MISSISSIPPI

Guidelines for
English Language Learners

Policies, Procedures, and Assessments
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Mississippi Department of Education

Guidelines for
English Language Learners
Policies, Procedures, and Assessments
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ACKNOWLEDGEMENTS

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INTRODUCTION

The culture and linguistic diversity of Mississippi's student population represent a challenge for all educators. As the number of English language learners (ELLs) continues to grow, the student population changes and becomes more diverse. Our fundamental challenge is to anticipate such change and pursue it to our students' benefit. If the goal is to improve education of all students, then it must include all students regardless of race, class, and/or national origin. Through our schools, students can gain an appreciation of our cultural diversity and acquire the knowledge and language skills to become productive citizens in our society.

The aim of this document, *Guidelines for English Language Learners*, is to provide and support LEAs with information related to ELL policies, procedures, and assessments in order to promote academic achievement for all students.

Mainstream classroom teachers and English language assistance teachers alike share the responsibility for the ELLs' whole education, both in language and academic content. English language assistance professionals may include English as a Second Language (ESL) teacher as well as other instructional staff who provide services to ELLs. Mainstream classroom teachers, ESL teachers, and other support staff should plan jointly to determine instructional accommodations and modifications needed to make language and content as comprehensible as possible throughout the whole school day for ELLs. As a result, all teachers function as language teachers when ELLs are enrolled in their classes.

While English is designated as the official language of the state of Mississippi, and the statewide assessments are in English, our responsibility is to prepare our students to access all educational program options available to them. This objective requires that our instructional approach be flexible to accommodate the needs of a very diverse student and parent population. Our aspiration is to have students succeed both socially and academically in all four language skills. We also wish for them to understand and function successfully in our American culture. To accomplish these goals, it may be necessary to provide some support in their native language. This means of support is entirely appropriate, as it is a research-based accommodation.

Recognizing the universal importance of education, the federal government assumed a larger role in financing public schools with the passage of the Elementary and Secondary Education Act (ESEA) in 1965. Through subsequent reauthorizations, ESEA has continued to assist the states. In 2001, the reauthorization included No Child Left Behind, which asks the states to set standards for student performance and teacher quality. The law establishes accountability for results and improves the inclusiveness and fairness of American education.

The purpose of the *Title III English Language Acquisition, Language Enhancement, and Academic Achievement Act* is:

1. to help ensure that children who are limited English proficient (LEP), including immigrant children and youth, attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet;
2. to assist all limited English proficient children including immigrant children and youth, to achieve at high levels in the core academic subjects,

3.   to develop high-quality language instruction educational programs designed to assist State Educational Agencies (SEAs), local educational agencies LEAs, and schools in teaching LEP and immigrant children;

4.   to provide high quality instructional programs designed to prepare LEP and immigrant children to enter all-English instruction settings;

5.   to help schools to build their capacity to establish, implement, and sustain language instruction educational program and programs of English language development;

6.   to promote parental and community participation; and,

7.   to hold SEAs, LEAs and schools accountable for increases in English proficiency and core academic content knowledge of LEP children.

The Mississippi Department of Education recognizes that collaboration is critical among English as a Second Language (ESL) teachers and content teachers in addressing the needs of English Language Learners (ELLs). In order to be successful in meeting these needs, educators must have some understanding of the many differences, such as culture, language, ethnicity, and social and economic status of the family exhibited by ELLs. The understanding of the concepts of second language acquisition and language development is a beginning point in dealing with some of the differences.

This newly revised document, *Guidelines for English Language Learners*: Policies, Procedures, and Assessments (2010), provides LEAs with a clear understanding of their responsibilities towards English language learners.

The guidelines are designed to address the following areas:

- Review federal and state laws regarding the rights of ELLs and their families,

- Provide procedures for the identification and placement of ELLs,

- Provide a detailed plan for developing and implementing an ELL program

- Provide parent notification requirements as they relate to the identification and placement of ELLs,

- Provide guidance as it relates to issues in assessing ELLs, particularly assessment issues related to state-wide assessments,

- Provide an overview of language development and second language acquisition,

- Provide educators with examples of effective programs and teaching practices for helping ELLs achieve academically, and

- Provide an overview of the importance of ongoing professional development.

- Provide LEA personnel with resources for understanding federal and state requirements for educating English language learners.

The linguistic and educational needs of ELLs are addressed 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 LEAs with guidance to accomplish the following:

- 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 teacher and Local Education Agency (LEA) efforts to educate ELLs.

REMINDER

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

The English Language Acquisition Program at the Mississippi Department of Education is committed to being a partner in the implementation of the *Title III English Language Acquisition, Language Enhancement, and Academic Achievement Act* as it applies to the education of English language learners.

SECTION 1: WHO ARE ENGLISH LANGUAGE LEARNERS?

Many immigrants and refugees have come to the United States over the years, and when an increase in newcomers reminds us of this fact, we often express concerns. In the past 30 years, the foreign-born population of the U.S. has tripled, more than 14 million immigrants moved to the U.S. during the 1990s, and another 14 million are expected to arrive between 2000 and 2010. These numbers have lead to reports about an emerging and underserved population of students who are English language learners (ELLs).

Some reports portray English language learners as a new and homogenous population. Actually, ELLs are a highly heterogeneous and complex group of students, with diverse gifts, educational needs, backgrounds, languages, and goals. Some ELL students come from homes in which no English is spoken while some come from homes where only English is spoken; others have been exposed to or use multiple languages. ELL students may have a deep sense of their non-U.S. culture, a strong sense of multiple cultures, or identify only with U.S. culture. Some ELL students are stigmatized for the way they speak English; some are stigmatized for speaking a language other than English; some are stigmatized for speaking English. Some ELL students live in cultural enclaves while non-ELL families surround their fellow ELL students; some ELL students' families have lived in the U.S. for over a generation.
Some may be high achievers in school while others struggle. They may excel in one content area and need lots of support in another. Some feel capable in school while others are alienated from schooling.

In the largest sense, all students are learning English, and each ELL student falls at a different point on the spectrums of experiences described above. One thing is certain: there is no one profile for an ELL student, nor is one single response adequate to meet his or her educational goals and needs. ELL students are a diverse group that offers challenges and opportunities to U.S. education and English language arts instructors.[1]

Across the nation, many terms have been used to refer to students who are in the process of learning English as a second language. In federal documents, the common term used to designate these students is Limited English Proficient (LEP). The Mississippi Department of Education (MDE) has chosen to refer to these students as English Language Learners (ELLs). These terms are used interchangeably.

According to the *No Child Left Behind Act of 2001* [Title IX, Part A, Section 9101(25)], a Limited English Proficient (LEP) student or an English Language Learner (ELL) may be defined as: an individual 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 fully participate in our society and meets one of the following criteria:

A. An individual who

   i. was not born in the United States or whose native language is other than English and comes from an environment where a language other than English is dominant; or
   ii. is a Native American of Alaska 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

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[1] National Council of Teacher of English, English Language Learners, A Policy Research Brief, 2008

impact on such individual's level of English language proficiency; or

iii. 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 fully participate in our society.

A survey of state education agencies found that, in 2000-01, more than 4 million students with limited proficiency in English were enrolled in public schools across the nation, making up almost 10 percent of the total pre-K through 12th grade public school enrollment. According to that same report, the population of students who are English-language-learners has grown 105 percent, while the general school population has grown only 12 percent since the 1990-91 school year. States report more than 460 languages spoken by students with limited proficiency in English (Kindler, 2002). These burgeoning numbers pose unique challenges for educators striving to ensure that language-minority students achieve to high levels.

Achievement data suggest that English-language learners lag far behind their peers. Nationwide, only seven percent of limited-English students scored "at or above proficient" in reading on the 2003 fourth grade National Assessment of Educational Progress, compared to about 30 percent of students overall. Results in fourth grade math, as well as eighth grade reading and math, were similar.[2]

In addition, provisions in the *No Child Left Behind Act of 2001* related to students with limited English proficiency have inspired scrutiny of the education of those students. The law requires states to develop English-language-proficiency standards and implement English-language-proficiency tests. Those standards must be linked to state academic standards to ensure that student improvement in English-language proficiency also results in a better understanding of academic content (Mid-continent Research for Education and Learning, 2003).

As of 2006, it is estimated (FAIR) that the immigrant population of Mississippi is 48,550, which equates to approximately 1.7% of the state's population. The majority of immigrants are from Mexico (23.8%), Vietnam (8.4%), Germany (6.5%), and India (5.9%) all of which account for another 44.6% of the immigrants to Mississippi.

The increase of ELLs that settle in communities throughout Mississippi is due to various reasons, for example, major factors that contribute are socio-economic level and employment opportunities. Those LEAs that previously had few or no ELLs are now faced with the challenge of providing educational accommodations to ELLs at different proficiency levels and with various native languages. Some LEAs are trying to meet these challenges with limited resources and personnel. The MDE has identified over 75 different languages spoken by ELLs in schools across the State.

The chart on the following page show that from 1997 to 2008 the ELL enrollment has grown in excess 5,400. In Mississippi, Spanish native speakers represent the largest language group. Over 50% percent of ELLs speak Spanish as their native language. This figure is even larger at

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[2] Education Week, English Language Learners, Published September 21, 2004.

the national level, where over 80% of the ELL population comes from homes where Spanish is the primary language.

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OFFICE OF ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, and ACADEMIC ACHIEVEMENT for LIMITED ENGLISH PROFICIENT STUDENTS

RATE OF EL GROWTH 1997/1998-2007/2008

	Total Enrollment	Growth from 97-98	EL Enrollment	Growth from 97-98
1997-1998	504,792	0.0%	3,149	0.0%
1998-1999	502,382	-0.5%	3,300	4.8%
1999-2000	500,716	-0.8%	3,972	26.1%
2000-2001	497,871	-1.4%	3,225	2.4%
2001-2002	491,686	-2.6%	2,904	-7.8%
2002-2003	491,622	-2.6%	2,916	-7.4%
2003-2004	492,557	-2.4%	4,681	48.7%
2004-2005	494,590	-2.0%	4,152	31.9%
2005-2006	483,175	-4.3%	4,866	54.5%
2006-2007	495,026	-1.9%	5,094	61.8%
2007-2008	494,122	-2.1%	5,428	72.4%
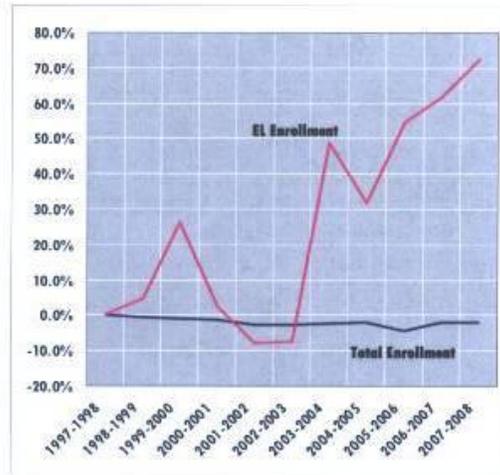
Sources: U.S. Department of Education's Survey of the States' Limited English Proficient Students and Available Educational Programs and Services, 1991-1992 through 2000-2001 summary reports; state publications (1998-1999 data); enrollment totals from the National Center for Educational Statistics Core of Common Data, 1998-1999 through 2007-2008; FY 2002 Consolidated State Applications for State Grants under Title IX, Part C, § 9302 of the Elementary and Secondary Education Act (P.L. 107-110); 2004-2008 Consolidated State Performance Reports; and additional 2002-2008 data reported by state.

July 2010

A growing number of recent immigrant students are entering U.S. schools with little or no prior formal schooling and low literacy skills. This type of English language learner has the challenge of simultaneously developing academic language skills and mastering grade-level content. They may be several years below their age-appropriate grade level in school-related knowledge and skills.

Types of English Langue Learners

The following chart illustrates three types of ELLs and their characteristics identified by Freeman and Freeman (2002).

Newly arrived with adequate schooling	• Recent arrivals (less than 3 years in U.S.)
	• Adequate schooling in native country
	• Soon catch up academically
	• May still score low on standardized test given in English

Newly arrived with limited formal schooling	- Recent arrivals (less than 5 years in U.S.) - Interrupted or limited schooling in native country - Limited native language literacy - Below grade level in math - Poor academic achievement
Long term English learner	- Seven or more years in the U.S. - Below grade level in reading and writing - Mismatch between student perception of achievement and actual grades - Some have adequate proficiency but score low on tests - Have had ELL or bilingual instruction, but inconsistent instructional models

Educators should know how to identify which students are ELLs. English language learners are diverse, and in order to teach them well, educators must know who they are, where they come from, and what strengths they bring to the classroom.

Teachers will need to think about student differences as they plan instruction and the differences of their background and academic language proficiency levels. Teaching these diverse learners is complex, yet rewarding. (See Appendix C: Language Development and Second Language Acquisition).

SECTION 2: 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 LEA. Some federal laws are supported by funding to which all eligible LEAs are entitled (i.e., Title I, Title II, and Title III of the *No Child Left Behind Act of 2001*). However, LEAs must comply with the laws and regulations to the best of their abilities regardless of federal funding.

The *No Child Left Behind Act of 2001* (NCLB) reauthorizes a variety of federal educational programs found in the Elementary and Secondary Education Act (ESEA). The federal Bilingual Education Act (Title VII) was reauthorized as Title III of NCLB. Written to aid state educational agencies (SEAs) and local educational agencies (LEAs) in responding 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 ELLs; however, it outlines the responsibilities of LEAs serving English language learners.

The Office for 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 based on race, color, or national origin. The failure of LEAs to provide an equal educational opportunity for ELLs is investigated by OCR staff that work with school and LEA 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.

The obligation of every school to enroll students from diverse language backgrounds, and to establish the foundation for guidance on how to provide quality education equitable for all students in Mississippi, including English language learners is defined by the following federal laws.

The federal laws 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 ELLs:

1964 Civil Rights Act, Title VI

What the law says
"No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."
-42 U.S.C. § 2000d.

What this means
Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance. Public

institutions (like schools) must provide equal quality of educational services to everyone, including those who are Limited English Proficient (LEP). Title VI covers all educational programs and activities that receive Federal financial assistance from the United States Department of Education (ED).

May 25, 1970, Memorandum

What the law says
"The purpose of this memorandum is to clarify policy on issues concerning the responsibility of LEAs to provide equal educational opportunity to national origin minority group children deficient in English language skills."

What this means
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 LEA, the LEA must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students. School districts have the responsibility to notify national origin-minority group parents of school activities, which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.[3]

Lau v. Nichols (US Supreme Court Decision 1974)

What the law says
The failure of school system to provide English language instruction to approximately national origin students who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program, and thus violates § 601 of the Civil Rights Act of 1964, which bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving Federal financial assistance," and the implementing regulations of the Department of Health, Education, and Welfare. Pp. 414 U. S. 565-569.

What this means
The Supreme Court stated that these students should be treated with equality among the schools. Among other things, Lau reflects the now-widely accepted view that a person's language is so closely intertwined with their national origin (the country someone or their ancestors came from) that language-based discrimination is effectively a proxy for national origin discrimination.

1974 – Equal Education Opportunities Act

What the law says
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."

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[3] VII. MAY 25,1970, OFFICE OF CIVIL RIGHTS MEMORANDUM, "IDENTIFICATION OF DISCRIMINATION AND DENIAL OF SERVICE ON THE BASIS OF NATIONAL ORIGIN'

What this means
The EEOA prohibits discriminatory conduct against, including segregating students on the basis of race, color or national origin, and discrimination against faculty and staff serving these groups of individuals, as it interferes with their equal educational opportunities. Furthermore, the EEOA requires LEAs to take action to overcome students' language barriers that impede equal participation in educational programs.

Plyler v. Doe (U.S. Supreme Court Decision 1982)

What the law says
"The illegal aliens who are plaintiffs in these cases challenging the statute may claim the benefit of the Equal Protection Clause, which provides that no State shall 'deny to any person within its jurisdiction the equal protection of the laws' . . . The undocumented status of these children does not establish a sufficient rational basis for denying them benefits that the State affords other residents . . . No national policy is perceived that might justify the State in denying these children an elementary education."
-457 U.S. 202

What this means
- The right to public education for immigrant students regardless of their legal status is guaranteed.
- Schools may not require proof of citizenship or legal residence to enroll or provide services to immigrant students.
- Schools may not ask about the student or a parent's immigration status.
- Parents are not required to give a Social Security number.
- Students are entitled to receive all school services, including the following:
    - free or reduced breakfast or lunch,
    - transportation,
    - educational services, and
    - NCLB, IDEA, etc.

Presidential Executive Order 13166

What the law says
"Entities receiving assistance from the federal government must take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access to the programs, services, and information those entities provide."

What this means
Recipients of federal assistance are required to help students overcome language barriers by implementing consistent standardized language assistance programs for LEP. In addition, persons with limited English proficiency cannot be required to pay for services to ensure their meaningful and equitable access to programs, services, and benefits.

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

What the law says
Title III of the No Child Left Behind (NCLB) Act requires that all English language learners (ELLs) receive quality instruction for learning both English and grade-level academic content.

NCLB allows local flexibility for choosing <u>programs of instruction</u>, while demanding greater accountability for ELLs' English language and academic progress.

What this means

Under Title III, states are required to develop standards for English Language Proficiency and to link those standards to the state's Academic Content Standards. Schools must make sure that ELLs are part of their state's accountability system and that ELLs' academic progress is followed over time by

- establishing learning standards, that is, statements of what children in that state should know and be able to do in reading, math, and other subjects at various grade levels;

- creating annual assessments (standardized tests, in most states) to measure student progress in reading and math in grades 3-8 and once in high schools;

- setting a level (cut-off score) at which students are considered proficient in tested areas; and

- reporting to the public on what percentages of students are proficient, with the information broken down by race, income, disability, language proficiency, and gender subgroups.

   For a more detailed version of the law, see Appendix A

SECTION 3: DEVELOPING AND IMPLEMENTING A DISTRICT PLAN

Every LEA in Mississippi must develop and implement a comprehensive District Plan, in accordance with Section 3116 of Title III of the *No Child Left Behind Act of 2001*, for serving students who are limited English proficient and/or immigrant children and youth. Every LEA must submit an updated District Plan annually to their board for approval. LEA needs and demographics change every year, therefore each LEA should have annual updates and improvements to include in their plan. The District Plan should have LEA Board approval, be distributed to each school, and should be kept on file at the LEA's central office. It should address each aspect of the LEA's program, at all grade levels, and at all schools in the LEA. The Plan should contain sufficient detail and specificity so that each staff person understands how the plan will be implemented, procedures, guidelines, and forms used to carry out responsibilities under the plan. **Note: The required District Plan must include all components whether or not the LEA receives federal funds under Title III.**

PROGRESSION OF A STUDENT THROUGH THE ESL PROGRAM

1. Enrollment in school [Home Language Survey (HLS)]
2. Identified as potential English language learner (ELL) through HLS
3. Takes the W-APT (Placement Test) to determine English language proficiency (ELP) level and need for ESL services
4. Placement in an English as a Second Language (ESL) program of services
5. Transition out of ESL services
6. Monitor for 2 years student's ability to participate meaningfully in mainstream classroom

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Each LEA should establish a Student Evaluation Team (SET) that includes administrators, teachers (both English language instruction educational program teachers and mainstream classroom teachers), instructional assistants, school counselors, parents, and others who work with the ELL population. The committee may also include students and community representatives who work with these students and their families in other settings. By working with a group that includes these stakeholders, the LEA will gain valuable input from those who are in support the LEAs efforts and may be important to the success of the English language instruction educational program. Inclusive approaches in program design and development tend to promote overall community awareness and support. In addition, these individuals will be valuable resources during program improvement and evaluation activities.

Many factors affect the types of instructional programs that LEAs may offer, including the number of students and the variety of languages they speak. Consequently, the MDE allows LEAs broad discretion concerning how to ensure equal educational opportunities for ELLs. The MDE does not prescribe a specific intervention strategy or type of program that an LEA must adopt to serve ELLs. The law requires effective instruction that: (1) leads to the timely acquisition of proficiency in English and (2) provides teaching and learning opportunities so that each student can become proficient in the state's academic content and student academic achievement standards within the specified time frame that is expected for all students.

Demographics

When designing an English as a Second Language (ESL) program, the district must consider; size of the LEA, total enrollment, ethnic diversity, number of ELLs enrolled, number and percent of ELLs in Special Education, number and percent of ELLs in Gifted and Talented programs, and English language proficiency assessment results.

Educational Theory and Approach

The district's ELL plan often contains an introduction to the document. Therefore, the district may choose to include acknowledgements, relevant laws and regulations, assurance of compliance with regulatory standards, and background information. The district should also describe their educational theory and approach of the district's program of services for ELLs. The approach should be a sound approach by experts in the field, or recognized as a legitimate educational strategy to ensure that ELL acquire English language proficiency and are provided meaningful access to the educational program. (See Appendix D - Language Instruction Educational Program Models)

Educational Goals

The educational goals of the district's program of services for ELLs should be described in detail. The goals should address, proficiency, mastery of subject matter content, and they should be measurable. They should be sufficiently objective so that they can be evaluated over time. The goals should also be long-term, prepare ELLs to meet district goals for its overall education program, and comparable to the educational goals for non-ELL students.

Identification of Potential ELLs

The LEA should include a detailed description of the district's procedures for identifying potential ELLs. The procedures should ensure that all students needing ESL services are identified for placement. The roles and responsibilities of each person in each step of the identification process should be specified in the plan. Set timelines for each step and ensure that special staff has been identified and integrated into the identification process (i.e., interpreter, test administrator, etc.). Once the identification process is completed, the LEA will have the necessary criteria that will be utilized to classify a student as an ELL. Procedures for maintaining documentation should also be developed. (See Section 4 – Identification and Placement)

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.

Assessment of the Need for ESL Services

Describe the LEAs procedures for assessing potential ELL students to determine which students is ELL and in need of a program of services in order to participate meaningfully in the district's regular instructional program. Listed below are key points to be addressed in the LEAs plan:
- Procedures for assessing potential ELLs

- Skill areas to be assessed and measured
- Assessment procedures – including types of instruments and methods
- Include procedures, guidelines and criteria for the use of each instrument
- Establish time frames for each step of the assessment process
- Identify the person(s) responsible for assessing each student and any special abilities, skills, and training that individuals may need to conduct the assessment
- A statement of the criteria that will determine whether a student is ELL and in need of program services
- Statement of how the district will maintain documentation of the assessment results and its decision regarding whether students are ELL
- Where records are kept and by whom
- Procedures for appropriate parental notification and input

Program and Services for ELLs

Describe the LEAs selected educational model and program of services. Your plan should describe 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. The plan should address the following items:

1. Methods and services to teach ELLs English language skills
2. Methods and services to ensure that ELLs can meaningfully participate in academic and special programs.
3. How and where the English language development services will be delivered.
4. How the ELL will participate in core academic subjects and comprehend the academic material being presented
5. How the district will communicate with ELL parents regarding: school activities, guidelines, and standards for providing services, Identification of the person(s) responsible for providing services, standards and criteria for the amount and type of services provided, and procedures for notification of placement for newly enrolled students, and
6. Notification procedures sufficient so that the parents can make well-informed educational decisions

OCR Policy - recognizes that the district's program of services under its ELL plan may have the effect of separating students who are ELL from non-ELLs during at least part of the school day. However, the program design should not separate ELLs beyond the extent necessary to achieve the goals of the district's program of services. Additionally, ELLs should be provided services in comparable facilities to those in which non-ELLs receive services.

Staffing and Resources

The LEA should describe the resources that will be provided to support the program. Resource descriptions may include items such as instructional staffing (including teaching assistants), instructional equipment and materials, etc. The plan should identify the number and categories of instructional staff determined appropriate to implement the LEAs program of services. It should describe the qualifications for instructional staff assigned to implement the program of services. The plan should also include the methods and criteria the district will utilize to ensure that staff is qualified to provide the services.

The plan should describe the materials and resources needed to implement the program of services, including; specialized books, equipment, technology/media, and other resources, as needed.

Transition from ELL Services and Monitoring

This section of the plan should address the procedures and criteria for determining when students no longer need ELL services. The plan should describe in detail the methods the LEA will use to monitor the success of students after ELL services have been discontinued. In the description include, procedures and criteria for determining when students no longer need ESL services; and methods that the district will use to monitor the success of students after ELL services have been discontinued.

It should also include a description of the transition procedure the district will use to assess the English language skills of ELLs in the domains of: Speaking, listening, reading, and writing, the methods and standards that will be used to assess whether students who have been receiving ESL services have progressed to the point that such services are no longer needed and it should identify the person(s) who will conduct the transition assessments and the qualifications the person(s) must meet to conduct the assessment. The plan should address the process used if a former ELL is not successful in the district's general education program.

ELLs and Other District Programs

The LEA'S ESL plan must address equal access for ELLs to the full range of district programs, including special education, Title I, Gifted and talented programs, and nonacademic and extracurricular activities including: methods to ensure that staff is made aware of the district's policy regarding ensuring equal opportunities for ELLs to participate in the range of programs made available to other students, methods used by the district to notify parents and students of available programs and activities, and the methods or steps to be taken to ensure that ELLs have an equal opportunity to participate in extracurricular and nonacademic activities.

Private Schools

After timely and meaningful consultation with appropriate private school officials, local education agencies (LEAs) receiving Title III funds must provide educational services to limited English proficient (LEP) children and educational personnel in private schools that are located in the geographic area served by the LEA (NCLB, Section 9501-9506).

To ensure timely and meaningful consultation, the LEA must consult with appropriate private school officials during the design and development of the Title III program on issues such as: how the LEP children's needs will be identified, what services will be offered, how, where and by whom the services will be provided, how the services will be assessed and how the results of the assessment will be used to improve those services, the size and scope of the services to be provided to the private school children and educational personnel, the amount of funds available for those services, and how and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers?

Title III services provided to children and educational personnel in private schools must be equitable and timely and address their educational needs. Funds provided for educational services for private school children and education personnel must be equal, taking into account the number and educational needs of those children, to the funds provided for participating public school children.

Program Evaluation, Review, and Improvement

LEAs are required to modify their programs if they prove to be unsuccessful after a legitimate trial. LEAs cannot comply with this requirement without periodically evaluating their programs. Generally, LEAs measure "success" in terms of whether the program is achieving the particular goals the district has established for the program and its students. (1991 OCR Policy Memorandum)

The program evaluation should focus on overall as well as specific program goals. The goals should address expected progress in English language development and subject matter. The evaluation should cover all elements of an ESL program.

Evaluate the information collected on each ESL program element and assess with reference to the specific requirements of the district's ESL plan (*i.e., when looking at the process for identifying potential ELLs, does the evaluation determine where the district has followed the established plan for identifying potential ELLs.*) Information collection practices should support a valid and objective appraisal of program success.

The evaluation will determine whether staff has followed applicable procedural and service requirements, including frequency, timelines, and documentation. The evaluation process should result in sufficient information to enable the LEA to determine whether the program is working and to identify any program implementation or student outcome concerns that require improvement.

Establish a process for implementing program modifications in response to concerns identified through the evaluation process. Take into account information provided by stakeholders and persons responsible for implementing recommended changes. Program evaluation should be ongoing and sufficiently frequent to allow the district to promptly identify and address concerns.

Information sources and methods for gathering information to evaluate whether the program is being implemented as planned should include: file and records review, staff interviews and surveys, input from parents, student surveys, or focus group meetings, and complaints made to the district regarding program implementation or service delivery.

OTHER PLAN REQUIREMENTS

Each local plan shall also contain assurances that:

1.   Each local educational agency that is included in the eligible entity is complying   with section 3302 prior to, and throughout, each school year;
2.   The eligible entity annually will assess the English proficiency of all children with   limited English proficiency participating in programs funded under this part;
3.   The eligible entity has based its proposed plan on scientifically based research   on teaching limited English proficient children;

4. The eligible entity will ensure that the programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content and student academic achievement standards; and

5. The eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 3126 and 3127.

For more information on Developing ELL Program Plan and Implementation, go to
http://www2.ed.gov/about/offices/list/ocr/ell/implementation.html

SECTION 4: IDENTIFICATION AND PLACEMENT

Enrollment of English Language Learners

English Language Learners (ELLs) must be identified at the point of enrollment. A consistent enrollment procedure for language-minority students, which includes the use of a Home Language Survey (HLS), facilitates their entry into the new school environment. A language-minority student is one whose home language is other than English. It is vital to have trained school personnel who are dedicated to meeting the needs of students from different cultures with different levels of English proficiency.

All ELLs must be allowed to attend school, regardless of their ability to present a birth certificate, social security number, or immigration documentation. Children may not be excluded from school because they do not have a social security number (see Section 2: *Plyler v. Doe*). The school should use procedures described in *Cumulative Folders and Permanent Records Manual of Directions.*
http://www.mde.k12.ms.us/acad/id/curriculum/Cummulative_Folders_and_Permanent_Records.pdf)

The Local Educational Agency (LEA) may need to contact the former school system, if parents do not have student immunization records available, the dates of immunization may be obtained by calling the previous school that the child attended. If necessary, students can begin the immunization series at the local public health department. If appropriate immunization documentation cannot be obtained within 90 days, the student's case should be handled in accordance with approved state and local board of education procedures.

The LEA should work collaboratively with community and area agencies to facilitate the school enrollment process. These efforts should be documented for future reference as needed. (See Appendix B for additional information on Welcoming and Registering New ELLs.)

LEAs may require only two kinds of information for enrollment: proof of residency in the district and proof of required vaccinations.
(State Board Policy 6600-Enrollment, MS Code § 41-23-37-Immunizations)

Identification of English Language Learners

Educational decision making for ELLs requires procedures for identification, assessment, and proper program placement. While the State of Mississippi does not have statutes in place regulating specific language instruction educational programs and services for ELLs, the MDE, in conjunction with federal guidelines regarding ELLs, provides the guidance LEAs need to identify, assess, and place students into an appropriate language instruction educational programs. (See Appendix C: Language Instructional Educational Programs)

  The completed survey becomes part of the student's permanent record.

The identification and placement of ELLs in an appropriate language program that assures them of an equitable, quality education is a four-step process.

Step 1 – Home Language Survey
Step 2 – Initial Assessment of Language Proficiency
Step 3 – Parental Notification
Step 4 – Program Placement

Step 1 – Home Language Survey (HLS)

The Civil Rights Act of 1964, Title VI, Language Minority Compliance Procedure requires LEAs to identify Limited English Proficient (LEP) students. The Mississippi Department of Education has selected the Home Language Survey (HLS) as the tool to identify LEP students. The purpose of this survey is to determine if there is a primary language other than English spoken in the home. Schools have a responsibility under federal law to serve students who are LEP and in need of ESL or bilingual instruction in order to be successful in core academic subjects. Given this responsibility, LEAs have the right to ask for the information they need to identify these students.

The Home Language Survey (HLS) should be a part of the LEAs registration process. The parent or guardian of all students must complete the HLS at the time of initial enrollment into a Mississippi school, and the HLS should remain in the student's permanent record through the student's graduation. . It may be helpful to conduct an interview with the student and/or parents during the enrollment process. Information from the interview may be helpful to the ELL committee when considering appropriate placement for the student. The assistance of a translator may be required to complete the survey.

The Home Language Survey must contain, at a minimum, these four questions:

1. Does your child speak a language other than English?   YES _____NO_____
2. What is 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? _____
     (Sample of a Home Language Survey on next page.)

If all responses on the HLS indicate that English is the only language used by the student and by individuals in the home, the student is considered an English-only speaker. Procedures established by the LEA for placement in the general student population should be followed.

If any response on the HLS indicates the use of a language other than English by the student or an individual in the home or other person during the registration process, then additional assessment may need to be conducted to determine the student's English-language proficiency level. School office personnel are responsible for notifying the LEA's Title III contact when a HLS indicates a language other than English. The presence of a language other than English does not automatically signify that the student is not a competent and proficient speaker of English.

If the HLS indicates that the primary language in the home is not English, then the LEA's Title III contact person or designee is contacted and an initial assessment of the student's English language proficiency level must be conducted.

HOME LANGUAGE SURVEY*

The Office of Civil Rights (OCR) requires that LEAs identify limited English proficient (LEP) students in order to provide appropriate language instructional programs for them. Mississippi has selected the Home Language Survey as the method for the identification. The HLS must be administered to all students at enrollment.

LEA: _____   Date: _____

School: _____

Student's Name: _____   Grade: _____

1. What is/was the first language your child learned to speak? _____

    _____

2. Does the student speak a language(s) other than English?
        (Do not include languages learned in school.)

        ☐ Yes   ☐ No   If yes, specify the language(s): _____

3. What language does your child speak most often? _____

4. What language(s) is/are spoken in your home? _____

(If one or more of questions 1-4 indicate a language other than English, the student must be administered the W-APT).

5. When did your child first enter school in the USA? In what state? _____

        Name of School   State   Dates Attended

        _____   _____   _____

        _____   _____   _____

6. Is the student attending the school as a foreign exchange student?

7. Has the student ever been in a bilingual educational or an English as a Second Language ESL) program in a school in the U.S.?

8.   Did the student exit the program? Exit Date:

Parent/Guardian signature: _____

Person completing this form (if other than parent/guardian): _____

*The LEA has the responsibility under the federal law to serve students who are limited English proficient and need English instructional services. Given this responsibility, the LEA has the right to ask for the information it needs to identify English Language Learners (ELLs). As part of the responsibility to locate and identify ELLs, the LEA may conduct screenings or ask for related information about students currently enrolled in the school as well as from students who enroll in the LEA the future.

Step 2 – Initial Assessment of Language Proficiency

Conduct an initial assessment of English language proficiency to determine the level of English proficiency and to facilitate appropriate instructional and program placement decisions. A student whose' HLS indicates the presence of a language other than English must be assessed for English-language proficiency within thirty (30) days of enrollment at the beginning of the school year. Assess students who register after the beginning of the school year within two (2) weeks of enrollment.

The MDE has adopted the *World-Class Instructional Design and Assessment (WIDA)-ACCESS Placement Test (W-APT)* to help determine eligibility for placement in the LEA's English language development program. The *W-APT* assesses English language proficiency in all four domains of language development; listening, speaking, reading, and writing–as well as comprehension to ensure that student' language needs are properly identified and addressed through the LEA's educational program.

The *W-APT* yields an overall composite score based on the language domains tested. Adhere to the following guidelines when determining eligibility for placement in the English language instruction educational program:

Kindergarten *W-APT*

The Kindergarten W-APT is an adaptive test whose components can be administered to students in pre-K, Kindergarten, or 1st semester first grade, depending on a student's individual circumstances. Newly enrolled kindergarteners (fall semester) would take only the Listening and Speaking components. A student entering in the second half of the Kindergarten year would take all four components: Listening, Speaking, Reading and Writing. The criteria for eligibility will follow these guidelines for the 1st semester:

- Administer the Listening and Speaking portions of the Kindergarten *W-APT* and note the combined Listening and Speaking Raw Score.
- If the combined **Listening and Speaking Raw Score is 27 or above**, the student meets the minimum criteria for English language proficiency.
- If the combined **Listening and Speaking Raw Score is less than 27**, then the student will be deemed eligible for language assistance services.

When the Kindergarten *W-APT* is utilized for students from 2nd semester of Kindergarten through the first semester of first grade, the criteria for eligibility will follow these guidelines:

- Administer the Listening and Speaking portions of the Kindergarten *W-APT* and note the combined Listening and Speaking Raw Score.
- If the combined **Listening and Speaking Raw Score is less than 19**, then the student will be deemed eligible for language assistance services.
- If the combined **Listening and Speaking Raw Score is between 19 and 27**, administer the Reading and Writing portions of the Kindergarten *W-APT*.
- Unless the students' reading score is 11 or higher **and** the writing score is 12 or higher, the student will be deemed eligible for language assistance services.
- If the student's **Reading** score is **14** or higher **and** the **Writing** score is **17** or higher, then the student meets the minimum criteria for English language proficiency. However,

the LEAs have the discretion of using additional indicators to inform the final decision. The Reading and Writing scores provide supporting data that may be used to inform the final decision.

- If the student's combined **Listening and Speaking Raw Score** is **27** or higher, the student meets the minimum criteria for English language proficiency. However, the LEAs have the discretion of using additional indicators to inform the final decision.

- It is important to note that, no matter how literate kindergarten students may be in the domains of listening and speaking and although they may have reading and/or writing skills equal to those of their peers, no kindergarten student has had an opportunity to become truly literate in either of the domains of reading or writing and will benefit greatly from the support of language assistance services.

- Therefore, the LEA has the flexibility to consider additional factors to support eligibility of kindergarten students for language assistance services.

W-APT for grades 1-12

When the *W-APT* is administered to students from second semester of grade 1 through grade 12, the criteria for eligibility will follow these guidelines:

- A student who scores at **5.0 or higher** on the *W-APT* is deemed **ineligible** for language assistance services.

- If the student scores **less than 5.0** on the *W-APT*, the student is deemed **eligible** for language assistance services.

- If the student's score is a borderline score approaching a 5.0, then this score in conjunction with the professional judgment of the school's Student Evaluation Team (SET) should inform the final decision for services and placement.

- The SET may wish to consider a child's grade level as part of this decision. In the primary grades or the transitional grades from one level to another, there may be valid concerns regarding the limited degree of proficiency attainable in the primary grades or the increased difficulty of academic content requirements at higher-grade levels.

Students who were previously enrolled in another Mississippi LEA or another *WIDA* Consortium state may not need to be assessed with the *W-APT*, providing they have test results available for review. (To see a list of other WIDA consortium states, go to www.wida.us)

The *W-APT* **should be considered as only one piece of evidence in the decision-making process regarding placement of students in grades K-12.** A teacher's best professional judgment, other assessments, and extenuating circumstances, such as the student's age and amount and quality of previous schooling, should be considered when making decisions for educational instructional services. (See Section 6: Assessing English Language Learners for more information re: the W-APT.)

Step 3 – Parental Notification

Prior to the initial placement of a student in a language instruction educational program, the LEA 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 LEA's language instructional program; parents do have the right to waive ESL services and remove their child from the

district's English Language Instructional Program. However, if a student has been classified as an ELL, based on the HLS and the W-APT, the student is still required, by federal law (Section 3122 and Section 1116 of NCLB) to take the ELP assessment until the student has tested proficient in English.

The parents may refuse to enroll their child in a particular program or may choose another program or method of instruction, if available (for instance, Title I interventions). Nevertheless, according to OCR policy, the district is still obligated to provide appropriate means to ensure that the student's English language and academic needs are met. (See Sections 2 and 5 for more information on parental rights and notification.)

Step 4 – ESL Program Placement

ELLs come to school not only to learn how to communicate socially, but to become academically proficient in English. Learning social English is just the tip of the iceberg. Just because they can speak on the playground, talk to peers, and use everyday English does not mean that they are up to speed in academic English. To the contrary, these ELLs are not yet proficient enough to handle the standards-based curriculum. They lack the academic vocabulary needed to develop the content knowledge in English that they will need to succeed in future schooling. By recognizing these two types of proficiencies, you can help expedite your ELLs' academic English through program placement.

Students identified as ELLs from the language proficiency assessment must be placed in a sound language instruction educational program in addition to mainstream classes. If a parent or guardian has waived ESL services, the LEA must provide services in accordance to Title I, Section 1001 of NCLB. (See Appendix D – Language Instruction Educational Programs.)

ELLs in middle and high school may be enrolled in English as a Second Language (ESL) class. 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*. ELLs 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. Teachers who hold an ESL endorsement (Code 177) must teach these ESL classes.

The primary aim of the ESL course is to enable ELLs 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. Address these skill areas using materials designed for the ESL class or from other subject area classes, thereby providing English language instruction and tutorial support for other subjects simultaneously. In addition to language instruction, the ESL course may also include instruction on the social norms and customs of the new culture, school expectations, and study skills.

FLOWCHART FOR IDENTIFICATION AND PLACEMENT OF ELLS

Home Language Survey given to ALL students upon enrollment.

Presence of a language other than English → NO →

Student was enrolled in another Mississippi School or WIDA state and has WIDA-ACCESS or W-APT test results from previous year. → NO

YES

Contact other MS School or WIDA State to get WIDA test results. Place student according to MS guidelines and test results.

Administer W-APT test

Composite score on the WIDA-ACCESS 4.9 or below on Tier B or C / W-APT test is 27 or Below.

Composite score on the W-APT is 19 or above (L,S) or WIDA-ACCESS test is 5.0 or above on Tier B or C. →

Notify the parents of eligibility for ELL Program services.

Parents accept or do not respond to notification.

Parents refuse services in the ELL program. →

Enroll student in the ELL Program

District provides other services that are available to ensure that a student's academic needs are met.

MAINSTREAM

Grade Level Placement

English language learners face a unique challenge in that they must learn the same academic content that their peers in mainstream classrooms are learning, except that ELLs must do so at the same time that they are acquiring a new language. Helping ELLs succeed in school is the responsibility of both the mainstream classroom teachers and the ESL teachers. Both groups of teachers should address cognitive and academic development of students, as well as English acquisition.

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

ELLs 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 placement violates the students' rights to educational opportunities that take advantage of their true capabilities.

REMINDER

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

Exceptions

Some situations allow for exceptions to the general rule. If a student is not much older than six years old and has not attended school before, it is often best to place the student in kindergarten. If an ELL is developmentally delayed or suffered serious deprivation, then the ELL may need to be placed at a lower grade level. Grade-level placement should be decided on a case-by-case basis using available information, such as previous school records (if available) and personal history.

Initial placement

Initial placement of ELLs may be crucial to their success in the educational program. Here are some guidelines for placement, which vary by grade level.

Placement in Grades K-3

The key to success in grades K-3 is to place the student with teachers who understand cross-cultural differences and language difficulties and who are trained in supporting with language acquisition and cultural adaptation in the mainstream class. Teachers who use strategic language cooperative grouping will be particularly appropriate for ELLs.

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.

Placement in Grades 9-12

At the high school level, differences in background knowledge may be as much of a hurdle for ELLs as lack of English language skills. Keep in mind that content that is familiar to students in the U.S. through school, home, and television exposure (e.g., Columbus, the Civil War, the presidents) may be completely new to students from other countries and cultures. In addition, the linguistic demands of courses at this level are very difficult, requiring advanced skills in thinking, reading, and writing.

Academic classes that may be extremely difficult for ELLs include:

- American, European, or Mississippi history classes – limited cultural and knowledge and high-level reading skills and reading requirements;
- Civics – same reasons as history; and
- Literature-based English classes – if literature choices are predominantly American and British, these courses are cultural-specific and require high-level of familiarity with the culture and language as well as reading and writing skills.

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 the 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.

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 the affect on the student's progress.

3. Explain the grading system based on language proficiency, the awarding of credits, transfer credit evaluation, and the schedule for grade reports.

Correlating Proficiency Level to Mainstream Classes

Many secondary ELLs are charged with the task of acquiring a second language while

simultaneously developing their first. Mastery of academic language is arguably the single most important determinant of academic success for individual students. For ELLs, academic language skills are the key for success (Francis, Rivera, Kieffer, & Rivera. 2006).

As students advance in their level of English proficiency, introduce them gradually to academically demanding content classes. Many related factors influence ELLs' academic outcomes, including educational history, cultural and social background, length of exposure to the English language, and access to appropriate and effective instruction to support second language development. It is important that multiple criteria be used for decision-making. Instruments and procedures used should measure all five domains of listening, speaking, reading, writing, and comprehension. The student evaluation team may consider the following:

1.   student observation that has been documented using anecdotal records, observation logs, or journals;

2.   teacher judgment that is anchored to specific behavior or achievement indicators;

3.   student performance portfolios;

4.   developmental or achievement checklists;

5.   language samples, surveys, and language proficiency tests;

6.   parent, teacher, or student questionnaires; and

7.   Curriculum-imbedded assessments, diagnostic tests, and formal or informal content-specific achievement tests.

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

Student Evaluation Team

The Student Evaluation Team (SET) is a school team responsible for guiding and monitoring the placement, services, and assessment of students who are ELLs. The ELL Committee may be comprised of content-area or general classroom teachers of ELLs, assessment specialists, school administrators, school counselors, ESL staff, and other members as appropriate (e.g., parents, central office administrators, and school psychologists).

Individual English Language Service Plan

Each student designated as ELL must have an English Language Service Plan (LSP), which should be updated annually until the student achieves Former LEP (FLEP) status. (Go to: Webpage   for a sample form.)

The SET should use the following guidelines in implementing the LSP:

1. Ensure full consideration of each student's language background before placement in an English language instruction educational program.

2. Ensure implementation of systematic procedures and safeguards related to appropriateness of identification, placement, assessment, instructional and support programs, and program exit.
3. Review student's progress in language acquisition and academic achievement annually.
4. Convene as needed to discuss changes or adjustments in the ELL's instructional services.
5. Identify accommodations needed on state assessments. Additional classroom strategies and accommodations should be identified, as appropriate.
6. Communicate in a timely manner the student's LSP with faculty and staff who interact with and provide instruction for the child.
7. Ensure the LSP describes how the school will communicate with the student's parents in their native language.
8. Determine and record the date of placement into the ESL program on ACCESS for ELLs Demographics page so that "Length of time in ESL Program" is established.
9. Please note that the distinction between "date first enrolled" (which is the date of registration) and date to establish "length of time in LEP/ELL Program" (which is the date student is first determined to be ELL) are two different dates.

Transferring Foreign Credits

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 International Education Research Foundation, Inc. (*IERF) Credentials Evaluation Service* (www.ierf.org) and *The Language Learners at the University of Texas at Austin Center for Hispanic Achievement* (LUCHA) (lucha@utk16.org),

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 can take as many tests as needed and awarded credit for all classes where mastery is demonstrated. When students arrive without academic records or transcripts (usually from war zones), school personnel often follow this procedure. (Process Standard 13 of the *MS Public School Accountability Standards*)

SECTION 5: REQUIRED PARENTAL NOTIFICATIONS

According to the U.S. Department of Education, parents of English Language Learners must be informed about the *No Child Left Behind (NCLB) Act* and their rights under the law. Under *NCLB*, parents of English language learners can expect the following:

- To have their child receive a quality education and be taught by a highly qualified teacher.
- To have their children learn English and other subjects such as reading, language arts, and mathematics at the same academic levels as all other students.
- To know if their child has been identified and recommended for placement in an English language acquisition program, and to accept or refuse such placement.
- To choose a different English language acquisition program for their child, if one is available.
- To transfer their child to another school if his or her school is identified as "in need of improvement."
- To apply for supplemental services such as tutoring for their child if his or her school is identified as "in need of improvement" for two years.
- To have their child tested annually to assess his or her progress in English language acquisition.
- To receive information regarding their child's performance on academic tests.
- To have their child taught with programs that are scientifically proven to work.
- To have the opportunity for their child to reach his or her greatest academic potential.

Notification of Placement

Each LEA or school serving English language learners shall inform the parents that their child(ren) has/have been placed in an instructional program for English language learners **no later than 30 days after beginning of the school year.** If the student is identified after the beginning of the school year, the LEA/school shall notify parents **within the first two weeks** of the child's being placed in a program for ELLs. Once a child has been identified as eligible for language assistance, the parent must be notified of the following in an understandable and uniform format and to the extent practicable in a language that the parent can understand:

- eligibility for language assistance services
- student's level of proficiency and how it was assessed
- method of delivery of instruction for language assistance
- how program will help the child learn English and meet age appropriate academic achievement standards for grade promotion and graduation
- specific exit requirements for the program
- information pertaining to parental rights that includes written guidance detailing

    i. the right that parents have to have the child immediately removed from such program upon their request

    ii. The options that parents have to decline to enroll their child in such a program or to choose another program or method of instruction, if available

    iii. Assisting parents in selecting among various programs or methods of instruction, if more than one program or method is offered

- notification of services must be sent to parents on an annual basis

All notifications sent to parents must be in an understandable and uniform format and to the extent practicable, in a language that the parent can understand. The child should be scheduled for appropriate language assistance services and services should begin immediately. In order to make sure that all of the above requirements are met, the LEA/school must develop a Language Service Plan (LSP) for each of its ELLs.

Notification of Parental Rights and Participation

LEAs/schools must provide information in an effective manner and applicable language, inclusive of letters, brochures, parent meetings, etc., on how parents:

- can be involved in the education of their children,
- can be active participants in assisting their children to learn English and achieve the state's high standards in core academic subjects, and
- can participate in meetings to formulate and respond to concerns or recommendations from parents of English language learners.

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 available, it is practicable to provide information to ELL 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 English language instruction educational program, for example ESL, 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.

Notification of Failure to Meet Annual Yearly Progress

Under separate notification, the LEA/school must inform the parents of English language learners participating in the failing program of such failure **no later than** 30 days after the district/school is notified of not having made progress on the annual measurable achievement objectives (AMAOs).

Notifications to the parents of English language learners shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand. The letters do not have to be in English, and translation is encouraged. (See Section 9 for further information on accountability)

SECTION 6: ENGLISH LANGUAGE PROFICIENCY STANDARDS

WIDA Consortium

The World-Class Instructional Design Assessment Consortium (WIDA) is a consortium of 23 states dedicated to the design and implementation of high standards and equitable educational opportunities for English language learners. The membership includes Alabama, Delaware, District of Columbia, Georgia, Hawaii, Illinois, Kentucky, Maine, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Wisconsin, and Wyoming. Mississippi joined the Consortium in 2008.

The WIDA Consortium developed English language proficiency standards and an English language proficiency test aligned with those standards (*ACCESS for ELLs®).* More information about the WIDA Consortium may be found at www.wida.us.

By joining the WIDA consortium, Mississippi adopted the WIDA English Language Proficiency (ELP) Standards that are designed to assess the progress of children in attaining English proficiency, including a child's level of comprehension in the four recognized domains of speaking, listening, reading, and writing. The WIDA English Language Proficiency Standards are based on the academic language content of PreK-12 students.

ACCESS for ELLs®

ACCESS for ELLs is administered, annually, to all English language learners in Mississippi. It is a standards-based, criterion referenced English language proficiency test designed to measure English language learners' social and academic proficiency and progress in English. It assesses social and instructional English as well as the language associated with language arts, mathematics, science, and social studies within the school context across the four language domains of speaking, listening, reading, and writing. *ACCESS for ELLs* meets the No Child Left Behind Act of 2001 mandate, requiring states to evaluate ELL students in grades K through 12 on their progress in learning to speak English.

All students identified as ELLs must take the *ACCESS for ELLs,* **including students whose parents have waived ESL services**; however, students who have formally exited language assistance services and are in monitored status are not administered the assessment.

W-APT

The WIDA-ACCESS Placement Test (W-APT) is an assessment tool, used by educators to measure the English language proficiency of students who have recently arrived in the U.S. or in a particular district. This screening tool is used to determine whether a child is eligible for English language instructional services.

The WIDA English Language Proficiency Standards

The WIDA English Language Proficiency (ELP) Standards are designed as a curriculum and instruction-planning tool. They help educators determine children's ELP levels and

appropriately challenge them to reach higher levels. The five standards encompass the areas of Social and Instructional language: the language of Language Arts, Math, Science and Social Studies. The WIDA ELP Standards are:

Standard 1:   English language learners communicate for **Social** and **Instructional** purposes within the school setting.

Standard 2:   English language learners communicate information, ideas, and concepts necessary for academic success in the content area of **Language Arts**.

Standard 3:   English language learners communicate information, ideas, and concepts necessary for academic success in the content area of **Mathematics**.

Standard 4:   English language learners communicate information, ideas, and concepts necessary for academic success in the content area of **Science**.

Standard 5:   English language learners communicate information, ideas, and concepts necessary for academic success in the content area of **Social Studies**.

The ELP standards are often abbreviated as Social and Instructional language, the language of Language Arts, the language of Mathematics, the language of Science, and the language of Social Studies.

The Language Domains

Each of the five English language proficiency standards encompasses four language domains that define how ELLs process and use language.

- **Listening** - process, understand, interpret, and evaluate spoken language in a variety of situations
- **Speaking** - engage in oral communication in a variety of situations for a variety of purposes and audiences
- **Reading** - process, understand, interpret, and evaluate written language, symbols, and text with understanding and fluency
- **Writing** - engage in written communication in a variety of situations for a variety of purposes and audiences

The above information can be seen in more detail in the WIDA resource guide "*Understanding the WIDA English Language Proficiency Standards*" at
http://www.wida.us/standards/Resource_Guide_web.pdf .

WIDA English Language Proficiency Level Performance Definitions

The *ACCESS for ELLs*, W-APT and MODEL all provide an English language proficiency performance level score based on a scale of 1 to 6. The expectations for students at each of these performance levels are defined below:

PERFORMANCE LEVEL	PERFORMANCE LEVEL DEFINITION
6 - Reaching	• Specialized or technical language reflective of the content area at grade level • A variety of sentence lengths of varying linguistic complexity in extended oral or written discourse as required by the specified grade level • Oral or written communication in English comparable to proficient English peers
5 - Bridging	• The technical language of the content areas • A variety of sentence lengths of varying linguistic complexity in extended oral or written discourse, including stories, essays, or reports • Oral or written language approaching comparability to that of English proficient peers when presented with grade level material
4 - Expanding	• Specific and some technical language of the content areas • A variety of sentence lengths of varying linguistic complexity in oral discourse or multiple, related paragraphs • Oral or written language with minimal phonological, syntactic, or semantic errors that do not impede the overall meaning of the communication when presented with oral or written connected discourse with occasional visual and graphic support
3 - Developing	• General and some specific language of the content areas • Expanded sentences in oral interaction or written paragraphs • Oral or written language with phonological, syntactic, or semantic errors that may impede the communication but retain much of its meaning when presented with oral or written, narrative, or expository descriptions with occasional visual and graphic support
2 - Beginning	• General language related to the content areas • Phrases or short sentences • Oral or written language with phonological, syntactic, or semantic errors that often impede the meaning of the communication when presented with one to multiple-step commands, directions, questions, or a series of statements with visual and graphic support
1 - Entering	• Pictorial or graphic representation of the language of the content areas • Words phrases, or chunks of language when presented with one-step commands, directions, WH-questions, or statements with visual and graphic support

The five language performance levels outline the progression of language development implied in the acquisition of English as an additional language, from one (1) Entering the process to six (6) Reaching the attainment of English language proficiency. The language proficiency levels delineate expected performance and describe what ELLs can do within each domain of the standards. The Performance Definitions define the expectations of students at each proficiency level. The definitions encompass three criteria: linguistic complexity – the amount and quality of speech or writing for a given situation; vocabulary usage – the specificity of words or phrases for a given context; and language control – the comprehensibility of the communication based on the amount and types of errors.

The Performance Definitions are a key component of the standards documents, and the use of the standards and corresponding MPIs must be in conjunction with the Performance Definitions. The MPIs, delineated by language proficiency level, give expectations for what students should be able to process and produce at a given proficiency level. The Performance Definitions describe how well the student can or should be expected to do so. At the given level of English language proficiency, English language learners will process, understand, produce, or use linguistic complexity and vocabulary.

Overview of Test Tiers

The ACCESS for ELLs is made appropriate for each individual student by presenting the test items in three **tiers** for each grade level: A, B, and C. The following chart shows how the different tiers map to the English language proficiency levels.
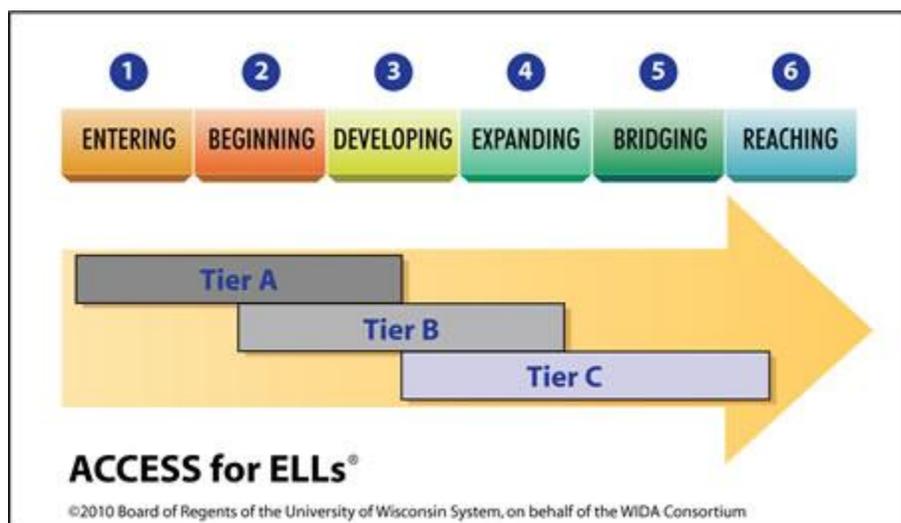
This chart illustrates that the tiers overlap, a necessity for making sure each tier is measuring to a common proficiency scale.

Tier A is most appropriate for English language learners who
- have arrived in the United States or entered school in the United States in the current academic year without previous instruction in English or
- currently receive literacy instruction ONLY in their native language or
- test at the lowest level of language proficiency.

Tier B is most appropriate for English language learners who

- have social language proficiency and some, but not extensive, academic language proficiency in English or
- have acquired some literacy in English, though have not yet reached grade-level literacy.

Tier C is most appropriate for English language learners who
- are approaching grade level in literacy and academic language proficiency in the core content areas or
- will likely meet the state's exit criteria for support services by the end of the academic year.

Each tier, of course, is only able to discriminate performance on its portion of the proficiency scale, so to make sure the whole ACCESS for ELLs® test works as intended, it is necessary to place each student into the tier that best matches his or her English language proficiency level. The decision as to where the student currently falls on the scale is best made by the student's teachers, based on the information they have about the student's language proficiency, including performance on other language tests. The W-APT™ screener test yields a composite score that indicates which tier a child should be placed in for the ACCESS test, however, that score should be supported by additional criteria for tier selection.

Each test form takes particular aim at a certain grade level cluster and range of proficiencies, but each also has to align with all the other instruments in the battery. That is, they each measure a certain segment of a common academic English proficiency measurement scale. In this way, we can better assure that as a child progresses through the grades and in English proficiency, we get an accurate picture of his or her real advances from year to year.

Model Performance Indicators

Information regarding the Model Performance Indicators may be found in the WIDA English Language proficiency Standards Resource Guide at http://www.wida.us/standards/Resource_Guide_web.pdf, beginning on page RG14.

Can Do Descriptors

Information regarding the Can Do Descriptors may be found in the WIDA English Language proficiency Standards Resource Guide beginning on page RG57 at http://www.wida.us/standards/RG_CAN%20DO%20Descriptors.pdf.
These descriptors provide teachers with excellent examples of what a student at each proficiency level can be expected to be able to do and allow teachers to differentiate instructional tasks to fit the needs of individual students.

SECTION 7: ACCOUNTABILITY AND ASSESSMENT

TITLE III ACCOUNTABILITY

Title III of the No Child Left Behind (NCLB) Act of 2001 provides supplemental funding to Local Educational Agencies (LEAs) to implement programs designed to help ELLs and immigrant students attain English proficiency and meet the state's academic and content standards. Title III requires that each state:

- Establish English language proficiency standards.

- Conduct an annual assessment of English language proficiency.

- Define two annual measurable achievement objectives (AMAOs) for increasing the percentage of ELLs developing and attaining English proficiency.

- Include a third AMAO relating to meeting Adequate Yearly Progress (AYP) for the LEP subgroup at the LEA level.

- Hold LEAs accountable for meeting the three AMAOs.

What is an AMAO?

An AMAO is a performance objective, or target, that LEAs receiving Title III subgrants must meet each year for its LEP students. All LEAs receiving a Title III subgrant are required to meet the two English language proficiency AMAOs and a third academic achievement AMAO based on AYP information. AMAO 1 is calculated based on data from the Mississippi English Language Proficiency Test (WIDA ACCESS®) while AMAO 2 is calculated based on the WIDA ACCESS® in conjunction with the Mississippi Curriculum Test (MCT2), the Mississippi Alternate Assessment for the Extended Curriculum Frameworks (MAAECF), and the Subject Area Tests in Algebra I and English II (SATP).

Title III AMAOs for English Learners

English Language Proficiency AMAOs	**Assessments**
AMAO 1: Percent Making Progress in Learning English	WIDA ACCESS
AMAO 2: Percent Attaining English Proficiency	WIDA ACCESS MCT2,MAAECF,SATP
Academic Achievement AMAO	
AMAO 3: Meeting AYP Requirements for the LEP Subgroup at the LEA Level	MCT2, MAAECF, SATP

The third AMAO relating to meeting AYP requirements for the LEP subgroup is based on data from the Mississippi Curriculum Test (MCT2), the Mississippi Alternate Assessment for the

Extended Curriculum Frameworks (MAAECF), and the Subject Area Tests in Algebra I and English II (SATP).

English Language Proficiency Test

Mississippi administers the World-Class Instructional Design and Assessment (WIDA) Assessing Comprehension and Communication in English State to State (ACCESS) English

language proficiency test each year in April to all limited English proficient (LEP) students.

The WIDA ACCESS® is Mississippi's test of English language proficiency. The WIDA ACCESS Placement Test (W-APT) is required to be administered to students initially enrolling in a Mississippi public school whose home language is not English. The results of the W-APT are used to help determine if a student is English proficient or LEP.

LEP students are required to take the WIDA ACCESS® each year during the annual assessment window in April until they are reclassified as English proficient. The WIDA ACCESS® assesses student performance in four English language proficiency areas: listening, speaking, reading, and writing. The test comprises 3 tiers (A, B, and C) over 5 levels: Pre-K-Kindergarten, Grades 1-2, Grades 3-5, Grades 6-8, and Grades 9-12. It produces scores in each skill area as well as a composite score. A student's proficiency level can be determined from the composite score. Each Tier of the test includes content tailored to the appropriate grade level, proficiency level, and Tier.

WIDA ACCESS Language Proficiency Areas

> - Listening
> - Speaking
> - Reading
> - Writing
> - Composite (Total Score)

There are six proficiency levels on the WIDA ACCESS: Level 1 (Entering), Level 2 (Beginning), Level 3 (Developing), Level 4 (Expanding), Level 5 (Bridging), and Level 6 (Reaching).

WIDA ACCESS Proficiency Levels

Level 6 Reaching
Level 5 Bridging
Level 4 Expanding
Level 3 Developing
Level 2 Beginning
Level 1 Entering

- A student is defined as English proficient on the WIDA ACCESS when he/she scores a composite score of 5.0 or above on Tier B or C of the WIDA ACCESS and scored at the "Proficient" or "Advanced" level on the MCT2 Language Arts test; or, attained a passing score on the English II Multiple-Choice test.

AMAO 1- Percent of LEP Students Making Progress in Learning English

AMAO 1 calculates the percentage of students making progress on the WIDA ACCESS. Making progress is defined as moving up at least one level in any of the proficiency skills areas or on the total test from one year to the next. Students at Level 6 (Reaching) are expected to maintain that level.

As required by NCLB § 3122(a)(2)(A), the amount of time an individual child has been enrolled in a language instruction education program is reflected in the cohort classification. The Year 2 cohort is in the second full year of English language instruction; the Year 3 cohort is in the third full year. There is, of course, no Year 1 cohort for making progress.

AMAO 2 - Percent of LEP Students Attaining English Proficiency on the WIDA ACCESS

AMAO 2 calculates the percentage of LEP students attaining English proficiency on the WIDA ACCESS along with performance on the Mississippi Curriculum Test (MCT2), the Mississippi Alternate Assessment for the Extended Curriculum Frameworks (MAAECF), and the Subject Area Tests in Algebra I and English II (SATP). The definition of proficiency is scoring in the Level 5 or Level 6 (Bridging or Reaching) on the total test.

Attaining proficiency is defined as:

Grade Range	WIDA ACCESS TIER	Required Performance On WIDA ACCESS	Required Performance on State Language Arts Proficiency Exam
3-5	B	5.0	Proficient
3-5	C	4.5	Proficient
6-8	B	5.0	Proficient
6-8	C	4.0	Proficient
9-12	B	4.0	Proficient
9-12	C	4.0	Proficient

As required by NCLB §3122(a)(2)(A), the amount of time an individual child has been enrolled in a language instruction education program is reflected in the cohort classification. The Year 1 cohort is in the first full year of English language instruction, the Year 2 cohort is in the second full year, and the Year 3 cohort is in the third full year.

AMAO 3 – Meeting AYP for the LEP Subgroup at the District Level

AMAO 3 holds the Title III LEAs accountable for meeting the same targets for the LEP subgroup that are required of all schools and LEAs under Title I of NCLB. The academic achievement targets for the percent of LEP students that must be proficient or above in language arts and mathematics can be found in the State Consolidated Application Accountability Workbook. Title III accountability is at the LEA level only.

In order to meet AMAO 3, the LEA must meet the AYP participation rate and percent proficient targets in reading/language arts and mathematics for the LEP subgroup.

Consequences of Not Meeting the AMAOs

If a LEA does not meet one or more of the three AMAOs in any year, it must:

- Inform the parents of LEP students that the LEA has not met the AMAOs.

This notification should be provided within 30 days of the public release of the Title III Accountability Reports.

If a LEA fails to meet the AMAOs for two consecutive years, it must also:

- Develop an improvement plan that will ensure that the AMAOs are met.

The improvement plan shall specifically address the factors that prevented the [LEA] from achieving the AMAOs.

Those LEAs that do not meet the AMAOs for two consecutive years will be notified by the MDE and further information concerning the development of the Title III LEA Improvement Plan will be provided.

If the LEA fails to meet the AMAOs for four consecutive years:

- The state shall require the [LEA] to modify its curriculum, program, and method of instruction; or make a determination whether the [LEA] shall continue to receive funds; and require the [LEA] to replace educational personnel relevant to the [LEA's] failure to meet such objectives.
  NCLB § 3122(b)

Notification of Failure to Meet Annual Yearly Progress

Under separate notification, the LEA/school must inform the parents of English language learners participating in the failing program of such failure **no later than** 30 days after the district/school is notified of not having made progress on the annual measurable achievement objectives (AMAOs).

Notifications to the parents of English language learners shall be in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand. The letters do not have to be in English, and translation is encouraged. (See Section 9 for further information on accountability)

To learn more about Title III Accountability go to:
http://orshome.mde.k12.ms.us/ors/accountability/2008/index.html#ell

ASSESSING ENGLISH LANGUAGE LEARNERS

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

This section contains guidelines necessary to implement State Board of Education policy regarding the Mississippi Statewide Assessment System (MSAS) for English language learners. School personnel, parents, and students may use these guidelines to make informed decisions regarding the MSAS.

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

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

1. the participation of ELLs in the MSAS, and

2. testing accommodations.

School personnel, parents, and students must be knowledgeable about 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 ELLs appropriately.

Components of the Mississippi Statewide Assessment System (MSAS)

Currently the MSAS consists of four (4) components that include the following:

1. **<u>Grade Level Testing Program (GLTP)</u>** which consists of three (3) components:

    a. Mississippi Curriculum Test, Second Edition (MCT2) in Language Arts and Mathematics administered to students in grades 3 – 8.

    b. Writing Assessments – CRT writing performance administered to students in grades 4 and 7.

    c. Mississippi Science Test – CRT in Science administered to students in grades 5 and 8. The test administered in grade 5 covers the science curriculum for grades 3 – 5, and the test administered in grade 8 covers the science curriculum for grades 6 – 8.[4]

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[4] *Beginning In 2010-2011, the Mississippi Science Tests will be based upon the 2010 Mississippi Science Frameworks, and the grade 5 and grade 8 assessments will no longer cover grade spans. Both will be grade-specific, covering only grade 5 curriculum and grade 8 curriculum, respectively.*

2. **Subject Area Testing Program (SATP)** consists of four criterion- referenced,   end-of-course tests administered for U.S. History from 1877,   Algebra I, Biology I,   and English II; and a writing component also administered during the English II course. 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 Mississippi Public Schools Accountability Standards at
http://www.mde.k12.ms.us/accred/2009_Standards_10_9_09.pdf)

3. **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-year vocational program.

4. **ACCESS for ELLs®** stands for Assessing Comprehension and Communication in English for English Language Learners. It is a large-scale test that primarily addresses the English language development standards that form the core of WIDA's approach to instructing and testing English language learners. These standards incorporate a set of model performance indicators (PIs) that describe the expectations educators have of ELL students at five different grade level clusters and in five different content areas.

Definitions of Terms

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

1. **Eligible Student** – This term is used to denote students who must participate in   MSAS; this includes all students in grades 3-8, students enrolled in subject   area   testing program courses, and students completing a vocational program.

2. **Accommodations** – Testing accommodations are considered changes in testing procedures that provide ELLs 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.

3. **Allowable Accommodations** – These accommodations can be utilized by any special education student with an IEP or 504 and ELLs during classroom instruction and on statewide tests.

4. **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. NCLB addresses the inclusion of all students in state and district assessment and accountability systems, including special populations.

5. **Mississippi Language Arts Curriculum Framework** – 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 Framework** – This curriculum contains the current competencies and objectives that serve as the framework of mathematics instruction for students in the Mississippi public schools.

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 because of substantial use of that other language for communication. ELLs 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 schools participate in the Mississippi Statewide Assessment System and that the LEA's 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. All guidelines contained herein **must** be adhered to as written.

No Child Left Behind Act of 2001 (NCLB)

Section 1001 of *No Child Left Behind Act of 2001* (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

The WIDA ACCESS Placement Test (W-APT)

W-APT stands for the WIDA-ACCESS Placement Test™. Educators to measure the English language proficiency of students who have recently arrived in the U.S. or in a particular district use this assessment tool, known as the "screener". It can help to determine whether or not a child is in need of English language instructional services, and if so, at what level.

Upon entering a LEA, if a student is identified as a potential ELL from information obtained through the Home Language Survey, then the W-APT must be administered. Mississippi LEAs use the W-APT as a screening test to get an initial determination of his/her English language proficiency (if there is a lack of such information in the records brought from the previous school).   If the student is newly enrolled at the beginning of the school year, this assessment must take place within the first thirty (30) days of the school year. Students who enroll later in the school year must be assessed with the W-APT within two (2) weeks of enrollment. If administered, the W-APT score serves as the student's official proficiency level until the annual ACCESS for ELLs assessment is administered in April.

To learn more about test administration, training, and scoring of the W-APT, go to: www.wida.us.

The Mississippi Department of Education and its ELL Committee of Practitioners revised the standards for English language proficiency to bring them into alignment with the Mississippi English/Language Arts Curriculum Framework in order to comply with NCLB. There are six (6) performance level descriptors for standards and objectives for English language learners (see Section 6).   WIDA's ACCESS for ELLs, was selected by MDE for its alignment with the standards, reports of student progress in achieving English language proficiency. The results of the language assessment must be documented and a copy of the teacher and parent reports must be placed in the student's cumulative folder and a copy kept on file in the district office.

Each year in April, all ELLs are assessed with the ACCESS for ELLs to evaluate their progress and proficiency in English language acquisition. The MDE requires LEAs to administer **all** sections of the assessment (listening, speaking, reading, and writing) to all ELLs K-12. Even ELLs whose parents have waived services, NCLB requires that they also be assessed annually until they meet the same challenging state academic content and student achievement as all students are expected to meet. Although NCLB requires that ELLs be monitored at least two (2) years after exiting a language instruction educational program**,** ELLs who have been exited into the monitoring phase are not to be assessed on the annual English language proficiency test. [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)

The following two (2) requirements are applicable to all students regarding the MSAS:

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 four (4) content tests in the subject Area Testing Program (SATP): U.S. History from   1877, Algebra I, Biology I, and an English II; writing component also administered during the English II course. Students take these tests the year they are enrolled in the course. (MS Code 37-16-7)

Participation of English Language Learners

ELLs are expected to participate in all aspects of the MSAS.

ELLs are not exempt from testing. However, the USDE allows the MDE to exclude the English/Language Arts *scores* and mathematics *scores* of ELLs who are "recently-arrived. A recently arrived LEP student is defined as a LEP student who has attended schools in the United States (not including Puerto Rico) for less than 12 months. This is a one-time exclusion of their English/Language Arts and/or mathematics test scores. These students are still included in the calculation of the 95% participation rate, but their English/Language Arts and/or mathematics test scores are excluded from the Adequate Yearly Progress (AYP), State Achievement Model, and State Growth Model calculations for the first year. If districts wish to include the English/Language Arts or mathematics test scores of recently arrived ELLs in AYP, Achievement, and Growth, districts must request that scores be included.

Note: Section 200.6 (b)(i)(4)&(D)(ii) and (iii) of the Title I regulations states that the State must assess ELLs in a valid and reliable manner that includes "recently-arrived" ELLs. A State may exempt a recently arrived ELL from one administration of the State's reading/language arts assessment, but a state must assess the mathematics achievement of that student. Therefore, MDE excludes the English/Language Arts and Mathematics test scores of ELLs who have "attended schools in the United States (not including Puerto Rico) for less than 12 months." From the guidance you can see that the exclusion applies to the amount of time the student has been *served* in any school within the United States, NOT to the length of time the student has lived in the United States. It is also important to note that this is a "**one-time**" exclusion. Once a student's scores have been excluded, they can never be excluded again.

"Recently-arrived" is a reflection of the number of years the student has been enrolled in *any* U.S. school. Your coding of any student as a Year 1 student should reflect those students who have been enrolled in any U.S. school for less than 12 months. Any student who has been enrolled in any United States school for 12 or more months should NOT be coded as a "Year 1" student.

ELLs who are working towards a regular diploma and who are enrolled in U.S. History from 1877, Algebra I, Biology I, and/or English II (with a writing component) must take the applicable subject area test(s) using only allowable accommodations and meet the standards that are required for graduation. ELLs who are working toward a regular diploma are required to pass all four (4) of the Subject Area Tests using only allowable accommodations.

All ELLs who are considered vocational completers due to completion of a two-year vocational program must participate in the MS-CPAS.

ELLs with a Significant Cognitive Disability

ELLs who are coded in the Mississippi Student Identification System (MSIS) as having a significant cognitive disability (SCD) will take the Mississippi Alternative Assessment of the Extended Curriculum Frameworks (MAAECF) in lieu of taking the Mississippi Curriculum Test, Second Edition (MCT2).

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 ELLs 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.

The Office of Student Assessment has created a manual describing allowable accommodation for ELLs. The *English Language Learner Testing Accommodation Manual* can be found on the Office of Student Assessments' webpage at:
http://www.mde.k12.ms.us/acad1/programs/ell/ELL_Accommodations_2010.pdf,which overrides the list of accommodations in the *WIDA ACCESS Test Administration Manual* (TAM). When districts assess using the *WIDA ACCESS*, the only allowable accommodations are those listed in the accommodations manual issued by the Office of Student Assessment.

Note: *WIDA ACCESS* should be administered using MDE approved accommodations, school and district personnel should realize that the WIDA accommodations and Mississippi accommodation are not the same.

Accommodations fall under four (4) 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.

SECTION 8: GRADING, RETENTION, EXITING, AND MONITORING OF ENGLISH LANGUAGE LEARNERS

Grading English Language Learners

According to Dr. Adela Solis in the article titled "Grading LEP students: Developing Sound Practice" (1995) and supported by the Mississippi Department of Education, strict adherence to a "letter" grading system is often inappropriate for ELLs. A letter grade is inconsistent and does not account for what ELLs are learning. The score on the W-APT screener or the WIDA ACCESS annual assessment administered by the ESL teacher determine the level of proficiency. In order to insure consistency and accountability, the procedure below is suggested when assigning grades to ELLs. However, LEAs may develop common criteria for grading ELLs that is used consistently throughout the LEA.

> ***NO FAILING GRADES MAY BE GIVEN DURING THE ELLS' PROGRESS FROM LEVEL 1 - ENTERING THROUGH LEVEL 3 - DEVELOPING LANGUAGE PROFICIENCY.***

Suggested Modified Grading Scale for ELLs

Kindergarten – 5th Grade:

1. Levels 1-3 (Entering, Beginning, and Developing)

    a. 65 -100% Passing (S=Satisfactory)
    b. 46 - 64% Passing (N=Needs Improvement)
    c. 0 - 45% (U=Unsatisfactory) Documentation necessary

2. Level 4-5 (Expanding and Bridging)

    a. Common criteria for assigning grade
       (with necessary accommodations and modifications)
    b. "ELLs" noted on the report card

3. Level 6 (Reaching)

    a. Common criteria for assigning grades
       (With necessary accommodations and modifications)
    b. "ELL" noted on the report card

6th Grade – 12th Grade:

1. Levels 1-3 (Entering, Beginning, and Developing)

    a. 50 -100% Passing
       (With necessary accommodations and modifications)
    b. 0 - 49% Passing (Documentation necessary)
    c. Notation of "ELLs" on report card

2. Level 4-5 (Expanding and Bridging)

    a. Common criteria for assigning grades
       (With necessary accommodations and modifications)
    b. Notation of "ELLs" on report card

3. Level 6 (Reaching)

    a. Common criteria for assigning grades
       (With necessary accommodations and modifications)
    b. Notation of "ELL" on report card

    Award Carnegie unit credit to students in levels 1-3 based on classroom modifications and accommodations for students success.

Retention of English Language Learners

Federal requirements mandate that districts take affirmative steps to open their educational programs to national origin-minority group students. This means that while ELLs must meet the same educational requirements as other students, these requirements must be presented in a manner appropriate to ELLs' cultural and linguistic needs and in a period, that facilitates their learning.

Legally, the LEA is required to accommodate the ELL in a way that allows the student to benefit from the educational experience. The student cannot be penalized for his/her lack of the English language. A valid interpretation would mean that **a student should never be given the grade of "F" <u>when</u> the student's lack of success can be attributed to limited English proficiency.** Experts in the field say that the average **amount of** time for attaining oral fluency is 1 to 2 years. However, English skills in reading and writing take an average of 5 to 7 years; during this time the student may still be limited English proficient (LEP).

The experts in the field of ESL suggest that classroom teachers hold students accountable for material that is appropriate for their English language levels and educational background. Modifications of instructional methods and assessments are recommended **for** grade-level content material. (Possibilities include shorter tests, read aloud, oral responses, and pictorial responses, etc.) However, for statewide assessments to be incompliance with NCLB, lower grade-level testing is not permitted.

Retention is generally not recommended for ELLs. Though the decision to promote or retain must be made on a case-by-case basis, any decision to retain an ELL must be accompanied by documentation demonstrating that appropriate accommodations and modifications were employed throughout the year to assure compliance with Federal requirements (May 25, 1970 Memorandum).

ELLs should be carefully evaluated before retention is recommended to ensure that lack of English skills is not being mistaken for poor achievement. Considerations that reduce the need to retain ELL students include
- remedial programs,
- tutoring,
- summer enrichment programs,

- instructional aides,
- peer tutoring,
- use of WIDA Can Do Descriptors
  (http://wida.wceruw.org/standards/CAN_DOs/index.aspx), and
- Classroom Accommodations for ELLs Form
  (http://www.mde.k12.ms.us/acad1/programs/ell/ELL_Accommodation_Chart_1_2
  2_10_REV.pdf

Exiting English Language Program Services

NCLB requires that the state establish criteria for exiting English language learners. As students reach proficiency and are ready to exit language assistance services, it is imperative that these students have attained a degree of proficiency that will enable them to achieve academic success at levels equal to those of their native English-speaking peers.

When Mississippi entered the WIDA Consortium, discussions took place with many LEA representatives to determine the level of proficiency necessary to ensure ELL's success upon exiting English language services.

Mississippi's criteria for exiting ELLs relies on the student WIDA ACCESS score and standardized assessment results for exiting ELLs from program services. LEAs are required to use these two data elements for measuring proficiency and exiting students from the ESL program. All LEAs must follow the prescribed criteria to ensure ELLs are not exited prematurely or remains in the program longer than necessary. The steps and criteria for exiting ELLs are shown in the chart on page 79.

In general, ELLs are no longer classified as limited-English proficient (LEP) once they have attained the language skills necessary to compete with mainstream English speakers in age and grade appropriate settings in all areas of language development without the use of adapted or modified English materials.

The fully English proficient student, ready to exit language instruction educational programs, demonstrates English language proficiency in relation to the full range of classroom demands and the academic language needed for successful educational performance including demonstrating proficiency in:

1. Understanding and speaking English,
2. Reading and comprehending academic English,
3. Writing in English, and
4. Demonstrating English proficiency in other academic subject areas.

When an ELL achieves at the levels demonstrated in the following table, the student is eligible to exit the ESL program and enter a federally mandated two-year monitoring period.

Grade Range	WIDA ACCESS TIER	Required Performance On WIDA ACCESS	Required Performance on State Language Arts Proficiency Exam
3-5	B	5.0	Proficient
3-5	C	4.5	Proficient
6-8	B	5.0	Proficient
6-8	C	4.0	Proficient
9-12	B	4.0	Proficient
9-12	C	4.0	Proficient

During the required two-year monitoring period, the student is no longer considered LEP or an ELL. He/she will no longer need accommodations or modifications and will not take the WIDA ACCESS English language proficiency test. When a student is reclassified, he/she will no longer be counted in the LEP subgroup.

If during the two-year monitoring period, indicators arise that the student is not being successful, then support services may again be offered based on student needs. Services could be limited to a specific domain area of listening, speaking, reading, or writing; or, if necessary, the student could return to ESL language program services.

Kindergarten through 2nd grade ELLs are not eligible for exit. The criteria for exiting ELLs rely on the student WIDA ACCESS overall proficiency level scores and standardized assessment results. LEAs are required to use these two data elements for measuring proficiency and exiting students from the ESL program. The implication of this is that even with a high score on the WIDA ACCESS; ELLs may not have attained sufficient language skills to exit the ESL program.

Exiting Process

A Student Evaluation Team (SET) that includes the guidance counselor, the ESL teacher or tutor, and grade-level classroom teacher's best accomplishes exiting ELLs. Factors to be considered in deciding whether a student should be retained in ESL 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,
- student's educational background
- progress through Can Do Descriptors.

Steps and Criteria for Exiting ELLs Grades 3-12

Assessment of English Language Proficiency
- Review results from annual assessment WIDA ACCESS
- Does the student score at the applicable composite score on the WIDA ACCESS Tier B or Tier C grades 1st – 12th.

NO → Student remains classified an English Language Learner and should be appropriately supported by an ESL program

↓ **YES**

Assessment of Performance on Statewide Assessment
- Review results from statewide assessment of Language Arts
- Has a student in grades 4-9 scored at the "Proficient" or "Advanced" level on the MCT2 Language Arts test; or, has a student in grades 10-12 attained a proficient score on the English II Multiple-Choice test?

NO → Student remains classified an English Language Learner and should be appropriately supported by an ESL program

↓ **YES**

Exit the Student from ESL Program
- Notify parents or guardians of the reclassification
- Update school and LEA records.
- Monitor the student for two years

Monitoring English Language Learners

When students reach proficiency and are exited according to MDE's Title III ELL exit criteria the law requires that they be monitored for 2 calendar years following exit from language assistance services. They are: (Sample Forms)

- no longer classified as LEP,
- receives no accommodations, (unless they are in the SPED program and have an IEP or a 504 classification), and
- are not required to take annual WIDA ACCESS.

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

Teachers may need to make adaptations to content material and present it to all second language learners in a less demanding language format. It is also important for a teacher to note the progression of an exited student's academic skills in order to increase the complexity with which information is provided as the student becomes more cognitively proficient. Teachers

should also provide students with more opportunities to demonstrate what they know by using a variety of formative and summative assessments.

The goal of most second language students is to function as proficient learners in the classrooms. ELLs take responsibility for their learning at their individual language-proficiency level. If ELLs are given tasks beyond their current functional level of language proficiency, they may not be able to complete them successfully and they may lose their motivation to succeed and/or regress into their first language.

Recommended Procedures Following Exit from ESL Program Services

An initial follow-up should be made within two weeks of exiting ESL program services:

- To verify the student can compete academically
- To check on the student's social and psychological adjustment

Periodic monitoring should continue for two years:

- At the end of each progress reporting period, an ESL teacher will contact teachers in all mainstream classes the student attends;

    1. To find out if the student is adjusting and succeeding academically
    2. To verify if the student is sustaining the criteria used to exit from the ESL Program
    3. To identify any academic or adjustment needs

- Review of grades
- Review standardized test scores
- Review portfolio assessments
- Student interview
- Parental interview

If monitoring shows that, the student is falling behind in classroom work and/or English language skills:

- The student must immediately receive support services appropriate to his or her needs:
- Provide special services for language support and / or content area tutoring as needed
- Appropriate supports available to students within the school should be utilized before returning a child to ESL services
- If these means of services and supports are not successful, a child may be re-entered into ESL program services

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

Districts should have a uniform process in place to monitor and review ELL/LEP exit/reclassification decisions. If the need to reverse a reclassification decision occurs, districts

must allow students to re-enter a language assistance program if evidence indicates that the English language proficiency is in question. Additionally, district policy should address procedures to follow when a parent wishes to keep their student in an English language instruction program.

Districts must maintain the required documentation and annual evidence of English language proficiency for each exited/reclassified student throughout the two-year monitoring period. Evidence should include demonstrations of proficiency without the use of adapted or modified English materials or ELL accommodations on standardized measures such as:

- District benchmark examinations (in multiple content areas)
- Writing samples or performance assessments scored with formal, standardized rubrics
- State assessments at applicable grade levels, and
- Academic records such as semester or end-of-course grades.

Note: Students with disabilities under Individuals with Disabilities Education Act (IDEA) should meet the above standards, or have individual Education Plans (IEPs) or 504s that specify parallel and/or alternate standards-related criteria.

SECTION 9:   ENGLISH LANGUAGE LEARNERS AND OTHER PROGRAM SERVICES

Services for ELLs should represent a continuum of available programs. All teachers are language teachers. Everyone is a language learner throughout his or her life; therefore, we all shape the education of a child and must work together collaboratively to fulfill that mission.

Students served in ESL programs may also be served through any other appropriate special programs offered within the LEA. From the time of enrollment, ELLs have equal opportunity to participate in all special programs for which they qualify.

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

Guidelines for Gifted Education Students

In the identification of ELLs for gifted services, students must meet the criteria determined by the state, LEA, 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 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 ELLs 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 because of appropriate instruction, assessment procedures for gifted ELLs should

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

- accommodate the language that is most comfortable and efficient for the ELLs 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 ELLs 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 the ELL's participation in these programs. Some examples might be to increase staff and parent understanding of the participation criteria by: 1) encouraging language program staff and parents to refine the criteria using their knowledge of language acquisition and assessment issues, 2) how the participation criteria might affect the ELLs success; and 3) discuss equitable selection criteria with school and district decision makers.

Guidelines for Students with Disabilities

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

Students learning English, because of their cultural and linguistic background, have special

instructional needs. When a student is having difficulty mastering specific skills, it is important for the teacher to accommodate the instructional strategies and/or instructional pace for the student. Just because the student requires accommodations to his/her program, does not necessarily mean that he/she has a disability or that he/she should be referred to special education.

If, however, the student continues to have difficulty after consistent language accommodations and instructional interventions have been attempted for a reasonable amount of time, and the interventions from Tiers 1 and 2 have not resolved the issues, the student should be referred to the Student Evaluation Team (SET). The ESL professional must be a member of the SST. The ESL teacher knows the natural order of English language acquisition regardless of the student's first language. The ESL teacher is also familiar with the usual rate and stages of acquisition, as well as the "typical" errors to be expected.

This knowledge of second language acquisition, along with the following information, is essential in determining the possible need for different interventions or future referrals for additional services:
- Place of birth
- Entry date U.S.
- Years in U.S. schools
- Educational history; Years of schooling in home language; Interrupted education?
- Prior evaluations (W-APT, standardized and local, first language assessment)
- Entry date in ESL and number of years in ESL
- Physical condition that could account for difficulties - need for glasses, hearing aid, etc.
- Participation in any special service
- Frequent absence or tardiness
- Review of Home Language Survey
- School record reviewed for relevant information and anecdotal evidence
- Contacts with Parents (district must provide an interpreter if required for communication)

At this point, one of two things may happen: (1) the SET may recommend additional interventions and accommodations for the classroom. If these supports are successful, the student may be served successfully in the general education classroom with the recommended supports in place. If the additional interventions and accommodations are not successful, (2) the SET can then make a referral for special education testing to determine if the student has a specific disability. Once a referral is made to special education, testing is completed to determine if the student qualifies as a student with a disability under the Individuals with Disabilities Education Act (IDEA). If so, he/she may be served through the special education program.

Depending on the extent of the student's disability, it is appropriate for the general education teacher, ESL teacher, and the special education teacher to work collaboratively in order to meet the needs of the student. **The fact that an ELL has a disability does not replace the need for language assistance. The plan for providing language assistance and support should be delineated in the student's Individual Education Plan (IEP). In most instances, ELLS should be dually served through both programs.** In the event another means of support will be more beneficial to the student, the Special Education team and the ESL specialist should work together to determine the most effective plan and to provide needed support for

implementation.

- If an ELL student is determined eligible for special education services, the IEP team should decide the type and degree of services (Special Education and ESL) the student will receive.
- Students generally should be served in both ESL and Special Education if they qualify for both programs, no matter what the disability.
- The ESL teacher must be included as an active member of the SST team and IEP team for ELLs with disabilities.
- If it has been demonstrated through testing that the student qualifies for special education services under the learning disability label or speech services label, the ELL should be served in both programs.
- Scheduled time for ESL services should not be reduced.
- If the severity of the student's disability indicates more special services are needed and the student's needs are best met by being served in more segments of special education rather than ESL, the ESL specialist should work with school and district personnel to set up a consultative model for that student's language development.
- The ESL specialist should meet regularly with the special education teacher and records of consultations should be maintained.
- ESL services provided for all types of disabilities must be noted on the student's IEP.

Specific procedures for special education assessment are provided in the Mississippi Policies and Procedures Regarding Children with Disabilities under the Individuals with Disabilities Education Act Amendments of 2004 (2009). As noted earlier, proficiency assessment in both English and the child's first language can identify the dominant language for the purpose of further evaluation and assessment if needed. Non-verbal tests are another alternative.

All students who qualify for services under IDEA, regardless of the type or degree of disability, share certain rights and needs, including:
- the right to a free and appropriate public education,
- the right to an Individualized Education Program (IEP) specifying the student's unique needs along with the special education and related services the student is to receive,
- the need to have cognitive, linguistic, academic, and social/emotional characteristics considered and appropriate environmental modifications or accommodations made

ELLS and Response to Intervention (RTI)

Response to intervention integrates assessment and intervention within a multi-level prevention system to maximize student achievement and to reduce behavior problems. With RTI, schools identify students at risk for poor learning outcomes, monitor student progress, provide evidence-based interventions and adjust the intensity and nature of those interventions depending on a student's responsiveness, and identify students with learning disabilities or other disabilities. (National Center on Response to Intervention)

When an ELL, who is actively receiving support from ESL program services, is observed by the mainstream teacher to have continuing difficulties with learning, the first course of action would be to consult informally with the ESL teacher/specialist to request additional ideas and strategies for teaching. The ESL teacher may offer new suggestions, request to observe the

student in the classroom, or check with the entire team of teachers to see if the student is struggling in more than one class. If the student continues to struggle, the next option is to refer the student to the SET for further evaluation.

One of the most important elements in these procedures is that the ESL Specialist needs to be involved or consulted at each step of the Tier process. At the Tier 2 level, the school's Intervention Coach and Teacher Support Teams (TST) should request input from the ESL teacher/specialist for the important reasons mentioned earlier. At Tier 3, the TST should also request input from the ESL Specialist. This is imperative because before making recommendations for intervention strategies, these teams must collaboratively determine if the mainstream teachers' instructional techniques are known to be effective with ELLs, as well as whether or not teachers have implemented the recommended ELL instructional accommodations.

At each of the three RTI tiers or levels of interventions for the most part, ELLs should be considered just like native-English speaking students. The ESL teacher/specialist will work with the mainstream teachers to ensure that the student is receiving classroom interventions as well as to provide ESL instruction or tutoring to him or her as needed. Such a student should **not** be referred for SPED.

Finally, if any of these teams of educators, at any time, are considering a non-ELL whose cumulative record or Home Language Survey form indicates a background from a foreign country or a language other than English, the school's ESL Specialist or the district ELL Coordinator must be notified immediately. The identification of ELLs requires a team effort by all district personnel.

Migrant Education Program (MEP)

An ELL is eligible to receive MEP services if they meet the definition of "migratory child" and if the basis for their eligibility is properly recorded on a certificate of eligibility (COE) or other written or electronic form. The term "migratory child" is defined in section 1309(2) of the statute and section 200.81(d) of the regulations. Determining whether a child meets this definition is often difficult and depends on a recruiter's assessment of information presented by a parent or other family member, guardian, or other individual responsible for the child.

According to sections 1115(b)(1)(A) and 1309(2) of the statute and section 200.81(d) of the regulations, a child is eligible for the MEP if:

1. The child is younger than 22 and has not graduated from high school or does not hold a high school equivalency certificate (this means that the child is entitled to a free public education or is of an age below compulsory school attendance); *and*

2. The child is a migrant agricultural worker or a migrant fisher *or* has a parent, spouse, or guardian who is a migrant agricultural worker or a migrant fisher; *and*

3. The child has moved within the preceding 36 months in order to obtain (or seek) or to accompany (or join) a parent, spouse, or guardian to obtain (or seek), temporary or seasonal employment in qualifying agricultural or fishing work; *and*

4. Such employment is a principal means of livelihood; *and*

5. The child:

   a. Has moved from one LEA to another; *or*

   b. In a State that is comprised of a single LEA, has moved from one administrative area to another within such district; *or*

   c. Resides in a LEA of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in a fishing activity (this provision currently applies only to Alaska).

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.

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

- specifies 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;
- facilitates 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;
- extends eligibility to youth who are also independent migrant workers;
- terminates the contract for the centralized Migrant Student Record Transfer System; and
- requires the USDOE to seek recommendations for improving the ability of schools and districts to identify students and transfer records.

 The Migrant Education Programs 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 to provide 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 businesses.

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, as indicated above.

The Mississippi Migrant Education Program is administered by the Mississippi Migrant Education Service Center (MMESC), P.O. Box FL, Mississippi State University, Mississippi State, MS 39762, (662) 325-1815

Immigrant Education Program

Status as an immigrant often overlaps with ELL status among students. However, educators should be aware that not all immigrant students would be ELLs. Some come from English-speaking countries (such as the United Kingdom) or from countries where English is one principal language among several (such as India), and many immigrants come to the U.S. already possessing a certain degree of English proficiency even though they come from non-English-speaking countries.

For purposes of education, immigrant children and youth include those individuals who

- are aged 3 through 21,
- were not born in the United States, and
- have not been attending one or more schools in any one or more states for more than three full academic years.

Mississippi LEAs can identify immigrant students by adding a question to the Home Language Survey that is filled out by all new students during enrollment. The form may ask about the number of years the child has attended school in the United States. If the respondent answers 3 years or less, the student might be an immigrant student.

There are a number of different needs that immigrant students may have. One of the biggest needs is often English language instruction. If the child's Home Language Survey indicates the child has a first language other than English, comes from a country where English is not the dominant language, or uses a language other than English at home, the LEAs ESL teacher/specialist should use the W-APT to determine the English proficiency level of the student. If identified as an ELL, immigrant students should receive all appropriate ESL program services provided by the LEA (See Section 3, Registration, Identification, and Placement.)

Whether or not an immigrant student qualifies for ESL services, the student may still have other significant needs. Districts may need to provide cultural orientation to help immigrants adapt to life in the United States, as well as adapting to the culture of the new school and community. School staff may also need professional development in cultural awareness to help them understand the context of the student's previous socio-cultural and educational experiences.

Funds are available to LEAs through Title III for addressing the needs of immigrant students. (See Sec. 3102 of NCLB, Title III.)

Foreign Exchange Student Education

An important goal of *NCLB* is to help English language learners who reside in the United States attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging content standards expected of all students. The requirements of NCLB, however, should not deter a LEA from accepting foreign exchange students.

- First, many foreign exchange students from non-English speaking countries have enough command of English to benefit from regular classroom instruction in English and, for that reason, would not be considered limited English proficient under NCLB.
- Second, even if a foreign exchange student is limited English proficient, NCLB does not mandate a particular type of instruction for that student but gives LEAs the flexibility to select, consistent with State law, an appropriate method for serving that student.
- Finally, assessment results for foreign exchange students who are enrolled in a school in the United States for less than a year, even if they are limited English proficient, are not to be included in the school-level measurement of adequate yearly progress required by NCLB. (National Clearing House for English Language Acquisition ncela.gwu.edu/pubs/legislation/nclb/foreignexchange03.pdf).

Homeless Children and Youth

According to the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.), students (children and youth) experiencing homelessness are children and youth who lack "a fixed, regular, and adequate nighttime residence." This refers to a residence that is not "securely placed or fastened; not subject to change or fluctuation; normal, standard; constituted, conducted, or done in conformity with established or prescribed usages, rules, or discipline; sufficient for specific requirement; lawfully and reasonable sufficient.

The McKinney-Vento Act requires LEAs liaisons to ensure that "homeless children and youths are identified by school personnel and through coordination with other entities and agencies" (National Association for the Education of Homeless Children and Youth).

Requirements for Schools:

The McKinney-Vento Act provides certain rights for homeless students. They include waiving certain requirements such as proof of residency when students are enrolling and allowing categorical eligibility services, such as free textbooks.

The Act also states the following:
- Homeless students may attend their school of origin or the school where they are temporarily residing.
- Homeless students must be provided a written statement of their rights when they enroll and at least two times per year.
- Homeless students may enroll without school, medical, or similar records.
- Homeless students have a right to transportation to school.
- Homeless students must be provided a statement explaining why they are denied any service or enrollment.
- Homeless students must receive services, such as transportation, while disputes are being settled.
- Homeless students are automatically eligible for Title I services.

- LEAs must reserve a portion of Title IA funds to serve homeless students.
- LEAs must review and revise policies that provide barriers to homeless students.
- Schools must post information in the community regarding the rights of homeless students, in schools and other places that homeless families may frequent.
- LEAs must identify a McKinney-Vento Liaison to assist students.
  (MDE, Office of Innovative Support).

SECTION 11: TEACHER QUALITY AND PROFESSIONAL DEVELOPMENT

Teacher Quality – Licensure

According to NCLB (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 include, but are not limited to, classroom teachers, paraprofessionals, assistant teachers, tutors, instructional volunteers, etc.

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. LEAs, however, 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 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. 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 educational personnel, such as paraprofessionals and assistant teachers, should also be fluent in English and any other language used for instruction, including having written and oral communication skills. The following grades levels are provided below:

Instructional Grade Levels

- 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; and

- 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."

The Association for Supervision and Curriculum Development (ASCD) points out that teacher quality should be cognizant of the needs of communities with ethnic minority and economically disadvantaged children. To create effective learning situations we must engage students using effective, research-based approaches that enable all students to reach their fullest potential. This is accomplished by working in small groups, emphasizing problem solving and critical thinking, and learning in contexts relevant to life.

Combining the regulations of NCLB (2001), and MDE guidelines, teacher quality is more than effective pedagogy. It goes far beyond the doors of the ESL classroom. It is the result of collaboration between mainstream teachers, ESL teacher/specialists, parents, community and administrators in a state of shared accountability, across all departments to ensure enhanced student achievement. It is the ability to disaggregate data and test scores among professionals to make determinations and identify student needs.

The best quality educators' pool knowledge and resources among schools throughout the district to provide teachers and all other stakeholders' guidance, support, and needed training opportunities so that they may make informed decisions regarding the specialized language instruction and other services required by English language learners. They then can identify shortcomings through collective evaluations, learn from their mistakes, and build better and stronger programs that are conducive to cultivating English language development.

Professional Development

An effective professional development program for teachers incorporates principles of adult learning:

- Adults need to be self-directed.
- Display readiness to learn when they have a perceived need.
- They desire immediate application of new skills and knowledge (Knowles, 1980).

Effective professional development is embedded in the reality of schools and teachers' work.

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 ELLs, and instructional and support strategies for modifying instruction in the content areas.

High standards for the education of ELLs cannot exist without high standards for professional development. To accomplish this, three (3) important activities should be undertaken by LEAs:

- Develop an ongoing long-term professional development plan;

- Locate resources for professional development; and

- 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-time, 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 LEA'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 did not work and why not. In addition, open-ended surveys that ask questions about the effectiveness of professional development provide LEA planners with important feedback about the experiences.

Professional development should focus on building the competency of staff members that serve ELLs. 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, ESL teachers and tutors, and other instructional and support staff can be met though simultaneous and multiple professional development interventions.

Professional Development Content

The content of professional development focuses on the knowledge that practitioners (teachers and administrators) need in order to be successful with the ELLs in their programs. The content of professional development should make a distinction between *knowledge received* through workshops or classes and *constructed knowledge* (knowledge created by or among practitioners through practice and focused reflection; it may be from received knowledge as well as teaching experiences and beliefs) and integrate the two. There is a dynamic and reciprocal relationship between received knowledge and constructed knowledge (Borg, 2006; Crandall, 1993, 2000; Day, 1991; Freeman & Johnson, 1998, 2004; Vygotsky, 1986; Yates & Muchisky, 2003). Therefore, knowledge received in professional development activities has an impact on program design and delivery and on teaching and learning in classrooms, and knowledge constructed in classrooms and programs influences what practitioners need to receive next in professional development sessions

The Center for Applied Linguistics suggests that while working with English language learners, educators include the content knowledge that practitioners need to both receive and construct includes the following:

Practitioner Knowledge

The processes of second language acquisition for second language learners (e.g., inter-language, the impact of native language proficiency on second language acquisition, stages of

acquisition) (Dulay & Burt, 1972, 1974a, 1974b, 1976; Ellis, 2000; Fillmore & Snow, 2002; Florez & Burt, 2001; Muchisky & Yates, 2003; Yates & Muchisky, 2004);

- The types and impact of native language literacy on English language and literacy learning (e.g., nonliterate, literate in a non-alphabetic script, literate in a Roman alphabetic script) (Birch, 2002; Burt, Peyton, & Adams, 2003; Hilferty, 1996; Huntley, 1992; Strucker, 2002);

- Affective factors that can influence student learning (e.g., study skills, time management, level of anxiety and confidence) (Fillmore & Snow, 2002, Florez & Burt, 2001; Gee, 2004; Hawkins, 2004: Haynes, 2005);

- Evidence-based principles and instructional strategies for teaching ELLs (e.g., direct method, communicative language learning, project-based learning) (Brown, 2000; Hall & Hewings, 2001)

- The processes of learning components of the language (e.g., sound/symbol, correspondence, grammar, and vocabulary) (Burt, Peyton, & Adams, 2003; Fillmore & Snow, 2002; Muchisky & Yates, 2003; Yates & Muchisky, 2004);

- Selection and use of valid, appropriate, and reliable assessments to inform instruction and provide feedback about learner progress (e.g., standardized, formative, performance, and authentic assessment) (Bachman, 1990; Kenyon & Van Duzer, 2003; Misley & Knowles, 2002);

- Use of ESL content standards and curriculum guidelines to guide instruction and align with assessment (e.g., benchmarks, scope and sequence, and proficiency levels) (Schaetzel & Young, 2007; Young & Smith, 2006; U.S. Department of Education, Office of Vocational and Adult Education, n.d.); and

- Appropriate uses of technology to support ELLs before, during, and after instruction (e.g., guided practice, communicative practice, application of language skills) (Chapelle, 2003; National Center for ESL Literacy Education, 2003).

The professional development process includes planning, implementing, and evaluating professional development. This cyclical process helps to ensure that professional development is planned in response to practitioners' needs and that experience and feedback guide the design and planning of subsequent activities.

Part I: Planning Professional Development

- The content planned is designed for teachers by teachers.

- The content planned is responsive to teachers' assessed needs. (Gonzalez & Darling-Hammond, 1997; Kutner et al., 1997)
- The content planned reflects requirements in national and MDE's state program, content, and teacher standards. (American Federation of Teachers, 2002)

- The content planned reflects requirements in MDE's state and federal policy directives.

- The content of professional development, and the ways that it is delivered to and applied by practitioners, is shaped by data. (Fullan, 2007; Gonzalez & Darling-Hammond, 1997; Kutner et al., 1997; Smith et al., 2003)

- A team of practitioners (teachers, administrators, and professional developers) plans the content of professional development. (American Federation of Teachers, 2002; Corley, 2003; Fullan, 2007; Joyce & Showers, 2002; National Council of Teachers of English, 2006; Senge, 1990,; Smith & Rowley, 2005; Shulman & Shulman, 2004)

Part II. Implementing Professional Development

- The presentation of content reflects research on how students learn.

- The presentation of content accommodates different participant backgrounds, covering the breadth of topics needed by new practitioners and the depth of knowledge needed by more experienced practitioners. (American Federation of Teachers, 2002)

- The professional development program uses technology to support participants before, during, and after the professional development sessions. (Dede, 2006; National Center for ESL Literacy Education, 2003)

- Professional development sessions are not one-time but rather are followed up by ongoing opportunities for reflection and practice. (Fullan, 2007; Garet et al., 2001; Smith & Gillespie, 2007)

- Opportunities are provided to learn and apply content occur over time and are not confined to one-time activities. (Fullan, 2007; Garet et al., 2001; Smith & Gillespie, 2007)

- Opportunities include activities that help practitioners advance their own understanding of the subject matter presented. (Farrell, 2004; Garet, et al., 2001; Richards & Lockhart, 1996)

- Opportunities help practitioners connect content and materials presented with the real-world

situations in which they work. (Borg, 2006; Freeman & Johnson, 1998, 2004; National Center for ESL Literacy Education, 2003)

Part III. Evaluating Professional Development

- Evaluation activities document the inputs, outputs, and outcomes of the professional development activities. (Fullan, 2007; Guskey, 2002; National Council for Teachers of English, 2006)

- Evaluation activities are designed to document changes in teacher knowledge, skills, and practice* (received and constructed knowledge). (Fullan, 2007; Guskey, 2002)

- Evidence of change in practitioners' knowledge, skills, and practice is collected in a variety of ways and at different intervals in time. (Darling-Hammond, 2006; Garet et al., 2001)

Professional Development Context

The context in which professional development is carried out provides the basis of and support for professional development that is coherent, systematic, and sustainable. Professional development is carried out within larger national, state, and local contexts that include immigration trends, legal requirements, and education policies and regulations. These elements of the context, while significant, cannot always be controlled. At the same time, the aspects of the context that can be controlled consist of three broad areas.

System for Professional Development

The system may include

- the personnel and processes to guide and deliver professional development for teachers and administrators who work with English language learners,
- a mission and guiding principles,
- a person or team to manage professional development, and
- trainers and professional developers.

Shared Decision Making
- A team to analyze patterns in learner and practitioner data prioritize needs for professional development, systematically plan ways to address those needs, and work together to implement and evaluate plans.

Support for Professional Development System

- An ongoing fiscal commitment to providing professional development,
- Incentives for teachers and administrators to take part, and
- Working conditions that ensure opportunities for and access to professional development.

In addition, a professional development system needs effective leadership. It is critical for program administrators to be fully committed to the professional development effort. The evaluation of the professional development program should be implemented to improve the teaching of the content areas in grades K through 12.

APPENDIX A: FEDERAL STATE LAWS AND REGULATIONS

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 LEA, 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 because of language proficiency is discrimination of 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 LEAs to provide an equal educational opportunity for ELLs is investigated by OCR staffs 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, because 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, and
- 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 ELLs. Schools should not request any information related to United States residency, including, but not limited to, Social Security numbers, passports, and visas.

LEAs 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 ELLs, to help ELLs achieve academically, and to provide high quality professional development to LEAs 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 LEAs. While Title III does not mandate that all LEAs provide educational services for English language learners, it effectively establishes national policy by acknowledging the needs of ELLs and their families (P.L. 107-110, 2002).

APPENDIX B: WELCOMING ELLS TO THEIR NEW SCHOOL

Helping ELL Families to Feel Welcome

The first contact between incoming ELLs and the school is important in establishing an atmosphere of trust for ELLs and their families. Making ELLs 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.

ELLs 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. This section will address issues in welcoming and registering new ELLs.

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 ELLs 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.

Registering an ELL

When registering an ELLs, these steps should be followed:

1.   Welcome the family and put them at ease.

2.   Provide the parents with written information, including

- The appropriate educator's name,
- the names of other staff members who will be involved with the registration process,
- the name, address, and phone number of the school,
- the 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*), and educational history, to include

- when the student first enrolled in U.S. schools, and
- whether or not the student received ESL instruction.

4.   Work with parents on completing registration forms and inform them of other important issues:

- secure copies of any records, such as the student's transcripts and birth certificate, if available;
- explain which meals are available at the school and their cost, including free/reduced, attendance policies;
- explain immunization requirements;
- provide a school year calendar;
- explain the parent-teacher organization;
- explain parent-teacher conferences;
- provide a list of supplies needed for classes, including physical education classes and extracurricular activities (i.e., band or sports);
- explain tutorial services;
- provide a list of community resources; and
- provide information about adult English language classes and adult education classes (i.e., GED course) that are provided by the LEA or local community organizations.

5.   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.

6.   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 ESL teacher or tutor.

7.   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.

8.   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; and

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 <u>The Country Index</u> and <u>The Glossary of Foreign Educational Terms</u>. These resources are available from Frank Severy Publishing, 3951 Kutcher Drive, Anchorage, Alaska, 99516, (907) 345-5217.

Communicating with Non-Native English Speakers

Frequently the parents, the student, or someone they brought with them to help register the student will know some English and will understand someone better who

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

Those working with registration should 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, the school setting should consider the following:

- 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);
- standard information translated and available in the major languages represented in your LEA; and
- have simplified versions of information available for parents with some English skills.

Talking to Parents about Home Language Use

Administrators and teachers often ask whether they should prohibit ELLs from using their first language at school. Likewise, parents of ELLs 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. In addition, 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 ELLs 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 ELLs 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 ELLs 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. ELLs may find themselves unable to talk with their parents about their feelings, values, and ideas about life in the United States. Similarly, the parents of ELLs 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 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.

APPENDIX C: 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 ELLs. However, regardless of whether a first or second language is being learned, there are five (5) principles that apply. These principles follow

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

Brown (1973), Chomsky (1986), and Piaget (1970) have put forth key concepts and theories 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, moving at their own rate. In Crain (1980), Chomsky's position is 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, 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, there are four (4) key essential interactions 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 ELLs 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).

Overview of Second Language Acquisition Theory

An understanding and awareness of how a second language acquisition is attained can improve the ability of all teachers to serve the culturally and linguistically diverse students in their classrooms (Fillmore & Snow, 2002; Hamayan, 1990). While considerable professional development is essential to gain a full understanding of second-language acquisition theory, some fundamental concepts are promptly understood and applied in the classroom.

Current theories of second language acquisition are based on years of research in a wide variety of fields, including linguistics, psychology, sociology, anthropology, and neurolinguistics (Freeman & Freeman, 2001).

One concept supported by most current theorists is that of a continuum of learning—that is, predictable and sequential stages of language development, in which the learner progresses from limited or no knowledge of the new language to a level of competency closely similar to that of a native speaker. These theories have resulted in the identification of several distinct stages of second-language development. These stages are most often identified as follows:

Stage I: Silent/Receptive or Preproduction

This stage can last from ten (10) hours to six (6) months. Students often have up to 500 "receptive" words (words they can understand but may not be comfortable using) and can understand new words that are made comprehensible to them. This stage often involves a "silent period" during which students may not speak but can respond using a variety of strategies including pointing to an object, picture, or person; performing an act, such as standing up or closing a door; gesturing or nodding; or responding with a simple "yes" or "no." Teachers should not force students to speak until they are ready to do so.

ELLs 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 Stage are as follows:

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

Stage II: Early Production

The early production stage can last an additional six (6) months after the initial stage. Students have usually developed close to 1,000 receptive/active words (that is, words they are able to understand and use). During this stage students can usually speak in one- or two-word phrases and can demonstrate comprehension of new material by giving short answers to simple yes/no, either/or, or who/what/where questions.

During this stage, ELLs 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 stage, two or three words may be grouped together in short phrases to express an idea. Characteristics of students in the Early Production Stage are as follows:

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

Stages III: Speech Emergence Stage

This stage can last up to another year. Students have usually developed approximately 3,000 words and can use short phrases and simple sentences to communicate. Students begin to use dialogue, can ask simple questions, such as, "Can I go to the restroom?", and are able to answer simple questions. Students may produce longer sentences but often with grammatical errors that can interfere with their communication.

In this stage, ELLs 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. That neither the instructor nor the students make fun of or discourage ELL's attempts at speech is especially important. Characteristics of students in the Speech Emergence Stage are as follows:

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

Stage IV: Intermediate Fluency

Intermediate proficiency may take up to another year after speech emergence. Students have typically developed close to 6,000 words and are beginning to make complex statements, state opinions, ask for clarification, share their thoughts, and speak at greater length.

In this stage, 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 Stage are as follows:

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

Stage V: Advanced Fluency Stage

Gaining advanced proficiency in a second language can typically take from five (5) to seven (7) years. By this stage, students have developed some specialized content-area vocabulary and can participate fully in grade-level classroom activities if given occasional extra support. Students can speak English using grammar and vocabulary comparable to that of same-age native speakers. Understanding that students are going through a predictable and sequential series of developmental stages helps teachers predict and accept a student's current stage, while modifying their instruction to encourage progression to the next stage.

During this stage 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. Students in the Advanced Fluency State have the following characteristic:

- They can interact extensively with native English speakers.

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.

(The table on the next page provides examples of instructional strategies explicitly tied to language acquisition stages.)

A concept endorsed by most language acquisition theorists is Stephen Krashen's "comprehensible input" hypothesis, which suggests that learners acquire language by "intaking" and understanding language that is a "little beyond" their current level of competence (Krashen, 1981, p. 103). For instance, a preschool child already understands the phrase "Get your crayon." By slightly altering the phrase to "Get my crayons," the teacher can provide an appropriate linguistic and cognitive challenge— offering new information that builds off prior knowledge and is therefore comprehensible (Sowers, 2000). Providing consistent, comprehensible input requires a constant familiarity with the ability level of students in order to provide a level of "input" that is just beyond their current level.

Research by Merrill Swain and others has extended this concept to include "comprehensible output." According to several studies, providing learners with opportunities to use the language and skills they have acquired, at a level in which they are competent, is almost as important as giving students the appropriate level of input (Pica et al., 1989, 1996; Swain & Lapkin, 1995).

Krashen's Affective Filter Hypothesis is another concept that has found wide acceptance with both researchers and ESL instructors (Krashen, 1981; Krashen & Terrell, 1983). This theory suggests that an individual's emotions can directly interfere or assist in the learning of a new language. According to Krashen, learning a new language is different from learning other subjects because it requires public practice. Speaking out in a new language can result in anxiety, embarrassment, or anger. These negative emotions can create a kind of filter those blocks the learner's ability to process new or difficult words. Classrooms that are fully engaging, nonthreatening, and affirming of a child's native language and cultural heritage can have a direct effect on the student's ability to learn by increasing motivation and encouraging risk taking.

Examples of Instructional Strategies Linked to Second Language Acquisition Stages

The chart below is adapted from the Oregon Department of Education publication *The English Language Learners' Program Guide* (n.d.). Each of the five (5) stages of second language acquisition is linked to appropriate and specific instructional strategies.

Silent/Receptive Stage I (Entering)	Early Production Stage II (Beginning)	Speech Emergence Stage III (Developing)	Intermediate/ Advanced Proficiency Stages IV & V (Expanding/Bridging)
Use visual aids and gestures	Engage students in charades and linguistic guessing games	Conduct group discussions	Sponsor student panel discussions on the thematic topics*
Speaking slowly, emphasizing key words	Do role-playing activities	Use skits for dramatic interaction	Have students identify a social issue and defend their position*
Do not force oral production	Present open-ended sentences	Have student fill out forms and applications*	Promote critical analysis and evaluation of pertinent issues
Write key words on the board with students copying them as they are presented	Promote open dialogues	Assign writing compositions	Assign writing tasks that involve writing, rewriting, editing, critiquing written examples*
Use pictures and manipulatives to help illustrate concepts	Conduct student interviews with the guidelines written out	Have students write descriptions of visuals and props	Encourage critical interpretation of stories, legends, and poetry*

Use multimedia language role models	Use charts, tables, graphs, and other conceptual visuals	Use music, TV, and radio with class activities	Have students design questions, directions, and activities for others to follow
Use interactive dialogue journals	Use newspaper ads and other mainstream materials to encourage language interaction*	Show filmstrips and videos with cooperative groups scripting the visuals	Encourage appropriate story telling
Encourage choral readings	Encourage partner and trio readings	Encourage solo readings with interactive comprehension checks*	

It is important to structure activities that are both age and linguistically appropriate.

Another theory that has directly influenced classroom instruction is Jim Cummins' (1979) distinction between two (2) types of language: basic interpersonal communications skills (BICS) and cognitive academic language proficiency (CALP). Research has shown that the average student can develop conversational fluency within two (2) to five (5) years but that developing fluency in more technical, academic language can take from four (4) to seven (7) years depending on many variables such as language proficiency level, age and time of arrival at school, level of academic proficiency in the native language, and the degree of support for achieving academic proficiency (Cummins, 1981, 1996; Hakuta, Butler, & Witt, 2000; Thomas & Collier, 1997). Later, Cummins (1981) expanded this concept to include two (2) distinct types of communication, depending on the context in which it occurs:

- Context-embedded communication provides several communicative supports to the listener or reader, such as objects, gestures, or vocal inflections, which help make the information comprehensible. Examples are a one-to-one social conversation with physical gestures or storytelling activities that include visual props.

- Context-reduced communication provides fewer communicative clues to support understanding. Examples are a phone conversation, which provides no visual clues, or a note left on a refrigerator.

Similarly, Cummins distinguished between the different cognitive demands that communication can place on the learner:

- Cognitively undemanding communication requires a minimal amount of abstract or critical thinking. Examples are a conversation on the playground, or simple yes/no questions in the classroom.

- Cognitively demanding communication requires a learner to analyze and synthesize information quickly and contains abstract or specialized concepts. Examples are

academic content lessons, such as a social studies lecture, a math lesson, or a multiple-choice test.

Understanding these theories can help teachers develop appropriate instructional strategies and assessments that guide students along a continuum of language development from cognitively undemanding, context-embedded curricula to cognitively demanding, context-reduced curricula (Robson, 1995).

A basic knowledge of language acquisition theories is extremely useful for mainstream classroom teachers and directly influences their ability to provide appropriate content-area instruction to ELLs. It is especially important in those schools or districts where limited resources result in little or no instructional support in a student's native language. In these "sink-or-swim" situations, a well-trained mainstream teacher with a clear understanding of first and second language acquisition and ESL strategies can make all the difference.

General Principles for Teaching ELLs

Language acquisition theories have highlighted four (4) key principles that can be directly applied to the mainstream classroom. These principles are important for all students but are of particular importance to English language learners (Jameson, 1998).

- **Increase Comprehensibility**: Drawing from Krashen's theory of comprehensible input, this principle involves the ways in which teachers can make content more understandable to their students. With early to intermediate language learners, these include providing many nonverbal clues such as pictures, objects, demonstrations, gestures, and intonation cues. As competency develops, other strategies include building from language that is already understood, using graphic organizers, hands-on learning opportunities, and introducing cooperative or peer tutoring techniques.

- **Increase Interaction**: Drawing from Swain's emphasis on comprehensible output, a number of strategies have been developed that increase students' opportunities to use their language skills in direct communication and for "negotiating meaning" in real-life situations. These include cooperative learning, study buddies, project-based learning, and one-to-one teacher/student interactions.

- **Increase Thinking/Study Skills**: Drawing from Cummins's theories of academic language and cognitively demanding communication, these strategies suggest ways to develop more advanced, higher order thinking skills as a student's competency increases. Chamot and O'Malley (1994) developed the Cognitive Academic Language Learning Approach (CALLA) mentioned above to bridge the gap between Cummins' theories and actual classroom strategies. These include asking students higher order thinking questions (e.g., what would happen if…?), modeling "thinking language" by thinking aloud, explicitly teaching and reinforcing study skills and test-taking skills, and holding high expectations for all students.

- **Use a student's native language to increase comprehensibility**: Drawing from several different theories, including Krashen and Cummins, this principle also draws on a wealth of current research that has shown the advantage of incorporating a student's native language into instruction (Berman, Minicucci, McLaughlin, Nelson, & Woodworth, 1995; Lucas and Katz, 1994; Pease-Alvarez, Garcia & Espinosa, 1991; Thomas &

Collier 1997). Thomas and Collier, for example, in their study of school effectiveness for language minority students, note that first-language support "explains the most variance in student achievement and is the most powerful influence on [ELL] students' long term academic success" (p. 64). As mentioned in our section on instructional methods and models, using a student's native language as a support can be seen either as a general method or as any of a number of specific strategies. Many of the strategies we list below include, implicitly or explicitly, the use of a student's native language to increase his or her understanding.

A Sampling of Teaching Strategies

Below we list some strategies and approaches that numerous evidence-based sources suggest may be beneficial for students learning English as a second language. We advise the reader, however, that researchers have not found conclusive evidence that individual strategies will lead to higher student achievement or increased English proficiency. Although evidence-based research exists, methods of collecting the evidence vary. Much of the current research is based on surveys, case studies, correlation studies, and a few control-group studies. In educational settings, conducting random assignment studies has been difficult, if not impossible.

With little conclusive evidence to go by, the research does suggest that some approaches may be more fruitful than others (August & Hakuta, 1997; Berman, et al.; Costantino, 1999; Derrick-Mescua, Grognet, Rodriquez, Tran, & Wrigley, 1998; Thomas & Collier, 2002, 1997; Wrigley, 2001). These strategies are rarely used in isolation, and some are more appropriate for certain age levels or language proficiency stages. This list is by no means comprehensive or exclusive. Our purpose in sharing this list is to give mainstream teachers a starting point for incorporating strategies to use with their English language learners.

For more information on implementing these strategies in the classroom and the research-base of the effectiveness of the strategies, consult the resources listed in the Resources and References sections.

- **Total Physical Response (TPR)**: Developed by James J. Asher in the 1960s, TPR is a language-learning tool based on the relationship between languages and its physical representation or execution. TPR emphasizes the use of physical activity to increase meaningful learning opportunities and language retention. A TPR lesson involves a detailed series of consecutive actions accompanied by a series of commands or instructions given by the teacher. Students respond by listening and performing the appropriate actions (Asher, 2000). Asher emphasizes that TPR can be the major focus of a language program or an extremely effective supplement but that in order for it to be truly effective, training should include "a special course along with hands-on experience monitored by a senior instructor who is also skilled in the intricate applications of TPR" (par. 11). *(For a detailed review of the research validating this approach, as well as sample lesson plans and examples of how to use it in the classroom, see Asher, 2000.)*

- **Cooperative Learning**: Robert E. Slavin (1995) has shown cooperative learning can be effective for students' at all academic levels and learning styles. Other research indicates that cooperative learning can be an "effective vehicle for learning content and learning in a second language" (Calderon, 2001; Cohen, Lotan, Scarloss, & Arellano, 1999; McGroarty, 1989, as cited in Calderon, 2001, p. 280). Cooperative learning involves student participation in small-group learning activities that promote positive interactions. As Cochran (1989) notes, "Cooperative learning makes sense for teachers

who have LEP pupils in their classes because all students are given frequent opportunities to speak and because a spirit of cooperation and friendship is fostered among classmates." Through a shared learning activity, students benefit from observing learning strategies used by their peers. ELLs can benefit from face-to-face verbal interactions, which promote communication that is natural and meaningful (Johnson, Johnson, & Holubec, 1994; Kagan, 1994). Calderon suggests that "cooperative learning is effective when students have an interesting well-structured task such as a set of discussion questions around a story they just read, producing a cognitive map of the story, or inventing a puppet show to highlight character traits" (2001, p. 280).

- **Language Experience Approach** (also known as Dictated Stories): This approach uses students' words to create a text that becomes material for a reading lesson (Carrasquillo & Rodriguez, 2002). Students describe orally a personal experience to a teacher or peer. The teacher or another student writes down the story, using the student's words verbatim. The teacher/student then reads the story back as it was written, while the student follows along. Then the student reads the story aloud or silently. Other follow-up activities can be done with this approach. In this way, students learn how their language is encoded as they watch it written down, building sight-word knowledge and fluency as they use their own familiar language. This approach allows students to bring their personal experiences into the classroom—especially important for culturally diverse students (Peterson, Caverly, Nicholson, O'Neal, & Cusenbary, 2000).

- **Dialogue Journals** (also known as Interactive Journals): This approach is a way for teachers to engage students in writing. Students write in a journal, and the teacher writes back regularly, responding to questions, asking questions, making comments, or introducing new topics. Here the teacher does not evaluate what is written but rather models correct language and provide a nonthreatening opportunity for ELLs to communicate in writing with someone proficient in English and receive some feedback (Peyton, 2000; Reid, 1997). Reid's literature review and her action research project show dialogue journaling with a teacher to be beneficial in improving spelling and fluency.

- **Academic Language Scaffolding**: The term "scaffolding" is used to describe the step-by-step process of building students' ability to complete tasks on their own (Gibbons, 2002). Academic language scaffolding draws on Cummins' research into Cognitive Academic Language Proficiency that we described above (Chamot & O'Malley, 1994; Cummins, 1981). Scaffolding actually consists of several linked strategies, including modeling academic language; contextualizing academic language using visuals, gestures, and demonstrations; and using hands-on learning activities that involve academic language. These strategies are a central part of sheltered instruction methods, but can be used in any classroom context. *(See Gibbons [2002] for specific scaffolding strategies.)*

- **Native Language Support**: Whenever possible, ELLs should be provided with academic support in their native language (Thomas & Collier, 2002). This can be achieved in English-only classrooms, where an instructor is not fluent in a student's language using a number of options. According to Lucas and Katz (1994), a student's native language serves several important functions: it gives students "access to academic content, to classroom activities, and to their own knowledge and experience" (paragraph 5). In addition, they found that it also "gave teachers a way to show their

respect and value for students' languages and cultures; acted as a medium for social interaction and establishment of rapport; fostered family involvement, and fostered students' development of, knowledge of, and pride in their native languages and cultures" (paragraph 24).

Teachers can use texts that are bilingual or that involve the students' native culture, can decorate the classroom with posters and objects that reflect the students' diversity of language and culture, can organize entire lessons around cultural content, and can encourage students to use words from their native language when they cannot find the appropriate word in English (Freeman & Freeman, 2001).

- **Accessing Prior Knowledge**: As mentioned in the previous strategy, using a student's native language can be an important way to access his or her previous knowledge (Marzano, Gaddy, & Dean, 2000). All students, regardless of their proficiency in English, come to school with a valuable background of experience and knowledge on which teachers can capitalize. One example when teaching a new concept is to ask students what they already know about a subject. Creating a visual, such as "semantic webs," with the topic in the center and students' knowledge surrounding it, is a good way to engage students in the topic and to find out what they already know. Another simple technique is to ask them what they want to learn about a topic. As Savaria-Shore and Garcia (1995) note: "Students are more likely to be interested in researching a topic when they begin with their own real questions" (p. 55). This is another example of a strategy that works equally well with native English speakers and English language learners.

- **Culture Studies**: The importance of including a student's home culture in the classroom is a well-documented, fundamental concept in the instruction of English language learners (Doherty, Hilberg, Pinal, & Tharp, 2003). Culture study, in this context, is a project in which students do research and share information about their own cultural history. This often involves interviewing parents and/or grandparents as well as others who share the student's cultural background. Culture studies can be appropriate at any grade level and can incorporate many skills, including reading, writing, speaking, giving presentations, and creating visuals. Culture studies can be combined with other strategies such as project-based learning, cooperative learning, and assessing a student's prior knowledge.   They can also be effective as part of an alternative assessment process (Freeman & Freeman, 1994).

- **Other strategies for including culture**: As many researchers and practitioners have noted, incorporating culture into the classroom should be about more than holidays and food. There are many strategies teachers can use to encourage an awareness of student diversity. Story telling is one important strategy that can be used across grade levels. Asking students to tell a story that is either popular in their home country or draws on their own experience and allowing them to tell it both in their native language and in English can help build their confidence and can send a powerful message of cross-cultural appreciation. A similar strategy, and one that is not limited to elementary school, is Show & Tell. Inviting students to bring an object that represents their home culture and to tell the class about its uses, where it is from, how it is made, etc., sends a similar message of inclusiveness and awareness. A third strategy for working culture into the classroom is known as Misunderstandings. Teachers can ask students to share an incident they have experienced that involved a cultural misunderstanding. Questions can be asked about the nature of the misunderstanding—whether it involved words,

body language, social customs, stereotypes, or any number of other factors. Students can examine the misunderstandings and gain insight into the complexities and importance of cross-cultural awareness. The humor that is often involved can also help engage students in further culture-based inquiry (Derrick-Mescua, et al., 1998).

- **Realia Strategies**: "Realia" is a term for any real, concrete object used in the classroom to create connections with vocabulary words, stimulate conversation, and build background knowledge. Realia gives students the opportunity to use all of their senses to learn about a given subject and is appropriate for any grade or skill level. Teachers can defray costs by collaborating on a school wide collection of realia that all can use. When the real object is not available or is impractical, teachers can use models or semi-concrete objects, such as photographs, illustrations, and artwork. The use of realia can also be an ideal way to incorporate cultural content into a lesson. For example, eating utensils and kitchen appliances (chopsticks, a tortilla press, a tea set, and a wok) can build vocabulary and increase comprehension while also providing insight into different cultures. Studying clothing items from different cultures is another good example (Herrell, 2000).

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*It is important to structure activities that are both age and linguistically appropriate.

Many questions regarding best practices for teaching English language learners remain, and additional research will be critical to determine the answers. The good news is that much work has already been done and many success stories already exist. It is possible to deliver meaningful, engaging, grade-level content to all students while supporting the language development needs of ELLs. Mainstream teachers who are committed to meeting this challenge are not alone in their endeavor—there is a wealth of research and practitioner knowledge at their disposal.

We recognize that professional development is a significant issue for mainstream teachers who are attempting to implement new instructional strategies. Schools and districts must provide teachers with resources, training, and support in order to take new strategies beyond the surface level and truly transform their instruction. Ideally, teachers do not work in isolation, but are a seamless part of a school- and district-wide effort to meet the needs of diverse learners. In this publication, we provide background knowledge, researched-based strategies, and real-world classroom experiences that can serve as a starting point for mainstream teachers who are truly motivated to leave no child behind.

APPENDIX D: LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM MODELS

The fastest growing segment of our nation's school age population is students with limited English proficiency. These English language learners (ELLs) currently receive a variety of instructional programs including dual language; transitional and/or some amount of native language support; English as a Second Language; or sheltered instructional approaches.

English as a Second Language (ESL) is, almost without exception, a component of every program that serves ELLs in the U.S. In fact, ESL is often the only special program that ELLs receive. In LEAs 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 ELLs often have self-contained classes (usually grades K-2). The class consists entirely of ELLs and is 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 (NCELA), ELLs 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 LEA 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 ELLs:

Bilingual Education Program
An educational 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 LEAs, 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 ELLs 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, 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 LEAs or in districts with unusually large numbers of ELLs, newcomer programs provide ELLs with intensive ESL instruction and an introduction to U.S. cultural and educational practices. ELLs 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

Students who are all speakers of the same primary language are schooled in two languages in this bilingual program. 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. In addition, 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 ELLs. 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 ELLs 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 ELLs, 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 ELLs 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. This type of program does NOT meet

the needs of ELLs. Districts will not be in compliance if this is the type of program being offered. This method of sink-or-swim offers no support, scaffolding, accommodations, etc. to facilitate the acquisition of English.

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'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
The goal of this model, often referred to as a dual language program, 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.

Instructional programs for English language learners (ELLs) fall under two main categories -- bilingual education or English as a second language (ESL) -- based on the language(s) used to provide instruction. In bilingual education programs, content instruction is provided through both English and the students' native language while the students develop English proficiency. In ESL programs, all instruction is provided through English. All bilingual education programs include an ESL component.

In practice, schools and districts throughout the nation vary widely in their implementation of program models for ELLs; they typically use a combination of instructional models that include some elements of bilingual education and ESL. The following table illustrates the characteristics of common program models implemented in United States schools.

Characteristics of the Major Program Models for ELLs

Linguistic Goal of Program	Typical Program Names	Native Language(s) of Students	Language(s) of Instruction	Language of Content Instruction	Language Arts Instruction
Focus on developing literacy in two languages: Bilingualism	Two-way Bilingual Education Bilingual Immersion Dual Language Immersion[2] Two-way Immersion Developmental Bilingual Education Late-exit Maintenance Education Heritage language Indigenous language program	Ideally, 50% English-speaking and 50% LEP students who share the same native language[1]	Both English & LEP students' native language (NL), usually throughout elementary school	English & NL; typically begins with less English and moves to 50% of curriculum in each language	English & native language
		All students speak same native language	Both English & students' native language	English & NL; more NL at lower grade levels, transitioning to all English	English & native language[3]
		All students speak same native language[4]	Both English & students' native language	English & native language	English & native language
Focus on English acquisition; rapid transfer to English-only classrooms	Early-exit Transitional bilingual education	All students speak same native language	Both English & students' native language	First, both languages, with quick progression to all or most instruction through English	English; native language skills developed only to assist in transition to English
Focus on developing literacy in English	Sheltered English Specially Designed Academic Instruction in English (SDAIE) Content-based English as a Second language (ESL) Sheltered Instructional Observation Protocol (SIOP)	Students can share the same NL or be from different language & cultural backgrounds	English adapted to students' proficiency level, & supplemented by gestures, visual aids, manipulatives, etc.	English	English
	Structured English Immersion (SEI) English language development (ELD)	Only ELL students in class, preferably from 1 NL	All instruction in English, adapted to students' proficiency levels	English, but teachers should have receptive skills in students' NL	English
	ESL Pull-out	Students can share the same NL or be from different language backgrounds; generally no support for NL	English	English adapted to students' proficiency level & supplemented by gestures & visual aids	English; students leave their English-only classroom to spend part of the day receiving ESL instruction often focused on grammar, vocabulary, & communication skills (no content)[5]
	ESL Push-in	Students can share the same NL or be from different language backgrounds	English; students are served in mainstream classroom	English; ESL teacher or instructional aide provides clarification, translation if needed	English

Provided by USDOE

APPENDIX E: GUIDING PRINCIPLES FOR ACCOMMODATIONS

To the extent possible, and when appropriate, ELLs 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. 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 (ELL Accommodation Chart). If a student is provided accommodations during instruction and classroom assessments 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 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 because the student is an English language learner*. That ELLs may tend to need the same or similar kinds of accommodations, 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 is 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 doing so is not feasible.

   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 LEA 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 may require a setting accommodation.

k. *Provide practice opportunities for the student.* Many standardized test formats are very different from teacher-made tests and this difference may pose problems for students. Most tests have sample tests or practice versions. While reviewing the actual test with the student is prohibited and unlawful, 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.

2.   Students whom exit with a regular high school diploma will must pass the four subject area test 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 Accommodation Chart. The student's teacher   must   sign and date each form. Each teacher should complete a form. These   forms   are   to   be maintained on file in the district.

2.   Documentation of accommodation decisions 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 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. Each district should have a process for documenting decisions regarding ELLs.

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.

GLOSSARY
Common Acronyms

ACCESS	Assessing Comprehension and Communication in English State-to-State
AMAO	Annual Measurable Achievement Objectives
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
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
LEA	Local Education Agency; school district
LEP	Limited English Proficient
MCT2	Mississippi Curriculum Test, Second Edition
MDE	Mississippi Department of Education
MPI	Model Performance Indicators
NCELA	National Clearinghouse for English Language Acquisition
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
RTI	Response to Intervention
SEA	State Education Agency
SET	Student Evaluation Team
TPR	Total Physical Response
USDOE	United States Department of Education
W-APT	WIDA ACCESS Placement Test
WIDA	World Class Instructional Design and Assessments

Common Terms

Academic language proficiency- the use of language in acquiring academic content in formal schooling contexts, including specialized or technical language and discourse related to each content area

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.

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.

Annual Measureable Achievement Objectives (AMAOs): Mandated by *No Child Left Behind*, Title III to demonstrate student progress in acquiring the English language. Language progress is measured and reported to the federal government. Districts not making appropriate progress are subject to sanctions.

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

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.

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).

CAN DO Descriptors- general performance indicators that describe typical behaviors of ELLs in each language domain at each level of English language proficiency

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 ELLs: (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 LEA 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.

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 as a Second Language (ESL): An educational approach in which ELLs 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.
English Language Learner: An active learner of the English language who may benefit from various types of language support programs. This term is used mainly in the U.S. to describe K-12 students.

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.

Home Language Survey (HLS): Form completed by parents/guardians that gives information about a student's language background. Must be kept in the student's cumulative folder.

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.

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 ELLs. Core content courses delivered through a sheltered approach are also appropriate interventions for ELLs.

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 aquire 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 domains- the four main subdivisions of language: listening, speaking, reading and writing

Linguistic complexity- the amount and quality of speech or writing for a given situation

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 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 v. Nichols***:** Class action suit brought by parents of non-English-proficient Chinese students against the San Francisco Unified LEA. 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)]

Levels of English language proficiency- the arbitrary division of the second language acquisition continuum into stages of language development; the WIDA ELP Standards have 6 levels of language proficiency: 1- Entering, 2- Beginning, 3- Developing, 4- Expanding, 5- Bridging and 6- Reaching

Limited English Proficient (LEP): employed by the U.S. Department of Education to refer to ELLs who lack sufficient mastery of English to meet state standards and excel in an English-language classroom. Increasingly, English Language Learner (ELL) is used to describe this population, because it highlights learning, rather than suggesting that non-native-English-speaking students are deficient.

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

Maintenance Bilingual Education 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 LEA'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 LEA, 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 LEA 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.

Model Performance Indicators (MPIs): The term "model performance indicator" (MPI) refers to a single cell within the standards' matrices that describes a specific level of English language proficiency for a particular language domain (listening, speaking, reading, writing).

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.

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.

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.

Phase or Stage: Periods of language development that area 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.

Realia- real-life objects used for supporting language development
Response to Intervention (RTI): Response to Intervention (RtI) is a system used at each school to screen, assess, identify, plan for, and provide interventions to any student at risk of school failure due to academic or behavior needs.

Scaffolding- building on already acquired skills and knowledge from level to level of language proficiency based on increased linguistic complexity, vocabulary usage and language control through the use of supports

Segment: Another word for an instructional period. For ESL 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 ELLs.

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.

Sheltered/Structured English Immersion Teacher: Is a teacher who has received a minimum of 32 hours of SIOP® training in instructional strategies for English language learners. On site coaching and consulting is also provided as a part of ongoing professional development support.

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.

Teacher Support Team (TST): A problem-solving unit responsible for interventions developed at Tier 3 of RTI. It is a requirement that every school have a Teacher Support Team and that the team be implemented in accordance with the process developed by the Mississippi Department of Education.

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 ELLs 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 ELLs, 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 ELLs 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.

W-APT: Stands for the WIDA-ACCESS Placement Test. This assessment tool known as the "screener", is used by educators to measure the English language proficiency of students who have recently arrived in the U.S. or in a particular district. It can help to determine whether or not a child is in need of English language instructional services, and if so, at what level.

WIDA (World-Class Instructional Design and Assessment): Is a test of English language proficiency in listening, speaking, reading, and writing. This particular test was adopted by the MDE (Fall 2008) as the English language proficiency test which is to be used across the state to assess the English language proficiency for all national origin minority students in the state.

WIDA ACCESS for ELLs®: It is a large scale test that first and foremost addresses the English language development standards that form the core of the WIDA Consortium's approach to instruction and testing English language learners. These standards incorporate a set of model performance indicators (MPIs) that describe the expectations educators have of ELLs at four different grade level clusters and in five different content areas.

WIDA ELP Standards: There are five WIDA English language proficiency (ELP) standards, which appear in two frameworks, Summative and Formative. The five (5) ELP Standards are identical for both frameworks. They reflect the social and academic language expectations of ELLs in grades PreK-12 attending schools in the United States. Each ELP standard addresses a specific content for language acquisition (Social and Instructional settings as well as Language Arts, Mathematics, Science, and Social Studies) and is divided into five clusters: PreK-K, 1-2, 3-5, 6-8, and 9-12.

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