

Hazlehurst City School District

Office of Federal Programs Procedures Manuel

For English Learners, Migrant Students, and Immigrant Students



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Policies and Procedures for English Learners (EL); Immigrant Children and Youth; and Migrant Children and Youth

Purpose and Goal of English Learner (EL) Program

The purpose and goal of the Hazlehurst City School District's English Learner (EL) Program is to provide services that will support limited English proficient students to become knowledgeable in the four main domains of the English language: listening, speaking, reading, and writing (as well as comprehension) that will allow ELs to successfully participate and achieve academic success into their mainstream English-only classes, state board approved subject area test for graduation, and later into an international community.

English Learner (EL)

According to *Every Student Succeeds Act (ESSA) of 2015*, an English Learner (EL) may be defined as an individual:

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

Enrollment Policy

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 local educational agency (LEA), regardless of the children's or their parents' or guardian's actual or perceived citizenship or immigration status.

When enrolling students, LEAs may not request information from students or their parents or guardians in order to deny access to public schools on the basis of race, color, or national origin.

While an LEA may require students or their parents to provide proof of age, an LEA may not bar a student from enrolling because he or she lacks a birth certificate, has records that indicate a foreign place of birth, or lacks a social security number. Students without a social security number will be provided a number generated from SAMs (that same number can be used when applying for a free breakfast/lunch program). Social security cards are NOT necessary to enroll in or attend school or needed when completing a school breakfast/lunch form.

If an LEA requests a student's social security number, it must: 1) inform the family that providing it is voluntary and refusal will not bar the child from enrolling in or attending school, and 2) explain for what purpose the number will be used.

If the student's immunization records are not readily available upon enrollment, the dates of immunization may be obtained from the child's previous school. If a student is new to the country and is unfamiliar with the immunization process, the student will need to begin the immunization process at the local public health department or nearest clinic. Students without proper immunizations will be enrolled in school and given a grade period of thirty (30) days in which to receive their immunization and provide the school with documentation. Information on immunization and the local health department can be obtained from your child's school.

LEAs should review the list of documents they require for enrollment to ensure they do not unlawfully bar or discourage students from enrolling in or attending school. More information about the rights of all children to enroll in school is available in the [Dear Colleague Letter on School Enrollment Procedures](#) from the U.S. Departments of Education and Justice.

Registration Guidelines

1. Completely all school registration forms* during the registration period.
2. Provide proof of age – original birth certificate, valid passport, or other official documentation listing date and place of birth. Other documentation of birth date MUST be accepted in the absence of a valid birth certificate.
3. Home Language Survey (HLS) – form must be completed during the registration process for all students registering for grades K-12. HLS are to be placed in the student's cumulative record and must be available for future reference.

4. Proofs of residency – a list of approved proofs of residency can be obtained from the school, as this list may change.
5. If your child is transferring from another district, in or out of the state, please provide any and all documents from the previous school to assist with registering your child. If you do not have any documentation, please provide the name, phone number, and address of the previous school.

*If possible, information for registration will be provided in the native language. If a translator is needed and available, one will be provided.

Home Language Survey

A Home Language Survey (HLS) must be completed for each student registering for enrollment in a school in Mississippi. It must be given and completed by all new entering students and placed in the student's permanent record. The HLS is the first tool used in identifying potential English Learners (ELs).

When developing a HLS, it is recommended by the U.S. Department of Education to include the following questions to be in compliance with federal law:

- Is a language other than English spoken at home?
- Is your child's first language a language other than English?
- What language did your child learn when he/she first began to speak?
- What language does your child most frequently speak at home?

If any response on the HLS reveals the use of a language other than English by the student or an individual in the home, then additional assessment must be conducted to determine the student's English language proficiency level. However, the presence of a language other than English does not automatically signify that the student is not a competent and proficient speaker of English. HLS are to be placed in the student's cumulative record and must be available for future reference.

Grade Level Placement

ELs should be placed at their age-appropriate grade level. Some situations may allow for exceptions. For example, if a student is less than seven years old and has not previously attended any school, it is often best to place the student in kindergarten. Grade level placement should be a case-by-case basis, using information available such as previous school records (if available) and personal history.

Placement of Newly Arrived Secondary ELs & Transferring of Foreign Credits

When a student enrolls in U.S. schools for the first time at the secondary level, careful consideration must be given to the student's course schedule to ensure

the student has access to a high school diploma. To ensure ELs have access to the foundational skills needed to be successful in high school and ensure that they graduate from high school ready for college and career, school districts must place students in academic courses sequentially. Students must be given an opportunity to take all courses needed for graduation. Students must take the required Mississippi Subject Area state assessments at the time they are enrolled in the corresponding courses, and they cannot skip courses to avoid the Mississippi Subject Area state assessments. For example, English I, II, III and IV must be offered, scheduled and taught in sequential order. While courses cannot be scheduled or taken out of sequence, simultaneous enrollment is acceptable in situations where a student failed a course and needs to simultaneously enroll in two courses to graduate on time. For example, if a student fails English III, they can take English III and English IV their senior year in order to graduate on time.

At the high school level, credits should be awarded based on transcripts provided by the students/parents, even if the coursework was taken in another country. If transcripts are in a language other than English, translations should be sought so that credits can be awarded. Students should not be required to repeat content classes they had in their native language just because of their lack of English skills. All efforts should be made to review previous school records and transcripts to evaluate and award transfer credits.

Procedures:

Step One: Identification

Parents or guardians must complete the Home Language Survey (HLS) during the registration process. The law requires LEAs to ask questions about a student's language background on HLS. The answer to these questions will determine if a student's proficiency in English should be evaluated and if program and services will be offered.

If any response on the HLS reveals the use of a language other than English by the student or an individual in the home, the student is referred to the EL teacher for further assessment.

Step Two: Assessment

Any student whose HLS indicates the need for an initial placement test must be administered within thirty (30) days of enrollment at the beginning of the school year. Students who register after the beginning of the school year must be assessed within ten (10) school days of enrollment.

The state board approved test will be administered to determine a student's level of English proficiency and to determine the student's eligibility for placement within the district's English language development program. The

students are assessed in all four domains of language development: listening, speaking, reading, and writing (and comprehension), to ensure the student's language needs are identified properly and addressed through the district's EL program.

Students who have previously taken the state board approved placement test or have taken the annual state-adopted English Language Proficiency Test (ELPT) do not need to be rescreened. If a student transfers from another state that does not utilize the same test as Mississippi, the student will need to be screened with the state board approved state for Mississippi.

Teachers administering and scoring the placement test MUST be certified AND have received some level of training. The LEA test security plan must describe who will administer and score the test, and what training is required to ensure valid and reliable results. The student's placement assessment information must be placed in the student's cumulative folder.

Even if a parent or guardian desires to decline testing, testing is still required by law.

Step Three: Parent Notification and Placement

Prior to a child's recommended placement in the district's EL program, the district must notify the parent or guardian in writing within 30 days of the start of the school year or within ten (10) school days of enrollment.

Parents or guardians are not required to respond to the notification for the student to participate in the district's EL program. If possible, the parent or guardian is notified in the parent's or guardian's native language. The notification should include the reason for the identification, student's level of English proficiency, the method of instruction, specific exit criteria, and information pertaining to the parent's or guardian's and child's rights.

Parents or guardians do have the right to waive EL services and decline any services provided; however, the student will remain in the EL program until the student meets the state approved exit criteria, regardless of the parent or guardian's refusal of services. This means the student whose parent or guardian waived services will still take the annual ELPT, just like the EL students who do receive services, until it is determined the student no longer qualifies as an EL by meeting the state approved exit criteria. Afterwards, the student will be monitored for at least four (4) years, just as it would any student who had received EL services. Further, The Local Educational Agency (LEA) cannot recommend that a parent or guardian opt a child out of the EL program or other services for any reason.

The parent or guardian must write a letter to opt the student out of the EL program. The waiver letter is good until the student test out of the program; therefore, only one waiver letter is needed.

If the district finds the student is struggling, appropriate steps must be taken. These steps should include reassessing the student's English Language Proficiency (ELP) using the screener; notifying the student's parent or guardian about the student's lack of progress, and encouraging the parent or guardian to opt the child into the EL program and other services; and providing supports for the student's language acquisition, such as presenting professional development (PD) in second language acquisition to the student's core curriculum teachers.

Step Four: Student Assessment

EL students receiving services and those who have waived services but have not met the exit criteria will be evaluated annually with the state board approved ELPT in the domains of listening, reading, writing, and speaking (and comprehension) during the designed time specified by the Mississippi Department of Education (MDE).

Step Five: Exiting and Monitoring

EL students are required to score proficient on the state board approved ELPT to officially exit the EL program/EL status. Students who are eligible to exit due to scoring proficient on the ELPT will be placed on monitoring status for the next four years. After four consecutive years of successful academic progress, students will be removed from the program and taken off the EL roster.

Monitoring will be conducted and documented every 9 weeks with a SET team reviewing monitored student's grades, assessments, benchmarks, and other related data. If an EL is not progressing as expected academically and monitoring suggests a persistent language need, the student will be re-evaluated using the state board approved initial placement test to determine if the student needs additional language services. In no case should re-evaluating an exited student's English language proficiency be prohibited. If the student re-enters the EL program based on the results of the initial placement test, the district is required to document the reason(s), as well as obtain the parent's consent for reentry.

ESSA requires states to have uniform exit criteria. All students including students with disabilities will no longer meet the definition of an EL when they meet the state's definition of "proficient" in English.

Student Evaluation Team

The Student Evaluation Team (SET) is a school team responsible for guiding and monitoring the placement, services, and assessment of EL students. The SET is minimally comprised of the student's teacher(s), school counselor, school administrator(s), EL teacher, and the child's parent/guardian, if needed. Other members may include school psychologist, speech pathologist, SPED teacher, and/or behavioral specialist. SET should meet quarterly to evaluate progress.

Language Service Plan

MDE requires all EL students to have a Language Service Plan (LSP). It is to be updated annually until the student exits the EL Program. The LSP must contain the following information: 1). student's demographic information; 2). date of first enrollment in a U.S. school; 3). yearly ELPT scores; 4). classroom accommodations; 5). state testing accommodations; and 6). signatures of SET members.

The Student Evaluation Team (SET) must meet to develop the LSP at the beginning of each academic school year. This team must be composed of general education teachers, special education teachers (if appropriate), EL teachers, administrators, counselors, and parents or guardians. The team will meet quarterly to evaluate the student's progress and make necessary adjustments, such as changes and/or adjustments to the accommodations and/or modifications for classroom instruction; accommodations for state test; changes and/or adjustments in the EL's instructional services; any additional classroom strategies that may be needed; and etc.

All faculty and staff who interact with and provide instruction to the EL student must be provided with a copy of the LSP in a timely manner. The LSP should also be filed in the student's cumulative folder.

Grading/Retention

Per MDE, it is a violation of a student's Civil Rights to retain an EL due to limited language proficiency during the initial stages of language acquisition. EL students will not be allowed to fail a course where the language barrier is the primary cause for the impending retention. Safety nets offered by the district will be utilized with EL students: Teacher Support Team (TST), tutorial, intervention, Computer Assisted Instruction (CAI), and any other safety nets provided by the district.

Students receiving language supports and accommodations should have this information notated on their report cards and all participants (teachers – general education, special education, gifted teachers; counselors; administrators, etc. must be informed. Parents and/or guardians of EL students

must have a clear understanding of their child(ren) genuine academic performance in English language proficiency.

EL students will be graded using the district's and MDE's guidelines.

Other Services

EL students will not be denied access to other programs offered by the district due to language proficiency. ELs who meet criteria may qualify for an assortment of other specialized programs, including gifted education, advance placement courses, dual credit and other advanced courses, MTSS, special education services, migrant and immigrant programs, and services for homeless students.

Gifted, Advanced Placement, Dual Credit, and Other Advanced Courses

EL students may have extraordinary learning or performance abilities that have nothing to do with language proficiency. The procedure for identifying students must be bias-free and culturally equitable as possible, while also being consistent with the requirements set for other gifted students. Generally speaking, assessments used in identification for gifted must be administered in the language that gives the student the greatest opportunity for demonstrating extraordinary capability. Assessment of a student's linguistic ability must be done in a language in which the student is most comfortable.

Students identified as gifted must continue receiving EL services until they qualify for exiting EL status.

EL students taking advanced placement, dual credit, and other advance courses must continue to receive language supports to aid them in accessing academic content, just as they would if they were in other less accelerated academic courses.

Guidelines for EL Students with Disabilities

Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) addresses the rights of students with disabilities in school and other education settings.

When a student is struggling to master specific skills, it is important for the teacher to accommodate the instructional strategies and pace of instruction for the student. If a student continues to demonstrate difficulty after consistent language accommodations and instructional interventions have been attempted over a reasonable amount of time and interventions from Tier 1 and Tier 2 have not resolved the issue, the student should be referred to SET along with the Teacher Support Team (TST). Remember, an EL student cannot be referred to the TST if language is the barrier to achievement.

If an EL is suspected of having one or more disabilities, the district must assess the EL student immediately to determine if the EL has a disability or disabilities and needs disabilities-related services or not. Disability evaluations may not be delayed because of the student's limited English language proficiency or the student's participation in the EL program.

The district must ensure that a student's special education evaluation is provided and administered in the student's dominant language or other mode of communication and in the form most likely to yield accurate results concerning what the student knows and can do. Assessing if the student has a disability or not in his or her native language or other mode of communication can help the district and all those working with the student establish whether the need is from the lack of English language proficiency or the student's disability-related needs.

Once a student has been identified as having a disability, the student's EL and disability-related educational needs must be met. In addition to the required IPE team participants under IDEA, it is vital that the IEP team include participants who have knowledge of the EL student's language needs. It is important to include professionals with training, preferably expertise, in second language acquisition.

Several facts need to be considered when deciding whether a student should be referred for special education testing. These include the following:

- Entry date in the United States
- Years of consistent schooling
- Educational history, including years in U.S. schools and consistency of education
- Prior evaluation results
- Physical conditions that might account for difficulties, including need for glasses or hearing aids
- School attendance
- Input from parents, guardians, and families

After this information is reviewed, one of two things may happen:

1. The TST may recommend additional interventions and accommodations for the classroom.
2. The SET team can then make a referral for special education testing to determine if the student has a specific disability. Once a referral is made, testing is completed to determine if the student qualifies as a student with a disability under IDEA.

Please note that the parent, guardian, or the TST may request a comprehensive assessment be completed at any time, which would then require a Multidisciplinary Evaluation Team (MET) meeting within fourteen (14) days to determine whether a comprehensive evaluation must be completed at that time.

If a student qualifies as a student with a disability under the IDEA, that student may be served through the special education program. The fact that an EL has a disability does not replace the need for language assistance. The student will be served through both programs. The general education, special education, and EL teacher may work together to meet the needs of the student.

A student's lack of English language proficiency cannot be the basis for identifying a student for special education.

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).

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. Nonverbal 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 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

Ensuring Meaningful Communication with Limited English Proficient Parents

LEAs have a legal obligation to communicate meaningfully with Limited English Proficient parents and families and to adequately notify them of information about any program, service or activity called to the attention of non-LEP parents. Successful communication provides LEP parents, guardians, and families with the school-related information they need to make informed decisions about their child's education. This may include information about language assistance programs, special education and related services, Individualized Education Program (IEP) meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent or guardian permission for student participation in district or school activities, parent-teacher conferences, parent handbooks, gifted programs, and magnet and charter schools.

Schools must take parents at their word about their communication needs if they request language assistance. Schools must also understand that parents or guardians may not be proficient in English, even if their child is.

The LEAs must provide language assistance to LEP parents effectively with appropriate, competent staff or appropriate and competent outside resources. To provide these services, LEAs must provide trained and qualified staff to provide effective language assistance and/or obtain qualified interpreters and translators if current staff is unqualified or additional staffing support is needed.

All interpreters and translators, including staff acting in this capacity, must be proficient in both English and the target language; have knowledge of specialized educational terms or concepts in both languages; and be trained in the role of an interpreter or translator, and the ethics of interpreting and translating, with particular emphasis placed on the importance of maintaining student, family and staff confidentiality.

Schools or LEAs may also use a language phone line to provide interpretation services. Students, siblings, friends and untrained staff members are not considered qualified translators or interpreters, even if they are bilingual.

EL Data Entry

The accuracy of EL data is important. Once a student has been identified as an EL, the district must check that the student is correctly marked in their student data package. This information is uploaded to MSIS once the district has submitted their data to MDE. Districts should ensure each column on the EL roster screen of MSIS is completed.

This information should be checked monthly for accuracy.

Immigrant Children and Youth

LEAs should identify immigrant students by adding a question to the Home Language Survey that is filled out by all new students during enrollment. *The form should ask about the number of years the child has attended school in the United States. This question should also include when and where.*

Status as an immigrant often overlaps with EL status among students. However, educators must be aware that not all immigrant students are ELs. Some immigrant students, for example, might come from English-speaking countries or from countries where English is one of several primary languages. Many immigrants also come to the United States already English proficient, even if they come from countries where English is not widely spoken.

Immigrant students have many different needs. One of the biggest needs of immigrant students is often English language instruction. Immigrant students may also need assistance to adjust to U.S. culture, as well as to the culture of a new school and community. School staff should be provided with professional development in cultural proficiency to be more effect when serving immigrant students.

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

- are aged 3 through 21;
- were not born in the U.S., "State" means the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico (Section 3127 of ESEA). Children born to U.S. citizens abroad (e.g., children born on a military base overseas) may be considered immigrants if they meet all the criteria in the definition of immigrant; and
- Have not been attending one or more schools in any one or more states for more than 3 full academic years. A full academic year is 10 months of school attendance, kindergarten through 12th grade. If a student has been in different schools in different school districts and even in different states, the number of months that the student has been in school in any one or more states must not add up to a total of more than 3 full academic years.

Migrant Children and Youth

The Mississippi Migrant Education Program Coordinator (MMEPC) will provide the district with a migrant survey for the family to complete and return as part of the registration packet. Any survey indicating potential migrant status, should be provided to the Mississippi Migrant Education Service Center (MMEPC), who will in turn contact the family for a short interview based on the answers to the survey. Determining whether a child meets the definition of a migrant child or youth 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.

An EL is eligible to receive migrant education program (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, which is provided to the district and an appropriate education program will be prescribed.

The general purpose of the Migrant Education Program (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 represent language minorities, it is important to remember that many do not.

The term “migratory child” is defined in section 1309(2) of the statute and section 200.81 (d) of the regulations. According to sections 1115(b)(1)(A) (incorporated into the MEP program by virtue of sections 1304(c)(2)) and 1309(2) of the statute and §§ 200.81(e) and 200.103(a) of the regulations, a child is a “migratory child” and is eligible for MEP services if all of the following conditions are met:

- The child is not older than 21 years of age; *and*
- The child is entitled to a free public education (through grade 12) under State law or is below the age of compulsory school attendance; *and*
- The child is a migratory agricultural worker or a migratory fisher, or the child has a parent, spouse, or guardian who is a migratory agricultural worker or a migratory fisher; *and*
- The child moved within the preceding 36 months in order to seek or obtain qualifying work, or to accompany or join the migratory agricultural worker or migratory fisher identified in paragraph 3, above, in order to seek or obtain qualifying work; *and*
- With regard to the move identified in paragraph 4, above, the child:
 - Has moved from one school district to another; *or*
 - In a State that is comprised of a single school district, has moved from one administrative area to another within such district; *or*
 - Resides in a school district of more than 15,000 square miles and migrates a distance of 20 miles or more to a temporary residence to engage in or to accompany or join a parent, spouse, or guardian who engages in a fishing activity. (This provision currently applies only to Alaska.)

Sources

Information for this document has been provided from the Mississippi English Learner Guidelines: Regulations, Funding Guidance, and Instructional Supports (2018 revision), the U.S. Department of Education’s English Learner Toolkit for State and Local Education Agencies. To ensure consistency and successful implementation, key sections of the MS EL Guidelines have been duplicated.