



**Title III, Part A:
English Language Learner (ELL)
Handbook**



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Suffolk Public Schools**

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Instruction Placement and Guide for the Participation of English Learner Students in the Virginia Assessment Program

The overarching purpose of Part A, of Title III, known as the *English Language Acquisition, Language Enhancement, and Academic Achievement Act*, is to ensure that English learners (ELs), including immigrant children and youth, attain English language proficiency and meet the same challenging academic content and achievement standards that other students are expected to meet.

This document provides information about the participation of English Learner (EL) students in the Virginia Assessment Program. Included in this document are:

- the definition of an EL student,
- the procedures for determining the EL student's participation in the Virginia Assessment Program and how the student will be assessed,
- the procedures for providing testing accommodations, and
- the guidelines for assessing EL students with disabilities.

I. Definition of English Learner (EL) Student

According to the federal definition as described in Public Law (PL) 107-110, the Elementary and Secondary Education Act of 1965 (ESEA), also known as the No Child Left Behind Act of 2001 (NCLB), an EL student in the Commonwealth of Virginia is a student:

- A. who is aged 3 through 21;
- B. who is enrolled or preparing to enroll in an elementary school or secondary school;
- C. i) who was not born in the United States or whose native language is a language other than English; and who comes from an environment where a language other than English is dominant;

OR

- ii) who is a Native American or Alaska Native, or a native resident of 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

- iii) 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

- D. whose difficulties speaking, reading, writing, or understanding the English language may be sufficient to deny the individual
 - i) the ability to meet the State's proficient level of achievement on the State assessments described in section 1111(b)(3) of the *No Child Left Behind Act*;
 - ii) the ability to achieve successfully in the classrooms where the language of instruction is English; or
 - iii) the opportunity to participate fully in society.

Entrance Procedures for ELs during a Pandemic

(New) What should occur if an LEA cannot screen a potential EL student due to the physical closure of facilities?

In order to formally identify students as English Learners (ELs), the WIDA screener must be administered in person. However, some school divisions are having difficulty screening students due to the continued physical closure of facilities. Using the temporary identification procedures below, the school division can make presumptive EL determinations to provide supports that will assist newly enrolled students in participating meaningfully and equally in the remote learning program. When the division's schools physically reopen, formal screening procedures should be completed to promptly ensure proper identification and placement for new ELs.

- The Home Language Survey (HLS) (Word) is a required component of the online or paper registration process for all students. It is not permissible to skip this component of the registration process.*
- If a language other than English is indicated on one or more questions of the HLS, the school division should share information about next steps with the parent/guardian, including the division's obligation to screen the student once school sites reopen.*
- The school division may conduct an informal interview with the parent/guardian. If the school division determines that the student may have existing ACCESS for ELLs assessment results, the division may contact student_assessment@doe.virginia.gov for assistance in obtaining the ACCESS scores.*
- Based on registration documents and information gleaned during the informal interview, the school division may make a presumptive EL determination. Under this determination, the school division should provide the student with supports that will assist the student in participating meaningfully and equally in the district's remote learning program.*

The Virginia Department of Education has received inquiries from school divisions regarding the identification of "presumptive English Learners" (ELs) in the fall 2020 Student Record Collection (SRC) due on October 1, 2020. To address this situation, a new EL code, 5 = Temporarily Identified as EL (Presumptive ELs until formally screened in person), has been added to the fall 2020 SRC. This is a temporary code and students must be formally screened as soon as possible for official designation as an English Learner in accordance with the procedures outlined in [Superintendent's Memo 194-17](#) (Word). The school division should maintain documentation of all presumptive ELs who will require formal screening upon the reopening of school facilities.

NOTE: The US Department of Education (USED) has provided a fact sheet outlining State and LEA responsibilities to English Learners (ELs) and their parents during the extended school closures and, in some cases, the move to remote learning due to the national emergency caused by the novel Coronavirus disease 2019 (COVID-19). (See Handout)

Standard Entrance Procedures for ELs

Initial identification of ELs is required as part of the enrollment process under *Title VI* of the *Civil Rights Act of 1964*.

Local Education Agencies (LEAs) must accurately identify EL students in a timely manner. The USED Office for Civil Rights in conjunction with the U.S. Department of Justice has approved the following home language survey questions (see registration packets) to demonstrate minimal compliance with the requirement to identify possible EL students in need of language assistance:

- What is the primary language used in the home, regardless of the language spoken by the student?
- What is the language most often spoken by the student?
- What is the language that the student first acquired?

If a parent or guardian responds with any language other than English for one or more questions, then the student should be progressed to the language screening process.

School divisions must develop a written protocol to ensure that incoming ELs are identified, screened, and placed in an appropriate program with services within thirty days of enrollment at the beginning of the school year, or within 2 weeks during the school year. School divisions must ensure that all ELs enrolling in a school division are identified in a consistent and equitable manner.

Assessment of students who have been identified as potential ELs

School divisions may select from the following WIDA screening tools to identify potential ELs.

- WIDA Screener (Grades 1-12) – Paper or Online
- WIDA MODEL (Grades 1-12) – Paper or Online
- Kindergarten MODEL – Paper
- Kindergarten W-APT – Paper

School divisions must ensure that incoming ELs are identified, screened, and placed in appropriate programs and services within thirty days of enrollment, and must ensure that all ELs enrolling in a school division are identified in a consistent and equitable manner.

Placement of ELs in an effective English Language Instruction Educational Program (LIEP)

English Learners initially identified using a WIDA Screener should be placed in an effective Language Instruction Educational Program (LIEP). ELs with an overall proficiency score of less than 4.4 on the ACCESS for ELLS® English language proficiency (ELP) assessment should be placed in an effective LIEP.

Parent Notification

Inform parents annually regarding their child's placement in a language instruction educational program within 30 days after the beginning of the school year, or within two weeks of the child's placement within a program. The notification letter as required under Title I, Part A, or Title III, Part A, must include the following components:

- Level of English proficiency and how level was assessed;
- Method of instruction and other available methods of instruction;
- How the program will meet the educational needs of the student;
- Graduation requirements;

- Exit requirements;
- EL students and special education; and
- Parental right to remove student from program or refuse services.

Parents must be notified within thirty days of enrollment at the beginning of the school year, or within 2 weeks after the start of the school year following placement in a LIEP. The notification should be provided to parents in their native language or a language they understand.

Federal Definition of Immigrant Children and Youth (IY)

An immigrant and youth (IY) student is classified according to the federal definition as described in the ESEA, Section 3301(6). IY students:

- are aged 3 through 21;
- were not born in any state; and
- have not been attending one or more schools in any one or more states for more than three full academic years*.

*The “three full academic years” requirement must be applied on a cumulative basis. It is also important to note that immigrant students may or may not be English Language Learners.

Further Clarification on the Definition of Immigrant Children and Youth (IY)

Under Section 3101(14) of the ESEA, the term “state” means each of the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. Therefore, students born in Puerto Rico are not considered immigrant. Students born in U.S. territories other than Puerto Rico, such as Guam, American Samoa, or the U.S. Virgin Islands, may be considered immigrant.

The following students may be considered as immigrant if they meet all of the criteria in the federal definition of immigrant children and youth:

- Children of U.S. military personnel;
- Children of NATO families;
- Children of visiting faculty;
- Children who are temporarily residing in the U.S. because of parental employment; and
- Students on an Exchange Visitor (J-1) visas or an Exchange High School Student (F-1) visas.

Reporting ELLs and Immigrant Students

Title III, Part A, funding to school divisions is based on the annual fall Student Record Collection (SRC). ELLs and immigrant students are reported separately in the fall SRC. The state reporting codes for ELLs are:

- 1 = Identified as EL and receives ELL services (Students at ELP Levels 1-5)
- 2 = Identified as EL but has refused ELL services (Students at ELP Levels 1-5)
- 4 = Identified as formerly EL for each of the **four years** after exiting ELL services (Students at ELP Level 6 Year 1 and ELP Level 6 Year 2)
 - Year 1 – 2021 Former EL
 - Year 2 – 2020 Former EL
 - Year 3 – 2019 Former EL
 - Year 4 – 2018 Former EL

II. Determining the EL Student’s Participation in the Virginia Assessment Program

EL students “shall be assessed in a valid and reliable manner and provided reasonable accommodations on assessments” to yield accurate data on what such students know and can do in academic content areas until such students have achieved English language proficiency. Therefore, as with all students enrolled in Virginia public schools, all EL students participate in the Virginia Assessment Program.

An EL Committee should be formed to determine how the EL student will participate in the Virginia Assessment Program and which, if any, testing accommodations are appropriate. The EL Committee should determine each EL student’s participation in each statewide assessment individually based on data collected from the student’s educational record.

Members of the EL Committee may include:

- teachers responsible for the education of EL students in the school or school division;
- the EL student’s content teacher(s);
- an administrator or designee (e.g. guidance counselor or reading specialist); and
- the EL student’s parent or guardian (if possible).

The EL Committee should specify each EL student’s participation in the Virginia Assessment Program for each content area using one of the following options:

- ✓ SOL test with no accommodations
- ✓ SOL test with accommodations (listing specific accommodations)
- ✓ Exemption from testing where permitted with an explanation for the exemption (see Table 2 for available exemptions)

Exemptions from testing must be documented in the student’s EL Student Assessment Participation Plan and conveyed to the EL student’s parent or guardian. Table 2 provides an overview of the exemptions from SOL assessments available to EL students.

Table 2. Overview of Exemptions from SOL Assessments Available to EL Students

| Content Area | Available Exemptions on SOL Assessments |
|-------------------------------|---|
| Reading | EL students who have attended school in the United States for less than 12 months may receive a one-time exemption for the SOL <i>Reading</i> test in grades 3 through 8. This guideline also applies to students arriving from Puerto Rico. No exemption is available for the End-of-Course <i>Reading</i> test. |
| Mathematics | EL students may NOT be exempted from the SOL <i>Mathematics</i> tests. |
| Science | EL students may NOT be exempted from the SOL <i>Science</i> tests. |
| History/Social Science | EL students in grades 4 through 8 may exercise a one-time exemption from the SOL History/Social Science tests (<i>Virginia Studies or Civics & Economics tests</i>). No exemption is available for the End-of-Course SOL History/Social Science tests. (Regulations Establishing Standards for Accrediting Public Schools in Virginia, 8 VAC 20-131-30.G) |
| Writing | EL students may exercise a one-time exemption from the Grade 8 SOL Writing test. No exemption is available for the End-of-Course SOL Writing test. |

III. Determining How an EL Student will be Assessed

Decisions about how an EL student will be tested should be made for each content area assessed by the SOL tests. Consideration should be given to the EL student's level of English proficiency, the level of previous schooling in the home language, and the amount of schooling the EL student has received in the United States.

When determining how the EL student is to be tested in each assessed content area, the EL committee should consider the following questions:

1. Is this the EL student's first year of enrollment in a United States school (applicable for the SOL Reading and Mathematics tests)?
2. Should the EL student be exempted from the SOL Reading test in grades 3 through 8, recognizing that this student is in the first year of enrollment in a United States school? Refer to Table 2 for details regarding the one-time exemption from the SOL Reading test in grades 3 through 8.
3. Does the EL student receive accommodations on a routine basis during classroom instruction and classroom assessment in the content area covered by the SOL assessment?
4. Is the EL student eligible for exemption from the SOL History/Social Science or Writing tests? Refer to Table 2 for information regarding exemptions from SOL assessments available to EL students.

If an EL student is also identified as having a disability under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) or is identified as an "otherwise qualified handicapped" student under Section 504 of the Rehabilitation Act of 1973, determinations about the student's assessment participation must be made by the Individualized Education Program (IEP) Team or 504 Committee in collaboration with the EL Committee and documented in the student's IEP or 504 Plan as well as the student's EL Student Assessment Participation Plan. For detailed information on assessment participation of students with disabilities, refer to **Procedures for Participation of Students with Disabilities in Virginia's Accountability System**. Additionally, **Section V, Students Dually Identified as English Learner and with a Disability**, of this document provides information on students dually identified as English Learner and with a disability.

IV. Providing Appropriate Testing Accommodations for EL Students

Accommodations involve changes to testing procedures, testing materials, or the testing situation in order to allow students meaningful participation in an assessment. However, accommodations must not alter the test content being measured.

Accommodations for EL students are designed to address unique linguistic needs during the normal process of English language acquisition. When appropriately assigned, accommodations offer EL students the opportunity to demonstrate knowledge in a subject, regardless of their English language proficiency level, therefore providing schools and divisions a more accurate picture of the EL student's content area achievement. Accommodations must not provide an unfair advantage over students not provided with accommodations.

Accommodations for the SOL assessments should be selected from those used routinely during However, some accommodations used in classroom instruction and during classroom

assessments may not be available or appropriate on the SOL assessments. Furthermore, use of an unfamiliar accommodation during testing may negatively impact the student’s performance. The EL Committee should determine the appropriate accommodations for each SOL assessment for each EL student.

1. Determine the EL student’s level of English language proficiency

In Virginia, to determine an EL student’s English language proficiency level, refer to the student’s Overall Score (Composite) on the ACCESS for ELLs score report. Table 3 provides an overview of the Virginia English Language Proficiency Levels and ACCESS for ELLs Overall Score (Composite) ranges. Students at Virginia English Language Proficiency Levels 1 through 5 are considered English Learner and may be eligible for accommodations. Students at Virginia English Language Proficiency Level 6 are considered “Formerly EL” and are not eligible for testing accommodations available to EL students on SOL assessments. However, a Formerly EL student with a disability may receive accommodations based upon his/her current IEP or 504 Plan.

Table 3: Overview of Virginia English Language Proficiency Levels and ACCESS for ELLs Overall Score (Composite) Ranges

| WIDA® English Language Proficiency Levels | Overall Score (Composite) Range |
|--|---|
| Level 1 | Overall Composite Proficiency Score of 1.0 through 1.6 |
| Level 2 | Overall Composite Proficiency Score of 1.7 through 2.3 |
| Level 3 | Overall Composite Proficiency Score of 2.4 through 3.0 |
| Level 4 | Overall Composite Proficiency Score of 3.1 through 3.7 |
| Level 5 | Overall Composite Proficiency Score of 3.8 through 4.3 |
| Level 6 (Formerly EL) | Overall Composite Proficiency Score of 4.4 or higher |

2. Select Testing Accommodations

While all EL testing accommodations are available to all EL students as deemed appropriate, certain testing accommodations may be more appropriate for students at particular English language proficiency levels and for certain SOL assessments as determined by the EL Committee. Appendix A summarizes EL testing accommodations that are matched to **recommended** ACCESS for ELLs Overall Scores (Composites).

A. Accommodations Available to EL Students

Testing accommodations for the SOL assessments available to EL students fall into two categories: 1) direct linguistic and 2) indirect linguistic accommodations.

1. Direct linguistic accommodations involve adjustments to the language of the test. See Appendix B for detailed information on direct linguistic accommodations. The following direct linguistic accommodations are available to EL students on the SOL assessments:

- Read-aloud or audio (except on the reading test)
- Bilingual dictionary (word-to-word is recommended)
- English dictionary (without a thesaurus)
- Dictation in English to scribe (writing, short-paper component only)

2. Indirect linguistic accommodations involve adjustments to the conditions under which EL students take the test. See Appendix C for detailed information on indirect linguistic accommodations. The following indirect linguistic accommodations are available to EL students:

- Flexible schedule
- Template to show one item at a time on a paper/pencil test (Visual Aid)
- Student Indicates a Response

B. Considering Student Characteristics When Selecting Testing Accommodations

It is recommended that the EL Committee develop a plan for each EL student to facilitate his/her access to grade-level instruction and state assessments. This plan should be developed using a *team* approach, rather than by one educator at the school. Additionally, accommodation determinations should be based on the evidence collected from the EL student’s educational record, such as:

- demographic information, including grade, age, number of years in U.S., prior schooling;
- standardized testing scores, including ACCESS for ELLs test scores and other academic testing achievement;
- current academic achievement, including general education achievement and comments from general education teachers; and
- English Language Proficiency Level as reported on the ACCESS for ELLs score report.

C. Assigning Testing Accommodations to EL Students

The following yes/no questions are provided to assist the EL Committee in determining and assigning accommodations to EL students on the SOL assessments. The questions should be asked for each accommodation considered for each SOL test.

- Is the accommodation recommended for the EL student’s ACCESS for ELLs Overall Score (Composite) (refer to Appendix A)?
- Is the accommodation recommended for the SOL test (refer to Appendix A)?
- Has the EL student used the accommodation during both classroom instruction and classroom assessment?
- Has the EL student benefited from the use of the accommodation?

If the response to all questions is “yes,” the accommodation is most likely appropriate for the EL student to use on the SOL assessments. The accommodation should be considered for the EL student on the SOL assessments.

If the response to any question is “no,” the EL Committee should carefully consider whether the accommodation is appropriate for the EL student on an SOL assessment.

D. Documentation of Decisions

Determinations of an EL student’s participation in the SOL assessments must be documented in writing and maintained in the EL student’s educational record. If the EL student’s parent or legal guardian is not a member of the EL Committee making determinations about the EL student’s participation in the SOL assessments, the parent or legal guardian should be notified in writing of the EL Committee’s decision regarding each SOL assessment prior to test administration. If a decision to exempt the EL student from an SOL test is determined, the parent or legal guardian must be notified in writing accompanied by the reasons for and ramifications of such an exemption from SOL testing. The EL Student Assessment Participation Plan may serve as documentation of the EL student’s participation in SOL assessments. A sample EL Student Assessment Participation Plan form is provided in Appendix E.

E. Implementing Testing Accommodations

Prior to the SOL testing session, the test examiner should become familiar with the EL student’s special test accommodation(s). It is the School Test Coordinator’s responsibility to ensure that all test examiners are properly trained on administering special test accommodations.

V. Students Dually Identified as English Learner and with a Disability

EL students who are also students with disabilities are frequently referred to as “dually identified.” All students, including dually identified students, are expected to participate in statewide content assessments. Special testing accommodations are available to the dually identified student based on the student’s disability and must be documented in the student’s IEP/504 Management Plan. Additionally, a dually identified student may participate in alternate and/or alternative assessments if eligibility requirements are met. For detailed information on assessment participation of students with disabilities, refer to the **Procedures for Participation of Students with Disabilities in Virginia’s Accountability System**. The IEP/504 teams and EL committees must work collaboratively to determine the assessment participation of dually identified students following these guidelines:

- The IEP/504 team and EL committee jointly determine the statewide assessment participation based on the dually identified student’s disability and EL status.
- The IEP/504 team and EL committee jointly determine testing accommodations based on the student’s disability and EL status.
- Statewide assessment participation and testing accommodations must be documented in the student’s IEP/504 Management Plan and EL Student Assessment Participation Plan.

The following questions and answers are provided for clarification:

Q1. Is the dually identified student eligible for direct and indirect linguistic testing accommodations?

Yes. Direct and indirect linguistic testing accommodations are available to the dually identified student based on the student’s EL status as documented in the student’s EL Student Assessment Participation Plan.

Q2. Is the dually identified student eligible for the same special testing accommodations as students with disabilities?

Yes. Special testing accommodations are available to the dually identified student based on the student’s disability as documented in the student’s IEP/504 Management Plan.

Q3. Are EL test exemptions available to the dually identified student?

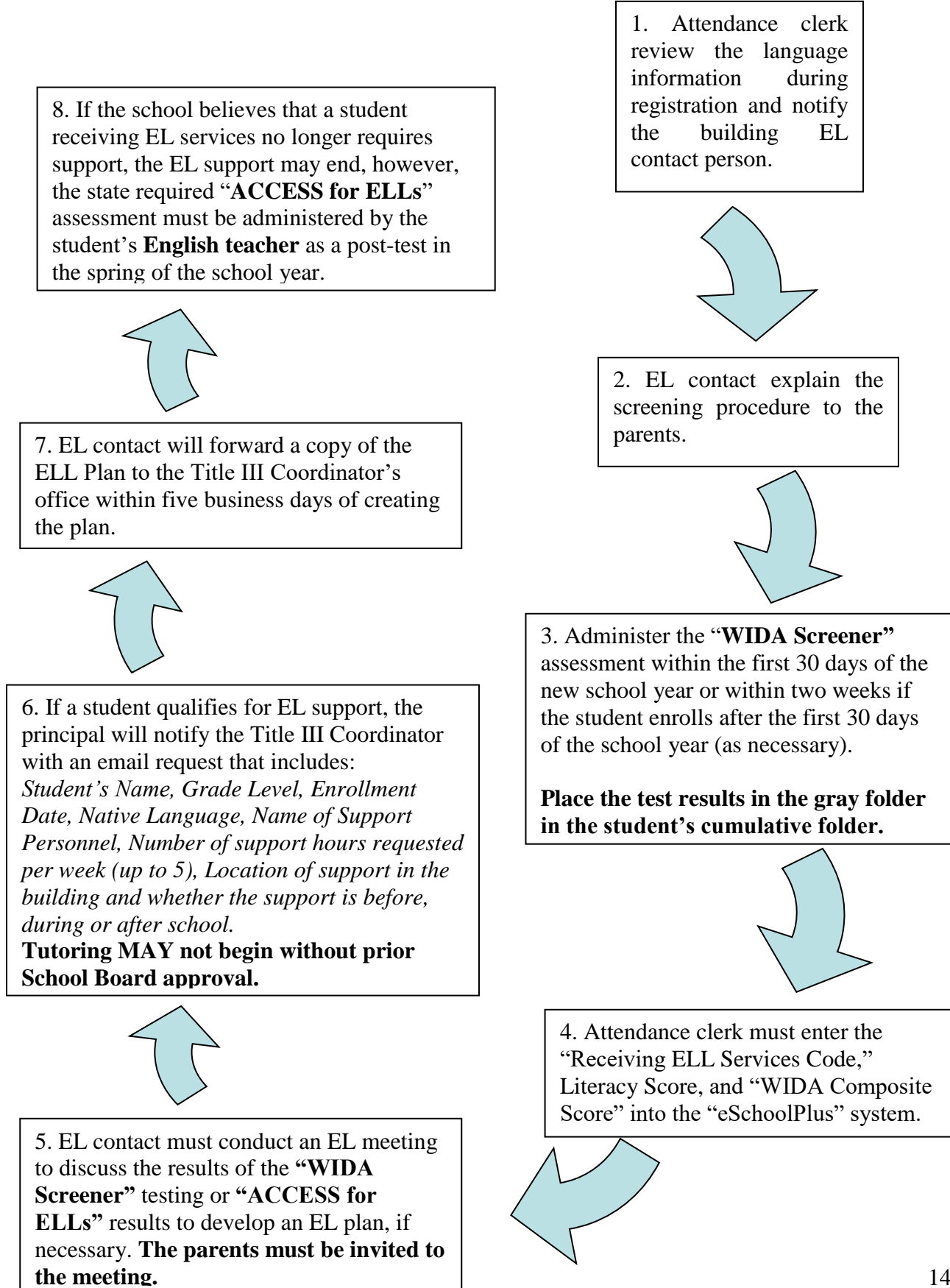
Yes. EL test exemptions are available to the dually identified student based on the student’s EL status. EL test exemptions resulting from the student’s EL status must be documented in the student’s IEP/504 Management Plan **and** the EL Student Assessment Participation Plan.

The following table summarizes the information in the previous questions.

Table 4: Overview of SOL Assessment Participation of Dually Identified EL Students

| Dually Identified Student State Assessment Participation | Available Accommodations | |
|---|---------------------------------|------------------------------|
| | SWD Accommodations | EL Accommodations |
| SOL assessments based on disability | Yes | Yes |
| SOL assessments based on EL status | No | Yes |
| VAAP assessment based on disability | Yes | Yes |

Procedures to Identify EL Students



EL contact should follow the procedures below to identify English Learners (EL) students (see flow chart above):

1. Attendance clerk review the language information during registration and notify the building EL contact person.
2. EL contact must seek permission from the parents to evaluation the student.
3. The school must administer the “ WIDA Screener” assessment within the first **30 days** of the new school year to newly enrolled students or within **two weeks** of enrollment after the 30 day period has expired.

Place the test results in the gray folder in the student’s cumulative folder.

4. Attendance clerk must enter the “Receiving EL Services Code” and “WIDA Composite Score” into the “eSchoolPlus” system.
5. EL contact must conduct an EL meeting to discuss the results of the “WIDA Screener” testing or “ACCESS for ELLs” results to develop an ELL plan, if necessary. **The parents must be invited to the meeting.**
6. If a student qualifies for tutorial support, the principal will notify the Title III Coordinator with an email request that includes:
 1. *Student’s Name, Grade Level,*
 2. *Enrollment Date, Native Language,*
 3. *Tutor’s Name,*
 4. *Number of tutoring hours requested per week (up to 5),*
 5. *Tutoring location in the building and*
 6. *Whether the tutoring is **Before, During or After** school.*

Tutoring MAY not begin without an approval memo from the superintendent.

7. Building EL Contacts are required to create the EL Plan within the ELLEVATION online platform and notify the Title III Coordinator’s office within three business days of creating the plan.
8. If the school believes that a student receiving tutorial services no longer requires support, the tutoring support may end, however, the state required “**ACCESS for ELLs**” assessment must be administered by the student’s **English teacher** as a post-test in the spring of the school year.

**The Virginia Department of Education requires the following data
for English Learner (EL) students.**

| Guidelines for Determining K-12 WIDA ELP Levels | |
|--|--|
| WIDA ELP Levels | WIDA English Language Proficiency (ELP) Level |
| Level 1 | Overall Composite Proficiency Score of 1.0 through 1.6 |
| Level 2 | Overall Composite Proficiency Score of 1.7 through 2.3 |
| Level 3 | Overall Composite Proficiency Score of 2.4 through 3.0 |
| Level 4 | Overall Composite Proficiency Score of 3.1 through 3.7 |
| Level 5 | Overall Composite Proficiency Score of 3.8 through 4.3 |
| Level 6 1st Year 2021 (Formerly ELL) | Overall Composite Proficiency Score of 4.4 based on 1st Year being Formerly ELL Tier B or C Test |
| Level 6 2nd Year 2020 (Formerly ELL) | Overall Composite Proficiency Score of 4.4 based on 1st Year being Formerly ELL |
| Level 6 3rd Year 2019 (Formerly ELL) | Overall Composite Proficiency Score of 4.4 based on 1st Year being Formerly ELL |
| Level 6 4th Year 2018 (Formerly ELL) | Overall Composite Proficiency Score of 4.4 based on 1st Year being Formerly ELL |

| ELL Receiving Services Codes | |
|-------------------------------------|---|
| 1 | Identified as EL and receives EL services |
| 2 | Identified as EL but does not receive or has refused EL Services |
| 4 | Former EL - within the past 4 years, the student was identified as EL |
| 5 | Temporary EL Code – Unable to screen due to a Pandemic |

| Results from the “ACCESS for ELLs” Assessment | |
|--|---|
| ELL Test Tier | If the student participated in WIDA ACCESS for ELLs testing in the Spring, this field must be A , B , or C to represent the tier of the test completed. This information is available on the ACCESS for ELLs score report. |
| ELL Composite Score | If the student participated in WIDA ACCESS for ELLs testing in the Spring, this field must contain the student’s ACCESS for ELLs Composite Score. |
| ELL Literacy Score | If the student participated in WIDA ACCESS for ELLs testing in the Spring, this field must contain the student’s ACCESS for ELLs Literacy Score. |

English Proficiency Performance Definitions and Tier Level Placement

| | |
|---|---|
| <p>6 – Reaching</p> <p>Students are EXITED</p> | <ul style="list-style-type: none"> • specialized or technical language reflective of the content areas 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 |
| <p>5 – Bridging</p> <p>Students are assigned to Tiers B or C</p> | <ul style="list-style-type: none"> • specialized or 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 proficient English peers when presented with grade level material |
| <p>4 – Expanding</p> <p>Students are assigned to Tiers B or C</p> | <ul style="list-style-type: none"> • specific and some technical language of the content areas • a variety of sentence lengths of varying linguistic complexity in oral discourse or multiple, related sentences or 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 sensory, graphic or interactive support |
| <p>3 – Developing</p> <p>Students are assigned to Tiers B</p> | <ul style="list-style-type: none"> • 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 sensory, graphic or interactive support |
| <p>2 – Beginning</p> <p>Students are assigned to Tiers A or B</p> | <ul style="list-style-type: none"> • 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 sensory, graphic or interactive support |
| <p>1 – Entering</p> <p>Students are assigned to Tiers A</p> | <ul style="list-style-type: none"> • 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-, choice or yes/no questions, or statements with sensory, graphic or interactive support |

Standards of Learning (SOL) Assessments by Content Area

| Content Area | SOL Assessments |
|--------------------------------|---|
| Reading | <ul style="list-style-type: none"> • Grades 3 through 8 • End-of Course (EOC) |
| Writing | <ul style="list-style-type: none"> • Grade 8 • EOC |
| Mathematics | <ul style="list-style-type: none"> • Grades 3 through 8 • EOC Algebra I • EOC Geometry • EOC Algebra II |
| Science | <ul style="list-style-type: none"> • Grade 5 • Grade 8 • EOC Earth Science • EOC Biology • EOC Chemistry |
| History/ Social Science | <ul style="list-style-type: none"> • Virginia Studies • Civics and Economics • EOC Virginia and US History • EOC World History I • EOC World History II • EOC World Geography |
| VAAP | <ul style="list-style-type: none"> • Reading • Writing • Math • Science • History |

APPENDIX

Appendix A



ELL Students Participation in the State and Local Assessments

| SOL Content Area | Participation in the Assessment without Accommodation | Participation in the Assessment with Accommodation (List those that apply) | Participation in the Virginia Grade Level Alternative Reading Assessment* | Exempted from Participation in the SOL Assessment |
|-------------------------|---|--|---|--|
| Reading | | | | Reason: ELL student has attended school in the United States for less than 12 months |
| Writing | | | | Reason: |
| Mathematics | | | | NOT APPLICABLE |
| History/ Social Science | | | | Reason: |
| Science | | | | Reason: |
| | | | | |

¹EL students may have only a one-time exemption in grade 8.

²EL students may have only a one-time exemption in grades 4 through 8.

*EL students must meet the participation criteria described on page 3 of this document.

Standards of Learning (SOL) Assessments by Content Area

| Content Area | SOL Assessments |
|----------------------------|---|
| Reading | <ul style="list-style-type: none"> • Grades 3 through 8* • End-of Course (EOC) |
| Writing | <ul style="list-style-type: none"> • Grade 8 • EOC |
| Mathematics | <ul style="list-style-type: none"> • Grades 3 through 8 • EOC Algebra I • EOC Geometry • EOC Algebra II |
| Science | <ul style="list-style-type: none"> • Grade 5 • Grade 8 • EOC Earth Science • EOC Biology • EOC Chemistry |
| History/ Social Science | <ul style="list-style-type: none"> • Virginia Studies • Civics and Economics • EOC Virginia and US History • EOC World History I • EOC World History II • EOC World Geography |



Direct Linguistic Testing Accommodations for Standards of Learning Tests

| Content Area | | | | | No. | Description | WIDA® ELP Level | | | | |
|--------------|---|---|---|---|-----|--|-----------------|---|---|---|---|
| R | M | S | H | W | | | 1 | 2 | 3 | 4 | 5 |
| | ✓ | ✓ | ✓ | ✓ | 10 | Reading in English of test items (except for the reading test) | • | • | • | | |
| | ✓ | ✓ | ✓ | ✓ | 11 | Audio version of test items ¹ (except for reading test) | • | • | • | | |
| ✓ | ✓ | ✓ | ✓ | ✓ | 17 | Bilingual dictionary ² | • | • | • | • | • |
| | | | | ✓ | 25 | Dictation in English to scribe | • | • | • | | |
| ✓ | ✓ | ✓ | ✓ | ✓ | 29 | English Dictionary | • | • | • | | |

Key

R=Reading M=Mathematics S=Science H=History/Social Science W=Writing

- These accommodations are available for the content area.
- No.** Number corresponds with the “Special Test Accommodations Codes” in the SOL Examiner’s Manuals.
- ✓ These accommodations are recommended for EL students if they possess the literacy skills necessary to use the accommodations.
- ☐ These accommodations are available as specified in the EL Student Assessment Participation Plan.
- These accommodations are not available for the content area.

¹**Read-Aloud or Audio Accommodation**

EL students who require the read-aloud or audio accommodation must be identified prior to the assessment. A read-aloud administration must be recorded or proctored by a second adult in the test room. The test examiner must be very careful when reading the test aloud so as not to lead the student to a correct response by intonation or repeating any part of the test that is not specifically requested by the student. The read-aloud or audio accommodation is not available to EL students for the SOL reading unless the student also has a disability. See the *Procedures for Participation of Students with Disabilities in Virginia’s Accountability System* located at <http://www.doe.virginia.gov/testing/participation/index.shtml>.

²**Bilingual Dictionary Accommodation**

A paper bilingual word-to-word dictionary is recommended. EL students should have used this accommodation in the classroom prior to the SOL assessment (to ensure the day of the SOL assessment is not their first exposure). If no bilingual dictionary is available in the EL student’s native language, a general English dictionary may be used.

Indirect Linguistic Testing Accommodations for Standards of Learning Tests

| Content Area | | | | | No. | Description | WIDA® ELP Level | | | | |
|--------------|---|---|---|---|-----|---|-----------------|---|---|---|---|
| R | M | S | H | W | | | 1 | 2 | 3 | 4 | 5 |
| ✓ | ✓ | ✓ | ✓ | ✓ | 1 | Flexible schedule ⁴ | | | | | |
| ✓ | ✓ | ✓ | ✓ | ✓ | 4 | Visual Aid (i.e., template to show only one item at a time) | | | | | |
| ✓ | ✓ | ✓ | ✓ | ✓ | 18 | Mark in test booklet or respond verbally | | | | | |

Key

R=Reading M=Mathematics S=Science H=History/Social Science W=Writing

- These accommodations are available for the content area.

No. Number corresponds with the “Special Test Accommodations Codes” in the SOL Examiner’s Manuals.



ELL Procedural Safeguards and Parents' Rights

As the parent(s)/guardian(s) of an ELL student you should know and understand the procedural safeguards that are in effect to protect your rights and those of your child:

- ❖ Your child has the right to a free and appropriate public education.
- ❖ Your child must have equal opportunity to participate with English speaking students in both academic and extracurricular services and activities.
- ❖ You must be given the reason for identification of your child as English Language Learner and the need of placement in a language instructional program.
- ❖ Parent(s)/Guardian(s) must be shown the child's level of English proficiency, how this level was assessed and the status of the child's academic achievement.
- ❖ Suffolk Public Schools will inform the parent(s)/guardian(s) who have not been identified as English Language Learner prior to the beginning of the school year.
- ❖ The parent(s)/guardian(s) must be given notification within the first two weeks of the child being placed in a language instruction educational program.
- ❖ Parent(s)/guardians must be shown the method of the program in which the child will be placed, what the goals of the program are, and the timeline in which it will be accomplished.
- ❖ Parent(s)/guardian(s) must be shown how the program will meet the educational strengths of the child.
- ❖ The parent(s)/guardians will be informed in writing the specific exit requirements for the child, the expected rate of transition from the program, and the expected rate of graduation from secondary school.
- ❖ Parent(s)/guardian(s) must also be notified if the division's language instruction program has failed to make progress toward its measurable achievement objectives within 30 days of knowledge of the failure.
- ❖ Parent(s)/guardian(s) will be notified regarding parental involvement opportunities in the same manner as notice is given regarding other Title I programs.
- ❖ The reasons for the identification, along with any testing information will be included.
- ❖ You have the right to examine your child's educational records upon request.
- ❖ You have the right participate in all meetings concerning your child's education.
- ❖ You have the right to have your child immediately removed from the ELL program upon request.
- ❖ You have the right to decline enrollment in the ELL program and may choose another program if available.

Tips for Parents of English as a Second Language Students

- ❖ Work together to learn English.
- ❖ Read daily or orally tell stories to your child.
- ❖ Continue to speak your native language at home.
- ❖ Read together stories in English even if you are unable to recognize some of the words.
- ❖ Begin writing family messages in English.
- ❖ Find a special place in your home to display any school work brought home by your child.
- ❖ Label items in your house in English.
- ❖ Encourage your child to make new friends even though there may be some language barrier.
- ❖ Have an open relationship with your child's school. Go to your child's school and sit in on some of his/her classes to understand the routine.
- ❖ Use a native language dictionary to help your child acquire language skills.
- ❖ Develop a relationship with your child's teacher to keep the lines of communication open.
- ❖ Encourage your child's teacher to shorten assignments if you notice your child getting frustrated while doing homework.
- ❖ Do not pressure your child to use only English. Language skills develop naturally and in good time.
- ❖ As a family, learn songs to sing together in English.
- ❖ Help your child pick out books on tape to listen while reading along. This will help with word recognition.
- ❖ Most importantly, if you are still learning the language, do not feel self conscious about coming to your child's school and talking to his/her teacher. Remember that it is difficult to learn a new language.
- ❖ Volunteer to come into your child's classroom and share your language and culture.



Helpful Websites for Teachers

<http://a4ELL.org/>

<http://itELLj.org/>

<http://www.manythings.org/>

<http://www.ELL-lab.com/>

<http://www.everythingELL.net/in-services/>

http://www.education-world.com/a_curr/shore/shore073.shtml

<http://www.mssu.edu/edu/diversity/k12ed.htm>

Helpful Websites for Parents

<http://www.colorincolorado.org/>

<http://www.bctf.ca/parents/SupportingLearning/>

<http://www.linkup-parents.com/english.htm>

Terminology

Direct Linguistic Accommodations

The direct linguistic accommodations available to EL students on SOL assessments are also described in Appendix D of the Examiner's Manuals located at:

Read-Aloud (accommodation code 10) or Audio Accommodation (accommodation code 11)

EL students who require the read-aloud or audio accommodation must be identified prior to the assessment. When reading the test aloud, the Examiner must be careful not to lead the student to the correct answer by intonation or to repeat any part of the test which is not specifically requested by the student. In particular, care must be taken to describe graphics without leading the student to the correct response. The Examiner should be familiar with how to read test items to students. Examiners may use the Pearson Training Center practice tests in audio format, and audio ePATs to hear how tests should be read aloud, and to practice reading items. Test items must be read in English. For more detailed information, refer to the *Virginia Standards of Learning Assessments Guidelines for Administering the Read-Aloud Accommodation* at:

The read-aloud or audio accommodation is not available to EL students for the SOL *Reading* test unless the student also has an eligible disability and the accommodation is documented in the student's IEP or 504 Plan. See the *Procedures for Participation of Students with Disabilities in Virginia's Accountability System* located at:

All read-aloud administrations must be recorded or proctored. If the session is recorded, the audio record of the entire testing session must be retained on file and secured in the office of the Division Director of Testing until scores are received and verified. If proctored, the Test Examiner and Proctor must verify in writing that the test administration was conducted according to standardized procedures. This written verification must be retained on file in the office of the Division Director of Testing until scores are received and verified. For detailed information regarding the requirements for recording test sessions refer to the *Guidelines for Recording a Test Session* in Appendix F of the Examiner's Manuals.

Read-aloud (accommodation code 14) or Audio Accommodation (accommodation code 15) on the EOC *Reading* Test

Under certain circumstances an EL student may receive the read-aloud accommodation (accommodation code 14) or the audio accommodation (accommodation code 15) on the EOC *Reading* test even though the student has not been determined as eligible by the school division according to the criteria required for the read-aloud /audio accommodation on the *Reading* Assessment. An EL student must meet all of the following criteria:

- the student is retaking the EOC *Reading* test, having failed the previous attempt(s) without using the read-aloud or audio accommodation; and

- the student’s EL Student Assessment Participation Plan lists the read-aloud or audio accommodation for other tests; and
- the student receives the read-aloud or audio accommodation in the classroom.

The read-aloud or audio accommodation on the EOC *Reading* test will be considered a non-standard accommodation (accommodation code B). In addition to marking the student’s test with accommodation codes 14 or 15 and B, the test must be marked as retest on the *Student Test Details* screen in PearsonAccess. The read-aloud session must be recorded and/or proctored by a second staff member. For more details about recording test sessions, refer to the *Guidelines for Recording a Test Session* in Appendix F of the Examiner’s Manuals.

Bilingual Dictionary (accommodation code 17)

EL students may use a bilingual dictionary on SOL tests following these guidelines:

- EL students will be allowed to use only a paper, general, word-to-word bilingual dictionary.
- EL students may not use a content specific or specialized bilingual dictionary.
- EL students may not use electronic bilingual dictionaries or translators.
- Either a school-owned or student-owned bilingual dictionary may be used.
- The student should be familiar with the bilingual dictionary. SOL testing should not be the first time a student uses a bilingual dictionary.
- The bilingual dictionary must not be altered with hand-written notes in the margins nor include additional materials, such as class notes.
- If a bilingual dictionary in the student’s native language is not available, a general English dictionary may be used on the SOL tests (see below for details).

English Dictionary (accommodation code 29)

EL students may use an English dictionary when a bilingual dictionary in the student’s native language is not available or when the EL Student Assessment Participation Plan specifies an English dictionary. The English dictionary must meet these guidelines:

- The English dictionary must be a general dictionary without a thesaurus section.
- The English dictionary must be a paper dictionary. Electronic dictionaries are not allowed.
- Either a school-owned or student-owned English dictionary may be used.
- The English dictionary should be familiar to EL students. SOL testing should not be the first time a student uses the dictionary.
- The English dictionary must not be altered with hand-written notes in the margins nor include additional materials, such as class notes.
- Beginning with the Spring 2013 *Writing* assessment, the English dictionary is not permitted to be used on the multiple-choice component of the SOL *Writing* test based on the 2010 standards.

Dictation in English to a Scribe (accommodation code 25)
Short paper Component of the Writing Assessment only

The student will dictate in English his/her response to the prompt for the short-paper component of the *Writing* assessment to a second person (scribe) who will transcribe it. The scribe, who should have experience working with the student, must format, capitalize, and punctuate only as directed by the student. The student is not required to spell each word to the scribe. The scribe's transcription and audio record must be verified by a second school official to ensure that no errors in transcription occurred. The session between the student and scribe must be recorded and/or proctored. If recorded on audio the recording must be given to the Division Director of Testing along with the transcription. If proctored, the Proctor must verify in writing that the test administration was conducted according to standardized procedures. This written verification shall be retained on file in the office of the Division Director of Testing until the scores are received and verified. The scribe's transcription and audio record shall be retained on file and secured in the office of the Division Director of Testing until the established appeal period is over. For more details about recording test sessions, refer to the *Guidelines for Recording a Test Session* in Appendix F of the Examiner's Manuals.

Indirect Linguistic Accommodations

The indirect linguistic accommodations available to EL students on SOL assessments are also described in Appendix D of the *Examiner's Manuals* located at:

Flexible Schedule (accommodation code 1) (e.g. planned breaks and multiple test sessions)

The SOL tests are untimed, but ample time should be allotted for all students to complete the test prior to the end of the scheduled school day. Based on their English language proficiency and/or the language demands of the assessment, some EL students may require breaks or multiple test sessions.

Students who require breaks must complete the test in one school day. This is available for both online or paper/pencil tests. The break must be supervised. Test security must be maintained at all times during the break. The student must not be allowed to discuss the test in any way, must not have access to any educational materials or electronic devices during the break, and must not disrupt other students who are continuing to test.

If the student is testing online, the student should either be *Exited* from the online test or the computer monitor should be turned off prior to the break to maintain test security. If the student *Exits* the test, his/her test must be resumed on the Session Details screen in PearsonAccess and the student must log back into TestNav using his/her Student Authorization ticket. If the computer monitor is turned off and the student did not *Exit*, the student should return to his/her work station and turn the monitor back on.

Students who require multiple test sessions, when the test will be completed in two or more school days, must be administered a paper/pencil test. Care must be taken to ensure that the

student is exposed only to those test items in the portion of the test that he/she is attempting that day. Previously completed items and items not yet accessed must be sealed to prevent accidental exposure to the student. The short-paper component of the *Writing* assessment must be completed in one school day and does not qualify for multiple test sessions; however, the student may be given breaks under secure conditions.

Visual Aids (accommodation code 4) (template to show one item at a time)

EL students must be administered a paper/pencil test when using a template to show only one item at a time. This accommodation is not applicable for online tests because only one item is displayed at a time for all students.

Student Marks Test Booklet, Responds Verbally, Points, or Indicates a Response and Examiner/Proctor Transfers Responses to an Answer Document or Selects Student's Choice Online (accommodation code 18)

When these accommodations are provided, student responses must be transcribed to the regular answer document or the student's response is selected on the student's computer workstation by the Examiner/Proctor. The regular answer document and the marked test booklet must be verified by a second school official to ensure that no errors in transcription occurred. The student's name should be clearly printed on the test booklet and the booklet returned with all other secure materials to Pearson.

If a discrepancy is discovered after the division has returned its secure materials to Pearson, notify assessment staff at the Virginia Department of Education.

If the student responds verbally, the session must be recorded and/or proctored. Students who are unable to respond to test items by marking the regular or an enlarged copy of the answer document or by clicking the answer online or circling answers in their test booklet may have an Examiner/Proctor record their responses. An audio or video must be made of the exchange or the session may be proctored by a second adult. The audio/video record shall be retained on file and secured in the office of the Division Director of Testing until the scores are received and verified. If the session is proctored, the Proctor must verify in writing that the test administration was conducted according to the standardized procedures (refer to *Guidelines for Recording a Test Session*).

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**PROVIDING SERVICES TO ENGLISH LEARNERS
DURING A PANDEMIC OUTBREAK**

May 18, 2020

This fact sheet outlines States' responsibilities to English learners (ELs) and their parents¹ during the extended school closures and, in some cases, the move to remote learning² due to the national emergency caused by a **PANDEMIC**. A local educational agency (LEA) should collaborate with its State educational agency (SEA) and local public health department, as appropriate, in implementing the guidance provided below. This document does not create any rights for any person and does not impose any additional requirements beyond those included in applicable law and regulations. It is intended to provide additional information about requirements in the Elementary and Secondary Education Act of 1965 (ESEA) and other Federal laws related to ELs in light of a **PANDEMIC** and any specific situation.

Annual ELP Assessment

1. In a situation where the SEA cannot administer English language proficiency (ELP) assessments in spring 2020 because of school closures due to the COVID-19 national emergency, will the U.S. Department of Education (Department) waive the ESEA requirement to administer ELP assessments to all ELs?

Yes. On March 20, 2020, the Secretary invited requests for waivers of assessment, accountability, and related reporting requirements in the ESEA for the 2019-2020 school year. With respect to assessments specifically, the Secretary invited requests to waive the requirements in Section 1111(b)(2) of ESEA, including the requirement in Section 1111(b)(2)(G) of ESEA to administer an ELP assessment in school year 2019-2020. All SEAs have requested and been granted this waiver for the 2019-2020 school year. Some SEAs have already administered some of their assessments to some of their students, and an SEA may elect to continue administering some portion of their State assessments.

Under the waiver discussed above, an SEA that was unable to complete assessments for all ELs in school year 2019-2020 does not need to administer ELP assessments to the remaining ELs who were not assessed this year. If an SEA was unable to complete assessing all ELs in the school year 2019-2020, the SEA has the option to administer the ELP test in the fall of 2020, where possible, consistent with the State's ELP exit procedures. For specific questions relating to exit procedures tied to the annual ELP assessment, please see the section below on "Exit Procedures." All States are required to administer ELP assessments in the 2020-2021 school year.

2. How should an SEA that receives a waiver of the requirement to administer the ELP

assessment make decisions regarding the instruction and placement of ELs without data from the ELP assessment?

An SEA and its local educational agencies (LEAs) typically use the annual ELP assessment to inform instruction and placement of ELs, in addition to decisions on exiting students from EL status. If the SEA could not complete the annual ELP assessment for some or all of its ELs, the SEA and its LEAs could schedule the ELP assessment if schools reopen in the 2019-2020 school year or early in the 2020-2021 school year, if possible, in order to use ELP assessment results for instruction and placement decisions, as well as for exit determinations. If that is not possible, an LEA could use other resources to make instructional and placement decisions for its ELs when school resumes. Some LEAs may use formative assessments and/or EL specialists and teacher input to help inform instruction and placement decisions. For example, if an LEA normally uses a team comprised of EL specialists and content teachers to determine when an EL no longer needs a sheltered classroom setting and can be placed in content classrooms with support from an EL teacher, the LEA can continue to do so, either during remote operation in the 2019-2020 school year or in-person or remotely during the 2020-2021 school year. For exit from EL status in the absence of the annual ELP assessment, see the section below on exit procedures.

For those students for whom the SEA has ELP assessment data from the 2019-2020 school year, the SEA should use those results to inform instruction, placement, and exit of ELs. Note, however, that it may be the case that some ELs' English proficiency may have decreased since they were assessed because they may have experienced limited instruction for an extended time during the school closures. Therefore, schools should closely monitor ELs, including those students who have been exited from EL status based on the 2019-2020 ELP assessment, to evaluate whether such students need additional services or should be re-classified as ELs.

Entrance Requirements

3. If a student moves into a new LEA that is currently closed due to the COVID-19 national emergency, must staff at the enrolling LEA screen the student for EL identification within 30 days?

If an LEA's schools are physically closed and it is not providing any educational services to students, there is no obligation to screen new students for EL status. However, if the LEA is operating via remote learning, the LEA must screen new students to determine EL status to the extent possible. Sections 1112(e)(3) and 3113(b)(2) of ESEA require that students be identified for EL status within 30 days of enrollment in a school in a State; for students who enroll after the beginning of the school year, the LEA must send the required parent notice within two weeks of a student being placed in a language instruction educational program (LIEP).

However, the Department recognizes that, during the COVID-19 national emergency, many facilities are physically closed, including those normally used for registration and screening. An LEA that is continuing to enroll new students during the COVID-19 national emergency should attempt to identify ELs remotely to the greatest extent possible. For example, the LEA's online registration process could include a home language survey for parents, and the LEA may be able to conduct a version of its screening assessment online. Funds received under the Elementary

and Secondary School Emergency Relief Fund (ESSERF) or the Governor’s Emergency Education Relief Fund (GEERF) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), enacted on March 27, 2020, can generally be used for these purposes.

An LEA may also communicate with parents by telephone, with interpreters as needed, to conduct an oral home language survey in the parent’s native language to identify potential ELs and may explain to parents orally the information required by Section 1112(e)(3) of ESEA to be included in the parent notice in order to start providing EL services remotely to those students. When the school physically reopens, the LEA would complete the full identification procedures to promptly ensure proper identification and placement for new ELs.

4. May an LEA presumptively identify an EL based on an oral home language survey alone, even if the statewide standardized entrance procedures require additional criteria (e.g., a screener assessment) for identification?

The Department recognizes that extended school closures have made it difficult for SEAs to implement their statewide, standardized entrance procedures. SEAs and LEAs may need to adjust their statewide, standardized entrance procedures temporarily to allow for the use of available online resources and other options (see question 3 above) to identify EL students as quickly as possible in order to start services for those students. SEAs and LEAs could apply temporary entrance procedures that permit the presumption of EL identification based on a home language survey and rely on appropriate follow up, including but not limited to, discussion with parents and/or students (as appropriate) in order to provide needed language services, if the alternative is failing to provide any English language services to students in need of them. An SEA must ensure statewide communication of, and maintain documentation of, any temporary change in its entrance procedures for the 2019-2020 school year due to the COVID-19 national emergency.

Providing Services to ELs

5. Must an LEA providing remote learning provide language instruction services to ELs?

Yes, if an LEA is providing remote learning for its students, the LEA must provide language instruction services to ELs. However, during the COVID-19 national emergency, the Department recognizes that physical school closures may affect how services are provided to ELs. EL services may be provided virtually, online, or via telephone. The Department understands that, during this national emergency, schools may not be able to provide all services in the same manner they are typically provided.

The Department recommends that during remote learning, EL teachers continue to provide instruction to students who were previously in self-contained EL classrooms or in pull-out models. For classes in which ELs participated in mainstream classrooms with both a content teacher and an EL teacher, the EL teacher should continue to collaborate with the content teacher to ensure that the appropriate supports and accommodations are provided to the ELs in that class through remote learning. Additionally, during remote learning, teachers should continue to provide appropriate supports and accommodations to EL students who were previously in

mainstream classrooms with only a content teacher to the greatest extent possible.

The Department encourages parents, educators, and administrators to collaborate creatively to continue to meet the needs of ELs. Consider practices such as remote instruction, telephone calls, meetings held on digital platforms, online options for data tracking, and documentation of services, supports, and accommodations provided. In addition, an LEA might consider non-technology-based strategies, such as providing instructional packets or assigning projects and written assignments to EL students. In each instance, the Department recommends continuity in providing language services to ELs to the greatest extent possible under the current circumstances.

6. If operating remotely, what is the minimum number of hours or days in a week that an LEA or school must provide English language services to ELs?

Under the ESEA, there is no particular program or method of instruction for EL students that is required, nor is there a standard amount of time that must be allocated to English language services. Further, the Department recognizes that the determination of how EL services are to be provided may need to be different during the COVID-19 national emergency. Please see also the response to question 5.

7. Must an LEA that is operating remotely provide language accommodations for ELs in content classes?

Yes. The LEA is required to provide language accommodations for ELs for content classes that are held remotely. Many accommodations may be effectively provided online. These may include, for example, extensions of time for assignments, videos with captioning or embedded interpreting, accessible or translated reading materials, other language services provided through video conferencing, an online translation dictionary, or other technological solutions. Funds under Title III of ESEA can be used for that purpose, provided they do not supplant State, local, or other Federal funds (see “Use of Title III Funds” section below). Funds received under the ESSERF or the GEERF of the CARES Act can generally be used for these purposes and are not subject to supplement- not- supplant requirements.

Although Federal law requires meaningful access to remote instruction, it does not mandate specific methodologies for providing that access. Where technology itself poses a barrier to access or where educational materials simply are not available in an accessible format, educators may still meet their legal obligations by providing ELs equally effective alternate access to the curriculum or services provided to other students. In some cases, this may be accomplished, for example, through hard copy packets, teacher check-ins, or tutorials.

8. How can an LEA continuing to provide instruction remotely ensure that ELs have access to grade-level content in a platform without typical scaffolds and supports?

See response to question 7. SEAs, LEAs, schools, and teachers should use all available resources to meet EL students’ needs while operating remotely. If the LEA’s platform does not provide the EL supports it typically provides to its students, groups of educators could work together to craft

relevant tools and resources for EL students. If remote education is continuing, ELs must receive appropriate language services and supports to the greatest extent possible.

9. Is an LEA required to continue to provide a free appropriate public education (FAPE) to ELs with disabilities during a school closure due to the COVID-19 national emergency?

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that ELs with disabilities also have equal access to the same opportunities, including the provision of FAPE.⁶ SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability, including each EL with a disability, can be provided the special education and related services identified in the student's individualized education program (IEP) developed under the Individuals with Disabilities Education Act (IDEA), or a plan developed under Section 504.⁷ The following resources outline a state's responsibility to infants, toddlers, and children with disabilities and their families, and to the staff serving these children. As additional resources become available they will be posted at www.ed.gov/coronavirus.

- Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020) [available at: <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>].
- Supplemental Fact Sheet (Español) Addressing Serving Children with Disabilities during COVID-19 national emergency (March 21, 2020) [available at: <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>].

10. Must an LEA operating remotely continue to provide equitable services to eligible ELs enrolled in private schools?

Yes, the LEA has an obligation to provide equitable services to eligible private school ELs and their teachers as agreed upon during the consultation process between LEAs and private school officials (Section 8501 of ESEA). However, due to school closures, additional consultation with private school officials may be required to determine if there are potential barriers to students receiving services via remote learning and how such barriers might be overcome. This discussion might also include the option of temporarily suspending equitable services during school closures. Services could then resume once schools reopen and possibly extend into the summer. If funds allocated for equitable services in the 2019-2020 school year remain unobligated they must be carried over to provide services in the next academic year in addition to services the students otherwise would receive based on the 2020-2021 school year allocation.

Use of Title III Funds

11. If an LEA is providing remote learning, may funds under Title III of ESEA provide support for ELs by purchasing software for ELs in the content areas, or would that be considered supplanting?

The supplement-not-supplant requirement applies to funds under Title III of ESEA even when an LEA is conducting remote learning. However, while schools are operating via remote

learning, Title III funds may be used to supplement the basic instruction or support that must be provided to ELs (i.e., to supplement the LIEP). For example, if an LEA purchases software for high school reading/language arts courses that includes embedded supports for ELs, such as pop-up translations or images to support instruction, then for those ELs in those courses, this could provide their “core” LIEP due to the embedded supports, and Title III funds could not be used for that software. The LEA may, however, choose to supplement, using Title III funds, that coursework with additional online resources and software for ELs or it may wish to add an EL support teacher, using Title III funds, to provide online support or support via telephone calls to students for additional assistance.

12. If an LEA provides for internet access, hotspots, and tablets or other devices for low-income students who do not have access to technology, may Title III funds provide similar resources for those low-income students who are ELs to enable their internet access?

No. If an LEA provides remote learning for everyone, including internet access or educational technology for low-income students, then the LEA cannot use Title III funds for that purpose for the low-income students who are ELs, because that would violate the supplement-not-supplant requirement in section 3115(g) of ESEA. The LEA may use Title III funds for supplemental hardware or software that is designed specifically for ELs (e.g., software to provide language accessibility features or tools) and that supplement the LIEP.

For general internet access and educational technology to other students, States and LEAs should use State, local, and other Federal funds to provide the same access for ELs. For example, recipients of subgrants under the CARES Act ESSERF and GEERF can generally use those grants for student internet access and devices to enable online learning as well as accessible technology for ELs with disabilities, among other uses of funds. While short-term connectivity support may be necessary in some situations, the Department encourages SEAs and LEAs to consider ways to invest CARES Act funds in technology infrastructure and professional development and training that will improve long-term capacity for remote learning. Information on using Federal education funds to support technology can be found at <https://tech.ed.gov/funding/> and <https://oese.ed.gov/offices/office-of-formula-grants/safe-supportive-schools/student-support-and-academic-enrichment-program/>. In addition, the following are examples of Department programs under the ESEA that provide funds that may be used to support access to devices for students (e.g., tablets, computers) and mobile hotspot devices and data plans:

- Title IV, Part A, Student Support and Academic Enrichment Grants (SSAE);
- Title V, Part B, Subpart 1, Small, Rural School Achievement Program (SRSA);
- Title V, Part B, Subpart 2, Rural and Low-Income School Program (RLIS);
- Sections 7002 and 7003(b), Impact Aid; and
- Section 4624, Promise Neighborhoods.

Note that the allowability of costs is always situation- and program-specific. For that reason, if an LEA decides to use funds under one of these programs for costs related to device or mobile hotspot access, the LEA must be sure that the use of the funds is, under the specific circumstances of the expenditure and the program authority selected, reasonable and necessary for the purposes of that program, and does not violate other program requirements, such as

supplement-not-supplant, if applicable. While funds under these programs may be used on device or mobile hotspot access in some appropriate circumstances, each program's purpose is not primarily focused on that issue.

13. May Title III funds be used to train teachers to use new online platforms and software designed for ELs? Does that training need to be limited to training EL teachers or may the LEA include all teachers who have ELs in their classes?

An LEA may use Title III funds for teacher training if it is specific to EL needs. The training could include all teachers if it is geared towards meeting the needs of ELs or if it relates to software or embedded supports for ELs. However, if the training is for the same online platform that all teachers will use for all classes, and does not address EL needs, then the use of Title III funds for such training would not be permitted, as it would be supplanting, rather than supplementing, other available funding sources. For more information about the ability to use Title III funds to provide supplemental supports for ELs, see the response to question 11.

Exit Procedures

14. If an LEA is not able to complete the ELP assessment for all ELs in spring 2020, should all ELs be kept in EL status for the fall, even if some of them may be proficient in English according to their teachers? May an LEA exit such students without administering the ELP assessment?

An LEA may not exit an EL from EL status unless the student has demonstrated proficiency on a valid and reliable assessment that includes the four domains of listening, speaking, reading, and writing. There is an exception for an EL with a disability whose disability makes it impossible for the student to be assessed in a particular domain because there are no appropriate accommodations for assessing the student in that domain; such an EL can be exited from EL status based on the student's score on the remaining domains in which the student was assessed.

An LEA that is not able to complete its ELP assessment for all ELs during the 2019-2020 school year due to the COVID-19 national emergency may elect to try to complete that ELP testing in the fall of 2020 when possible. Doing so may assist the LEA in implementing ELP exit procedures. If assessing ELs in the fall is not possible, an LEA should give particular attention to individualized determinations for the instruction and placement of each EL when schools reopen. Note, however, that it may be the case that an EL's English proficiency may have decreased because they may have experienced limited instruction for an extended time during the school closures. Therefore, schools should closely monitor each EL to evaluate whether they need additional EL supports. For example, an EL that may have been close to proficient in spring may need more English language development supports than the student was receiving immediately before the school's closure to ensure access to the general curriculum. An EL at the lower end of the proficiency spectrum may also have lost some English language skills during the COVID-19 national emergency and may need additional supports.

15. If an SEA has additional requirements for exit in addition to the ELP assessment (e.g., a

teacher rubric) may the SEA change its exit procedures and exit ELs based only on the ELP assessment during the COVID-19 national emergency?

Yes, due to the extended school closures caused by the COVID-19 national emergency, an SEA may adjust its statewide exit procedures for the 2019-2020 school year to eliminate any additional criteria beyond the ELP assessment. An SEA may want to consider this option if, for example, it used teacher input as an additional exit criterion, but it expects that many of the teachers may be unavailable to complete such input when schools reopen because they have moved to a new school or LEA. In this situation, the SEA could instruct all LEAs to exit students based on the proficient score on the spring 2020 ELP assessment only (if it has that data). When the SEA administers the ELP assessment in spring 2021 on the State's usual schedule, the SEA would revert to the SEA's usual exit procedures that include other measures. By adjusting its statewide exit procedures temporarily to include only the ELP assessment, the SEA would help to ensure that a student in EL status who is proficient in English is able to exit, especially if, by not exiting, the student would be denied access to the full curriculum, e.g., by being in a self-contained classroom. An LEA should give careful consideration to the individualized EL instructional and placement decisions when schools reopen, to ensure that all ELs are receiving services appropriate for their EL needs (see questions 2 and 14 above). An SEA must ensure statewide communication of, and maintain documentation of, any temporary change in its exit procedures for the 2019-2020 school year due to the COVID-19 national emergency.

Parents of ELs

16. How should SEAs and LEAs ensure meaningful communication with parents of ELs in a language and format they can understand and access?

SEAs and LEAs have an obligation to ensure meaningful communication with parents of ELs in a language they can understand and to adequately notify limited English proficient (LEP) parents of information about any program, service, or activity of an SEA or LEA that is called to the attention of non-LEP parents. Many LEAs are sending crucial information to parents during this time regarding, for example, the expectations for parents to pick up or set up new technology, new enrollment protocols, and how to support their students at home. SEAs and LEAs should consider all possible methods in order to ensure meaningful communication with LEP parents of all students, including EL students. For example, an LEA should translate all mailings and emails to parents to ensure parents have access to the information in a language they understand. For parents who are not literate, some LEAs are using recorded telephone calls that go to families, which include several different recorded language options that parents can choose, but these recorded telephone calls should be developed carefully to help ensure that they are understandable. SEAs and LEAs can generally use CARES Act funds under the ESSERF and GEERF for communications with parents, including translation and interpretation services.

For information on various uses of Title III funds for parent and family engagement, see question E-4 of the 2016 EL guidance.

Resources

U.S. Department of Education website on COVID-19: <https://www.ed.gov/coronavirus>
U.S. Department of Education Title III, Part A website: <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/english-language-acquisition-state-grants/>.

National Clearing House on English Language Acquisition (NCELA): <http://ncela-stg.it-msg.com/>.