it does not help children to "catch up". Retained children may appear to do better in the short term, but they are at greater risk for future failure than equally achieving, non-retained peers.

Research shows that

- Retention has a negative effect on students' later achievement. Students who are promoted despite poor results in their courses do better in later years than students who are retained.
- A significant relationship between grade retention and drop-out rates indicates that students who drop-out are five times more likely to have been retained than students who graduate. Students who repeat two or more years have a drop-out rate close to one hundred percent (100%). Recent research indicates that retention, not poor achievement, is responsible for much of this effect.

- Students view retention as punishment for being "bad," regardless of what the reasons are. Retained students tend to develop problems with social adjustment, attitudes toward school, behavior, and attendance.

ELL students must not be retained in grade level because of their language skills.

ELL students should be carefully evaluated before retention is recommended to ensure that lack of English skills is not being mistaken for poor achievement. Considerations which reduce the need to retain ELL students include:

- remedial before- and after-school programs,
- tutoring,
- summer enrichment programs,
- instructional aids, and
- peer tutoring.

English as a Second Language (ESL) is an approved subject for Mississippi secondary schools. The assigned code number for the ESL course is 160121, Approved Courses for the Secondary Schools of Mississippi. ELL students enrolled in this course can earn one elective credit in grades 9, 10, 11, or 12. The class must be delivered during the regular school day, although supplemental support may include tutorials or summer enrichment programs, and must meet daily, five days per week, for a minimum of fifty (50) minutes per class. These ESL classes must be taught by teachers that hold a standard teacher's license in the core academic subject of English/language arts (Code 119), in addition to having the ESL endorsement (Code 177).

The primary aim of the ESL course is to enable ELL students to develop communicative control of spoken and written English so that they may successfully meet high school grade-promotion and graduation requirements. Instruction covers the areas of reading, writing, listening, speaking, comprehension, grammar, and vocabulary. Often, these skill areas can be addressed using material and assignments from other subject area classes, thereby providing English language instruction and tutorial support for other subjects simultaneously.

One of the process standards for district accreditation allows for teacher-made tests in English and/or the native language to be used in determining grade placement and in awarding Carnegie units. Under this standard, an ELL student can take as many tests as needed and be awarded credit for all classes in which he or she demonstrates mastery. When students arrive without academic records or transcripts (usually from war zones), school personnel often follow this procedure.

Step 5 – Program Evaluation

Annually or at the least bi-annually, the school district should evaluate the effectiveness of its language program. The school district should consider the progress of its ELL students in acquiring English and maintaining academic progress. Districts should also evaluate longitudinal data that compares the academic progress of former ELL students who are now fully English proficient with that of other non-ELL students in categories that include grade point averages; national and state test score averages; and rates of retention, dropping out, graduation, and receipt of honors and awards. A district whose program is not demonstrably effective in meeting the needs of ELL students must modify its program in a timely manner.

Section 4: Issues in Assessing ELL Students

Reclassifying and Exiting ELL Students

Ensuring ELL student success requires ongoing safeguards that are embodied in a continuous review of ELL student performance and placement. The student evaluation team should be involved in collaborative decision making about student identification, assessment, placement, and reclassification or exit.

The process for the reclassification of ELL students from one educational program to another or from one service to another should be handled carefully. It is important that multiple criteria are used for decision making and, to the extent possible, that students are assessed in English and in their native language. Instruments and procedures that are used should measure all five domains of listening, speaking, reading, writing, and comprehension. The student evaluation team may consider:

1. student observation which has been documented using anecdotal records, observation logs, or journals;
2. home language surveys;
3. teacher judgment that is anchored to specific behavior or achievement indicators;
4. student performance portfolios;
5. developmental or achievement checklists;
6. language samples, surveys, and language proficiency tests;
7. parent, teacher, or student questionnaires; and
8. curriculum-imbedded assessments, diagnostic tests, and formal or informal content-specific achievement tests.

Once data has been collected and evaluated, criteria should be established for the reclassifying, exiting, or monitoring of the ELL student. Regardless of the procedures that are used, team decision makers should consist of those individuals who are familiar with the ELL student and his or her performance, as well as individuals who are familiar with assessment, ESL techniques, and placement resources and services.

Krashen (1996) describes a model for gradual exit of moving ELL students from a language instruction education program in which they are exited into the mainstream or general education program, subject by subject, as they become increasingly ready to understand English. As ELL students reach what he terms the "threshold" for a particular subject area, they proceed to receive instruction in English in that subject area, beginning with sheltered instruction while continuing support in the native language, if needed.

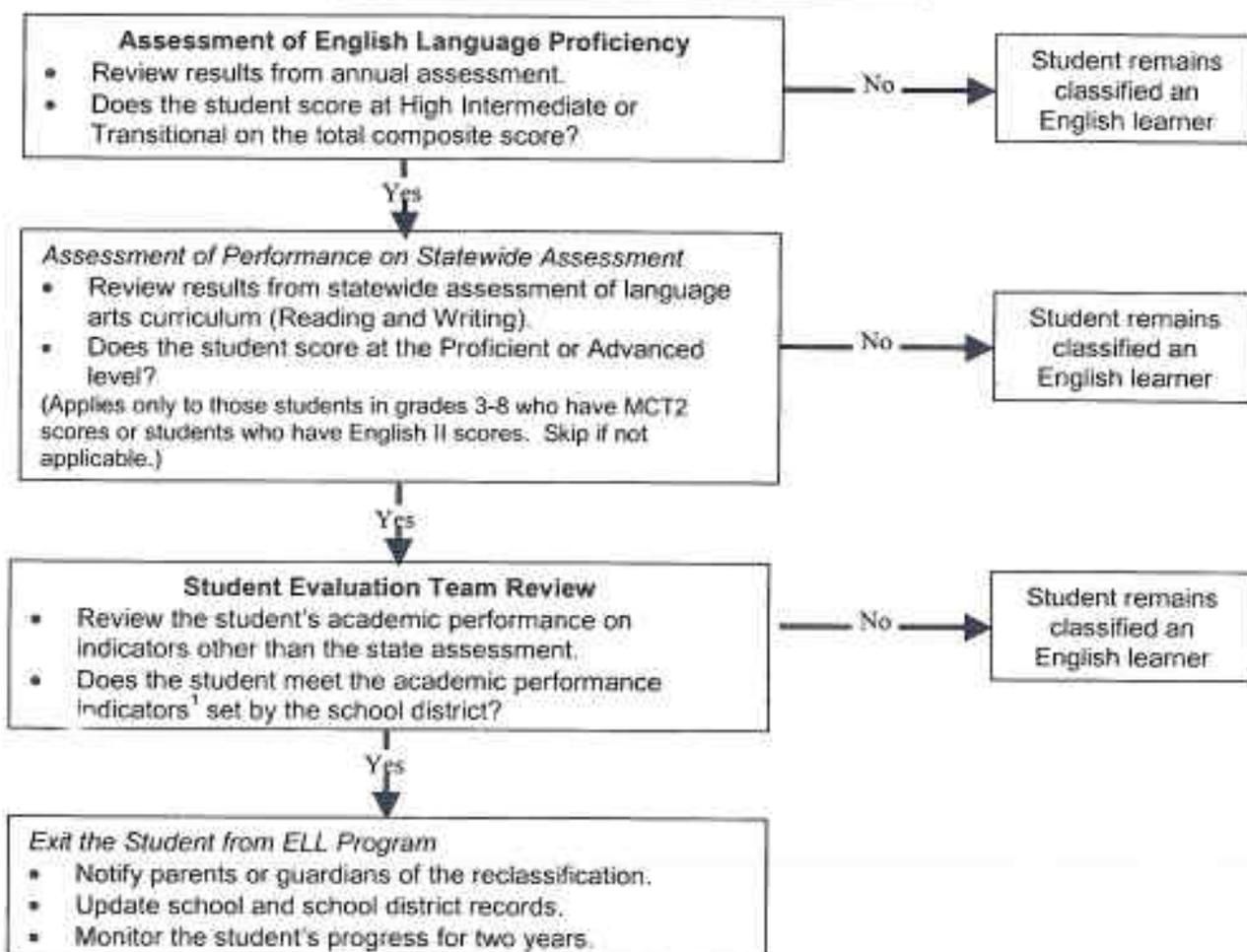
An example of a gradual exit plan follows. This is one example of a model for exiting and that could be modified by school districts as appropriate. It should be noted that the model given is a bilingual model that develops the student's dominant language first and uses it as a base for transferring to the second language. Exit guidelines would need to be adjusted to the specific instructional model that the school district or school uses.

ELL Students Language Proficiency Level	Mainstream Classes that the ELL Student Takes	ESL and Content Areas Supported through Sheltered English	Content Area Classes and Language Development Support
Beginning	Art, Music, PE	ESL	All Core Subjects
Intermediate	Art, Music, PE	ESL, Math, Science	Language Arts, Social Studies
Advanced	Art, Music, PE, Math, Science	ESL, Language Arts, Social Studies	Continuing L1 Development
Mainstream	All Subjects	N/A	Continuing L1 Development

Adapted from Krashen (1996). A Gradual Exit, Variable Threshold Model for LEP Children. NABE News.

NCLB requires that the state establish criteria for exiting ELL students. Mississippi's criteria for exiting ELL students relies on standardized assessment results as well as individuals who are familiar with the ELL student and his or her performance. The steps and criteria for exiting ELL students are shown in the chart below.

Steps and Criteria for Exiting ELL Students



¹Academic performance indicators must be measurable evidence of the student's success in the classroom. Example academic performance indicators include report card grades, results of district-wide assessments, and grade point average.

Monitoring ELL Students' Progress

The regular monitoring and reassessment of ELL students is best accomplished by a student evaluation team that includes the guidance counselor, the ELL teacher or tutor, and grade-level classroom teachers. Factors to be considered in deciding whether a student should be retained in ELL classes or exited from them include the following:

- standardized test scores;
- academic achievement as measured by classroom assignments and tests;
- observation of classroom behavior;
- interviews with the student;
- length of time in school; and
- student's educational background.

Re-entry of "exited" students into the ELL program

If the performance of students who have exited the ELL program stalls, falters, and/or regresses, the SET should re-examine the student's level of English proficiency to determine the need for possible re-entry into the ELL program.

Assessing ELL Students for Special Needs

ELL students may, of course, have special needs over and above their lack of English skills. When an ELL student is referred for special needs assessment, school personnel must ensure:

- that the student has had an "opportunity to learn," whether in the native country or in the American classroom;
- that the student's difficulties are not caused by lack of English skills alone; and
- that those difficulties with English, including pronunciation, are not being mistaken for a speech or language disorder.

The Civil Rights Act of 1964 prohibits students being placed in special education if their difficulty in school is primarily the result of cultural and linguistic differences.

Mississippi Statewide Assessment System (MSAS): Testing English Language Learners

This document contains guidelines necessary to implement State Board of Education policy regarding the Mississippi Statewide Assessment System (MSAS) for English language learners. It is to be utilized by school personnel, parents, and students in making informed decisions regarding the MSAS.

The guidelines in this document are in accordance with NCLB. A major focus of NCLB is the inclusion of ELL students in state and district-wide assessment programs.

These guidelines are provided to assist with the decision-making processes regarding

1. the participation of ELL students in the MSAS; and
2. testing accommodations.

It is important that school personnel, parents, and students be knowledgeable of the requirements involved in making decisions regarding a student's participation in the MSAS and the accommodations for each component of the assessment system. This knowledge is necessary to determine how to assess ELL students appropriately.

Components of the Mississippi Statewide Assessment System (MSAS)

Currently, the MSAS consists of five three components that include the following:

1. **Grade Level Testing Program (GTLP)** which consists of four three components:
 - a. Mississippi Curriculum Test (MCT) – criterion-referenced tests (CRT) in Reading, Language Arts, and Mathematics administered to students in grades 2 3 – 8.
 - b. Writing Assessments – CRT performance Writing Assessments administered to students in grades 4 and 7.
 - c. ~~TerraNova – norm-referenced tests (NRT) in Reading/Language Arts and Mathematics administered to students in grade 6.~~
 - d. Mississippi Science Test – CRT in Science administered to students in grades 5 and 8. The test administered in grade 5 covers the Science curriculum framework for grades 3 – 5, and the test administered in grade 8 covers the Science curriculum framework for grades 6 – 8.
2. **Subject Area Testing Program (SATP)** consists of four (4) criterion-referenced, end-of-course tests administered for U.S. History from 1877, Algebra I, Biology I, and English II (with a writing component). Students are required to pass the subject area tests in order to receive a regular high school diploma. Graduation requirements are determined by the year the students entered the ninth grade. (See Appendix D for graduation requirements.)
3. **The Mississippi Career Planning and Assessment System (MS-CPAS)** - a series of occupation-specific criterion-referenced tests required of all students who have completed a two (2) year vocational program.
4. **The Stanford English Language Proficiency Test (ELPT)** – an assessment to evaluate the language proficiency level of ELL students in kindergarten through twelfth grades (K – 12).

Definitions of Terms

These definitions apply to terms as they are used in this section:

1. **Accommodations** - Testing accommodations are considered changes in testing procedures that provide ELL students an equal opportunity to participate in testing situations and to demonstrate their knowledge and abilities. Accommodations can change the method in which test items are presented to a student and the method of the student's response to test items.
2. **Eligible Student** – This term is used to denote a student who must participate in MSAS; this includes all students in grades 2 – 8, students enrolled in subject area testing program courses, and students completing a vocational program.
3. **Allowable Accommodations** – These are accommodations that can be utilized by any student and ELL students during classroom instruction and on statewide tests.
4. **NCLB** - Congress passed the No Child Left Behind Act of 2001 (NCLB) in December 2001. NCLB addresses the inclusion of all students in state and district assessment and accountability systems, including special populations.
5. **Mississippi Language Arts Curriculum** – This curriculum contains the current competencies and objectives that serve as the framework of language arts instruction for students in the Mississippi public schools.
6. **Mississippi Mathematics Curriculum** – This curriculum contains the current competencies and objectives that serve as the framework of mathematics instruction for students in the Mississippi public schools.

This section applies to students as defined below:

7. English Language Learners (ELL) - Students whose primary language is other than English or those for whom a language other than English has had significant impact on their level of English language proficiency as a result of substantial use of that other language for communication. ELL students are also known as limited English proficient (LEP) students in federal guidance.

Basis of Policy and Guidelines

Mississippi Code 37-16-3 requires that all eligible students enrolled in public school participate in the Mississippi Statewide Assessment System and that the school district superintendent certify annually that all eligible students enrolled in the designated grades/courses were tested. However, accommodations may be provided in accordance with Mississippi Code 37-16-9. It is necessary that all guidelines contained herein be adhered to as written.

No Child Left Behind Act of 2001 (NCLB)

Congress passed the No Child Left Behind Act of 2001 (NCLB) in December 2001, and President George W. Bush signed it into law on January 8, 2002. Section 1001 of NCLB identifies the purpose of the Act, which is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging state academic achievement standards and state academic assessments. In order to accomplish the objectives set forth in NCLB, states must (1) meet the educational needs of low-achieving children in our nation's highest-poverty schools, limited English proficient children, migratory children, children with disabilities, Indian children, neglected or delinquent children, and young children in need of reading assistance; (2) hold schools, local educational agencies, and states accountable for improving the academic achievement of all students and for identifying and turning around low-performing schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such schools to enable them to receive a high-quality education; and (3) improve and strengthen accountability, teaching, and learning by using state assessment systems designed to ensure that students are meeting challenging state academic achievement and content standards, thus increasing achievement overall, but especially for the disadvantaged.

Participation in the State-Adopted English Language Proficiency Assessment

Mississippi Stanford English Language Proficiency Test (Stanford ELPT)

In compliance with NCLB, the Mississippi Department of Education and the English Language Acquisition Practitioners Committee revised the standards for English language proficiency to bring them into better alignment with the Mississippi English/Language Arts Curriculum Framework. There are six performance descriptors for standards and objectives for English language learners (see Appendix A). An English language proficiency test, Harcourt's Stanford English Language Proficiency Test (Stanford ELPT), has been selected for its alignment with these standards and to meet NCLB reporting requirements.

Mississippi requires ELL students to take the Stanford ELPT, provided by Harcourt Assessments, Inc., for the purpose of providing district and school personnel with information about an ELL student's level of language need and for meeting NCLB requirements to report the student's progress in attaining English language proficiency. It was first mandated in the 2003-04 school year. To determine the English proficiency, a language assessment must be completed utilizing the state designated English language proficiency assessment, the Stanford ELPT.

If upon entering a school district, a student is identified as an ELL student, he/she is assessed within thirty (30) days (at the beginning of the school year) or within two (2) weeks (after the beginning of the school year) to determine the student's level of English proficiency. The results of the language assessment must be documented and maintained on file in the district. (Consult the Mississippi English Language Proficiency Assessment Hand Scoring Manual for additional information.) Each year in February, enrolled ELL students who have previously taken the assessment are reassessed with the Stanford ELPT to maintain the students' progress in English language proficiency. A district may use an additional assessment [i.e., the Language Assessment Scales (LAS) or the Idea Proficiency Test (IPT)] if the district finds it to be useful in meeting the needs of ELL students. However, for purposes of annually assessing and monitoring ELL students' language proficiency progress and annually reporting to the MDE and the USDOE, the Stanford ELPT must be used.

The MDE requires administering only the listening and speaking portions of the Stanford ELPT to kindergarten and first grade students. Administration of the reading and writing portions of the Stanford ELPT to first grade students should be decided on an individual student basis. For some first grade students, the reading and

writing portions of the test may provide meaningful information about student progress towards literacy. If only the listening and speaking portions of the Stanford ELPT are administered to a kindergarten or first grade student, no total composite score or proficiency level is reported.

NCLB requires that ELL students be monitored at least two years after exiting a language instruction educational program. ELL students must be assessed during the two monitored years with the Stanford ELPT [See Title I, Part A, Sec. 1111, (h)(1)(c)(iv) and Title III, Sec. 3121, (a)(4).]

Participation in Components of the Mississippi Statewide Assessment System (MSAS)

Two requirements are applicable to all students regarding the MSAS. These include:

1. All eligible students will participate in the state assessment program.
2. Any student who exits high school with a regular high school diploma must pass the Functional Literacy Examination and/or applicable subject area test(s) as required by MS code 37-16-7.

Participation of English Language Learners

ELL students are expected to participate in all aspects of the MSAS.

ELL students are not exempt from testing; however, the MDE excludes the test scores of ELL students whose progress and proficiency reports indicate that they have been receiving language instruction educational services for are newly arrived students, living one year or less in the United States. Newly arrived limited English proficient students are students with limited English proficiency who have attended schools in the United States for less than twelve months. These students are still included in the calculation of the 95% participation rate, but their scores may be excluded from the Adequate Yearly Progress (AYP), Achievement Model, and Growth Model calculations for the first year. If districts wish to include the scores of first-year newly arrived ELL students in AYP, Achievement, and Growth, they have to request that scores be included.

ELL students who are working towards a regular diploma and who are enrolled in Algebra I, Biology I, English II and/or U.S. History from 1877 must take the applicable subject area test(s) using only allowable accommodations and meet the standards that are required for graduation. ELL students who are working toward a regular diploma and are required to pass all or portions of the Functional Literacy Examination must take and pass it using only allowable accommodations.

All ELL students who are considered vocational completers due to completion of a two (2) year vocational program must participate in the MS-CPAS.

Decisions regarding the appropriate accommodations for each testing program or whether a student's scores will be excluded from the statistical summary are addressed under the following section, *Testing Accommodations*.

Testing Accommodations: Purpose of Testing Accommodations

Mississippi Code 37-16-9 ensures that appropriate testing accommodations are provided for eligible students. Testing accommodations are considered changes in testing procedures that provide ELL students an equal opportunity to participate in testing situations and to demonstrate their knowledge and abilities. Accommodations can change the method in which test items are presented to a student and the method of the student's response to test items.

Accommodations fall under four general areas: 1) setting conditions, 2) timing/scheduling conditions, 3) presentation conditions, and 4) response conditions. A student may need accommodations when testing in one content area, but may not need them when testing in another content area. Accommodations are not intended to be a substitute for knowledge and abilities that a student has not achieved or to provide an unfair advantage, but are meant to address the specific needs of individual students due to limited English proficiency and thereby minimize its effect.

If the test results are to be considered a valid measure of the student's achievement and knowledge, there are limits regarding the accommodations that may be made for a student. Accommodations that meet the following criteria are considered appropriate and allowable when assessing a student's achievement and knowledge.

1. The accommodations must not affect the validity of the test.
2. The accommodations must function only to allow the test to measure what it purports to measure.

An accommodation that does not meet the criteria above will not allow the test to measure what it is intended to measure and therefore is considered a non-allowable testing accommodation. Use of non-allowable accommodations will result in test scores that are not an accurate measure of a student's achievement and knowledge; such results are therefore considered invalid scores. These results will not be included in summary statistics. Any student with an invalid score is considered not tested when accountability results are calculated.

Guiding Principles for Accommodations

To the extent possible, and when appropriate, ELL students should be administered the State tests under standard conditions.

1. The accommodations that are to be used during regular classroom instruction and assessments are to be discussed, finalized, and documented prior to use during a state-mandated test administration. It should be noted that some accommodations that may be used routinely in the classroom may not be allowable for statewide tests. Test results of students who use non-allowable accommodations are invalid and must be excluded from summary statistics.
2. Decisions about which accommodations to use should be made on an individual student basis. No accommodations should be provided unless necessary, and the fewest possible accommodations should be given. Accommodations should be chosen by first reviewing the approved list of accommodations (see following pages). Remember that if a student is provided accommodations that are not allowable, the student may be put at a disadvantage when the student participates in state assessments. Students tested with non-allowable accommodations will be considered not tested for accountability purposes.
3. The following are guiding principles for accommodations used during State-mandated test administrations:
 - a. Do not assume that every ELL student needs assessment accommodations. Accommodations used in assessments should parallel accommodations used in instruction.
 - b. Accommodations should respond to the needs of the individual student and not be based on the fact that the student is an English language learner. While ELL students may tend to need the same or similar kinds of accommodations, this is not a sound basis for making individual accommodation decisions.
 - c. Be respectful of the student's cultural and ethnic background. When suggesting an accommodation, make sure the student and his or her family are comfortable with it. When working with a student who has limited English proficiency, consider whether the assessment should be explained to the student in his or her native language or other mode of communication unless it is clearly not feasible to do so.
 - d. Integrate assessment accommodations into classroom instruction. Never introduce an unfamiliar accommodation to a student during a statewide assessment. Preferably, the student should use the accommodation as a part of regular instruction. At the very least, the student should have ample time to learn and practice using the accommodation prior to the assessment.
 - e. Know what accommodations have been approved by the state for statewide assessments or by the school district for district-wide assessments. Generally, there are different documentation procedures depending on whether the accommodation is or is not found on the state-approved/district-approved list. Practitioners and families should consider the state laws and district policies.

- f. Plan early for accommodations. Begin consideration of assessment accommodations long before the student will use them so that he or she has sufficient opportunity to learn and feel comfortable with the accommodation(s).
 - g. Include students in decision-making. Whenever possible, involve the student in determining an appropriate accommodation. Find out whether the student perceives a need for the accommodation and whether he or she is willing to use it. If a student does not want to use an accommodation (e.g., it is embarrassing or it is too cumbersome to use), the student probably will not use it.
 - h. Understand the purpose of the assessment. Select only those accommodations that do not interfere with the intent of the test. For example, if the test measures calculations, a calculator would provide the student with an unfair advantage. However, if the math test measures problem-solving ability, a calculator may be appropriate. Similarly, reading a test to a student would not present an unfair advantage unless the test measures reading ability.
 - i. Request only those accommodations that are truly needed. Too many accommodations may overload the student and prove detrimental. When suggesting more than one accommodation, make sure the accommodations are compatible (i.e., do not interfere with each other or cause an undue burden on the student).
 - j. Determine if the selected accommodation requires another accommodation. Some accommodations—such as having a test read aloud—may prove distracting for other students, and therefore also may require a setting accommodation.
 - k. Provide practice opportunities for the student. Many standardized test formats are very different from teacher-made tests. This may pose problems for students. Most tests have sample tests or practice versions. While it is inappropriate to review the actual test with the student, practice tests are designed for this purpose. Teach students test-taking tips, such as knowing how much time is allotted and pacing oneself so as not to spend too much time on one item. Orient students to the test format or types of questions. For example, on multiple-choice tests, encourage students to read each choice carefully, eliminate the wrong choices, and then select their answer.
 - l. Remember that accommodations in test taking will not necessarily eliminate frustration for the student. Accommodations allow a student to demonstrate what he or she knows and can do. They are provided to meet a student's language-related needs, not to give anyone an unfair advantage. Thus, accommodations will not in themselves guarantee a good score for a student or reduce test anxiety or other emotional reactions to the testing situation. Accommodations are intended to "level the playing field."
4. Questions to ask about accommodations:
- a. Does the accommodation interfere with what the test is designed to measure?
 - b. Does the accommodation provide the answer to the student?

If the answer to either of the above questions is "yes," then it is not an allowable accommodation.

Determining the Need for Accommodations

The need for accommodations must be based on the following guidelines:

1. Students may take all tests with accommodations as necessary to participate in an applicable assessment program. The necessary accommodations provided for each student must be recommended by the student's teacher(s) and authorized by the school principal, ELL coordinator, and the district test coordinator. It should be noted that some accommodations that may be used routinely in the classroom might not be allowable for statewide tests. The test results of students who use non-allowable accommodations are invalid and must be excluded from summary statistics. Any student with an invalid score is considered not tested when accountability results are calculated.
2. Students who will exit with a regular high school diploma must pass the Functional Literacy Examination (FLE) and/or applicable subject area test(s) utilizing only allowable accommodations.

3. Students who are considered vocational completers must take the MS-CPAS. Allowable accommodations may be provided for each of the MS-CPAS tests.

Documentation of Decisions

1. The student's teacher must document the specific accommodations needed by the student on the ELL Student Accommodation Form located in these Guidelines. The student's teacher must sign and date each form. A form should be completed for each teacher. This form(s) is to be maintained on file in the district.
2. The ELL Student Accommodation Form must be completed for each applicable test, and it must be maintained on file in the district. The district ELL coordinator must forward appropriate documentation to the district test coordinator, who must assign responsibility for and coding of student answer documents.

Documentation of Decisions by District Personnel

Documentation to support all decisions regarding the need for accommodations and the types of accommodations needed by each student must be completed by the designated personnel and in accordance with these guidelines.

Documentation must be maintained on file regarding the participation of ELL students in each applicable assessment program and any necessary accommodations. Each district shall have a process for documenting the decisions regarding ELL students.

An organized plan for providing testing accommodations needed at each school is required. It is imperative that the district test coordinator and the district ELL coordinator work collaboratively to continuously evaluate and monitor student participation in the Mississippi Statewide Assessment System.

ACCOMMODATIONS FOR ENGLISH LANGUAGE LEARNER STUDENTS

SETTING CONDITIONS

Allowable Accommodations

- 01 At the front of the room
- 02 Facing the test administrator while directions are given
- 03 In a small group
- 05 In a familiar room
- 06 With a familiar teacher
- 08 In a study carrel
- 18 Other allowable setting accommodation

TIMING/SCHEDULING CONDITIONS

Allowable Accommodations

- 20 Additional time to complete test (within a reasonable time, not to exceed one school day)
- 21 With scheduled rest breaks
- 23 Until, in the test administrator's judgment, the pupil can no longer continue the activity

NOTE: Accommodations 24 and 25 are related to administering the test over several sessions and/or days. Any extension in a planned test administration should be pre-arranged, and the procedure should be documented and in the student's file. If the student is testing over several days, he/she is not allowed to change responses to questions from the previous administration(s) or preview questions that will be administered in a future session.

- 24 Administer the test in several sessions, specifying the duration of each session
- 25 Administer the test over several days, specifying the duration of each day's session
- 38 Other allowable timing/scheduling accommodation

PRESENTATION CONDITIONS

Allowable Accommodations

- 44 Transparent color overlays

NOTE: Accommodation 47 is related to cueing. Cueing is assisting the student in focusing his/her attention. Cueing strategies include but are not limited to arrows, lines, space, contrasting colors, position or focal point, underlining, labeling, size, and shading. Cues provided on answer forms and/or second/third grade test booklets must be erased before answer forms and/or second/third grade test booklets are returned for scoring. Cues provided for all other test books do not have to be erased since all other test books are non-scorable documents.

- 47 Provide cues (e.g., arrows and stop signs) on answer form in pencil – must be erased before answer document is returned for scoring

NOTE: Accommodation 48 relates to the use of memory aids. A memory aid, fact chart, and/or resource sheet is something that helps a student remember how to find the answer; it should not give him/her the answer. This accommodation cannot interfere with what the test purports to measure. For example, if the test measures computation skills, a multiplication fact chart is a non-allowable accommodation since it gives the answer or a portion of the answer to the item assessing multiplication skills.) **PRIOR APPROVAL BY MDE IS REQUIRED FOR USE OF ALL MEMORY AIDS, FACT CHARTS, AND/OR RESOURCE SHEETS.**

- 48 Use of memory aids, fact charts, and/or resource sheets
- 49 Cue student to stay on task
- 50 Highlight key words or phrases in directions (e.g., complete sentences, show your work)

NOTE: Accommodations 51 – 56 are related to the presentation of test directions and test items (questions and answer choices) to students. Test items CANNOT be read to students on the Reading section of the Mississippi Curriculum Test (MCT), the Reading for Information section of the Mississippi Career Planning and Assessment System (MS-CPAS), the Reading Comprehension section of the English II Multiple - Choice Test, or the Reading section of the Functional Literacy Exam (FLE). Therefore, accommodations 54, 55, and 56 are NOT ALLOWED on the above-mentioned reading subtests. Test items and/or test directions may not be read in a language other than English.

- 51 Read the test directions (but not the test items) to individual students or the group – without repeating or paraphrasing.
- 52 Read the test directions (but not the test items) to individual students or the group – repeating the directions if needed, but not paraphrasing.
- 53 Read the test directions (but not the test items) to individual students or the group – repeating and/or paraphrasing the directions if needed. Bridging technique is one example.
- 54 Read the test directions and test items to individual students or the groups – without repeating or paraphrasing.
- 55 Read the test directions and test items to individual students or the group – repeating the directions/items if needed, but not paraphrasing.
- 56 Read the test directions and test items to individual students or the group – repeating and/or paraphrasing the directions/items if needed. Bridging technique is one example.
- 68 Other allowable presentation accommodation

RESPONSE CONDITIONS

Allowable Accommodations

- 70 Dictation of answers to test administrator/proctor (scribe) (in English only)
- 72 Allow marking of answers in booklet

NOTE: ELL students may use translating WORD-TO-WORD dictionaries. The use of a translating word-to-word dictionary (without definitions in either language) includes the use of electronic word-to-word dictionaries with audio/speaker function turned off. The use of picture word-to-word dictionaries is also permitted.

- 81 Native language dictionaries for ELL students (i.e., dictionaries that translate English words into the native language – no definitions are given in either language)
- 98 Other allowable response accommodation

PETITION FOR SPECIAL CONSIDERATION

In rare instances, students may require special consideration for an exemption or an accommodation not provided for in these guidelines. In such cases, the local school district superintendent or district test coordinator may make a petition for special consideration to the Office of Student Assessment. Such a petition must clearly state the reason that special consideration is necessary. In addition, the request must include adequate supporting information and documentation. This type of request must be submitted to the Office of Student Assessment no later than fifteen (15) working days in advance of testing to allow for appropriate review and response to the school district.

ELL Student Accommodation Chart

District Code:	Student Name:
School Code:	Grade:
MSIS #:	Teacher's Signature:
	ELL Coordinator's Signature:
	District Test Coordinator's Signature:

TEST	MCT	Writing 4 & 7	NRT	Science	Algebra I	Biology I	English II	English II Writing	US History	FLE	CPAS
ACC CODE(S)											

*Test items CANNOT be read to students on the Reading section of the Mississippi Curriculum Test (MCT), the Reading for Information section of the Mississippi Career Planning and Assessment System (MS-CPAS), the Reading Comprehension section of the English II Multiple - Choice Test, or the Reading section of the Functional Literacy Exam (FLE). Therefore, accommodations 54, 55, and 56 are **NOT ALLOWED** on the above-mentioned reading subtests.

ALLOWABLE ACCOMMODATIONS	
<p style="text-align: center;">SETTING CONDITIONS</p> <p><u>Allowable Accommodations</u></p> <ul style="list-style-type: none"> 01 At the front of the room 02 Facing the test administrator while directions are given 03 In a small group 05 In a familiar room 06 With a familiar teacher 08 In a study carrel 18 Other <u>allowable</u> setting accommodation 	<p style="text-align: center;">TIMING/SCHEDULING CONDITIONS</p> <p><u>Allowable Accommodations</u></p> <ul style="list-style-type: none"> 20 Additional time to complete test (within a reasonable time, not to exceed one school day) 21 With scheduled rest breaks 23 Until, in the test administrator's judgment, the pupil can no longer continue the activity 24 Administer the test in several sessions, specifying the duration of each session 25 Administer the test over several days, specifying the duration of each day's session 38 Other <u>allowable</u> timing/scheduling accommodation
<p style="text-align: center;">PRESENTATION CONDITIONS</p> <p><u>Allowable Accommodations</u></p> <ul style="list-style-type: none"> 44 Transparent color overlays 47 Provide cues (e.g., arrows and stop signs) on answer form in <u>pencil</u> -- must be erased before answer document is returned for scoring 48 Use of memory aids, fact charts, and/or resource sheets 49 Clue student to stay on task 50 Highlight key words or phrases in directions (e.g., complete sentences, show your work) 51 Read the test directions (but <u>not</u> the test items) to individual students or the group -- <u>without repeating or paraphrasing</u> 52 Read the test directions (but <u>not</u> the test items) to individual students or the group -- repeating the directions if needed, <u>but not paraphrasing</u> 53 Read the test directions (but <u>not</u> the test items) to individual students or the group -- repeating and/or paraphrasing the directions if needed. Bridging technique is one example. *54 Read the test directions <u>and</u> test items to individual students or the groups -- <u>without repeating or paraphrasing</u> *55 Read the test directions <u>and</u> test items to individual students or the group -- repeating the directions/items if needed, <u>but not paraphrasing</u> *56 Read the test directions <u>and</u> test items to individual students or the group -- repeating and/or paraphrasing the directions/items if needed. Bridging technique is one example. 58 Other <u>allowable</u> presentation accommodation 	<p style="text-align: center;">RESPONSE CONDITIONS</p> <p><u>Allowable Accommodations</u></p> <ul style="list-style-type: none"> 70 Dictation of answers to test administrator/proctor (scribe) (in English only) 72 Allow marking of answers in booklet 81 Native language dictionaries for ELL students (i.e., dictionaries that translate English words into the native language -- no definitions are given in either language) 82 Spelling dictionaries (i.e., dictionaries that show the correct spelling of English words but do not give definitions) 98 Other <u>allowable</u> response accommodation

Section 5: Gifted / Special Education ELL Students

The U.S. Department of Education, Office of Civil Rights, is charged with the enforcement of Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and their implementing regulations which prohibit discrimination on the basis of disability. The Office for Civil Rights makes it clear that school districts must adopt appropriate standards for deciding which students are English language learners and for providing these students with appropriate language services.

Excerpts from OCR's policy memoranda on districts' obligations to ensure equal educational opportunities to ELL students are useful in informing districts and schools about identifying and serving these students under federal law. According to these policy memoranda, school districts may not assign ELL students to special education programs on the basis of criteria that measure English language skills, and they cannot refuse to provide alternative language services and special education services to students who need both.

There is clear legal guidance in identifying and making programmatic decisions about ELL students who fall into one of two categories:

- gifted; or
- eligible for special education.

Guidelines for Gifted Education

In the identification of ELL students for gifted services, students must meet the criteria determined by the state, school district or school. Gifted students are generally defined as those who are significantly discrepant from the norm in learning and/or performance capability compared to their age peers.

Students who are gifted show up in all types and categories of young people, regardless of sex, race, ethnic or cultural group, language, socio-economic status, or type of physical, emotional, or learning disabilities.

In general, identification of students for a gifted program or for programming purposes involves both a recognition of the way or ways and the degree to which individual students are discrepant from the norm (generally two or more standard measures or deviations above the mean) and the determination of the educational need related to the area(s) of significant ability.

Students may possess extraordinary learning or performance abilities that have nothing to do with their English proficiency. Procedures used for identifying students who are gifted should be as bias-free and culturally-fair as possible. These procedures must be designed to point out or elicit student strengths and abilities, regardless of language or dominant language use.

Generally, assessments used in identification should be administered in the language that gives the individual student the greatest advantage for demonstrating extraordinary capability. Assessment of a student's linguistic ability should be done in the student's dominant and most comfortable language.

Gifted students who are also ELL should receive programming services designed to develop their specific area(s) of strength or ability, conducted in the language that would give the student the greatest advantage for optimal learning and performance. This does not preclude continuing English language instruction and developing proficiency in English use; developing English proficiency should complement and supplement, not substitute for, the development of the student's significant strengths and abilities.

The time spent in the development of English proficiency should not take precedence over appropriate instruction and learning in the student's areas of strength and talent. For example, a mathematically gifted, non-English proficient student should receive advanced and accelerated mathematics instruction and opportunities to perform at optimal levels. The language of instruction should serve the optimal development of the student's mathematics ability. The student should spend as much quality time in high-level mathematics learning and production as would a highly English proficient, mathematically gifted student.

In summary, for determining strength-based programming needs and for measuring students' knowledge and skill development as a result of appropriate instruction, assessment procedures for gifted ELL students should:

- utilize bias-free, culturally-fair tests specific to ability areas with qualifying criteria being examined to ensure ELL students are not systematically screened-out;

- accommodate the language that is most comfortable and efficient for the ELL students' learning abilities;
- include or be cast in a cultural context that emphasizes diversity;
- utilize the observation of students in learning and performance situations where English proficiency is not a requirement for optimal learning results or performance; and
- include performance judging criteria that are sensitive to the students' native language and/or cultural nuances, including adopting alternate qualifying criteria such as testing in the native language, non-verbal testing, and utilizing recommendations from teachers, parents, counselors, and students.

Instructional personnel who work with ELL gifted students should have training in gifted education and possess a high degree of content knowledge and skills in the students' areas of learning strength or talent. These personnel should also be able to communicate effectively in the students' language which is most efficient and comfortable for learning, or they should be assisted by bilingual or multilingual translators to help assure student understanding.

The actual participation rates of ELL students in programs for the gifted should be considered in determining whether an equal opportunity to participate has been effectively addressed. Strategies should be identified for increasing ELL student participation in these programs. Some examples might be to increase staff and parent understanding of the participation criteria, encourage language program staff and parents to refine the criteria using their knowledge about language acquisition and assessment issues and how they might affect ELL student success, and discuss equitable selection criteria with school and district decision makers.

Guidelines for Special Education

The major difference between gifted student education and other kinds of special education is that gifted education generally focuses on accommodations for and development of students' significant strengths and abilities. In other kinds of special education programs, the focus may also include remediation or compensation for student deficiencies, limitations, weaknesses, or disabilities.

When ELL students are being considered for special education, guidelines must be followed in order to ensure that ELL students receive the most appropriate educational services. Procedures include a parent checklist, assessment of the ELL student's English language proficiency, and placement in a language instruction educational program which must be carried out for all ELL students. Informal consultation with general education assistance teams, special education referral, special education identification processes, and specialized instruction and support is an important step. Additional guidance is provided in Appendix B.

Section 6: Migrant Education Program

The Migrant Education Program (MEP) provides advocacy and support services for the children of migratory agricultural workers and fishermen. Migratory workers are people who move their families across school district boundaries to seek or to obtain temporary or seasonal work in an agricultural or fishing activity. Agricultural activity refers to any activity directly related to the production of or processing of crops, poultry, livestock cultivation or harvesting of trees, or to fish farms. Fishing activity refers to any activity directly related to the catching or processing of fish or shellfish for initial commercial sale.

The general purpose of the MEP is to ensure that children of migrant workers have access to the same free, appropriate public education, including public preschool, provided to other children. To achieve this purpose, the MEP helps state and local education agencies remove barriers to the school enrollment, attendance, and achievement of migrant children. Although many migrant families are language minorities, it is important to remember that many are not.

The MEP was established in 1966 by the United States Department of Education to support state programs in meeting the complex educational needs of migrant students and to facilitate interstate coordination of services. Federally supported school year and summer programs have played an important role in improving educational opportunities for migrant students; however, migrant children continue to experience high drop-out rates, low achievement levels, and slow progress through school. The reauthorization of the MEP under the NCLB is improving the delivery of services to migrant students.

In order to provide services to migrant children, states must first identify them. Unfortunately, since migrant workers and their families often move across state and even national boundaries, it is difficult to know the exact number of migrant children in a state at any time. Counting migrant children is further complicated by differing identification and record-keeping practices within different states.

Since the family's migration is not patterned around the traditional school year, migrant students usually experience considerable disruptions in the continuity of their education. It is often difficult for migrant students to accrue enough academic credit to stay at grade level with their non-migrant peers. In migrant families, children can be expected to work in the fields or to care for younger siblings when their parents are working. Often, children as young as ten years old can make a significant contribution to their family's income by working rather than attending school. This results in an increased level of absenteeism and contributes to the low graduation rate of older MEP students. Frequent moves, adjusting to differing school systems, curricula, and social conditions, late starts or early exits during the school year, and problems with records and credit transfers are migration-related problems that contribute to low academic achievement and high drop-out rates among migrant students.

When the MEP was reauthorized, its flexibility greatly increased. Given that the needs of migrant students can vary greatly among the states, the federal government has adopted programs that allow states to address the needs of the students they serve. The government allocates funds to state education agencies based on the number of migrant students residing within the state. Advocacy and support services to migrant students are provided in programs that are designed and administered at the state and local levels. State education agencies can also use federal funds to improve coordination of educational services to migrant students between states. Eligible migrant students may also benefit from federal funds that support state programs for other target groups, such as Title I, Title III, or special education. In addition to providing funding for services and leadership, the federal government is also charged with facilitating the transfer of migrant students' health and school records.

NCLB incorporates several important features with regard to migrant students that are aimed at focusing limited federal funds on the neediest students. This legislation:

- specified that priority shall be given to migratory children who are failing, or most at risk of failing, to meet the state's challenging content and performance standards, and whose education has been interrupted during the regular school year;
- facilitated the targeting of funds by redefining the eligibility for MEP to include only students who had undergone a migratory move within the previous three years, as opposed to the previous threshold of six years;
- extended eligibility to youth who are also independent migrant workers;

- terminated the contract for the centralized Migrant Student Record Transfer System; and
- required the USDOE to seek recommendations for improving the ability of schools and districts to identify students and transfer records.

State responsibilities that specifically relate to the education of migrant students include:

- identification and recruitment,
- needs assessment,
- transfer of records and credits,
- compensatory services for interruptions in schooling, and
- counseling and other services to help overcome social isolation, and coordination with other programs.

When the educational needs of migrant students are comparable to those of non-migrant Title I students, the law states that migrant students should be served using general Title I allocations. These services may include:

- increased amount and quality of learning time through extended school day or school year programs,
- preschool and early childhood education,
- Head Start / Even Start programs,
- vocational and academic programs,
- counseling and mentoring,
- parental involvement,
- supplementary assistance for students not meeting standards,
- college and career awareness, preparation, and training,
- school-to-work transition, and
- partnerships with business.

Section 7: Language Development and Second Language Acquisition

A distinction can be made between first language development and second language acquisition to set the foundation for learner-centered instructional strategies for ELL students. However, regardless of whether a first or second language is being learned, there are five principles that apply. These are:

1. language is learned by using language;
2. the focus of language learning is meaning and function (not form);
3. language learning is non-anxious, personally important, and concretely-based;
4. language is self-directed, not segmented or sequenced; and
5. the conditions necessary for language learning are essentially the same for all children.

These principles support best practices for facilitating language learning. In the same way that children learn to read by reading and to write by writing, they learn language by using language. Though the rate of development is different for all children, the conditions necessary for learning language are essentially the same.

First Language Development

Key concepts and theories have been put forth by Brown (1973), Chomsky (1986), and Piaget (1970) on how language is developed through an internal process whereby humans innately create words and sentences. Language rules are generated as individuals move through developmental stages of language – each at their own rate. In Crain (1980), Chomsky posits that as we create, comprehend, and transform sentences by intuitively working on two levels: the deep structure and the surface structure of language. The surface structure refers to the way words or sounds are put together while the deep structure refers to the meaning that the words or sounds are meant to communicate.

Most theorists agree that language is related to thinking and requires the development of concrete operations. As the first language is developed, children need to hear it spoken and, through good models, will master language without any special program of instruction. While some believe that teaching language makes children more conscious of their language, it is widely accepted that since children independently master an intricate system of grammatical rules, that their independent and intuitive efforts should be respected and not undermined through attempts to teach abstract rules of grammar. In spite of the beliefs about how language is best developed, four essential interactions are key to language learning and development:

1. exposure to language;
2. imitation;
3. practice in a non-threatening environment; and
4. reinforcement.

The next section discusses the acquisition of a second language. In working with ELL students to facilitate their learning, a number of prominent researchers (Clay, 1991; Cummins, 1981; Peregoy, 1991) support the belief that the first language (L1) offers the best entry into literacy by providing a cognitive and academic foundation for proficiency in the second language (L2).

Acquiring a Second Language

Children can best acquire a second language in much the same way that they learn a first language. They acquire the language as they struggle to communicate and make sense of their world. This process is compounded, however, because second language learners need to use the new language to learn subject matter, interact socially, and achieve academically.

Krashen (1982) suggests that during the early stages of learning a second language, students need to hear messages they understand, but they do not actually need to produce language right away. They need to experience what he calls a “silent period.” Most ESL teachers agree that ELL students seem to learn English more quickly when teachers use pictures, gestures, manipulatives, and other means to make English comprehensible, while at the same time reducing the stress of high expectations associated with student production of the new language.

The Acquisition-Learning Hypothesis posited by Krashen (1982) suggests that a new language is acquired subconsciously as it is used for various purposes. For instance, if a student needs to know how to order pizza, he or she acquires the vocabulary needed to accomplish this task. By using language for real purposes, students acquire it naturally and purposefully. For older students, language can be acquired as they read and write, as well as through listening and speaking. People acquire language as they attempt to understand any

oral and written messages they receive. These messages provide comprehensible input that eventually leads to the output of speaking and writing.

Students acquire a second language through exploration of verbal expression that increases as confidence and knowledge are gained through trial and error. Krashen (1982) defines the following stages of language for second language learners but acknowledges that since language acquisition is an ongoing process, the language periods may overlap and growth may occur at different rates.

Period 1. Silent Period – ELL students do not verbally respond to communication in L2, although there is receptive processing. The student should be actively included in all class activities but not forced to speak. Teachers should give students this period of L2 acquisition sufficient time and clues to encourage participation. Students are likely to respond best through non-verbal interaction with peers; being included in general activities and games; and interacting with manipulatives, pictures, audiovisuals, and "hands-on" materials. As students progress through this period, they will provide one-word verbal responses. Characteristics of students in the Silent Period are that they:

- are verbally unresponsive advancing, to one-word responses;
- are hesitant, often confused and unsure;
- indicate comprehension nonverbally;
- develop listening skills; and
- associate sound with meaning.

Period 2. Early Production Period – During this period, ELL students begin to respond verbally, using one or two words, and develop the ability to extract meaning from utterances directed to them. They continue to develop listening skills and build up a large recognition vocabulary. As they progress through the period, two or three words may be grouped together in short phrases to express an idea. Characteristics of students in the Early Production Period are that they:

- relate words to their environment;
- demonstrate improved comprehension skills;
- grasp main ideas without understanding all the parts;
- focus on key words and contextual clues; and
- use one word verbal responses, advancing to groupings of two or three words.

Period 3. Speech Emergence Period – In this period, ELL students begin to respond in simple sentences if they are comfortable with the school situation and engaged in activities in which they receive large amounts of comprehensible input. All attempts to communicate (i.e., gestures, attentiveness, following directions) should be warmly received and encouraged. It is especially important that neither the instructor nor the students make fun of or discourage ELL students' attempts at speech. Characteristics of students in the Speech Emergence Period are that they:

- produce words that they have heard many times and understood, but the words may be mispronounced;
- commit omission errors; and
- produce what is heard, such as common nouns, verbs, and adjectives.

Period 4. Intermediate Fluency Period – In this period, students gradually make the transition to more elaborate speech so that stock phrases with continued good, comprehensible input generate sentences. The best strategies for students in this period are to give more comprehensible input, to develop and extend recognition vocabulary, and to give them a chance to produce language in comfortable situations. Characteristics of students in the Intermediate Fluency Period are that they:

- commit more errors as their utterances become more complex;
- have not yet mastered grammar because concentrating on grammatical elements is counterproductive at this period of language development; and
- exhibit extensive vocabulary development.

Period 5. Advanced Fluency Period – During this period of language development, students begin to engage in non-cued conversation and produce connected narrative. This is appropriate timing for some grammar instruction, focusing on idiomatic expressions and reading comprehension skills. Desirable activities include those designed to develop higher levels of thinking, vocabulary skills, and cognitive skills, especially in reading and writing. Characteristics of students in the Advanced Fluency Period are that they:

- can interact extensively with native English speakers;

- commit fewer errors in grammar;
- participate in transitional English reading programs;
- continue to need extensive vocabulary development in English after having had opportunities to develop L1 literacy, although many of their reading skills transfer from one language to another; and
- may still be functioning in a basic interpersonal language proficiency level and, while exhibiting a level of comprehension that is high, may not be advanced enough for academic classroom language.

Language Use

Cummins (1980) posits a framework related to language use in which he describes the difference between language that is used for basic social interaction and language that is used for academic purposes. Basic Interpersonal Communication Skills (BICS) refers to language skills needed for social conversation purposes, whereas Cognitive Academic Language Proficiency (CALP) refers to formal language skills used for academic learning. It generally takes ELL students up to five years to acquire sufficient BICS necessary to participate in spontaneous conversation (Cummins, 1979). Usually, ELL students take from seven to ten years to develop CALP and become cognitively proficient in the second language (Thomas and Collier, 1995).

Language Acquisition Classrooms

ELL students often experience limited success in English-only classroom situations. Many educators believe that this is the direct result of the conditions inherent in the model that has been used in the schools for generations whereby the teacher is the "source of all knowledge," and the students are passive recipients of that knowledge. ELL students, as well as many other students in the school system, frequently do not succeed in the traditional classrooms that are not effective in promoting language acquisition.

Language acquisition classrooms are nontraditional classrooms designed to promote the acquisition of language. They advocate an integrative and interactive model of teaching based on current research and promote continual language development for students who are progressing in their first language, as well as for those who are acquiring a second language. Teachers and students see themselves as partners in learning to use authentic communication in small, heterogeneous groups.

Language acquisition classrooms are student-centered, celebrating the value and potential of all students. The strengths and interests of each child are esteemed along with respect for all cultures and languages. Within a non-threatening and noncompetitive environment, teachers take full responsibility for providing comprehensible input to all students regardless of their language. In this informal, rich, and literate environment, all students can succeed. The Arizona Department of Education (1992) compiled a list of characteristics of the language curriculum in language acquisition classrooms. These include:

- a simultaneous integration of listening, speaking, reading, and writing skills;
- giving students sufficient time to go through the language process;
- the use of natural language for real communication purposes;
- comprehension of meaning as the goal of all language activities;
- a variety of highly motivating activities using culturally relevant materials;
- language development and content as a dual curriculum;
- curriculum organized around a theme;
- students reading and being read to every day;
- students writing every day; and
- facilitating learning, not remediating.

Teachers in a language acquisition classroom are facilitators of language learning while modeling language, attitude, and ways to do things. They are aware of cultural differences but do not stereotype. Informal relationships with students occur as teachers accept all students wherever they are and build on their strengths. It is important for teachers to adapt their own language and the language of the classroom to the ability level of each student to help ensure comprehension.

An important note about the classroom environment relates to the concept of equal access to school programs and to optimal physical environments that facilitate learning. Best practice supports that optimal learning occurs when the classroom climate and physical environment are comfortable in terms of temperature, space, furniture, and freedom from distractions; where materials are plentiful and accessible, and when there are appropriate choices; and when there is access to technology, curriculum, supplies, materials, and equipment to facilitate learning. In other words, the classrooms in which ELL students are placed must be comparable to those for all students, and the resources must be equitable. Clearly, to meet the test of equitability, ELL

students should not be working with tutors in noisy hallways, cramped storage rooms, or ill-equipped classrooms. Furthermore, to meet high standards, ELL students should not be segregated from participating in activities in English-only classrooms, in honors classes, or in programs for the gifted, nor should they receive language program services in facilities that are not conducive to optimal learning.

Section 8: Effective Instructional Strategies

A number of strategies and methods which experience and research have demonstrated work best for facilitating the learning of ELL students are provided in this section. Because students' learning styles, interests, and levels of skills and proficiency are different, it is usually necessary to employ different procedures to best meet the individual needs of English language learners. Regardless of the strategies and methods that are used, there are essential practices that provide a foundation for ELL student success. These are related to language instruction, classroom practices, and the rights and responsibilities of students as summarized below.

- Areas of essential learning related to language include: understanding thoughts and rhetorical patterns; listening with comprehension; speaking with clarity; reading for understanding; writing for effectiveness; acquiring social and academic language; using mechanics including phonics, spelling, grammar, and the semantic aspects of the second language; developing content area and technical vocabulary, idiomatic expressions, and commonly used phrases; and building note taking and test taking skills.
- Classroom skills and strategies include: expressing opinions and thoughts, seeking and interpreting feedback, understanding strengths and capitalizing on those strengths, employing active learning strategies, working individually and cooperatively, asking for help, and taking risks in learning and language production.
- The rights and responsibilities of ELL students include: learning about attendance, discipline, and all other school and district policies; learning about grading, standards, and assessments; learning grievance policies and procedures; and learning strategies and knowledge for successful interaction both within the classroom and school cultures and within the larger society.

The methods by which educators can best facilitate learning for the expanding number of ELL students in their classrooms are often very specific to individual teachers and to the climate and culture of the school. Many educators are skilled in successfully communicating content, modeling learner-centered strategies, and motivating those students acquiring a second language to be self-reliant learners. While these successful teachers may or may not speak the first language of the student, they share several important qualities.

First, they have high expectations for their students with organizational and educational structures that support their students. Secondly, they are able to marshal the human and technological resources to facilitate learning. Next, they establish and maintain a safe, dynamic, interactive, print-rich classroom environment in which students can work in small cooperative groups with peers, independently, and with adults. Finally, they have a commitment to their own professional development.

In considering effective instruction, strategies for ELL student success can be clustered in the areas of survival skills – what to do when the student first enters the school or classroom – and instructional strategies – how to modify teaching to accommodate the needs of linguistically diverse learners. Clearly, increasing educators' capacities in these areas requires targeted staff development that allows for modeling, practice, and reflection. Increased capacity should be directed not only at the individual teacher, but also at the entire school and district.

Survival Skills

When new students who are limited in English proficiency arrive at the office, schools should have procedures in place to make the students' first experience a positive one. Schools that have neither bilingual programs in place nor staff who are bilingual and can assist students in making the initial adjustment have an even greater need to plan ahead to facilitate ELL student success.

This section on Survival Skills offers some suggestions for helping teachers who do not speak the student's home language overcome the initial hurdles that occur in basic communication. These suggestions can assist teachers when the activities and plans that have always worked no longer work or when they become frustrated by their inability to be understood, reluctant to accept responsibilities for ELL students' achievement, and eager to relegate instructional duties to ESL teachers, language tutors, and/or support staff who are bilingual.

To appropriately welcome ELL students and help make their classrooms inviting, teachers must help students develop a sense of belonging by modeling for the entire class how to value and celebrate diversity. Suggestions for classroom teachers' survival and success follow.

1. **Welcome the student with a smile and a warm greeting.** Remember it is *how* you say what you say that often carries the greatest impact. Using paraprofessionals, volunteers, or other students in the classroom, let the student know that he or she is an important part of the class with something unique to contribute. Ask questions about the student's background, experiences, and preferences. Find things that the student has in common with others in the class – something as simple as the commonality of wearing the same color shoes or jacket. Demonstrate to the class how they should welcome new students and help make them feel comfortable in the classroom.
2. **Establish a "Welcome" Program.** As a class project, prepare to welcome new students with a basket, bag, or backpack that contains educational materials. The "Welcome" gift could include a class dictionary with commonly used words and phrases; school supplies; a map of the school and the area; and other materials either donated or provided through fundraising.
3. **Make a point of correctly pronouncing and learning the student's name.** Practice that student's first and last names until you have them mastered. Remember, you only have a couple of new words to learn while the ELL student has thousands. Ask the student the name that he or she prefers. Because a person's name has great personal and emotional impact, don't shorten or change names just to make it easier to pronounce.
4. **Identify a classmate to serve as the student's "language buddy."** Set up a volunteer program in which you provide structured training to students to serve as "language buddies." Training can include the basics of interpersonal communication, logistics of providing school tours, and strategies for "simplifying" English.
5. **Contact local universities as a resource.** Often, universities can identify students who might be interested in volunteering as native language translators or tutors. Some even award college credit for community service. Initially, it takes time to build these collaborative ties with universities and integrate students into the classroom routine; however, it is well worth the investment.
6. **Find out all you can about the student.** A student's history can be an important source of information to help you make instructional decisions. For example, has the student been in school before, how well can he or she read in the first language, what special achievements or honors have been earned, etc. are questions that may need to be asked. Information about the student's language, culture, and home life can be determined by using an interpreter or parent volunteer to help you speak with the parents.
7. **Set up a language learning center.** Language learning centers are places where the second language learner can explore print materials, listen to tapes, and work with picture vocabulary cards. For very new speakers of English, borrow materials for the center from early elementary classrooms to ensure that the vocabulary is not too difficult. Set up cassette tape recorders with blank tapes for students to practice.
8. **Provide direct, explicit ESL instruction.** Talk to experts in your school or district to learn about ESL techniques such as those discussed in this document. These techniques will be helpful to ensure that new students have the opportunity to learn.
9. **Label items in the classroom.** Visual cues are helpful for new students to connect the spoken language with specific English vocabulary. Most students need visual cues in order to process spoken words, especially when learning a new language.
10. **Be knowledgeable about the student's culture.** Make the classroom "friendly" for new students. Displaying posters and other memorabilia of where the students are from will convey the message that you are interested in them and their experiences.
11. **New students should begin the day with the class.** Even though new students enroll at various times throughout the day, the school should ask parents to have them return the next morning. This avoids putting the student in the embarrassing situation of interrupting the class and having all the other students focused on him or her.
12. **Invite the ELL student to be the "class helper."** This position of importance will give the student confidence, a sense of belonging, and an identity within your class.

Instructional Strategies

To determine whether a district or school is operating a program for ELL students that meets federal and state requirements, decision makers should consider whether the alternative instructional program and the educational practices are recognized as sound by experts in the field or whether they are considered a legitimate experimental strategy. Particular instructional strategies should be tailored to the local situation and

to the needs of the ELL students that it serves. Knowing which strategies to use in a particular situation is a key to success.

Providing Native Language Instruction

The most powerful alternative practice as reported by researchers and many successful teachers of ELL students is native language instruction. This practice, often referred to as bilingual education, emphasizes the development of literacy and fluency in the first language and in English. Native language programs vary considerably, depending on the intensity of native language and English instruction and the degree to which ELL students master content and achieve high standards. Typically, native language programs that foster English and the native language may be a full-day program or simply daily time (e.g., one to two hours) that is committed to native language support.

Integrating Language and Content

All students respond to the use of multiple media, the enhancement of their thinking and questioning skills, and the organization of instruction around themes and interaction with materials and human resources. To prepare for the integrated approach, Short (1991) recommends observing classrooms, collaborating with colleagues on particular subjects or courses and the difficulties and demands that they may present for ELL students, examining the content material, selecting a theme, identifying the objectives of the unit, identifying key terms and words, looking for appropriate text materials, and adapting written materials.

Helping ELL Students Adjust to the Classroom

Short (1991) recommends a number of practices to help ELL students adjust to the classroom situation. These include announcing the objectives and activities for each lesson to give students a context for their work; developing and maintaining routines to help ELL students anticipate what will happen without relying solely on language cues; listing and reviewing instructions step-by-step; providing frequent summations of the salient points of the lesson; presenting information in varied ways to reduce the reliance on language and place the information in the context that is more comprehensible to students; and writing legibly as some students have low levels of literacy, are unaccustomed to the Roman alphabet, or may have visual discrimination difficulties.

Using Multiple Instructional Strategies

Because ELL students have varied language and skill levels, using multiple instructional strategies for mixed ability groupings is recommended. Some examples of strategies include **cooperative learning** in which students are paired and grouped to provide support and to reduce the anxiety of independent learning; **peer tutoring** in which students learn and share among themselves while the teacher is facilitating the learning; **process writing** that allows students to begin with pre-writing activities, review key concepts together as a group, and learn about language in a safe environment; and **discovery learning** and **problem-based learning** that encourage students to investigate topics and discover new information on their own with guidance from the teachers. These techniques rely on teachers to organize data as students identify a problem, hypothesize causes, design procedures, and conduct research.

Checking Student Comprehension of Content

By using story strips and sentence strips, setting up dialogue journals and reading logs, using drama and role play, and checking comprehension with story summaries, ELL students will more successfully understand the deep meaning and not merely interpret written and spoken English. The **Language Experience Approach** is another way to check student comprehension of content. In this approach, students have a common experience such as a field trip or a visit to a community agency. After the experience, students dictate to the teacher what happened, work together to organize the written ideas, and make corrections as needed.

Adjusting Teaching Style

Developing a learner-centered approach to teaching gives ELL students a greater opportunity to interact meaningfully with educational materials as they acquire English and learn content materials. Suggestions for adjusting teaching style include reducing "teacher talk" and increasing student talk and time when they are engaged interactively with other students and with resource materials. Increasing the amount of time in which questioning techniques are used is desirable, along with recognizing that students need time and space to be comfortable in producing English. It is also important to demonstrate good language and learning models.

Peregoy and Boyle in *Reading, Writing, and Learning in ESL: A Resource Book for K-12 Teachers* (1996) discuss dozens of classroom practices for ELL student instruction. A few of the strategies that they suggest are listed below. It should be noted that the suggestions to follow are methods, not programs of instruction.

- Sheltered Instruction – Teachers tailor instruction by adjusting the cognitive load, but not the cognitive level or grade-appropriateness of the content. This occurs through simplifying the vocabulary, using visuals and gestures, and slowing down the speed of verbal speech to provide access to core curriculum.
- Group Work – ELL students are grouped to interact with English language models to accomplish a group goal.
- Jigsaws – Students are responsible for one another's learning and help one another in identifying purposes and important concepts.
- Scaffolding – Support and assistance that are provided to ELL students permit them to move from one level of learning to another with proper support and encouragement.
- Oral Discussion – A context-embedded discourse such as show-and-tell occurs during which students are motivated to use oral language to describe objects or events of interest.
- Improvisational Sign Language – Using a dictated story or well-known story of interest, students create gestures to represent characters and actions to provide their peers with clues for understanding non-verbal language.
- Response Groups – Through group work, students share writing with one another, concentrate on what is good in writing, and help one another improve.
- Directed Listening-Thinking Activity – This activity provides support by modeling how experienced readers make predictions while in the process of reading a passage. The teacher asks questions about the story while students are reading to allow students to predict and summarize what they have read.

While the number of instructional activities are endless, it is important to remember the following six principles for working with ELL students, as put forth by a national initiative on promoting excellence and ensuring academic success (NCELA, 1996). These principles help teachers in setting high expectations and challenging performance standards.

- | | |
|--------------|---|
| Principle 1. | ELL students are held to the same high expectations of learning established for all students. |
| Principle 2. | ELL students develop full receptive and productive proficiencies in English in the domains of listening, speaking, reading, writing, and comprehension, consistent with expectations for all students. |
| Principle 3. | ELL students are taught challenging content to enable them to meet performance standards in all content areas, including reading and language arts, mathematics, social studies, science, the fine arts, and health and physical education, consistent with those for all students. |
| Principle 4. | ELL students receive instruction that builds on their previous education and cognitive abilities and that reflects their language proficiency levels. |
| Principle 5. | ELL students are evaluated with appropriate and valid assessments that are aligned with state and local standards and that take into account the language acquisition states and cultural backgrounds of the students. |
| Principle 6. | The academic success of ELL students is a responsibility shared by all educators, the family, and the community. |

To support these principles as well as maintain the skills necessary to facilitate the learning of ELL students, professional development is essential.

Section 9: Professional Development

Without a strong professional development component and appropriate instructional materials, high standards for all students do not have a solid foundation. Professional development needs to take several forms: pre-service education for teacher candidates during their university preparation, in-service for new and veteran teachers, and ongoing staff development support that features first language development and second language acquisition, awareness of issues related to the education and success of ELL students, and instructional and support strategies for modifying instruction in the content areas.

High standards for the education of ELL students cannot exist without high standards for professional development. To accomplish this, three important activities should be undertaken by school districts:

1. develop an ongoing professional development plan;
2. locate resources for professional development; and
3. evaluate and follow-up professional development activities.

Years of in-service training have taught educators that professional growth involves systematic planning rather than the one-shot, episodic in-service sessions that have characterized past efforts. Wood (1981) suggests that staff development be the totality of educational and personal experiences that contribute toward becoming more competent and satisfied in an assigned professional role. The functions of staff development should be in-service education, organizational development, communication and coordination, leadership, and evaluation.

Once the planning stage is underway, resources should be developed to support the school district's professional development plan. Resources might include print and non-print materials, videotapes and audiotapes, and computer- and technology-based resources; local, regional, and national staff development opportunities; resources available from the community, through state or federal agencies, and through regional consortia; and institutions of higher education, libraries, and school resources.

Evaluating and following-up professional development is critical to the determination of its success. Assessing the progress of each individual toward his or her professional development goals and objectives is important. Self-assessment should be augmented with peer reviews and other means for evaluating of professional development success.

If it is worth the time to plan and deliver professional development, it is well worth the time to evaluate its effectiveness. Depending on the nature of the professional development, evaluations are done in a variety of ways. Staff can use journals to document the procedures they are implementing and to record their reflections on what worked and why and what didn't work and why not. Also, open-ended surveys that ask questions about the effectiveness of professional development provide school district planners with important feedback about the experiences.

Professional development should focus on building the competency of staff members that serve ELL students. The varied professional development needs of district and school building-level administrators, school board members, content area classroom teachers, paraprofessionals, special education staff, school psychologists, speech and language therapists, bilingual and migrant education staff, ELL teachers and tutors, and other instructional and support staff can be met through simultaneous and multiple professional development interventions.

Section 10: Parental Notification

Statutory Requirements for Parents of English Language Learners

Under Title I and Title III Parental Notification requirements, a school, no later than thirty (30) days after the beginning of the school year, must inform the parent or parents of an ELL student that their child has been identified for participation in a language instruction educational program. If a child has not been identified as ELL prior to the beginning of the school year, then the parents must be notified within two weeks of the child's placement in a language instruction educational program. [Statutory Authority: No Child Left Behind Act of 2001, Title I, Part A, Sec. 1112 (g)(1)(A), Title III, Part C, Sec. 3302, and Title IX, Part A, Sec. 9101].

The notification must include the following information:

- Why the child was identified as LEP and why the child needs to be placed in a language instructional education program that will assist the child to develop and attain English proficiency and meet state standards.
- The child's level of English proficiency, how such level was assessed, and the child's academic level.
- The method of instruction that will be used to serve the child, including a description of other methods of instruction available and how those methods differ in content, instructional goals and the use of English and a native language, if applicable.
- How the program will meet the specific needs of the child in attaining English proficiency and meeting state standards.
- The program's exit requirements, the expected rate of transition into a classroom not tailored for ELL students, and in the case of high school students, the expected rate of graduation.
- How the instructional program will meet the objectives of an individualized education plan (IEP) for an ELL child with a disability.
- Written guidance on the rights of parents to have their child immediately removed from a program upon their request, the options that the parents have to refuse to enroll their child in a particular program or to choose another program or method of instruction, if available, and how parents will be provided assistance in selecting the best program to serve their child.

According to Title I and Title III, if a school fails to make progress in meeting the state's annual measurable achievement objects (AMAOs), then the school must separately inform the parents of an LEP child of the school's failure no later than thirty (30) days after the failure occurs.

A school receiving federal funds, including Title I and Title III, must implement an effective means of outreach to parents of ELL children. Outreach to parents must include information on how parents can become involved in the education of their children and how they can actively participate in helping their children learn English, achieve high levels in the core academic courses and meet state standards. Also, outreach must include regular meetings for parents and notices of such meetings so that parents have the opportunity to provide suggestions and recommendations.

All information must be provided to the parents of an ELL child in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand. A child cannot be admitted or excluded from participating in a federally assisted education program on the basis of a surname or language-minority status.

Providing information to parents with limited English proficiency, "to the extent practicable," in a language parents can understand means that, whenever practicable, written translations of printed information must be provided to parents with limited English proficiency in a language they understand. However, if written translations are not practicable, it is practicable to provide information to limited English proficient parents orally in a language they understand. SEAs and LEAs have flexibility in determining what mix of oral and written translation services may be necessary and reasonable for communicating the required information to parents with limited English proficiency.

In the case of a child with a disability who is in a language instruction educational program, parents must be notified, not later than 30 days after the beginning of the school year, of how the language instruction educational program meets the objectives of the child's IEP under IDEA or the child's individualized services under Section 504.

Useful resources regarding parental notification and involvement may be located via the Web at:

- <http://www.ncrel.org/sdrs/areas/pa0cont.htm>. This site is for the North Central Regional Educational Laboratory – Critical Issues on Family and Community.
- <http://www.ncpie.org/>. This site is for the National Coalition for Parent Involvement in Education.
- http://www.ncela.gwu.edu/declarationofrights/main_content.html. This is the U.S. Department of Education's site for the parents' Declaration of Rights, provided in English and Spanish.

Section 11: Teacher Quality

Teacher Quality – Licensure and Language Fluency

While Title III does not mandate specific licensure requirements for teachers of English language learners, other provisions of the No Child Left Behind Act do address these issues, however, and LEAs are required to abide by Mississippi's regulations for highly qualified teachers, as well as the regulations for paraprofessionals and assistant teachers. According to highly qualified teacher regulations, non-licensed educational personnel should not provide instruction to English language learners in "core academic subjects."

- According to No Child Left Behind (NCLB), Title III, Section 3116 (c), each LEA receiving Title III funds shall ... [ensure] that all teachers in any language instruction educational program for LEP children ... be fluent in English and any other language used for instruction, including having written and oral communication skills. According to Title III, "teacher" refers to educational personnel who provide services to LEP students. Educational personnel includes, but is not limited to, classroom teachers, paraprofessionals, assistant teachers, tutors, instructional volunteers, etc.
- According to the Mississippi Department of Education, Office of Educator Licensure, "teacher" refers to elementary school teachers (K-6) and to middle (7-8) and secondary school teachers (9-12) of "core academic subjects" as defined in NCLB to be "English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography." The NCLB definition is not applicable to teachers of non-academic core subject areas.
- The Mississippi Department of Education has designated that middle grades will include grades 7-8, at a minimum.
- Teachers with a K-8 license are "highly qualified" to teach grades K-6 regardless of the classroom configuration.
- Teachers who teach grades 7-12 will be required to have an endorsement in the core academic subject that the teacher teaches to be considered "highly qualified."
- Teachers of non-academic core subject areas providing services in any language instruction educational program for English language learners, including immigrant children and youth, should be fluent in English and any other language used for instruction, including having written and oral communication skills.
- Non-licensed education personnel, such as paraprofessionals and assistant teachers, should be fluent in English and any other language used for instruction, including having written and oral communication skills.
- Non-licensed education personnel, such as paraprofessionals and assistant teachers, should not provide instruction to English language learners in "core academic subjects." They should provide, however, language instruction, enabling English language learners to achieve English language proficiency.

Teacher Quality – Professional Development

According to NCLB, Title III, Part A, Sections 3115 (c)(2), 3116 (c), 3131, LEAs which receive Title III funds are required to use those funds to provide high-quality professional development to educational personnel, including classroom teachers, paraprofessionals, and tutors, which provide instruction to LEP students. Professional development activities must be designed to improve the instruction and assessment of LEP students to enhance the ability of educational personnel to understand and use curricula, assessment measures, and instruction strategies for ELL students. These activities must be based on scientifically based research demonstrating effectiveness in increasing children's English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of educational personnel. Professional development activities must also be of sufficient intensity and duration to have a positive and lasting impact on personnel's performance in the classroom.

Glossary

Common Acronyms

BICS	Basic Interpersonal Communicative Skills
CALP	Cognitive Academic Language Proficiency
CRT	Criterion-referenced Test
EEOA	Equal Educational Opportunities Act
ELD	English Language Development
ELL	English Language Learner
ELPT	Harcourt Stanford English Language Proficiency Test
ESEA	Elementary and Secondary Education Act
ESL	English as a Second Language
FEP	Fluent (or fully) English Proficient
IEP	Individualized Education Plan (or Program)
LAD	Language Acquisition Device
LEP	Limited English Proficient
MCT	Mississippi Curriculum Test
MDE	Mississippi Department of Education
NCELA	National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs
NCLB	No Child Left Behind Act of 2001
NEP	Non-English Proficient
NRT	Norm-referenced Test
OCR	Office for Civil Rights
OELA	Office of English Language Acquisition
SEA	State Education Agency
SET	Student Evaluation Team
TPR	Total Physical Response
USDOE	United States Department of Education

Common Terms

Accommodation: Adapting language (spoken or written) to make it more understandable to second language learners. In assessment, accommodations may be made to the presentation, response method, setting, or timing/scheduling of the assessment.

Additive Model / Common Underlying Proficiency: The theory that states that both acquisition of first and second languages can contribute to underlying language proficiency. Experiences with both languages, according to Cummins, promote the development of the proficiency underlying both languages.

Affective Filter: The affective filter is a screen of emotion that can block language acquisition or learning. A high affective filter keeps the users from learning by being too embarrassed or too self-conscious to take risks during communicative exchanges.

Alternative Assessment: Assessment that is different from a traditional paper-and-pencil test. This type of assessment usually examines how well a student can perform a realistic task.

Audio-lingual method (Skinner, Lado and others): Non-communicative approach to the teaching of language that involves heavy use of mimicry, imitation and drill.

Basic Interpersonal Communication Skills (BICS): The language ability required for face-to-face communication where linguistic interactions are embedded in a situational context.

Bicultural: Identifying with the cultures of two different language groups. To be bicultural is not necessarily the same as being bilingual, and vice-versa (Baker, 2000).

Bilingual Education Act: Enacted in Congress in 1968 as Title VII of the Elementary and Secondary Education Act (ESEA) of 1965 as amended. It established a discretionary competitive grant program to fund bilingual education programs for economically disadvantaged language minority students, in recognition of the unique educational disadvantages faced by non-English speaking students. The Act was reauthorized in 1974, 1978, 1984, 1988, 1994, and 2001. Each reauthorization brought changes in the types of bilingual education programs that could receive federal grants (Crawford, 1995; Baker, 2001). Under the No Child Left Behind Act of 2001, former Title VII programs are now subsumed under Title III: Language Instruction for Limited English Proficient and Immigrant Students.

Biliteracy: The ability to effectively communicate or understand thoughts and ideas through two languages' grammatical systems and vocabulary, using their written symbols.

Bilingualism: Defining bilingualism is problematic since individuals with varying bilingual characteristics may be classified as bilingual. One approach is to recognize various categories of bilingualism such as bilingual ability through the determination of bilingual proficiency that includes consideration of the four language dimensions: listening, speaking, reading, and writing.

Bilingual Education: An educational program in which two languages are used to provide content matter instruction. As with the term bilingualism, bilingual education is "a simple label for a complex phenomenon." An important distinction is between those programs that use and promote two languages and those where bilingual children are present, but bilingualism is not fostered in the curriculum (Baker & Jones, 1998).

Cognitive Academic Language Proficiency (CALP): The language ability required for academic achievement in a context-reduced environment such as classroom lectures and textbook reading assignments.

Carnegie Unit: A standard measure of high school work indicating the minimum amount of time that instruction in a subject has been provided. Awarding of one Carnegie unit indicates that a minimum of 140 hours of instruction has been provided in regular and laboratory classes over a school year; awarding of ½ Carnegie unit indicates that a minimum of 70 hours has been provided.

Castañeda v. Pickard: On June 23, 1981, the Fifth Circuit Court issued a decision that is the seminal post-*Lau* decision concerning education of language minority students. The case established a three-part test to evaluate the adequacy of a district's program for ELL students: (1) is the program based on an educational theory recognized as sound by some experts in the field or is considered by experts as a legitimate experimental strategy; (2) are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively; and (3) does the school district evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome? [648 F.2d 989 (5th Cir. 1981)].

Cognitive Academic Language Learning Approach (CALLA): Instructional approach that provides explicit teaching of learning strategies within academic subject areas. Strategies are divided into three major characteristics: meta cognitive (planning, self-monitoring, classifying etc.), cognitive (note taking, summarizing, making inferences etc.), and social - affective (asking questions, cooperative learning, peer tutoring, etc.).

Cognitive Academic Language Proficiency (CALP): The type of abstract language needed for academic success. This may take from five to seven years to develop.

Communicative Approaches: Teaching approach where negotiation for meaning is critical.

Comprehensible Input: Input + 1, instruction that is just above the student's ability, instructional level.

Culture Shock Cycle: **Euphoria**, during this initial phase the student will experience a period of excitement over the newness of the surroundings. **Culture shock**, refers to the symptoms ranging from mild irritability to deep psychological panic and crisis. **Anomie**, a stage of gradual, tentative and vacillating recovery. Some problems of the acculturation process are solved while other linger. Individuals become more empathic with other persons in the second culture and more accepting of the new surroundings. It is also described as homelessness in that individuals do not feel bound to the native culture nor fully adapted to the second one. **Assimilation**, this stage represents near or full recovery as shown by acceptance of the new culture and self-confidence in the "new" person who has developed in the new culture.

Cultural Diversity: Understanding that students come from a variety of ethnic, geographic, economic and religious backgrounds and how these diverse cultural and/or academic backgrounds impact the instructional process.

Dominant Language: The language with which the speaker has greater proficiency and/or uses most often.

English Language Learner (ELL): The language in the No Child Left Behind Act of 2001 identifies language minority students as limited English proficient students or LEPs. However, the Mississippi Department of Education follows the suggestion of the National Research Council with the identification of these students as English language learners or ELLs since this term highlights the positive aspect of the English language acquisition process. The terms for ELL and LEP may be used interchangeably.

According to Title III of the No Child Left Behind Act of 2001, an English language learner is an individual:

(A) who –

- is aged 3 through 21;
- was not born in the United States or whose native language is a language other than English and comes from an environment where a language other than English is dominant; or
- is a Native American or Alaska Native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or
- is migratory and whose native language is other than English and comes from an environment where a language other than English is dominant; and

(B) who –

- has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

English as a Foreign Language (EFL): An educational approach in which non-native English speaking students are learning English but do not reside in a country where English is a primary language.

English as a Second Language (ESL): An educational approach in which ELL students are instructed in the use of the English language. Instruction is based on special curricula that typically involve little or no use of the native language 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 program.

Equal Education Opportunities Act of 1974: This civil rights statute prohibits states from denying equal educational opportunity to an individual on account of his or her race, color, sex, or national origin. The statute specifically prohibits 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 programs. [20 U.S.C. §1203(f)].

Gifted Program: Special program for academically talented students.

Grammar Translation Method: A non-communicative approach that relies heavily on reading and translation, mastery of grammatical rules and accurate writing.

Home Language Survey (HLS): Form completed by parents/guardians that gives information about a student's language background. Must be on file for every ELL student.

Humanistic Approach: Communicative approach that focuses on the whole learner, starts with the individual then expands to group and includes music, art, and physical activity

Immersion: A general term for an ELL teaching approach that does not use the student's native language.

Immigrant Child: According to Title III of the No Child Left Behind Act of 2001, an immigrant child is an individual who:

- (A) is aged 3 through 21;
- (B) was not born in any State; and
- (C) has not been attending one or more schools in any one or more States for more than three (3) full academic years.

Informed Parental Consent: The permission of a parent to enroll their child in an ELL program, or the refusal to allow their child to enroll in such a program, after the parent is provided effective notice of the educational options and the district's educational recommendation.

Interpreter: A person who translates orally from one language to another.

Interventions: All students are entitled to appropriate instructional interventions. Interventions may include alternative strategies and assessments and additional time to learn the curriculum. Interventions provide additional opportunities for students to master the curriculum. They differ from modifications since interventions do not include changing or deleting objectives in the curriculum. ESL classes are appropriate instructional interventions for ELL students. Core content courses delivered through a sheltered approach are also appropriate interventions for ELL students.

Itinerant Teacher: A teacher who travels between schools to serve students at those schools.

L1: The first language that a person acquires; also referred to as the native language.

L2: The second language that a person acquires.

Language Acquisition Device (LAD): The hypothesized "device" in the brain that allows humans to acquire language.

Language Acquisition Theory (Krashen and others): Theory in which the acquisition and learning of the L2 are viewed as two separate processes. Learning being knowing about a language and acquisition the language that is used in real conversation. This theory embodies the following hypotheses: 1) natural order; natural progression of language development; 2) monitor; an innate error detecting mechanism that scans utterances for accuracy in order to make corrections; 3) comprehensible input, as defined earlier; 4) affective filter, as defined earlier.

Language Instruction Educational Program: According to Title III of the No Child Left Behind Act of 2001, language instruction educational program means an instruction course:

- (A) in which a limited English proficient child is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic content and student academic achievement standards; and
- (B) that may make instructional use of both English and a child's native language to enable the child to develop and attain English proficiency, and may include the participation of English proficient children if such course is designed to enable all participating children to become proficient in English and a second language.

Language Majority Speaker: An individual who speaks the primary language of the country in which he or she resides. For example, a person whose first language is English and lives in the United State is referred to as a language majority speaker.

Language Minority Speaker: A person who speaks a language other than English as the first, home, or dominant language. ELL students are a subset of all language minority students. For example, a person living in the United States whose first language is not English is referred to as a language minority speaker.

Language Proficiency: Refers to the degree to which the student exhibits control over the use of language, including the measurement of expressive and receptive language skills in the areas of phonology, syntax, vocabulary, and semantics and including the areas of pragmatics or language use within various domains or social circumstances. Proficiency in a language is judged independently and does not imply a lack of proficiency in another language.

Lau Categories A-E – Lau categories are still used by some schools and districts to identify students for instructional services and funding. Policy guidelines known as Lau Remedies (*that were ultimately withdrawn by the U.S. Department of Education*) offer direction to assist school districts on the education of ELL students based on the ruling in the *Lau v. Nichols* lawsuit. The Lau categories are:

Lau A – the student comprehends or speaks a language other than English and does not speak English.

Lau B – The student comprehends or speaks some English, but whose predominant comprehension and speech is in a language other than English.

Lau C – The student comprehends or speaks English and one or more other languages and whose dominant language is difficult to determine. Lau C students may be bilingual with equal skills in both languages.

Lau D – The student comprehends or speaks mostly English and another language.

Lau E – The student speaks and understands only English.

Lau v. Nichols: Class action suit brought by parents of non-English-proficient Chinese students against the San Francisco Unified School District. In 1974, the Supreme Court ruled that identical education does not constitute equal education under the Civil Rights Act of 1964. The court ruled that the district must take affirmative steps to overcome educational barriers faced by the non-English speaking Chinese students in the district. [414 U.S. 563 (1974)]

Limited English Proficient (LEP): The term used by the federal government used to identify those students who have insufficient English to succeed in English-only classrooms. LEP refers to students who are limited in their ability to speak, read, comprehend, or write English proficiently as determined by objective assessments.

Local Education Agency (LEA): Also referred to as a school district.

Maintenance Bilingual Program: Bilingual program whose goal is to maintain English learner's native language and culture. Students are encouraged to be proficient in English and their native tongue.

The May 25 Memorandum: To clarify a school district's responsibilities with respect to national-origin-minority children, the U.S. Department of Health, Education, and Welfare, on May 25, 1970, issued a policy statement stating, in part, that "where inability to speak and understand the English language excludes national-origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open the instructional program to the students."

Migrant Child: Migratory child means a child who is, or whose parent, spouse or guardian is, a migratory agricultural worker or migratory fisher and who, in the preceding thirty-six (36) months, has moved from one school district to another to obtain or accompany such parent, spouse, or guardian in order to obtain temporary or seasonal employment in agricultural or fishing industry as a principal means of livelihood.

Native Language: The first language learned in the home, or the home language. Often, it continues to be the students' stronger language in terms of competence and function.

Natural Approach (Terrell and Krashen): Communicative approach that 1) takes into account the natural progression in the development of language; 2) uses comprehensible input; 3) stresses low affective filter; and 4) uses meaningful, authentic communication / activities.

No Child Left Behind Act of 2001 (NCLB): Sets broad and in depth accountability requirements for English language learners.

Non-English Proficient (NEP): This term describes students who are just beginning to learn English. They are also considered ELL, but at the lowest end of the proficiency scale.

Noam Chomsky: Pioneered theory of the existence of a "Language Acquisition Device (LAD)" that generates rules through the unconscious acquisition of grammar.

Non-itinerant Teacher: A teacher who works in only one school.

NRT: A Norm-referenced test.

Office for Civil Rights (OCR): The Office of Civil Rights of the U.S. Department of Education is responsible for enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, national origin, disability, sex, or age.

Paraprofessional: An individual who is employed in a preschool, elementary school, or secondary school under the supervision of a licensed teacher, including individuals employed in language instruction educational programs, special education, and migrant education.

Parent Involvement: Any program or activity that encourages parents to become involved in their child's education; for example, conferences, volunteering, helping the child with homework, attending workshops on parenting.

Potentially English Proficient (PEP): A more positive way to describe LEP students, this new term is beginning to appear in the literature.

Phase or Stage: Periods of language development that are typically used in discussion of language ability instead of ages to refer to a child's progress in second language development.

Primary Language: The language of most benefit in learning new and difficult information.

Pull-out: A program model in which a paraprofessional or tutor pulls students from their classes for small-group or individual work. Also, a paraprofessional or tutor may serve students in a small group within the regular classroom setting.

Sheltered Instruction: A sheltered delivery model is defined as one in which teachers incorporate second language acquisition principles with traditional teaching methodologies to increase the comprehension of the content being taught.

Segment: Another word for an instructional period. For ELL program purposes, a segment may be as little as forty-five (45) minutes in grades K-3; fifty (50) minutes in grades 4-8; or fifty-five (55) minutes in grades 9-12.

Sheltered Courses: High school content courses (usually social studies, science, math, or English literature/language arts) in which the instruction and assessment are tailored to the proficiency level of ELL students.

Student Evaluation Team (SET): A group of educators who meet to discuss possible interventions for students experiencing difficulty in school.

Syntax: The study of the sentence patterns of a language and the rules that govern the correctness of the sentence.

Teachers of English to Speakers of Other Languages (TESOL): This is the international professional organization.

Title I: Title I of the No Child Left Behind Act of 2001 supports programs to assist economically disadvantaged students and students at-risk of not meeting educational standards. The reauthorized Title I makes it clear that ELL students are eligible for services on the same basis as other students.

Title III: Title III of the No Child Left Behind Act of 2001 ensures that ELL students, including immigrant children and youth, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet. Title III effectively establishes national policy by acknowledging the needs of ELL students and their families.

Title VI: Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance.

Total Physical Response (TPR): Communicative approach where students respond with actions, not words first. Instruction is accomplished through the use of commands.

Translator: A person (or computer program or application) that translates written documents from one language to another. This term is used simultaneously with the term **interpreter**.

Waiver: Official document needed for parents who decline the services of the language instruction educational program while the student is considered ELL. In these cases, a waiver is required. The waiver must state that students are held accountable for meeting all grade level expectations regarding Mississippi curriculum and state mandated standardized testing.

Whole Language: An approach to the teaching of language based on the belief that language is not learned as separate skills and pieces, but is learned as a body of knowledge. Whole language instruction is based on literature and includes reading, listening, speaking, and writing.

**Appendix A:
Language Proficiency Stages**

Appendix A: Language Proficiency Stages

Based on the assessment results in all five domains of English language skills, a student's language proficiency may be classified based on the language proficiency stages described below:

Stage I (Pre-Production)

Students do not yet produce speech in English and often go through a silent period. They listen and begin to respond by using nonverbal signals, gestures, and actions; however, the degree of student comprehension cannot be determined. They internalize significant pieces of information and participate through physical action.

Stage II (Early Production)

Students respond with one or two words. Their early attempts at English speech will contain many errors. Students attend to hands-on demonstrations with greater comprehension. They initiate conversations by pointing and using single words. Students respond non-verbally to a wider range of language input. Students construct meaning from text primarily through non-print features [e.g., illustrations, graphs, maps, and tables]. They may use invented spelling.

Stage III (Emergent)

Students begin to speak and write in phrases and short simple sentences. They use speech and written constructions that sound telegraphic [e.g., "I go home now."]. Students make many grammatical and syntactical errors as they experiment with language. They use a vocabulary of stock words and phrases covering many daily situations. They use English spontaneously but may have difficulty expressing thoughts due to a restricted vocabulary and a limited command of language structure.

Stage IV (Intermediate)

Students respond with a flow of related phrases and sentences. They engage in discourse and communicate their thoughts effectively. Students engage in everyday conversations without relying on concrete, contextual support. Students begin to develop more content-specific language. Proficiency in reading may vary considerably depending on each student's familiarity and prior experience with themes, concepts, genres, characters, etc. They are most successful constructing language from text for which they have background knowledge.

Stage V (High Intermediate)

Students engage in conversation that is characterized by complete sentences and narratives. They are able to generate complex text, a wider variety of text, and increasingly coherent text. Yet, text still has considerable numbers of non-conventional features. Students engage in conversations and produce connective narratives. Students exhibit oral fluency but still lack higher level, content-specific language and writing skills. They make inaccurate inferences from cultural, linguistic, and intellectual experiences.

Stage VI (Transitional)

Students begin to apply reading and writing skills to acquire information in an academic setting and in real-life situations. Students' language skills are adequate for most day-to-day communication needs. They make occasional structural and lexical errors. Students may have difficulty understanding and using some idioms, figures of speech, and words with multiple meanings. They communicate in English in new or unfamiliar settings but have occasional difficulty with complex structures and abstract content-specific concepts. Students may read with considerable fluency and are able to locate and identify the specific facts within the text. However, they may not understand text in which the concepts are presented in a decontextualized manner, the sentence structure is complex, or the vocabulary is abstract. They can read independently but occasionally may have comprehension problems. They produce text independently for personal and content-specific purposes. Sentence structure, vocabulary, and overall organization are similar to the writing of native speakers of English. However, errors may persist in one or more of these domains.

Appendix B:
Procedures for Ensuring Equal Opportunities for ELL Students
Being Considered for Special Education

Appendix B: Procedures for Ensuring Equal Opportunities for ELL Students Being Considered for Special Education

As U.S. society becomes increasingly diverse, schools are enrolling large numbers of students from different cultural and linguistic backgrounds. These students have unique educational needs as they adjust to using English as their language of instruction and adapt to the culture of the American educational system. Within this diverse population of students are a number of children with a variety of disabilities. Determining whether or not these students need special education services is a complex process that requires the use of a variety of formal and informal strategies that help determine the influence of language and social and cultural factors on the student's behavior.

The process by which students adapt to U.S. language and society is known as acculturation. Acculturation includes all the perceptions, behavior patterns, and language that a student has to master to interact effectively with members of American culture. Unfortunately, the normal potential side effects of the acculturation process look very much like the traditional indicators of a disability. Possible reactions a student can display to the acculturation process include heightened anxiety, withdrawal, silence or unresponsiveness, distractibility, disorientation, stress-related behavior, resistance to change, and code switching. To avoid the problem of misdiagnosis of ELL students, which results either in over- or under-placement in special education, school district personnel need to understand acculturation.

When a teacher of an ELL student refers that student for special education consideration, school personnel should follow a careful procedure. First, information should be collected about the language, culture, health, personal history and development of the student. It is important to ascertain whether or not the observed behavior is part of the process of acculturation for that student or whether the student needs specialized services. Teacher observations in the classroom setting and work samples must be an integral part of this evaluation. The same procedures in the MDE's Office of Special Education Policies and Procedures are to be followed when ELL students are referred for special education services as when English-speaking students are referred. Even though some of the information gathering and assessment activities may vary, the process is the same.

Parental participation requirements in the MDE's Office of Special Education Policies and Procedures are the same for the parents of ELL students as for the parents of English-speaking students. This is true even when the parents themselves are non-native English speakers. Arrangements for an interpreter must be made in such cases. Written notices must be provided in the native language of the parents, or other mode of communication used by the parent, unless it is clearly not feasible to do so.

Special education services are designed to meet the unique needs of students with learning, language/speech, physical and/or emotional problems. Lack of English language proficiency alone does not qualify a student for special education services. Conversely, lack of English language proficiency also does not indicate that a student does not have any of the above-mentioned problems. The issue of English language proficiency complicates the evaluation process of students who have been referred for special education services.

Determining whether a student is proficient in English will help school personnel decide whether he or she should be evaluated in English or in the native language. However, before an examiner assesses a student in the native language, he or she must be sure that the student has adequate proficiency in the native language for testing purposes. Students who are in the process of acquiring English sometimes experience a loss of proficiency in their native language. The evaluator should review the student's performance on the English language proficiency test.

Frequently when an ELL student is referred to special education, there is a problem with finding trained examiners who speak the student's native language. Some districts use an interpreter when the evaluator is monolingual. It is important to consider the following factors when using an interpreter:

English language proficiency,

- native language proficiency,
- educational background,
- experience with testing,
- knowledge of special education terminology,
- ability to establish rapport,
- relationship with student being evaluated (family member, friend, and neighbor),
- age and gender differences with student,
- differences in social status between interpreter and student,
- ability to maintain privacy/confidentiality, and
- accuracy of translations (verbal and/or written).

Using an interpreter may affect the validity of the test norms. The evaluator must carefully document the use of an interpreter in the appropriate forms/reports. In-depth descriptions of the exact procedures followed during the assessment should be recorded. The NCELA provides additional guidance regarding the use of interpreters and translators to meet the needs of English language learners. (See list of resources provided in this document.)

The MDE's Office of Special Education Policies and Procedures requires the use of standardized tests in assessing a student for possible special education placement. This presents many problems when evaluating ELL students. Examiners/evaluators should read the standardized information and "cautions" listed for the particular standardized tests should be used. The standardization information will tell whether any children besides English-speaking children, or any other cultural groups, are included in the standardization samples. It is best if other cultural and language groups are represented. The "cautions" section in the interpretations of some tests may either advise against using that test with ELL students or state that adaptations should be made. Some tests may prohibit the use of an interpreter.

If an ELL student is placed in a special education program, the individualized education program (IEP) for that ELL student must include all the components that are required for any student. In addition, the skills necessary for English language development should be addressed. For additional information, contact the Mississippi Department of Education's Office of Special Education at (601) 359-3498.

Informal Consultation

If, during the course of the academic year, school personnel observe learning difficulties, then an informal consultation with other staff should take place. The classroom teacher(s) should consult with personnel knowledgeable in second language acquisition, the student's culture, and others familiar with the student.

Students' language, culture, and proficiency must be considered in reviewing their learning and behavior. Many second language learners do not have the same cultural and experiential backgrounds as their mainstream counterparts. Since the language, culture, and values acquired in the home environment have a direct impact on students' learning style and adaptation to school, it is important to include language and culture specialists in the consultation.

Where language proficiency information is untimely and incomplete, it may be appropriate to reassess the student's language proficiency to determine his or her current level of English language proficiency. This is highly recommended for students in kindergarten and first grade. This reassessment will allow the classroom teacher and the ELL coordinator to measure the student's rate of progress.

Language proficiency information is crucial in determining if the instructional program is appropriate for the student's language development stage and educational background. It is important to clarify that this is an assessment of the student's English language proficiency and skills, not an assessment of cognitive and academic abilities. English language proficiency needs are to be addressed through language instruction educational program services rather than through special education services.

Pre-Referral for Special Education and the General Education Student Evaluation Team

If it is thought that an ELL student may need special education services, school personnel should initiate a student evaluation team to review the student's progress, interaction with peers, and learning style. Confidentiality of the proceedings must be explained to all members before the meeting is convened. The

team should include the student's classroom teacher(s), the ELL teacher/tutor (or a second language teacher or other staff member knowledgeable about second language acquisition), and someone familiar with the student's culture. The team may also include the special education teacher, school counselor, and other school personnel who may have had contact with the student. The pre-referral process is different from the actual special education referral process because the student evaluation team is under the authority and responsibility of the regular education system.

Some teachers may not possess the knowledge, skills, and experience necessary to meet the needs of students from diverse linguistic and cultural backgrounds. Therefore, the general education student evaluation team must determine if the teacher's instructional techniques are known to be effective with ELL students of similar language and cultural backgrounds before making recommendations for intervention strategies. The student's classroom teacher(s) should become familiar with developmental processes of second language learners and the preferred learning styles generally associated with members of the student's culture. Input from providers comparing ELL students with their peers may be very significant.

Suggestions for effective teaching strategies and materials are included in this document. Generally, ways to adjust the method of presentation or content include: using sheltered English techniques; outlining the material for the student prior to reading a selection; and using visuals and manipulatives; using nonverbal cues; breaking tasks into smaller subtasks; and substituting a similar, less complex task for a particular assignment.

Supplemental materials might include: written summaries of lessons; activities and reading appropriate to the student's language development stage; rewriting sections of reading passages to make the reading level more appropriate; reducing the number of pages or items on a page to be completed by students; and designing study guides to complement required materials.

Special Education Referral

After reviewing the student's academic history, language and culture, strengths and learning style, classroom interventions and their results, and the intensity of the student's difficulties, a referral to special education may be appropriate if there is evidence that the difficulty is significant and may be related to a disability. Be sure that appropriate interventions and time adjustments have been made to determine that the difficulties are not related to English language proficiency.

Special Education Identification Process: Assessment and Determination of a Disability

The process for identification of ELL students for placement in special education or the determination of a disability in ELL students requires consideration of the student's language background in English and in the home language. In addition, take caution with regard to the assessment instruments, administration procedures, and interpretation methods used to determine or identify a need for special education.

English language proficiency needs are to be addressed through language instruction educational program services rather than through special education services.

Specialized Instruction and Support

ELL students should receive the specialized instruction and support identified in the IEP. The same procedures for annual reviews are followed for ELL students with disabilities as for all other students with disabilities. Continued language accommodations for parent notifications, meetings, and student assessments need to be followed.

The basic principles underlying the pre-referral and referral process are as follows:

- Principle 1. Students whose language is other than English have the same rights as all other students;
- Principle 2. In order to make sure that these rights are protected, the students and parents must be provided information in a language they understand;
- Principle 3. Students must be provided with the appropriate instruction and interventions based on their language needs before referral to special education; and
- Principle 4. When assessing a student for special education, testing instruments and procedures, materials, and instruction must reflect the language needs of the student.

Appendix C:
**Program Guidance for Developing and Implementing a District Plan
for English Language Learners**

adapted from
U.S. Department of Education, Office for Civil Rights' publication,
Programs for English Language Learners (1999)

Appendix C: Program Guidance for Developing and Implementing a District Plan for English Language Learners

Federal and state governments have enacted laws and regulations, including Title VI of the Civil Rights Act of 1964 and the Equal Education Opportunities Act of 1974, to protect the rights of English language learners and their families. Every public school in the United States is required to provide a free and equitable education to all school age children who live within the boundaries of the school district. Some federal laws are supported by funding to which all eligible school districts are entitled (e.g., Title I, Title III). However, regardless of funding, public school districts must comply with the laws and regulations to the best of their abilities.

NCLB reauthorizes a variety of federal education programs found in the Elementary and Secondary Education Act (ESEA), replacing the Improving America's Schools Act (IASA) of 1994. The federal Bilingual Education Act (Title VII) was reauthorized as Title III of NCLB. Written to aid state education agencies (SEAs) and local education agencies (LEAs) to respond to the needs of their English language learners (ELL), NCLB in no way undermines or amends the federal and state statutes and regulations that establish the rights of ELL students; however, it outlines the responsibilities of school districts serving English language learners.

Federal laws and Mississippi statutory regulations clarify the obligation of every school not only to enroll students from diverse language backgrounds, but also to provide the foundation for guidance in establishing an equitable, quality education for Mississippi students, including English language learners.

The purpose NCLB is to ensure that ELL students, including immigrant children and youth, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet. LEAs use Title I and Title III funds to develop, enhance, and implement language instruction educational programs designed to help ELL students achieve these standards. The Mississippi Department of Education, referred to as the SEA, the LEA, and local schools are accountable for ensuring the development of English proficiency and the core academic content knowledge of ELL students.

Title III of NCLB effectively establishes national policy by acknowledging the needs of ELL students and their families. Additional guidance, as it relates to Title III, may be found in Sections 3116 and 3121 of P.L. 107-110. The Office of Civil Rights (OCR), of the U.S. Department of Education, is responsible for enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin. In the U.S. Supreme Court ruling in *Lau v. Nichols*, the Court affirmed the U.S. Department of Education memorandum of May 25, 1970, that directed school districts to take steps to help ELL students overcome language barriers and to ensure that they can participate meaningfully in the school districts' educational programs. In its publication, *Programs for English Language Learners (November, 1999)*, the OCR provides guidance for developing and evaluating school districts' ELL plans.

The term **overall educational program** as used in Appendix C encompasses any regular or special education program provided by a school district to its general student population (i.e., any non-ELL student).

Introduction: School District Information

Does the district include information on:

1. the size of the school district (may include number of schools)?
2. the district's total enrollment?
3. the district's ethnic diversity?
4. the number of limited English proficient (LEP) students enrolled in the district?
5. the number and percent of LEP students in Special Education?
6. the number and percent of LEP students in the Gifted and Talented program?
7. English language proficiency assessment results, including
 - number and percent of students progressing to a higher proficiency level?
 - number and percent of students exited from the language instruction educational program?
 - number and percent of students in monitoring status Year 1
 - number and percent of students in monitoring status Year 2
 - number and percent of students who have been re-entered into the language instruction educational program from monitoring status?

This section of a district's ELL plan often contains an introduction to the document. Therefore, the district may choose to include acknowledgements, relevant laws and regulations, assurances of compliance with regulatory standards, and background information in this section. In drafting the specifics of this section, the following questions may be used to ensure that key points are addressed:

I. Selecting an Educational Approach and Setting Goals

8. Does the ELL plan describe the district's educational approach (e.g., ESL, transitional bilingual education, structured English immersion, pull-out, etc.)
9. Is the educational approach chosen by the district recognized as a sound approach by experts in the field or recognized as a legitimate educational strategy to ensure that ELL students acquire English language proficiency and are provided meaningful access to the educational program?
10. Are the educational goals of the district's program of services for ELL students described?
11. Is there a goal for English language proficiency?
12. Is there a goal for mastery of subject matter content?
13. Are the goals measurable?
14. Are they sufficiently objective so that they can be evaluated over time?
15. Are the long-term educational goals for ELL students comparable to the educational goals of non-ELL students?
16. Do these long-term goals prepare ELL students to meet district goals for its overall education program?

This section of the ELL plan addresses and describes the district's procedures for identifying students enrolled in the district who may be ELL. The following questions may be used in preparing this section of the plan:

II. Identification of Potential ELL Students

17. Does the plan contain a detailed description of the district's procedures for identifying potential ELL students?
18. Are the procedures designed to ensure that all students potentially needing ELL services are identified for assessment? *(For example, is there evidence that the district administers a Home Language Survey to all students, including Native American students who may need language development services?)*
19. Is the person(s) responsible for each step in the identification procedures specified in the plan? *(For example, the school secretary may be responsible for distributing and collecting home language surveys during enrollment, and the school principal may be responsible for forwarding the surveys to the district's English language assessment specialist or district test coordinator.)*
20. Are the time frames for each step in the identification procedures set forth in the plan? *(For example, completed home language surveys will be forwarded to the English language assessment specialist within _____ school days of a student's enrollment in the district. Surveys will be evaluated within _____ school days.)*
21. If the district's identification procedures require participation by staff with special skills, such as an interpreter to communicate with ELL parents or students during the enrollment process, does the plan describe how this special staff person is integrated into the identification process?
22. Do the identification procedures state the criteria that will be utilized to classify a student as a potential

ELL student and, therefore, in need of assessment for English language proficiency?
23. Does the ELL plan contain a statement of how the district will maintain documentation of the following: (1) the identification results; (2) determination of the potential ELL status of students; and (3) referrals of such students for language proficiency assessment?

This section of the ELL plan describes the district's procedures for assessing potential ELL students to determine which students are ELL and in need of a program of services in order to participate meaningfully in the district's regular instructional program. In drafting this section of the plan, the following questions may be used to ensure that key points are addressed:

III. Assessment of the Need for ELL Services
24. Does the ELL plan contain a detailed description of the district's procedures for assessing potential ELL students?
25. Are the assessment procedures designed so that all students identified as potentially needing ELL services will be evaluated for English language proficiency?
26. Do the assessment procedures include a description of all skill areas to be assessed and measured, one consistent with the educational approach and program model being utilized in the district? (For example, do the assessment procedures cover all aspects of English language proficiency that could affect a student's ability to participate meaningfully in the regular curriculum – does the assessment address speaking, reading, writing, and understanding?) <u>All school districts should be using the Stanford ELPT for screening and placement.</u>
27. Does the description of the assessment procedures include a statement of the instruments and methods (e.g., tests, past academic records, teacher observations, etc.) used to assess students' English language abilities and academic level?
28. Are the guidelines and criteria for the use of each instrument and method included in the procedures? (For example, if a commercial English language proficiency test is utilized, has the district followed the test publisher's guidelines for use of the test?)
29. Are appropriate time frames established for each step of the assessment process? Are the time frames reflected in the ELL plan?
30. Does the description identify the person(s) responsible for assessing each student and any special abilities, skills, and training that individuals may need to conduct the assessments?
31. Does the description include a statement of the criteria (e.g., test scores or other information) that will determine whether a student is ELL and in need of program services to participate meaningfully in the district's regular instructional program? Do the criteria include an objective measure(s)?
32. Does the ELL plan contain a statement of how the district will maintain documentation of the assessment results and its decision regarding whether students are ELL?
33. Does the plan note where such records are kept and by whom?
34. Are the procedures included for appropriate parental notification and input?

The information discussed in this section pertains to the educational model and program of services selected by the district. Following are questions that may be useful in developing a plan that addresses in a comprehensive manner the methods to be used in providing ELL students appropriate English language development services, as well as services to enable the students to benefit from the district's academic and special programs.

IV. Program and Services for ELL Students
35. Are the district's programs and services described in this section consistent with the educational theory(ies) (e.g., ESL, transitional bilingual education, structured English immersion, pull-out, etc.) selected by the district?
36. Does the description of the program of services for ELL students reflect: (1) the methods and services the district will use to teach ELL students English language skills (i.e., speaking, understanding, reading, and writing of English); and (2) the methods and services the district will use to ensure that ELL students can meaningfully participate in the academic and special programs (e.g., history, science, social studies, music, vocational education, etc.) offered by the district? <u>Note: Depending upon the district's education model, English language services and subject matter services may be concurrent or sequential.</u>
37. Does the description of the delivery of services to ELL students reflect: (1) how and where the English language development services will be delivered? (For example, are language development services delivered through a pull-out program, within a self-contained program, or within the regular classroom?)
38. If ELL students are in the regular classroom for academic subjects (history, science, etc.), how will the ELL students be able to participate in these academic subjects? (For example, will the district provide training for teachers and/or provide support staff or services such as translators, so that the ELL

<p><i>students can effectively participate in classroom activities and comprehend the academic material being presented?)</i> <u>Note</u> The OCR recognizes that the district's program of services under its ELL plan may have the effect of separating students who are ELL from non-ELL students during at least part of the school day. However, the program design should not separate ELL students beyond the extent necessary to achieve the goals of the district's program of services. Additionally, ELL students should be provided services in comparable facilities to those in which non-ELL students receive services.</p>
39. Are the guidelines and standards included for providing ELL students each of the services in the district's ELL program?
40. Does the plan identify the person(s) responsible for providing services to ELL students?
41. Does the plan include standards and criteria for the amount and type of services provided? Does it include a process to decide the appropriate amount and type of services to be provided?
42. If there are any variations in the district's program of services between schools and grade levels, are the variations described?
43. Are procedures included for notification to parents of newly enrolled students, in a language that the parents understand, of the availability and type of program services and other options for ELL students?
44. Are provisions made for language appropriate notice to parents of ELL students regarding school activities that are communicated to other parents (e.g., <i>student progress reports, school schedules, information provided in student handbooks, extracurricular activities, special meetings, events such as PTA meetings and fundraising events, etc.</i>)?
45. Are the notification procedures sufficient so that the parents can make well-informed educational decisions about the participation of their children in the district's ELL program and other service options that are provided to parents? (For example, does the plan ensure that parents will be notified within 30 days of enrollment at the beginning of the school year or within the first two weeks of enrollment if the student has not been identified prior to the beginning of the school year?)

OCR Policy. – Many districts design their ELL programs to emphasize English over other subjects temporarily. While schools with such programs may discontinue special instruction in English once ELL students become English-proficient, schools retain an obligation to provide assistance necessary to remedy academic deficits that may have occurred in other subjects while the student was focusing on learning English. See also OCR's publication, Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited English Proficiency (1991 OCR Policy Memorandum) and Castañeda v. Pickard, 648 F. 2d 989 (5th Cir., 1981).

V. Staffing and Resources
46. Does the description identify the number and categories of instructional staff determined appropriate to implement the district's program of services (e.g., qualified teachers, interpreters, translators, teaching assistants, and other categories of support staff)? (For example, what has the district determined to be appropriate student-teacher and student-support staff ratio to provide services consistent with program objectives?)
47. Does the description state the qualifications for instructional staff assigned to implement the program of services? (For example, teachers need to have the educational expertise, consistent with state and local standards, to meet the goals of the ELL program model. If they are responsible for subject matter instruction as well as English language development, they need to be qualified in both areas of responsibility.)
48. Does the description state methods and criteria the district will utilize to ensure that staff is qualified to provide the services to ELL students under the district's ELL program? (For example, if the program requires Spanish-speaking bilingual assistants, how will the district ensure that the assistants are fluent in Spanish?)
49. What are the training needs (i.e., <i>in-service training and formal college course work</i>) of current staff?
50. What are the amount, type, and schedule of training that will be provided to staff?
51. What steps will be taken by the district to recruit and hire qualified staff for its ELL program?
52. What is the schedule for having fully qualified staff in place, and how will the district ensure appropriate services are provided during the period of staff development?
53. What materials and resources, such as specialized books and equipment, are needed to implement the district's ELL program fully and effectively?
54. If the district does not currently have all the resources necessary to implement its program of services for ELL students, what is the schedule or plan for obtaining such resources?
55. Does the ELL plan describe how a review of resources needed for the district's program of services for ELL students will be accomplished on an ongoing basis?

This section addresses the procedures and criteria for determining when students no longer need ELL services and methods that the district will use to monitor the success of students after ELL services have been discontinued.

VI. Transition from ELL Services and Monitoring Performance

56. Does the plan describe all assessment instruments and procedures (e.g., tests, teacher observations, etc.) used as part of a transition assessment?
57. Are the guidelines and criteria for the use of assessment information included in the procedures?
58. Do the transition procedures describe how the district will assess the English language skills of ELL students in the following four proficiency areas: understanding, speaking, reading, and writing?
59. Do the transition procedures describe the methods and standards that will be used to assess whether students who have been receiving ELL services have progressed to the point that such services are no longer needed to enable the students to participate meaningfully in the district's regular program?
60. Do the transition procedures identify the person(s) who will conduct the transition assessments and any qualifications the person(s) must meet to conduct the assessments?
61. Are the time frames for implementing the transition assessment procedures described?
62. Do the procedures include a statement of the criteria (e.g., test scores or other performance standards, teacher observation, etc.) that will determine when a student is English language proficient and no longer in need of the district's program of services for ELL students?
63. Do the criteria include an objective measure(s)?
64. How is the objective measure weighed in comparison with other measures? If the objective measure is a test, is the test valid for the purpose for which it is being used?
65. Do the procedures include a description of the documentation that will be maintained on the assessment results (e.g., continued need for services) and the decision of whether to transition the student from the district's alternative program of services?
66. Does the plan identify the staff person(s) who will be responsible for monitoring former ELL students?
67. Does the plan establish guidelines for how often the district will monitor former ELL students (e.g., quarterly, each semester)? How long will the district monitor such students? Note: The district must monitor students at least two (2) years.
68. Does the plan identify the information the district will review to measure whether individual former ELL students are successful in the district's overall educational program (e.g., grades, test scores, teacher observations, etc.)?
69. Does the plan include the methods or criteria the district will utilize to measure the success of former ELL students in the district's education program? *(For example, the district may review the grades, testing results, teacher feedback, or other appropriate information to determine whether or not a former ELL student has meaningful access to the district's education program.)*
70. If a former ELL student, under the district's criteria, is not successful in the district's regular program, does the plan indicate: (1) how the district will determine whether a lack of success is due to academic deficits incurred while the student was receiving ELL services, the lack of English language proficiency, or other reasons? (2) If the lack of success is due to academic deficits incurred while the student was receiving ELL services or the lack of English language proficiency, do the procedures set forth the methods to be used and/or services the district will provide to assist the student? *(For example, depending upon the reason for the individual student's lack of success, the district may consider approaches such as providing additional services to develop English language skills or providing academic tutorial or support services to address academic deficiencies incurred while the student was receiving ELL services.)*
71. Does the plan include appropriate notification procedures to inform parents of service options?

This section of an ELL plan addresses equal access for ELL students to the full range of district programs, including special education, Title I, gifted and talented programs, and nonacademic and extracurricular activities.

VII. ELL Students and Other District Programs

72. Does the plan describe methods to ensure that staff are aware of the district's policy regarding ensuring equal opportunities for ELL students to participate in the range of programs made available to students generally?
73. Does the district have, or know where to obtain, any tests or assessment materials needed to determine ELL students' eligibility for special programs, including special education, Title I, and gifted?
74. Do the methods used by the district to notify parents and students of available programs and activities take into account language barriers?

75. What methods or steps are taken to ensure that ELL students have an equal opportunity to participate in extracurricular and nonacademic activities?

OCR Policy. – Districts are required to modify their programs if they prove to be unsuccessful after a legitimate trial. As a practical matter, recipients cannot comply with this requirement without periodically evaluating their programs. Generally, districts measure “success” in terms of whether the program is achieving the particular goals the district has established for the program and its students. If the district has established no particular goals, the program is successful if its participants are achieving proficiency in English and are able to participate meaningfully in the district’s program. (1991 OCR Policy Memorandum).

This section contains questions to consider in collecting and maintaining information needed to determine whether all aspects of the district’s ELL program are being evaluated.

VIII. Program Evaluation, Review and Improvement

76. Does the evaluation focus on overall as well as specific program goals?

77. Do the goals address expected progress in English language development and subject matter instruction?

78. Does the evaluation cover all elements of an ELL program, including:

- the identification process?
- the student assessment process?
- the provision of program services to all students with identified needs?
- the provision of staff and resources consistent with program design?
- the adherence to following established criteria for transitioning students from ELL program services?
- the implementation of monitoring practices for students who have transitioned from ELL program services?
- student performance (such as progress in English language development and academic progress consistent with the district’s own goals)?

79. Is the information collected on each ELL program element assessed with reference to the specific requirements of the district’s ELL plan? *(For example, when looking at the process for identifying potential ELL students, does the evaluation determine whether the district has followed the established plan for identifying potential ELL students, referral for English language assessment, and criteria for transitioning and/or exiting from ELL services?)*

80. Do information collection practices support a valid and objective appraisal of program success? Is the use of the observational information as well as a review of records considered? Is appropriate data maintained so that the success of district programs can be measured in terms of student performance? Is the data organized and arranged in a manner that enables the district to evaluate student performance outcomes over time and to follow the performance of students after they have transitioned from ELL programs?

81. Does the evaluation determine whether staff have followed applicable procedural and service requirements, including frequency, timelines, and documentation?

82. Does the evaluation process result in sufficient information to enable the district to determine whether the program is working and to identify any program implementation or student outcome concerns that require improvement?

83. Has a process been established for designing and implementing program modifications in response to concerns identified through the evaluation process? Does this process take into account information provided by stakeholders and persons responsible for implementing recommended changes?

84. Are modifications scheduled to be promptly implemented?

85. Is the program evaluation ongoing and sufficiently frequent to allow the district to promptly identify and address concerns with the district’s ELL program?

86. Do information sources and methods for gathering information to evaluate whether the program is being implemented as planned include, among others, the following examples:

- file and records review?
- staff interviews and surveys?
- input from parents, student surveys, or focus group meetings?
- complaints made to the district regarding program implementation or service delivery?

**Appendix D:
Mississippi Graduation Requirements**

**Appendix D:
Mississippi Graduation Requirements
Standard 20**

Each student graduating from a secondary school in an accredited school district will have earned the required Carnegie units as specified in the following table. Contents of each required and elective course must include the core objectives identified in the *Mississippi Curriculum Frameworks*. Course titles and identification numbers must appear in the current edition of *Approved Courses for Secondary Schools of Mississippi*. (See SB Policy ICFA-1.) Enrollment in on-line and correspondence courses listed in this book must have prior approval granted by the principal. No more than one (1) of the minimum required number of units may be earned through completion of an approved correspondence course. Elective courses that do not have identified content in the *Mississippi Curriculum Frameworks* or whose titles do not appear in the current edition of *Approved Courses for the Secondary Schools of Mississippi* must be approved according to criteria outlined by the State of Mississippi.

**SENIORS OF SCHOOL YEAR 2004-2005, 2005-2006, 2006-2007, and 2007-2008
(Entering ninth graders in 2001-2002, 2002-2003, 2003-2004, and 2004-2005)**

CURRICULUM AREA	CARNEGIE UNITS	REQUIRED SUBJECTS
ENGLISH	4 ¹	
MATHEMATICS	3 ²	Algebra I
SCIENCE	3 ³	Biology I
SOCIAL STUDIES	3	1 World History 1 U.S. History ½ U.S. Government ½ Mississippi Studies ⁴
HEALTH	½	Comprehensive Health or Family and Individual Health
BUSINESS & TECHNOLOGY	1 ⁵	½ Keyboarding ½ Computer Applications
THE ARTS	1	
ELECTIVES	4½ ⁶	
TOTAL UNITS REQUIRED	20	

¹ *Compensatory Reading and Compensatory Writing courses may not be included in the four English courses required for graduation, however, these courses may be included in the 4½ general electives required for graduation.*

² *Compensatory Mathematics and any developmental mathematics course may not be included in the three mathematics courses required for graduation, however, these courses may be included in the 4½ general electives required for graduation. At least one of the three required mathematics courses must be higher than Algebra I. The allowable mathematics courses that can be taken which are higher than Algebra I are: Geometry, Algebra II, Advanced Algebra, Trigonometry, Pre-Calculus, Calculus, AP Calculus AB, AP Calculus BC, Discrete Mathematics, Probability and Statistics, and AP Statistics.*

³ *One unit may be in Technology Applications or Introduction to Agriscience or Agriscience I or Concepts of Agriscience or Allied Health or Aquaculture.*

⁴ *The credit earned for a State/Local Government course in any other state by an out-of-state transfer student who enters after the sophomore year can stand in lieu of Mississippi Studies or Mississippi State and Local Government.*

⁵ *One unit in Computer Discovery is accepted in lieu of the two ½ unit courses. Evidence of proficiency in Keyboarding and Computer Applications is accepted in lieu of the required courses if the student earns one unit in any of the courses listed in the *Business and Technology Framework* (academic and vocational).*

⁶ *Elective units in physical education include participation in interscholastic athletic activities that meet the instructional requirements specified in the *Fitness through Physical Education Framework* and that are sanctioned by the Mississippi High School Activities Association.*

APPENDIX D (continued)

**SENIORS OF SCHOOL YEAR 2008-2009 AND LATER
(Entering ninth graders in 2005-2006 and thereafter)**

CURRICULUM AREA	CARNEGIE UNITS	REQUIRED SUBJECTS
ENGLISH	4 ¹	
MATHEMATICS	4 ²	Algebra I
SCIENCE	3 ³	Biology I
SOCIAL STUDIES	3	1 World History 1 U.S. History ½ U.S. Government ½ Mississippi Studies ⁴
HEALTH	½	Comprehensive Health or Family and Individual Health
BUSINESS & TECHNOLOGY	1 ⁵	½ Keyboarding ½ Computer Applications
THE ARTS	1	
ELECTIVES	4½ ⁶	
TOTAL UNITS REQUIRED	21	

¹ *Compensatory Reading and Compensatory Writing may not be included in the four English courses required for graduation, however, these courses may be included in the 4½ general electives required for graduation.*

² *Beginning school year with the eighth graders of 2004-2005, Pre-Algebra and Transition to Algebra, as well as Algebra I, may be taken in the eighth grade for Carnegie unit credit. Survey of Mathematical Topics, Compensatory Mathematics and any developmental mathematics course may not be included in the four mathematics courses required for graduation, however, these courses may be included in the 4½ general electives required for graduation. At least one of the four required mathematics courses must be higher than Algebra I. The allowable mathematics courses that can be taken which are higher than Algebra I are: Geometry, Algebra II, Advanced Algebra, Trigonometry, Pre-Calculus, Calculus, AP Calculus AB, AP Calculus BC, Discrete Mathematics, Probability and Statistics, and AP Statistics.*

³ *One unit may be in Technology Applications or Introduction to Agriscience or Agriscience I or Concepts of Agriscience or Allied Health or Aquaculture.*

⁴ *The credit earned for a State/Local Government course in any other state by an out-of-state transfer student who enters after the sophomore year can stand in lieu of Mississippi Studies or Mississippi State and Local Government.*

⁵ *One unit in Computer Discovery is accepted in lieu of the two ½ unit courses. Evidence of proficiency in Keyboarding and Computer Applications is accepted in lieu of the required courses if the student earns one unit in any of the courses listed in the *Business and Technology Framework* (academic and vocational).*

⁶ *Elective units in physical education include participation in interscholastic athletic activities that meet the instructional requirements specified in the *Fitness through Physical Education Framework* and that are sanctioned by the Mississippi High School Activities Association.*

**Appendix E:
Resources**

Appendix E: Resources

Alabama – Mississippi Teachers of English to Speakers of Other Languages (AMTESOL)
University of North Alabama
UNA Box 5129
Florence, AL 35632-0001
256-765-4837
<http://www2.una.edu/amtesol/>

American Association for Applied Linguistics (AAAL)
3416 Primm Lane
Birmingham, AL 35216
866-821-7700
www.aaal.org

American Council on the Teaching of Foreign Languages (ACTFL)
6 Executive Plaza
Yonkers, NY 10701
914-963-8830
<http://www.actfl.org>

Association for Supervision and Curriculum Development (ASCD)
1703 North Beauregard Street
Alexandria, VA 22311
800-933-2723
<http://www.ascd.org>

The California Association for Bilingual Education (CABE)
16033 E San Bernardino Road
Covina, CA 91722-3900
626-814-4441
www.bilingualeducation.org

Center for Applied Linguistics (CAL)
4646 40th Street NW
Washington, DC 20016-1859
202-362-0700
www.cal.org

Center for the Improvement of Early Reading Achievement (CIERA)
University of Michigan School of Education
610 E University Avenue, Rm. 2002 SEB
Ann Arbor, MI 48109-1259
734-647-6940
www.ciera.org

Center for Research on Education, Diversity, and Excellence
University of California, Santa Cruz
1156 High Street
Santa Cruz, CA 95064
831-459-3500
www.crede.ucsc.edu

Coordinated Campaign for Learning Disabilities
1200 New York Avenue NW, Suite 300
Washington, DC 20005-1754
www.aboutld.org

Council for Exceptional Children
1100 North Glebe Road, Suite 300
Arlington, VA 22201-5704
888-232-7733
www.cec.sped.org

Dave's ESL Café
22287 Mulholland Highway #381
Calabasas, CA 91302-5157
www.eslcafe.com

ERIC Clearinghouse on Reading, English and Communication
Indiana University
P.O. Box 5953
Bloomington, IN 47407
800-925-7853
http://www.indiana.edu/~eric_rec/

ESCORT – formerly the Eastern Stream Center on Resources and Training
State University College at Oneonta
Bugbee Hall
Oneonta, NY 13820
800-451-8058
www.escort.org

IDEA Practices
Funded by the Office of Special Education Programs (OSEP)
Office of Special Education and Rehabilitative Services
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202
877-323-4331
www.ideapractices.org

International Reading Association (IRA)
800 Barksdale Road
P.O. Box 8139
Newark, DE 19714
302-731-1600
<http://www.ira.org>

LD Online
A Service of WETA
2775 South Quincy Street
Arlington, VA 22206
703-998-2600
www.ldonline.org

Learning Disabilities Association of America
4156 Library Road
Pittsburg, PA 15234-1349
412-341-1515
www.lदानatl.org

Mississippi Council of Teachers of English (MCTE)
Dr. Jeannie Ezell
University of Southern Mississippi
Box 10021
Hattiesburg, MS 39406-0021
601-266-5081

Mississippi Department of Education
Central High School
ELL Resource Library
359 North West Street, Suite 230
Jackson, MS 39205-0771
601-359-3778
www.mde.k12.ms.us

National Association for Bilingual Education (NABE)
1030 15th Street NW, Suite 470
Washington, DC 20005-1503
202-898-1829
www.nabe.org

National Center on Educational Outcomes
University of Minnesota
350 Elliott Hall, 75 East River Road
Minneapolis, MN 55455
612-626-1530
<http://education.umn.edu/NCEO/default.html>

National Center for ESL Literacy Education (NCLE)
4646 40th Street, NW
Washington, DC 20016
202-362-0700
<http://www.cal.org/ncl>

National Center for Learning Disabilities
381 Park Avenue South, Suite 1401
New York, NY 10016
888-575-7373
www.ncld.org

National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (NCELA) – formerly the National Clearinghouse for Bilingual Education
2121 K Street NW, Suite 260
Washington, DC 20037
800-321-6223
www.ncela.gwu.edu

National Clearinghouse for ESL Literacy Education (NCLE)
4646 40th Street NW
Washington, DC 20016-1859
202-362-0700, ext. 200
www.cal.org/ncl

National Council for Teachers of English (NCTE)
1111 West Kenyon Road
Urbana, IL 61801
800-369-6283
<http://www.ncte.org/>

National Dissemination Center for Children and Disabilities
P.O. Box 1492
Washington, DC 20013
800-695-0285
www.nichcy.org

The National Institute of Child Health and Human Development (NICHD)
P.O. Box 3006
Rockville, MD 20847
800-370-2943
www.nichd.nih.gov/publications/pubskey.cfm

The National Institute for Literacy (NIFL)
1775 I Street NW, Suite 730
Washington, DC 20006-2401
202-233-2025
www.nifl.gov

National Institute of Mental Health
6001 Executive Boulevard, Room 8184
MSC 9663
Bethesda, MD 20892-9663
866-615-6464
www.nimh.nih.gov/publicat/learndis.htm

National Literacy Panel
Institute of Educational Sciences
U.S. Department of Education
Dr. Diane August, Principal Investigator
Center for Applied Linguistics
www.ed.gov/about/offices/list/ies/ncer/literacy.html

Northeast and Islands Regional Educational Laboratory
Teaching Diverse Learners
New England Equity Assistance Center
222 Richmond Street, Suite 300
Providence, RI
800-521-9550, ext. 339
www.alliance.brown.edu/tdl

Office for Civil Rights
U.S. Department of Education
600 Independence Avenue SW
Washington, DC 20202-6510
800-421-3481
www.ed.gov/about/offices/list/ocr/index.html

Office for English Language Acquisition (OELA) – formerly the Office of Bilingual Education and Minority
Language Affairs
600 Independence Avenue SW
Washington, DC 20202-6510
202-205-5463
www.ed.gov/about/offices/list/oela/index.html?src=oc

Office of Special Education Programs (OSEP)
Office of Special Education and Rehabilitative Services
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202
202-205-5507
www.ed.gov/about/offices/list/osers/index.html

Reading Rockets
A Service of WETA
2775 South Quincy Street
Arlington, VA 22206
703-998-2600
www.readingrockets.org

Region IV Comprehensive Center at AEL
P.O. Box 1348
Charleston, WV 25325-1348
800-624-9120
www.ael.org/cac/miss2.htm

Region XIV Comprehensive Center
Educational Testing Service
1000 N Ashley Drive, Suite 312
Tampa, FL 33602
800-756-9003
www.ets.org/ccxiv

SERVE
P.O. Box 5367
Greensboro, NC 27435
800-755-3277
www.serve.org

Southeast Equity Center
8603 South Dixie Highway, Suite 304
Miami, FL 33143
305-669-0014
<http://www.southeast.equity.org>

Southeast Comprehensive Assistance Center (SECAC)
3330 N Causeway Boulevard, Suite 430
Metairie, LA 70002
800-644-8671
<http://www.sedl.org/secac/>

The Southeastern Equity Center
1401 East Broward Boulevard, Suite 304
Ft. Lauderdale, FL 33301
954-765-3553
<http://www.southeastequity.org/>

Southern Poverty Law Center
400 Washington Avenue
Montgomery, AL 36104
334-956-8200
www.splcenter.org

Southwest Center for Education Equity and Language Diversity (SCEED) at Arizona State University
P.O. Box 871511
Tempe, AZ 85287-1511
480-965-7134
www.asu.edu/educ/sceed

Southwest Educational Development Laboratory (SEDL)
211 E 7th Street, Suite 200
Austin, TX 78701-3253
800-476-6861
<http://www.sedl.org>

Teachers of English of Speakers of Other Languages (TESOL)
700 South Washington Street, Suite 200
Alexandria, Virginia 22314
888-547-3369
www.tesol.org

Teaching LD
A Service of the Division for Learning Disabilities (LD)
Council for Exceptional Children
1110 North Glebe Road, Suite 300
Arlington, VA 22201-5704
888-232-7733
www.teachingld.org

Tomas Rivera Policy Institute
University of Southern California
School of Policy, Planning and Development
650 Childs Way, Lewis Hall, Suite 102
Los Angeles, CA 90089-0626
213-821-5615
www.trpi.org

WestEd
Bridging Cultures Project
730 Harrison Street
San Francisco, CA 94107
877-493-8933
www.edgateway.net/cs/bcp/print/docs/bcp/about.htm

Bibliography

- Arizona Department of Education. (1992). The language acquisition classroom. In *Handbook on planning for limited English proficient (LEP) student success*. (1996). Denver, CO: Colorado Department of Education.
- Asher, J. (1981). Total physical response: Theory and practice. In *Native language in foreign language acquisition*, New York: New York Academy of Sciences.
- Artiles, A. J., & Ortiz, A. A. (2002). *English language learners with special needs: Identification, assessment, and instruction*. Washington, DC: Center for Applied Linguistics.
- August, D., & Hakuta, K. (1997). *Schooling for language minority children*. Washington, DC: National Research Council.
- August, D. & Hakuta (1998). *Educating language-minority children*. Washington, DC: National Research Council.
- Baker, C. (1993). *Foundations of bilingual education and bilingualism*. Philadelphia, PA: Multilingual Matters.
- Baker, C. & Jones, S. (1998). *Encyclopedia of bilingualism and bilingual education*. Clevedon, UK: Multilingual Matters.
- Baker, K., & De Kanter, A. (1993). Federal policy and the effectiveness of bilingual education. In K. Baker & A. De Kanter (Eds.), *Bilingual education* (pp. 33-85), Lexington, MA: DC Health.
- Bucvalas, A. (2002, October). *Looking closely at second language learning: An interview with Shattuck Professor Catherine Snow*. Retrieved January 28, 2004, from www.gse.harvard.edu/news/features/snow10012002.html
- Canales, J. & Duron, S. (1997). *When what used to work isn't enough: Success for second language learners through sheltered instruction*. Educational Leadership.
- Check, J. (1997). *Teacher research as powerful professional development*. Retrieved May 31, 2004, from www.cal.org/resources/digest/0008teaching.html
- Chomsky, N. (1986). *Knowledge of language: Its nature, origin, and use*. New York: Plenum.
- Christian, D. (1994). *Two-way bilingual education: Students learning through two languages* (Educational Practice Rep. No. 12). Washington, DC, and Santa Cruz, CA: National Center for Cultural Diversity and Second Language Learning.
- Clair, N. (1995). *Mainstream teachers and ESL students*. TESOL Quarterly 29, 189-196.
- Clair, N. (1998). *Teacher study groups: Persistent questions in a promising approach*. TESOL Quarterly, 32, 465-492.
- Clair, N. & Adger, C. (1999). *Professional development for teachers in culturally diverse schools* (ERIC Document Reproduction Service No. ED 435 185) Retrieved May 31, 2004, from www.cal.org/resources/digest/profdvpt.html
- Clay, M. (1989). *Concepts about print: In English and other languages*. The Reading Teacher, 42(4), 268-277.

- Collier, V. (1989). *How long? A synthesis of studies examining long-term language minority student data on academic achievement in second language*. TESOL Quarterly, 23, 509-531.
- Collier, V. (1992). *A synthesis of studies examining long-term language minority student data on academic achievement*. Bilingual Research Journal, 16 (1-2), 187-212.
- Collier, V.P. (1995). *Promoting academic success for ESL students: Understanding second language acquisition for school*. Elizabeth, NJ: New Jersey Teachers of English to Speakers of Other Languages.
- Collier, V.P., & Thomas, W.P. (1989). *How quickly can immigrants become proficient in school English?* Journal of Educational Issues of Language Minority Students, 5, 26-38.
- Colorado Department of Education (1996). *Handbook on planning for limited English proficient (LEP) student success*. Denver, CO: Colorado Department of Education.
- Council of Chief State School Officers. (1990). *School success for limited English proficient students: The challenge and the state response*. Washington, DC: Resource Center on Educational Equity.
- Cummins, J. (1979). *Cognitive academic language proficiency in bilingual education*. In J.E. Alatis (Ed.), Georgetown University Roundtable on Language and Linguistics (pp. 76-93). Washington, DC: Georgetown University Press.
- Cummins, J. (1989). *Empowering minority students*. Sacramento, CA: California Association for Bilingual Education.
- Cummins, J. (1996). *Negotiating identities: Education for empowerment in a diverse society*. Los Angeles: California Association for Bilingual Education.
- Cummins, J. (1981). The role of primary language development in promoting educational success for language minority students. In *Schooling and language minority students: A theoretical framework* (pp. 3-40). Los Angeles: Evaluation, Dissemination and Assessment Center, California State University.
- Cummins, J. (1984). Wanted: A theoretical framework for relating language proficiency to academic achievement among bilingual students. In C. Rivera (Ed.) *Language proficiency and academic achievement*. Philadelphia, PA: Multilingual Matters.
- De Avila, E. (1997). *Setting expected gains for non- and limited-English proficient students*. Washington, DC: The National Clearinghouse for Bilingual Education. Retrieved February 13, 2002, from www.ncela.gwu.edu/ncbepubs/resource/setting
- Echevarria, J., Vogt, M.E., & Short, D. (2004). *Making content comprehensible for English learners: The SIOP model*. Boston: Allyn & Bacon.
- Fillmore, L.W., & Snow, C. (2000). *What teachers need to know about language*. Retrieved May 31, 2004, from www.cal.org/resources/digest/0008teaching.html
- Gandara, P.G. (1999). *Review of research on the instruction of limited English proficient students: A report to the California legislature*. Santa Barbara, CA: The University of California Linguistic Minority Research Institute (UCLMRI) Education Policy Center.
- Garcia, E. (1997). Effective instruction for language minority students: The teacher. In A. Darder, R.D. Torres, & H. Gutierrez (Eds.), *Latinos and education*. New York: Routledge.
- Genesee, F. (1994). *Integrating language and content: Lessons from immersion* (Educational Practice Rep. No. 11). Washington, DC, and Santa Cruz, CA: National Center for Research on Cultural Diversity and Second Language Learning.

- Goldenberg, C. (2004). *Successful school change: Creating settings to improve teaching and learning*. New York: Teachers College Press.
- Gonzalez, J.M., & Darling-Hammond, L. (1997). *New concepts for new challenges: Professional development for immigrant youth*. McHenry, IL, and Washington, DC: Delta Systems and Center for Applied Linguistics.
- Grissmer, D., Flanagan, A., Kawata, J., & Williamson, S. (2000). *Improving student achievement: What state NAEP test scores tell us*. Santa Monica, CA: Rand Publishing.
- Hakuta, K. (2001, April). *Key policy milestones and directions in the education of English language learners*. Paper presented at the Rockefeller Foundation Symposium, Washington, DC. Retrieved August 28, 2002, from www.stanford.edu/~hakuta/Docs/Rockefeller%20Executive%20Summary.doc
- Hakuta, K., Goto-Butler, Y., & Witt, D. (2000). *How long does it take English language learners to attain proficiency?* University of California Linguistic Minority Research Institute: Policy Report 2000-1. Retrieved February 28, 2002, from http://lmri.ucsb.edu/resdiss/2/pdf_files/hakuta.pdf
- Jeynes, W. (2003). A meta-analysis: *The effects of parental involvement on minority children's academic achievement*. *Education and Urban Society*, 35 (2), 202-218.
- Krashen, S. (1994). Bilingual education and second language theory. In C.F. Leyba (Ed.), *Schooling and language minority students: A theoretical framework*. Los Angeles: Evaluation, Dissemination, and Assessment Center, California State University, LA.
- Krashen, S. (1996). *A gradual exit, variable threshold model for limited English proficient children*. *National Association for Bilingual Education, NABE News*, 9 (7), June 15, 1996.
- Krashen, S. (1982). *Principles and practice in second language acquisition*. New York, NY: Pergamon.
- Larsen-Freeman, D., & Long, M.H. (1991). *An introduction to second language acquisition research*. New York: Longman.
- Lessow-Hurley, J. (1991). *A commonsense guide to bilingual education*. Alexandria, VA: Association for Supervision and Curriculum Development.
- Lessow-Hurley, J. (2003). *Meeting the needs of second language learners*. Alexandria, VA: Association for Supervision and Curriculum Development.
- Linquanti, R. (1999). *Fostering academic success for English language learners: What do we know?* San Francisco, CA: WestEd. Retrieved February 27, 2002, from www.wested.org/policy/pubs/fostering
- Little, J.W. (1993). *Teacher's professional development in a climate of education reform*. *Education Evaluation and Policy Analysis*, 15, 129-151.
- Lockwood, A.T., & Secada, W.G. (1999). *Transforming education for Hispanic youth: Exemplary practices, programs, and schools*. Washington, DC: The National Clearinghouse for Bilingual Education.
- Lyons, J. (1992). *Legal responsibilities of education agencies serving national origin language minority students*. The Mid-Atlantic Equity Center, The American University: Washington, DC.
- National Association of School Psychologists (2003). *Position statement on student grade retention and social promotion*. Retrieved February 9, 2005 from http://www.nasponline.org/information/pospaper_graderetent.html
- National Clearinghouse for English Language Acquisition (1998). *Limited English proficient students and available educational programs and services, 1996-1997*. Washington, DC: U.S. Department of Education.

- National Clearinghouse for English Language Acquisition (1990). *Using interpreters and translators to meet the needs of handicapped language minority students and their families*. Retrieved January 24, 2005 from <http://www.nceia.gwu.edu/pubs/pigs/pig4.htm>
- Office for Civil Rights. (2004). *Programs for English language learners*. Retrieved January 21, 2004, from www.ed.gov/about/offices/list/ocr/ell/legal.html
- Ortiz, A. A. (1997). *Learning disabilities occurring concomitantly with linguistic differences*. *Journal of Learning Disabilities*, 30, 321-332.
- Ortiz, A.A. (2001). *English language learners with special needs: Effective instructional strategies*. ERIC Digest. Retrieved February 21, 2002, from www.cal.org/aericll/digest/0108ortiz.html
- Peregoy, S. (1991). Environmental scaffolds and learner responses in a two-way Spanish immersion kindergarten. *Canadian Modern Language Review*, 47(3), 463-476.
- Peregoy, S. & Boyle, O. (1996). *Reading, writing, and learning ESL*. New York, NY: Addison Wesley Longman.
- Platt, B. (1990). *Only English? Law and language policy in the United States*. Albuquerque: University of New Mexico Press.
- Ramirez, D.J., Yuen, S.D., Ramey, D.R., & Pasta, D.J. (1991). *Final report: National longitudinal study of structured-English immersion strategy, early-exit and late-exit transitional bilingual education programs for language-minority children*. San Mateo, CA: Aguirre International.
- Renyi, J. (1996). *Teachers take charge of their learning: Transforming professional development for student success*. New York: National Foundation for the Improvement of Education.
- Richard Amato, P. (1996). *Making it happen: Interaction in the second language classroom*. White Plains, NY: Longman.
- Rueda, R. (1998). *Standards for professional development: A sociocultural perspective* (Research Brief No. 2). Santa Cruz, CA: University of California, Center for Research on Education, Diversity & Excellence.
- Sharkey, J., & Layzer, C. (2000). *Whose definition of success? Identifying factors that affect English language learners' access to academic success and resources*. *TESOL Quarterly*, 34(2), 352-368.
- Short, D. (1991). *Integrating language and content instruction: Strategies and techniques*. National Clearinghouse for Bilingual Education.
- Solis, A. (1995). *Grading LEP students: developing sound practice*. IDRA Newsletter, 22(5), 1-4.
- Snow, C. E., Burns, M.S., & Griffin, P. (Eds.). (1998). *Preventing reading difficulties in young children*. Washington, DC: National Academy Press.
- Thomas, W. & Collier, V. (1997). *School effectiveness for language-minority students*. (NCBE Resource Collection Series, No. 9.) Washington, DC: National Clearinghouse for Bilingual Education.
- Thomas, W. & Collier, V. (2002). *A national study of school effectiveness for language-minority students' long-term academic achievement*. Santa Cruz, CA: University of California, Center for Research on Education, Diversity, and Excellence. Retrieved February 25, 2002, from http://crede.ucsc.edu/research/laa/1.1_final.html
- Thomas, W. & Collier, V. (1995). *Language minority student achievement and program effectiveness*. *California Association for Bilingual Education Newsletter*, 17(5), 19, 24.

Torres-Guzman, M.E. (2001). *Dual language programs: Key features and results*. Directions, 14, Washington, DC: National Clearinghouse for Bilingual Education.

U.S. Department of Education. (2002). *No child left behind: A desktop reference*. Retrieved January 21, 2004, from www.ed.gov/admins/lead/account/nclbreference/page_pg30.html

U.S. General Accounting Office (1994). *A growing and costly educational challenge facing many school districts*. Washington, DC: Author.

Vernez, G., Krop, R.A., & Rydell, C.P. (1999). *Closing the education gap: Benefits and costs*. Santa Monica, CA: Rand Corp.

Waggoner, D. (1994). *Numbers and needs: Ethnic and linguistic minorities in the United States*, 4(4).

Wilde, J. & Sockey, S. (1995). *Evaluation handbook*. Albuquerque, NM: Evaluation Assistance Center-Western Region.

Williams, M. (1991). *Policy update on schools' obligations toward national origin minority students with limited-English proficiency (LEP students)*. Memorandum from Assistant Secretary for Civil Rights Williams to the United States Department of Education, archived at www.ed.gov/about/offices/list/ocr/elli/september27.html

Zelasko, N., & Antunez, B. (2000). *If your child learns in two languages*. Washington, DC: National Clearinghouse for Bilingual Education. Retrieved February 20, 2002, from www.ncela.gwu.edu/ncbepubs/parent

There are many school districts in Mississippi that enroll small numbers of ELL students from year to year. Some years there may be no new or continuing students at all. In these districts, the cost of maintaining a standardized instrument may not be justified. However, these districts are under the same obligations to assess ELL students as any other district. For such districts, there are other options. One is to seek assistance from a qualified test administrator from a neighboring district who can administer the language proficiency test. Another option is to contact the MDE's ELL Coordinator. Assessments are available from the ELL Resource Library located in Jackson, MS.

For additional information regarding the assessment of ELL students, please contact the MDE's Office of Student Assessment at (601) 359-3052. Also, additional information regarding the guidelines for assessing English language learners may be found in Section 4 of this document.

Step 3 – Program Placement

Students identified as English language learners from the language proficiency assessment must be placed in a sound language instruction educational program. Few teachers in Mississippi are prepared to provide bilingual instruction, and many schools have students from several language backgrounds. English language learners must learn the same academic content that their peers in regular classrooms are learning, except that ELL students must do so at the same time as they are acquiring a new language. During classroom instruction, teachers are beginning to focus on the cognitive and academic development of students, as well as English acquisition.

Educators must always remember that the first rule for placing ELL students in an educational program is that they should be placed at the age-appropriate grade level. The most important reason for age-appropriate placement is socio-cultural. Students progress faster and work harder when they are with their peers. Also, classroom teachers are organized to teach students of a certain age and will have educational expectations for students of that age group.

Educators must always remember that the first rule for placing ELL students in an educational program is that they should be placed at the age-appropriate grade level.

There are some situations that allow for exceptions to the general rule. If a student is not much older than six and has not been in a school before, it is often best to place the student in kindergarten. If an ELL student is developmentally delayed or has suffered serious deprivation, then the ELL student may need to be placed at a lower grade level. In any event, ELL students should never be more than a year behind their age-appropriate grade.

Prior to placing a student in a language instruction educational program, the school district or school must notify the student's parents or guardians. Parents are not required to respond to the notification in order for the student to participate in the school district's language instruction educational program; however, parents do have the right to have their child removed immediately from a program upon their request. The parents may refuse to enroll their child in a particular program or may choose another program or method of instruction, if available. Nevertheless, under Civil Rights policy, the district is still obligated to provide appropriate means to ensure that the student's English language and academic needs are met.

Placing ELL Students in Mainstream Classes

Initial placement of ELL students may be crucial to their success in the educational program. Some guidelines for placement vary by grade level. The school's guidance counselor should be trained in assessing non-U.S. school transcripts for appropriate awarding of credits. Grading systems, course titles, and the grade level at which some courses are taught all vary widely from place to place. Students should not be required to repeat content classes they had in their native language just because of their lack of English skills. If there are problems in evaluating the transcript, the principal may award credits based on competencies.

Every effort should be made to review previous school records and transcripts to evaluate and award transfer credits. Two helpful resources are [The Country Index](#) and [The Glossary of Foreign Educational Terms](#). These resources are available from Frank Severy Publishing, 3951 Kutcher Drive, Anchorage, Alaska, 99516, (907) 345-5217.

